

Please Vote “NO” on House Bill 4097

Prohibiting Police Officers from Participating in Fare Enforcement

TriMet’s top priority is keeping our riders, staff and community safe. While uniformed police officers have a limited role in fare enforcement, they play a critical role in ensuring the safety of the system.

TriMet opposes House Bill 4097 because it would prohibit law enforcement from conducting or participating in fare enforcement activities.

HB 4097 would stop police from assisting fare inspectors in verifying an individual's identity once they have been found to be without proof of payment. It would also likely prevent transit police from providing support for fare inspectors in the event customers refuse to provide proof of payment or valid identification or become violent toward fare inspection staff.

TriMet needs the flexibility for police officers to assist in fare enforcement efforts and, as needed, provide safety for our employees and riders during fare checks.

Why do transit police need to be able to ask for proof of payment if they don’t often write citations?

It is important to distinguish between asking for proof of payment and issuing citations for lack of valid fare. While it’s uncommon for transit police officers to check fare specifically for the purpose of fare enforcement, they need the ability to check for valid fares when they engage with individuals for other reasons. For example, when engaging with someone who is behaving erratically or inappropriately, police need to determine if the individual has a valid fare. If the individual does not have valid fare, the police can immediately remove that person from the vehicle, allowing the vehicle to travel on without disrupting service.

In addition, the proposed legislation does not simply prohibit police officers from asking for proof of payment – it also prohibits police from “participating in activities” related to fare enforcement. This could mean that officers cannot be present while fare enforcement activities are underway, meaning TriMet staff and customers would be at greater risk of physical harm.

Also, there may be situations (e.g. major events like Timbers/Thorns matches, Blazer games, etc.) where transit police request proof of payment to ensure *everyone* is checked, ensuring that there is no real or perceived bias toward any group. While TriMet strives to have enough fare inspectors to validate all customer passes, there are times when circumstances prevent this and transit police officers are asked to step in. Again, transit police aren’t writing the citation. If someone doesn’t have fare they are transferred to an inspector. But even though transit police officers are not writing citations, it is important that they be able to ask for proof of a valid fare.

Are minorities or other disadvantaged populations being targeted by fare enforcers and transit police?

Not according to an independent study by Portland State University's Criminal Justice Policy Research Institute, which TriMet has twice engaged to determine whether there are racial and ethnic disparities in TriMet fare enforcement. The most recent report looked at citations from 2016-2018 and found that "Differences between the fare evasion survey results and enforcement outcomes are small and indicate little to no disparity." The original report had similar findings.

TriMet is the only transit agency in the United States that has twice engaged in this kind of in-depth, rigorous, independent academic review of our fare evasion statistics for evidence of bias.

The results of the original PSU analysis led TriMet to make changes to the fare enforcement system to try and reduce the number of repeat offenders, the one area the original report called attention to as needing more examination. The decriminalization of fare violations, in-house resolution process, community service in lieu of a fine and implementation of the Low Income Fare were all actions TriMet undertook to try and minimize the potential for disparate outcomes in fare enforcement.

How many complaints has TriMet received regarding safety and security?

Over the past couple of years TriMet has received thousands of complaints for MORE security, fare inspection and official presence. After the 2017 Hollywood MAX Station tragedy that number has risen dramatically.

What has TriMet done to make fare enforcement and policing less punitive and fairer?

TriMet has worked with community groups, Districts Attorney, rider advocates and the legislature to develop new approaches to fare enforcement in an attempt to address areas of concern identified in the Portland State report. Among the steps taken are:

- Working with Districts Attorney to eliminate the application of Interfering with Public Transit (IPT) in cases of simple fare evasion
- Working with Senator Lew Frederick and others to amend the IPT law to make this change statutory.
- Implementing a low income fare program, which now has more than 25,000 participants.
- Working with the legislature to change the Circuit Court-based process of adjudicating fare violations, which can sometimes lead to deeper entanglement in the criminal justice system. The legislature approved the law that allows TriMet to manage an alternate administrative process that reduces fines and offers the opportunity of community service to resolve violations.

- Linking the low income fare program to the administrative fare violation process so that first time fare violators can reduce their fine to zero if they qualify for the low income fare and agree to sign up for and load a low income HOP card with at least \$10.

All of these changes are intended to reduce the severity of fare violation penalties and reduce the chances that an individual will become entangled in the criminal justice system, while still maintaining an effective fare enforcement tool.

What is TriMet’s Transit Equity Advisory Committee (TEAC) and why does matter?

For changes related to either security or fare enforcement, TriMet works with TEAC to provide advice and feedback before making significant changes. TEAC has representation from a wide range of community organizations representing low income, minority and marginalized populations. A TriMet board member sits on TEAC and provides monthly reports to the full board on the committee’s work, particularly as it relates to safety and fare enforcement.

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Questions: Aaron Deas (503) 888-5067 or deasa@trimet.org