Equity Impacts of Fare Enforcement

SECTION SUMMARY

Certain populations are or could be impacted by fare enforcement because Transit has not yet considered how its model aligns with county and agency goals, including equity and social justice. We include examples in this section that show how the current enforcement model affects people experiencing housing instability. Additionally, Transit lacks the data needed to monitor potential impacts by race and ethnicity. As fare enforcement increases with the expansion of RapidRide and off-board payment, these impacts will likely affect more people.

Model impacts people experiencing housing instability

Nearly 25 percent of all citations and 30 percent of misdemeanors are given to people who are homeless or experiencing housing instability, potentially creating debt and interactions with the criminal justice system.[9] Those experiencing housing instability may have difficulty paying the fare or fine, which could create additional negative impacts beyond the citation. For example, the fines for individuals experiencing housing instability totaled just over $290,000 from 2015-2017. These fines, when unpaid, go into collections, which can then impact a person's ability to obtain housing.

Additionally, our analysis shows that as the penalty increases in severity, people experiencing housing instability make up a larger percentage of the total. As shown in Exhibit E, below, one out of every ten people given warnings were homeless or experiencing housing instability, while nearly one in three people given misdemeanors were in this category.

EXHIBIT E:

As the penalty increases in severity, people experiencing housing instability make up a larger percentage of the total.
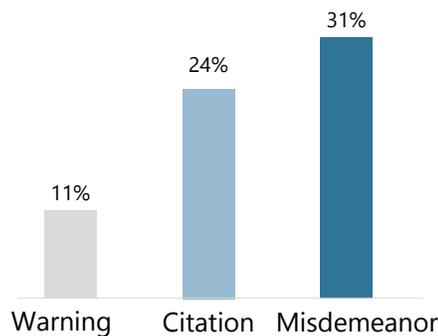
Note: Total warnings were 16,887, total citations were 9,721, and total misdemeanors were 433.

Source: King County Auditor's Office analysis based on data from 2015-2017 provided by King County Metro Transit.

[9] We analyzed three years of fare enforcement data and were able to identify individuals who stated they were homeless or whose addresses match the addresses of homeless housing and service facilities. This estimate is affected by the truthfulness of self-reported addresses in the data and the limitations of our list of homeless housing resources, as the list was likely not exhaustive.

Fare enforcement encounters a small number of people frequently

Ninety-nine people received at least 10 penalties each between 2015 and 2017, totaling about six percent of all penalties during that time.[10] Almost 19,000 people received penalties between 2015 and 2017. Of those people, 99 individuals (0.5 percent) received a total of 1,589 penalties or six percent of all penalties in this time period. One person received 53 penalties over two years.

The majority of this group are people of color, people who experienced housing instability during this time, or both.[11] Additionally, people within this group received different amounts of warnings, citations, and misdemeanors. Exhibit F shows that of two people from this group with a similar number of penalties, one received more misdemeanors and the other more fines.

EXHIBIT F: People with a similar number of penalties received different amounts of warnings, citations, and misdemeanors.
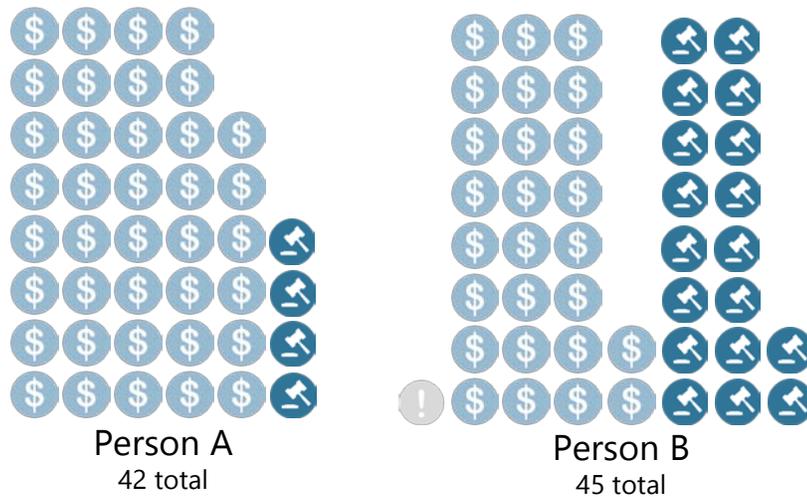
Person A
42 total

Person B
45 total

Source: King County Auditor's Office analysis based on data from 2015-2017 provided by King County Metro Transit.

Transit has not aligned its fare enforcement model with its multiple goals

Impacts on equity are likely the result of multiple causes, including Transit's lack of aligning fare enforcement with goals and a lack of specific monitoring for equity impacts. Transit has not aligned fare enforcement activities with its multiple goals and articulated to those implementing fare enforcement how to balance those goals. In absence of that guidance, the fare enforcement staff utilizes the tools available, which are giving out warnings, citations, and misdemeanors. During interviews, officers stated they try to work with individuals they encounter frequently or who may be experiencing housing instability by using their discretion in enforcement, but their tools for working with people are limited and their primary task is to enforce fare evasion.

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[10] Penalties include warnings, citations, and misdemeanors.
[11] The data used to identify people of color is a person's race as identified by the fare enforcement officer.

Additionally, Transit's fare enforcement model has not been examined for equity impacts. The model heavily focuses on the A and E lines, which Transit believes have the highest evasion rates. However, according to a Transit report, at least one of these lines, the E line, serves an area with a high minority population.[12] This has left room for negative equity impacts to be inherent to the model: since Transit focuses on the E line more than other lines, it means that people of color could make up a higher proportion of citations than if enforcement was more evenly distributed.

Transit also does not consistently monitor for equity impacts. While Transit has reviewed the encounter data for infraction rates by race once, it does not do consistent monitoring and review to analyze equity impacts over time. This means that neither fare enforcement managers nor Transit can be aware of and address negative equity outcomes.

Transit has opportunities to improve in 2018 before a new contract is signed

While Transit must work within the framework set by state law and county code, it has opportunities to improve fare enforcement's alignment with goals and principles and create mechanisms for analysis and review. A new contract will need to be signed in 2018 and Transit needs to respond to a County Council ordinance requiring increased efforts to enroll eligible adults in the ORCA LIFT reduced fare program before July 1, 2018. In this time, Transit leaders have an opportunity to work with its fare enforcement managers to review the fare enforcement model and update the contract to address equity impacts and balance agency and county goals. Transit's Service Guidelines and the King County 2016-2022 Equity and Social Justice Strategic Plan stress the importance of addressing the equity impacts of county services.

Recommendation 3

Transit should review its fare enforcement model for alignment with county and agency goals and equity principles and use the results to update its model and the fare enforcement contract.

A lack of data reduces Transit's ability to monitor for impacts by race and ethnicity

Transit's existing data about fare enforcement encounters and a lack of consistent RapidRide ridership demographic data reduce Transit and the fare enforcement team's ability to monitor for equity impacts by race and ethnicity. The King County Equity and Social Justice Strategic Plan stresses having data to create accountability to goals and make meaningful improvements. However, Transit's race and ethnicity categories do not match the categories used by the county demographer, and the categories used by fare enforcement do not match the categories used in Transit's own ridership surveys. See Exhibit G, below. This makes monitoring for equity impacts nearly impossible and may mask disparities in enforcement outcomes. This in turn limits Transit's ability to consider the equity outcomes of fare enforcement.

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[12] Transit identified and analyzed route overlays with census demographic data for its 2016 King County Metro Transit Title VI Program Report. See page 20 of the report for the full methodology.

EXHIBIT G: Fare enforcement and RapidRide rider survey data on race and ethnicity is not easily comparable, hindering monitoring.

King County Race/Ethnicity Category	RapidRide Fare Enforcement Officers (daily)	A and F Line Study (2017)	B, C, D, and E Line Study (2015)
AFRICAN AMERICAN/BLACK	Yes	Yes	No
ASIAN	Partial (Combined)	Partial (Combined)	No
HISPANIC/LATINO	No	Yes	Yes
NATIVE AMERICAN/ALASKAN NATIVE	Yes	Yes	No
PACIFIC ISLANDER/NATIVE HAWAIIAN	Partial (Combined)	Partial (Combined)	No
WHITE	Yes	Yes	Yes
MULTIPLE RACE	No	No	No

Source: King County Auditor's Office analysis based on data provided by Securitas and King County Metro Transit.

Recommendation 4

Transit should work with the fare enforcement team to develop and implement a system for gathering data necessary to monitor for the equity impacts of fare enforcement.