

# TriMet holds on to Class A offense

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Despite strong criticism from public defenders and a legislative push for greater leniency, transit police will continue to be allowed to issue harsh “interfering with public transit” charges for minor offenses that, in most cases, have nothing to do with actual interference in the operation of public transit.

At an April 2 meeting at TriMet’s Harrison Square offices, a bill aimed at limiting the use of this blanket charge issued to riders by police was on the chopping block. It was two weeks before the bill’s first scheduled public hearing, and TriMet lobbyist Aaron Deas had arranged the sit down among TriMet officials, a TriMet-funded district attorney and legislators.

As a result of the meeting, Rep. Jeff Barker, (D-Aloha) chair of the House Judiciary Committee reviewing the bill, decided to postpone the bill’s first hearing, effectively ending its chances for passage this session.

“There was a lot of pushback,” says Barker. “A lot of people were concerned. They want public transportation to be safe, and they think this is a tool that’s not being misused.”

Also present at the meeting that day was Erica Rothman, an attorney at Metropolitan Public Defender Services in Portland. She originally brought the bill to Rep. Lew Frederick, (D-Portland) who introduced it, after becoming frustrated with what she and other public defenders say is a charge that’s a waste of court resources. Rothman says she represents four to five clients per week who face interfering with public transit charges — a Class A misdemeanor punishable by up to one year in jail — usually in circumstances where a less serious charge would apply.

“I was disappointed with the meeting,” says Rothman. “They kept talking about safety and security, but if someone assaults someone, that’s what assault charges are for.”

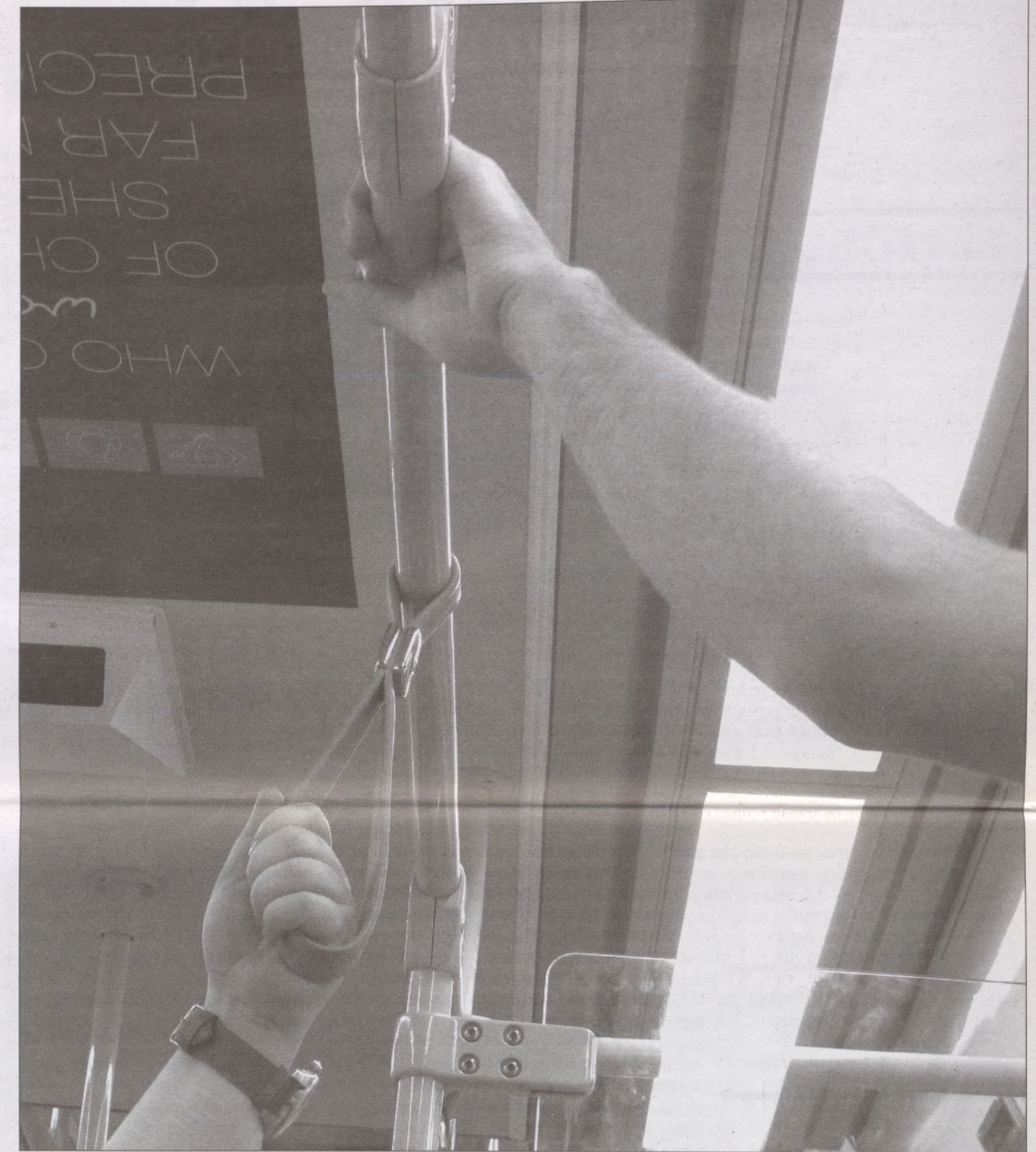


PHOTO BY MICHAEL DENBO

Frederick’s office was unaware of why the bill had died so suddenly, but his spokesperson says, “Frederick will be back with this issue.”

And he’s not the only one. Rep. Mitch Greenlick, (D-Portland) says he found out about the bill “late in the game,” but intends to sponsor it next session if TriMet doesn’t remedy the problem in the interim.

“I’ve been a huge TriMet supporter whenever they try and do anything, and they know that, and I say, ‘You guys got to get a handle on this or you’re going to lose all your best champions in the Legislature,’” he says, “because I’m really annoyed.”

“I mean, a misdemeanor with a 30-day possible sentence is one thing, but having the possibility of a 12-month sentence, that just seems completely outrageous to me,” says Greenlick. “I think they should do away with the interfering with public transit option except in cases where there’s really interfering with public transit.”

“Interfering with public transit” or IPT,

carries the most serious misdemeanor charge available and carries the same weight as DUII or misdemeanor assault. But only a fraction of offenders charged with IPT actually physically and intentionally interfered with the operation of a transit vehicle, contrary to what the name of the charge might suggest. It is most commonly issued to people who enter TriMet property while under a temporary exclusion.

House Bill 2826 was intended to protect transit riders from receiving an IPT charge for merely entering TriMet property while under exclusion. The bill would have changed the language of the charge so that it would no longer apply to someone who “enters or remains unlawfully in or on a public transit vehicle or public transit station.”

Exclusions can be issued for many reasons, including failing to pay the fare, which for most riders is \$2.50 for two and a half hours. It typically requires the offending rider to stay off TriMet property

for 30 days, but the exclusion doesn’t begin the day the citation is issued. It begins on the 11th business day after the citation is issued, which public defenders say creates confusion. If an offender fails to accurately calculate the duration of the exclusion and steps onto a MAX platform, into a bus shelter or boards a transit vehicle before the 30 days has expired, they can be arrested, jailed and charged with IPT.

This past July, transit rider Chris Tejero was charged with IPT after he entered TriMet’s WES Commuter Rail line without paying. The ticket kiosk wasn’t functioning properly and the conductor had given him permission to enter the vehicle, as previously reported by Street Roots (“One wrong step,” Street Roots, March 6, 2015).

He was not under exclusion. It was only after Tejero went to trial and a jury heard testimony from the conductor, that Tejero was acquitted of the Class A misdemeanor.

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