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GOVERNMENT

A \$2.50 Fare Evasion Ticket Can Upend Low-Income Residents' Lives

In a single week in June 2019, MTS officers wrote nearly 1,500 fare evasion citations. A VOSD analysis found 86 percent remain unpaid and unresolved almost a year later – and virtually all of those unpaid tickets were referred to the court's debt collectors.

Lisa Halverstadt

June 17, 2020



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Danté Mallard, 42, said his failure to quickly address MTS tickets for not paying a \$2.50 trolley fare hurt his credit and even led the state to siphon money from his paychecks to cover fines. / Photo by Lisa Halverstadt

More than a dozen times over the past few years, Metropolitan Transit System officers ticketed Danté Mallard for failing to pay a \$2.50 trolley fare. The 42-year-old said he didn't have cash to pay for his work commute, and has since been terrorized by his failure to quickly pay those tickets.

Mallard said unpaid trolley tickets led the state to garnish \$400 from his weekly paycheck from his shipyard job for two months last year, forcing him to move out of a sober living home he could no longer afford.

Mallard found relief when many of his tickets were later dismissed in homeless court but the nightmare hasn't ended.

Mallard now lives with his mother and said he has been rejected by at least five landlords after they checked his credit, though he had the ability to pay the deposit and rent. He was also recently rejected for financing when he tried to buy a car despite the cash he saved up for the purchase.

"It's all because of the trolley," Mallard said.

In the last five years, MTS has [more than quadrupled](#) its fare evasion enforcement. In 2015, the agency handed out 15,267 tickets. Last year, MTS code compliance officers wrote 66,155 citations.

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THE PANDEMIC DECISION-MAKERS

VOSD's analysis of MTS and court records found 86 percent of tickets officers wrote from June 23 to June 29, 2019, remain unpaid and unresolved almost a year later. The suspected fare evaders' failure to appear in court usually led the cost of an initial \$193 ticket to balloon to about \$500.

Records show virtually all of those unpaid tickets were referred to the court's debt collectors. Court databases do not reveal how many were sent to the state Franchise Tax Board, which can siphon cash from paychecks, bank accounts and tax returns if fines remain unaddressed six months after debt collectors take them on.

Just 61 of the 1,470 tickets were paid outright or via a court-approved payment plan. Several additional fare evaders requested or enrolled in a payment plan and remain in the process of handling fines. About two dozen cases were ultimately dismissed by the court, including via the homeless court program, which allows homeless San Diegans to address low-level cases in a special court session.

MTS records also revealed a third of its tickets went to suspected fare evaders who were cited at least twice in a single week. One woman received 17 tickets in just one week, leading to nearly \$8,000 in fines that she has yet to address.

After questions from MTS board members and criticism from advocates about the aggressive enforcement, the MTS board on Thursday will consider a pilot diversion program that could help fare evaders avoid the ordeal Mallard and others have faced.

The one-year program proposed by MTS staff would allow suspected offenders to pay a reduced \$50 fine or complete three to four hours of community service within 60 days,

avoiding the court process that now brings additional fines and challenges. If approved, the pilot would also allow those who receive tickets to appeal them within 15 days. Tickets that remain unresolved after 60 days would be sent to Superior Court.

MTS CEO Sharon Cooney said officials designed the program with an eye toward giving fare evaders a path to lessen the burden those tickets now present.

“The point of the pilot is to see, can we help reverse that trend of getting (tickets) sent into the court system, basically making every effort to try and decriminalize in that regard,” Cooney said.

City Councilwoman Monica Montgomery, who chairs MTS’s Public Security Committee, said she is eager to give riders an option to address tickets without fines and if it is approved, to use data from the pilot to better understand who is affected by MTS enforcement and weigh additional policy changes.

“The more data we have, the better policy decisions we can make,” Montgomery said.

Montgomery has [previously raised concerns](#) about MTS’s lack of data on the effects of its enforcement. For months, she has advocated for administrative processes and decriminalization efforts and said this week she remains interested in exploring more expansive reforms.

If the pilot is approved Thursday, MTS officials have estimated they could roll it out in about two-and-a-half months.

The Thursday vote comes three years after an MTS board decision to double the number of MTS-employed code compliance officers, a move Police Chief Manny Guaderrama said at the time would allow the agency to increase enforcement of its ordinances.

MTS fare evasion ticketing has exploded since – and has easily [outpaced enforcement by other transit agencies](#) polled by VOSD, including systems with far more riders.

Despite the dramatic rise in ticketing, MTS hasn't seen an equally dramatic reduction in the system's rate of unpaid trolley trips. The agency's evasion rate has for years hovered around 3 percent, a rate considered commendable in the transit industry.

MTS has defended its approach, arguing that its primary goal is to deter crime and that the presence of its officers as they check fares helps accomplish that. Cooney and other MTS officials have also said that the agency doesn't get significant cash from its enforcement.

Last fiscal year, the agency collected just \$223,288 in citation revenue from the Superior Court, the equivalent of less than 1 percent of the agency's fare revenue.

MTS officials have warned costs associated with fare evasion itself could grow with a new enforcement model and even the pilot. They [have noted](#) that Portland's TriMet, which implemented a fare diversion program similar to what MTS staff has proposed, saw an increased evasion rate after the program debuted though the Portland agency has said it believes there were also other reasons for the spike.

MTS Fare Evasion Citations

Meet the Pandemic D



Source: MTS

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Yet as fare enforcement has soared, MTS officials have publicly acknowledged their uncertainty about what happens to those cases after they are sent to San Diego County Superior Court, including what percentage of tickets the agency issued were paid.

Voice of San Diego analyzed the outcomes of about 1,470 fare evasion tickets written in a single week last June and found that, like Mallard, the vast majority of riders who received those tickets failed to appear in court to address them, a decision that can prove costly.

Before the coronavirus pandemic hit, MTS had expected to this year pull in \$97.1 million in fare revenue, a figure that makes up nearly a third of the agency's budget.

For that reason, MTS leaders have said they will need to closely monitor how the pilot could affect the agency's budget if it's approved.

"For every 1 percent increase in fare evasion, we're going to have a \$1 million loss in revenue," Cooney said.

Advocates and those who have received tickets have argued reforms are warranted to address the devastating effects MTS tickets can have on low-income people.

"These seem like very simple tickets. You can't imagine they'd impact so many aspects of your life, but they do," said Michelle Woodson, an attorney who leads homeless-serving nonprofit Think Dignity.

Woodson and others said low-income people, including homeless San Diegans, often fail to initially address those tickets as they grapple with more urgent challenges. They may put off addressing fines they can't afford to pay or be discouraged by the need to use the transit system to go to court, raising the prospect of another violation if they don't have cash for fares.

Then the tickets catch up with them, often as they are trying to improve their lives or move off the street.

Woodson said she has watched as homeless young adults making positive progress are suddenly hit with wage garnishments a few weeks into a new job and has seen

others be denied aid when the cases show up in records checks.

Unresolved trolley tickets even halted one client's effort to join the military. By the time Woodson helped him clear his record in homeless court, she said the 20-year-old had abandoned that plan.

Robert Smith, local director of re-entry job provider Center for Employment Opportunities and steering committee chair of the local homeless court program, said he has seen cases where suspected fare evaders have racked up \$20,000 in fines. He said the cases can also stymie efforts to secure a job.

"The collateral consequences of a \$500 civil assessment are huge, and it definitely is a huge roadblock for people to try to engage in the mainstream job search market," Smith said, referencing the penalty for failing to appear in court. "Having this civil assessment on your credit report is damaging."

Even learning of the large outstanding fines can be demoralizing.

Adrian Darby, 39, told VOSD he was shocked a year and a half ago to discover he had racked up about \$4,000 in court fines tied to several fare evasion tickets going back as far as 2011.

He doesn't recall receiving notices or reminders from the court or the state.

Darby ultimately sought help from the homeless court program to dismiss the fines but said the effect of the unpaid MTS tickets initially overwhelmed him.

“They just stack it up on you,” Darby said. “They don’t want to give you a chance.”

Bella Ross contributed to this report.

Correction: An earlier version of this post misstated the number of tickets analyzed that were paid outright or via a court-ordered payment plan; it was 61 out of 1,470.

Tags:

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Trolley

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