

5. Fare Inspection Safety

- **Transit Fare Inspectors (TFIs) have daily public contact that is sometimes confrontational and occasionally requires emergency response. The Proof of Payment (POP) program trains TFIs in conflict resolution and avoidance during new employee training. POP managers review TFIs' responses to conflict and emergencies, in part, through internal incident reports. Despite this training and oversight, TFIs have been victims of verbal and physical assaults while conducting their work, and have differing understanding of how and when to involve emergency response.**
- **The POP program lacks adequate procedures to ensure the safety of TFIs. The POP program has changed its philosophies and policies over the years, and TFIs hired to conduct fare inspections from an enforcement perspective now serve in a program that emphasizes customer service techniques in conducting inspections. However, POP has not updated trainings and training materials to keep up with changes, and employee manuals are now outdated and contradictory. The POP program does not provide ongoing formal conflict avoidance and resolution training. POP managers and administrators do not adequately review and process incident reports. As a result, the TFIs do not approach emergencies and conflicts consistently. TFIs have differing understandings of POP program protocols for handling incidents that may require police assistance. And while some TFIs ably resolve conflict, others escalate situations.**
- **In order to protect the safety of TFIs and the public, POP management should clearly and consistently communicate its philosophies and practices to Fare Inspection Supervisors/Investigators (Supervisors) and TFIs. POP management should update all employee manuals and include materials on tactical communications. In particular, POP managers should articulate clear and unambiguous guidelines for TFIs requesting emergency response. The POP program should provide formal, regular retraining on tactical communication techniques, at least every three years. To ensure that TFIs are safe and are conducting their work in a safe fashion, POP management should improve its processes for handling and reviewing TFI incident reports, and use those reports to identify additional training needs and opportunities.**

Transit Fare Inspector Safety and Incident Reports

According to interviews with San Francisco Municipal Transportation Agency (SFMTA) staff, the Proof of Payment (POP) program's Fare Inspection Supervisors/Investigators (Supervisors) and Transit Fare Inspectors (TFIs) are aware of safety concerns in the field. The City does not grant TFIs police powers or equipment, such as arrest powers,

handcuffs, or pepper spray. Therefore, the POP program relies on avoiding and defusing conflict to keep TFIs safe in the field. Despite this conflict-avoidance model, TFIs have suffered verbal and physical assaults in the course of their work.

Incident Reports

Supervisors claim to have a limited period of time to conduct field visits with TFIs.¹ Therefore, POP management and Supervisors rely on incident reports, in part, for insight into TFI safety and other work concerns.

Purpose of Incident Reports

Incident reports are brief recounts of incidents and encounters which may result in a police report, complaint, or citation protest. Although TFIs have some discretion as to whether an incident meets these criteria, they always file incident reports for matters that involve police, fire, or medical personnel. TFIs also automatically file an incident report for all juvenile citations, since the court reviews these reports as part of the juvenile citation hearing.

The SFMTA may review incident reports when a passenger requests a hearing to protest a citation; a lawyer might request an incident report related to a lawsuit; and the POP management use incident reports when the reports are relevant to in discipline hearings. Otherwise, the POP program does not share incident reports outside of the POP program, such as with safety or risk management staff.

Incident Report Process

TFIs typically write incident reports at the end of their shift on the day the incident occurred. Supervisors review the reports before submitting them to the POP Operations and Investigations Manager. The Manager will review the reports, request any related police reports, and make a recommendation of corrective action if necessary. If an incident is high profile or otherwise requires another level of involvement, the Manager will pass on a report on to the Director and Deputy Director of Security and Enforcement. Ultimately the reports are filed with the Administrative Sergeant. TFIs submitted more than 130 incident reports in 2006, more than 400 in 2007, and more than 200 in 2008.

Incident Report Limitations

The POP program's logging and filing of incident reports has problems:

- The POP program has difficulty locating recent reports, including reports involving assaults on their own staff. When the Budget Analyst requested copies

¹ POP management disagrees with this assertion, and state that they have made efforts to increase Supervisors' field time.

of 2008 Incident Reports, the program did not include 12 reports related to incidents where TFIs were involved in physical or verbal assaults or accidents. After the follow-up request, the POP program still could not locate 6 of these reports, in full.

- Reports are not checked against the Case Number Log for accurate numbering. Several different 2008 reports were numbered 08-0000. Reviewed reports included other instances of misnumbering.
- Report trends are under-analyzed. The case log is handwritten, preventing the POP program from easily summarizing, searching, or analyzing incident trends. Incident types are not standardized. Inaccurate incident times are not corrected in the log.
- Incident Reports are not reviewed outside of the POP program. The SFMTA does not have a system to ensure that incident reports are reported to managers outside of the Security and Enforcement Division, such as by the SFMTA's risk manager. POP management does not analyze incident report to identify and develop procedures to address commonly occurring events.

POP management does attempt to note trends in locations, incident types, or individual TFIs. Because there is no formal review process, the identification of trends depends on POP management's recall of prior report details.

Outdated Training Materials and Limited Retraining Opportunities Compromise POP Program Safety

The POP program issues separate training manuals to TFIs and Supervisors. The POP program's accepted practices and emphases have changed with time, though training materials have not kept pace with these changes. POP management concedes that the TFI and Supervisor training manuals are out of date—with the Supervisor manual requiring more updating than the TFI manual.

Supervisor and TFI Training Manuals Contradict One Another

The Supervisor training manual contradicts the TFI manual in places, underscoring changes in POP program practices and philosophies. The Supervisor manual includes instructions for TFIs handling uncooperative fare evaders,

If the passenger refuses to give the Fare Inspection Officer identification or to state his name and address, the Fare Inspection Officer must warn the individual that he is subject to arrest. The Fare Inspection Officer must call Central Control for assistance from a supervisor, the (Muni Response Team) or SFPD if the passenger continues to refuse.

This practice contradicts instructions included in the TFI manual:

If a violator does not have identification, then verbal information should be accepted. Law Enforcement should not be utilized to ID Patron at any time.

The Supervisor training manual instructs TFIs to seize evidence

Fast passes, transfers, tokens, etc. are all forms of “Real” evidence. When possible, you should seize the fake/duplicated/expired item after inspection,

which contradicts the TFI manual

Absolutely no tickets, transfers or other items may be confiscated by the Fare Inspector. Fare Inspectors have not authority to seize anything ... Forged documents should be marked ‘VOID’ and returned,

which is further contradicted by an addendum to an August 18, 2008 memo from POP management entitled “Action to be taken when encountering a counterfeit Fast Pass.” Actions include:

Confiscate the counterfeit Fast Pass.

The Supervisor manual contains a number of additional guidelines that are no longer standard practice of the POP program.

Training Manual Limitations

Both the TFI and Supervisor manuals are vague or otherwise fail to provide sufficient guidance to TFIs or Supervisors.

- Neither the TFI nor the Supervisor manual provides specific instruction or tactics for employing verbal judo-inspired techniques to diffuse potential conflicts (see “Tactical Communications,” below).
- Neither manual provides the guidelines for when TFIs and Supervisors should call 911 directly (see “Police Involvement and Central Control,” below). The TFI manual is particularly vague with regard to requesting assistance in the *Unusual and Emergency Situations* section, which reads, in its entirety, “Safety of the Fare Inspection Officer is always the first concern. The Fare Inspection Officer should not hesitate to request assistance as needed.”
- Although both manuals provide guidelines for writing Incident Reports, neither provides an indication as to how they will be processed or otherwise handled.
- Although TFIs executed at least two citizen’s arrests in 2008, the TFI manual is vague as to which instances warrant the execution of a citizen’s arrest, reading “If a situation arises where a Fare Inspector is required to utilize a Citizen’s Arrest,

the Fare Inspector must be sure that they understand the responsibilities of such an action.” Although the manual provides some details on the process, it does not help TFIs distinguish appropriate use of this action.

In the absence of clear and consistent written procedures, individuals will rely on training, developed work habits, and other perceived norms. Because training, practices, and norms have changed over the year—without training manuals or follow-up training sessions to correct and adjust practices—TFIs are handling situations differently from one another.

Transitions in Philosophy Without Retraining Have Led to Inconsistencies

The guiding philosophy of the POP program has changed over the course of its existence. Although past POP managers have previously emphasized enforcement when implementing fare inspections, current management emphasizes customer service techniques in conducting fare inspections. The current force of Supervisors and TFIs includes individuals trained and grounded in one or the other philosophy, approaching the same situation differently.

Tactical Communications

The POP program uses techniques inspired by verbal judo² to avoid or minimize conflict between TFIs and passengers. The POP program trains TFIs in conflict avoidance and resolution techniques during their initial training period. This training complements additional standard procedures, such as knowing how to approach passengers and where to stand on light rail cars and platforms, for conducting fare inspections in a manner that protects TFIs, their partners, and Muni patrons. Although the SFMTA regularly retrains veteran TFIs on sexual harassment and equal employment opportunity issues, the POP program does not provide TFIs refresher courses or retraining in conflict resolution. By contrast, the Verbal Judo Institute requires recertification at least every three years for those who complete its week-long verbal judo certification course. Although not a formal training, POP management has included tactical communication discussions and demonstrations in some of its monthly POP All Hands Staff Meetings.

TFIs differ in their use and reliance on conflict resolution techniques. Some TFIs conduct themselves in a manner that ameliorates potential conflict. For instance, when a passenger failed to display proof of payment and then demonstrated that he was going to be belligerent with the TFI, the TFI backed down and did not pursue the individual. In another instance, a Supervisor calmed and ultimately cheered up a patron who had received two fines totaling \$100.

² The Verbal Judo Institute describes verbal judo, or tactical communications, as “the gentle art of persuasion that redirects others behavior with words and generates voluntary compliance.”

However, TFI incident reports reveal that some TFIs escalate conflict. On numerous occasions, TFIs threatened fare evaders with police involvement and arrest for failing to present identification (see “Police Involvement and Central Control,” below). Others have physically engaged fare evaders. In at least two incidents in 2008, TFIs physically restrained fare evaders, despite a POP program policy against physical contact with patrons.³ Both instances involved the TFIs issuing citizen’s arrests for assault. In one, the TFI chased, attempted to tackle, then kicked the patron before the TFI physically restrained the individual. In the second instance the TFI physically held an offender by the offender’s backpack until police arrived.

Even the most masterful use of conflict resolution techniques cannot ameliorate every situation, however. TFIs must sometimes require the use of police or other emergency responders.

Police Involvement and Central Control

TFIs have different understandings of the protocol for requesting police assistance.

Securing Identification from Fare Evaders

TFIs have different understandings on whether they should involve the SFPD when they are unable to compel a fare evader to provide identification. Previous POP program policy, as expressed in the Supervisor manual, stated that they radio Muni Central Control for assistance with such instances. Over time, TFIs had developed the practice of first threatening to involve police, then escalating to a bluffed radio call to police when they can not secure compliance. A TFI may then actually call Central Control for police assistance, or secure a passing officer, in order to compel the passenger to provide identification.

Current policy, as expressed in the TFI manual, explicitly prohibits the involvement of police in instances when identification cannot be secured, but the practice of involving or threatening involving police continues in fare inspections.

Emergency Assistance

TFIs also have different understandings regarding the protocols for requesting emergency assistance. At issue is whether TFIs must always radio Central Control with an emergency assistance request, whether they can call 911 directly using a cell phone or Station Agent phone, or whether the decision depends on the circumstance at hand. Surveyed TFIs gave all three answers, with several insisting that they were to always call Central Control when they require police assistance. POP management states that TFIs

³ According to the TFI Training Manual (“Authorities Continued”), (1) Fare Inspection Officers are not authorized to take violators into physical custody; and (2) It is policy of the MTA that Fare Inspection Officers are not to physically detain a patron nor take the patron into custody

can choose to call Central Control when they have exhausted other options to secure patron compliance, and should call 911 directly if they witness a serious injury or life threatening situation requiring immediate assistance. They may also call 911 directly if they witness a crime in progress.

Calling Central Control first is standard procedure for most situations. However, in an emergency situation, placing emergency calls through Central Control can delay emergency response times. Central Control's primary function is to keep light rail vehicles running efficiently and to clear any system delays. Due to radio traffic, Central Control does not always hear incoming calls for assistance.⁴ TFIs making requests may not know they are not being heard, and have reported difficulty in reaching Central Control. Once a radio request does go through, TFIs must provide all necessary information to a controller, who then calls 911 and must repeat this information.⁵ Thus the time required to call for assistance may be doubled or longer.

The lack of understanding regarding the emergency calling protocol was pronounced in one incident involving a physical assault on a TFI. The assaulted TFI's partner first attempted to radio Central Control as the assault was occurring. Then they used their cell phone to call their Supervisor. The Supervisor then called 911, and although the Supervisor was unable to answer all of the 911 operator's questions, the 911 operator was able to dispatch police to the scene. In the meantime, members of the public restrained the assailant, and a passing SFPD officer stopped and took control of the situation. The delayed emergency call did not impact the police response time in this instance, but underscores the potential implications of a misunderstood policy.

Conclusions

TFIs and Supervisors are not following a consistent set of policies and procedures, and these inconsistencies can impact POP staff and rider safety.

Although TFI incident reports are a tool for POP management to examine TFI behaviors, as well as protection for TFIs in incidents involving the public, TFI incident reports are not handled systematically. The POP program could not locate six 2008 reports concerning verbal or physical assaults or injuries suffered by TFIs. Additionally, reports are misnumbered, the case log inhibits analysis, and reports are inadequately reviewed for incident trends.

⁴ Central Control call-takers are controllers, trained on computers and radios to run light rail vehicles. Three controllers monitor the line, which can be accessed by more than 150 vehicle operators, station agents, and TFIs.

⁵ Controllers receive some emergency training as part of their initial training period.

POP program training manuals are out-of date, with policies that are vague in some places, contradictory in others. Conflict resolution and tactical communication materials are notably absent from these manuals.

Differing understandings of the emergency request policy can delay police and emergency response times. Although the POP program relies, in part, on verbal judo-inspired techniques to prevent conflict escalation and assault, TFIs only receive training when they join POP, and do not receive refresher courses or materials, despite professional standards that dictate retraining every three years. Furthermore, incident reports show some TFIs exacerbate conflict.

Recommendations

In order to improve the value and review of incident reports, the Deputy Director of Security and Enforcement and the POP Operations and Investigations Manager should:

- 5.1. Include a section in the incident report template for TFIs to note police response times and coordination with Central Control. Begin tracking police response trends in order to inform POP program safety procedures and practices.
- 5.2. Create a digital incident report log with standardized fields.
- 5.3. Digitally file all incident reports, including relevant police reports, Supervisors' notes detailing any verbal feedback provided, as well as any discipline and formal responses.
- 5.4. Analyze incident reports quarterly and annually to identify trends among individuals, teams, locations, times, and incident types, and to inform group retraining needs.

In order to assure safety and security of TFIs and evaluate incidents, the Deputy Director of Security and Enforcement and the POP Operations and Investigations Manager should:

- 5.5. Revise and refine POP policies and procedures concerning POP staff safety, including:
 - (a) A policy statement on TFIs' roles and responsibilities in responding to emergency situations and guidelines on identifying emergency situations and notifying police or other emergency responders.
 - (b) Guidelines for executing a citizen's arrest, including recommended circumstances for when such an action is appropriate and alternatives to executing a citizen's arrest.
 - (c) Guidelines on repercussions resulting from an employee's failure to act in accordance with the POP program policies.

- 5.6. With Supervisors' assistance and input, revise the TFI manual to reflect policy and procedure changes. Include updated policies and verbal judo reference materials.
- 5.7. With Supervisors' assistance and input, prepare a new Supervisor manual that reflects current POP policies, processes, goals, and expectations.
- 5.8. Work with the Safety Division to create a schedule of retraining workshops for TFIs in verbal judo or other conflict resolution techniques. Provide regularly scheduled training updates for all POP program staff.

Costs and Benefits

Implementation of these recommendations would help improve the safety of POP program supervisors and TFIs, and would therefore help the POP program avoid costly work outages resulting from on-the-job injuries and long-term disabilities. Implementing these recommendations would also lower the SFMTA's legal risks by diminishing the likelihood of escalating conflict between TFIs and passengers. Staff workshops may involve some costs for presenters and materials, but the impact on citation revenue—due to pulling TFIs out of the field—would be negligible.