

March 15, 2021

House Committee on Judiciary House Subcommittee on Civil Law
900 Court St. NE - Remote 174
Salem, Oregon 97301

Re: Testimony In Support of HB 2482 - Relating to public safety

Chair Power, Vice-Chair Wallan, and members of the Committee,

My name is Ana del Rocío. I am a transit-dependent mother of two, a former school board member, and a current member of the Maternal Mortality and Morbidity Review Committee. Thank you for the opportunity to provide testimony in support of HB 2482.

On March 13, 2018, I was riding the MAX light rail on my way to work in downtown Portland. As I was stepping off the train at my destination, I heard a TriMet employee announce a fare enforcement stop. Because I didn't have proof of fare, I was stopped and cited. But the interaction escalated to an arrest because I use a name different than that on my government ID – a common practice not just for domestic violence survivors like myself, but also for many others who use nicknames, aliases, or abbreviations in their name.

The ACLU of Oregon picked up my case and six months later, Multnomah County Circuit Court Judge Wittmayer ruled the stop that led to this arrest unconstitutional – writing that I was “stopped and seized without individualized suspicion.”

“I don't believe you are who you say you are,” is what the officer said. He couldn't find me in their system in part because he couldn't spell my legal name correctly, even after multiple attempts.

“If you don't cooperate, we will take you to jail, and when you go before the judge, he'll decide what happens to you,” he said. I replied, “Or she. You mean he or she. The judge could be a he or she.”

That was the point at which Officer Helfrich decided to arrest me – not because, at 5'0” and 115 lbs, I posed any threat to public safety – but because I challenged his gender bias when he was already frustrated by his cultural incompetence in spelling my name.

When I was sitting in the backseat of the car, he and his partner began discussing whether TriMet officers should respond to a call involving crack cocaine close to another MAX station. His partner says, “What's more TriMet than crack? Crack. TriMet, same thing, right?”

I begin to grasp the biases at play. I begin to understand that in their minds, all transit riders are “criminals” and “crackheads.” Their behavior was consistent with that assessment. I am neither of those stereotypes, but I believe strongly that people with criminal records and people with substance abuse disorders, like all members of the public, have the right to travel safely to work, to school, to the doctor's office, and to anywhere they need to go without fear of over policing by officers who will see them as their worst mistakes.

While I was being driven to the county jail, Officer Helfrich is venting to his partner about his interactions with me. His partner asks, as if I'm not even there, “What's her deal? She just wants to fight the power?”

Officer Helfrich responds, “You know that movie the Princess Bride? There’s a part about never getting into it with a Sicilian when death is on the line. In this case, never get into it with a German when jail is on the line.”

Just the mention of “death” while I’m handcuffed in the backseat of a police vehicle with two strange men is enough to instill the terror they were after.

I believe I was arrested for speaking my truth confidently and without fear – for challenging sexism and racism, and for that, the officers felt they needed to teach me a lesson. The consequence for simply exercising my rights was jail time: the ultimate loss of my liberty.

Though I may never know the true intentions of the officers involved in my arrest that day, I do know the consequences and the outcomes of their attempt – consequences that are lifelong and irreversible.

I have spent years and thousands of dollars recovering from the trauma of this experience. Because of the time and energy required to defend myself against trumped-up charges, I had no capacity for other activities and resigned from the school board as a result. I was one of only two school board members of color in a predominantly BIPOC district and had served only one year.

I have been publicly maligned by TriMet, whose representatives have repeatedly and unashamedly denied my experience. I regularly have nightmares about the fates of the other women I met in jail – two mothers like myself, one visibly pregnant and nauseated by the dirty bathroom.

Having a parent go to jail has been classified as an Adverse Childhood Experience, or ACE, disproportionately impacting children of color in poverty. Long-term health and behavioral effects on kids include increasing the likelihood that a child will smoke cigarettes, engage in dangerous sexual behaviors, abuse alcohol and illegal drugs, and avoid going to the doctor.

David Rogers, then-executive director of the ACLU of Oregon, said in a statement released by the ACLU, “Let’s not forget that this all started over a \$2.50 fare. They put a senior prosecutor on this case. Ana should never have been prosecuted in the first place. District attorneys and their prosecutors shouldn’t be wasting public resources on cases like Ana’s because they provide no meaningful public safety value.”

Time and again, transit riders have suffered violations of our basic right to safe travel – and people of color, people with disabilities, and people with substance abuse disorders have suffered the most.

TriMet has repeatedly relied on a 5-year old report (in which TriMet provided its own data, not data collected by a third party as TriMet would have you believe) to deny common knowledge that its fare enforcement practices disproportionately target Black, Indigenous, and other people of color.

Apart from failing to provide clear and persuasive data, this report is antithetical to the extensive literature on implicit bias, and represents a failed attempt by TriMet to characterize itself as colorblind. Sociologist Meghan Burke, author of *Colorblind Racism*, has the following to say on the concept of color blindness: “For many white folks, being labeled racist is among their worst

fears... for many people of color, Black folks in particular, their greatest fear is not surviving an interaction with a police officer. So we're really talking about very different worlds of experience."

TriMet's repeated attempts to claim that their practices lack racial bias would be farcical were it not causing actual harm by denying other people's lived experiences. Last month, the Multnomah County Health Department released a report on transportation safety in the County's Black population, finding that concerns about harassment and unfair policing were "significant barriers" to using transit for health-related activities. I have not seen TriMet take the public's concerns seriously, despite the fact that the concerns are serious enough to deter some communities from using TriMet.

Dr. Brian Renauer, a criminology and criminal justice professor and the author of TriMet's submitted report – said last year (as reported by KOIN 6 News) that "I think debating criminal justice policy is important in that we have had a history of poor decisions, creating disparate impacts on communities... The criminal justice system needs to lead with recognizing the pain that communities of color are feeling and have suffered and not to avoid that... if we just sweep the past under the rug, then real healing might never occur."

I believe that HB 2482 brings us closer to the healing that our communities need to feel safer riding transit once again. HB 2482 accomplishes three things:

1. Police officers cannot act as fare enforcement
2. Protections for people who use names different than the one on their government-issued ID
3. Transit riders cannot be charged with public transit interference because of lack of fare

All of these changes would help prevent others from experiencing what I went through, and would create a more just, peaceful, and equitable transit experience for all.

Many thanks,
Ana del Rocío