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Lax background checks compromise safety of ride-hail apps, study says

By Joe Fitzgerald Rodriguez @FitztheReporter



AP FILE PHOTO

A new report is calling for California to force ride-hail companies to perform comprehensive criminal background checks of potential drivers.

It's 2004 in Monroe County, Fla. A vehicle speeds down the Overseas highway at more than 100 mph. The car screams by palm trees, swerves around two slower vehicles, then cuts off three more.

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Then the driver swerves across the double yellow lines into oncoming traffic, forcing a vehicle to veer off the highway.

The thrill ride finally comes to an end in a sea of backed up traffic.



Syed Muzzafar was at the wheel, according to the Monroe County Sheriff's Office incident report, with his wife and three children in tow.

"This was just a dumb thing to do," he reportedly told police. "I know I'm wrong."

Muzzafar was eventually convicted of reckless driving charges.

About nine years later, he was driving for Uber in San Francisco on New Year's Eve 2013 — when he fatally struck 6-year-old Sofia Liu while she crossed a street with her mother and brother.

Now a newly released report highlights Liu's death, among others, and calls for California to force mobile ride-hail companies to have more comprehensive criminal background checks in order to catch the entire criminal history of potential drivers.

The study, "One Standard for All," details how the limits of private background checks can allow those with old criminal histories to drive for companies like Uber and Lyft. The study was authored by City University of New York professors, and peer reviewed by a former New York state deputy secretary for public safety, a representative of the association of inspectors general, and criminal justice professors at CUNY.

These limitations perhaps legally barred Uber from seeing Muzaffar's Florida incident, said report author Matthew W. Daus, a City College of New York professor.

"There's too much to be lost to be making mistakes on these matters," he said, lamenting Liu's death. "One calamity is too much."

Uber's background checks are conducted by a third party company named Hirease. California law restricts private criminal background checks from searching beyond seven years of history, and Muzaffar's Florida incident occurred in 2004, nine years before Liu's death. The onus may not be on the ride-hail apps, the study said, but on regulators.

Unlike the taxi industry, fingerprinting is not required in California for ride-hail drivers.

The study notes criminal background checks of potential drivers for ride-hails rely on names and Social Security numbers, while taxis use the more comprehensive fingerprint method. Private criminal checks are also limited in which state and county jurisdictions they search, the report found.

Exact numbers of false positives and other errors are hard to report, as Uber has traditionally not publicly opened up about its criminal background process. Uber recently said it has over 20,000 drivers in the Bay Area, 10 times the taxi drivers in San Francisco.

But the FBI said its biometric fingerprint checks have a 1 percent error rate, according to the report, whereas name-based criminal background checks have a 43 percent error rate.

The report detailed the process for becoming a San Francisco cabdriver.

New drivers must submit to a LiveScan fingerprint and criminal background check with the San Francisco Municipal Transportation Agency. The U.S. Department of Justice then conducts a national criminal records check.

The taxi applicants must then present a 10-year driving record from the DMV, dated within 30 days of the application.

The taxi criminal background checks scour a federal criminal database of more than 100 years of criminal records across the U.S. in many jurisdictions, legally allowable since these background checks are regulated through municipal agencies.

In order to run criminal background checks beyond seven years, ride-hail apps would need to be



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regulated to do so by the CPUC.

Assemblyman Adrin Nazarian, D-Los Angeles, recently sponsored Assembly Bill 24, which would require fingerprint checks for ride-hails. And just this week, The City and San Francisco International Airport recommended that the CPUC require fingerprinting.

In the meantime, reports continue to surface of Uber and Lyft drivers who commit crimes against passengers or drive unsafely. In San Francisco in late 2013, Daveea Whitmire was charged with two misdemeanor battery counts after fighting with a passenger. Whitmire was cleared to drive for Uber despite a prior felony conviction.

Incidents like that and others in cities worldwide led San Francisco District Attorney George Gascon to join with the Los Angeles district attorney to file an unlawful business practices suit against Uber and Lyft in December, claiming the companies make "untrue or misleading representations regarding the quality of background checks it performs on drivers."

Lyft recently settled the suit for \$500,000 in civil penalties, and is now legally bound to no longer make "untrue or misleading representations" regarding criminal background checks.

Uber has not settled the suit and claimed publicly that its background checks are superior to that of taxis, which is refuted in the report from City University of New York.

The California Public Utilities Commission is now working on what it calls "Phase II" of its new regulations for Uber, Lyft and other tech-ride companies, which could include stricter criminal background checks.

Neither Uber nor Lyft responded to requests for comment.

Correction: This story was updated June 1 to correct the college where Matthew W. Daus works. He is a professor at City College of New York.

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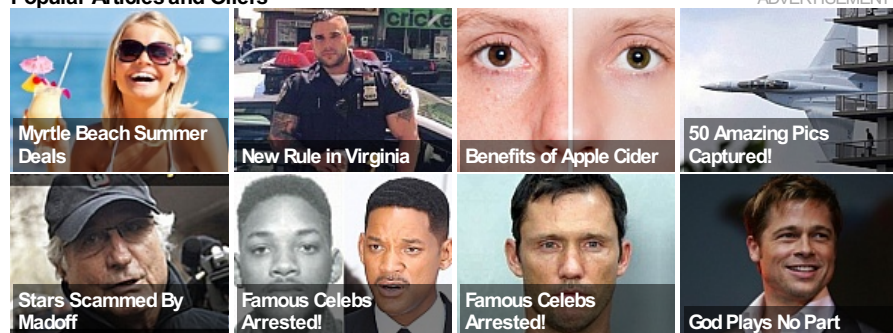
Born and raised in San Francisco, Fitzgerald Rodriguez was a staff writer at the *San Francisco Bay Guardian*, and now writes the *S.F. Examiner's* political column *On Guard*. He is also a transportation beat reporter covering pedestrians, Muni, BART, bikes, and anything with wheels.

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