The Boston Globe

8,000 ride-hail drivers rejected

New state background checks find criminal records, traffic offenses

By Adam Vaccaro and Dan Adams
GLOBE STAFF

More than 8,000 drivers for ride-hailing companies such as Uber and Lyft have been pulled off Massachusetts roads after failing a new state background check, for infractions that range from license suspensions to violent crimes and sexual offenses, according to records released Wednesday.

The state reviewed the criminal and driving records of nearly 71,000 drivers who had already passed reviews by the companies, and rejected 8,206 — about 11 percent.

8,206
Drivers denied

Hundreds were disqualified for having serious crimes on their record, including violent or sexual offenses, and others for driving-related offenses, such as drunken driving or reckless driving, according to the state Department of Public Utilities.

1,058
Multiple serious driving offenses

352
Sex, abuse, and exploitation offenses

The agency said it rejected 51 applications from sex offenders and 352 for incidents related to "Sex, Abuse, and Exploitation."

The new state system, which began checking records in January, rejected many drivers who had first passed the companies' own reviews. The results prompted concerns about passenger

8,000-plus ride-hailing drivers pulled out of service

safety, especially since some of the rejected drivers may have been on the roads for years.

"These statistics show clearly that passengers were potentially at risk before regulations took effect," said Mayor Carlo DeMaria of Everett, where two sexual assault cases were brought against Uber drivers in 2016.

Barring a successful appeal, rejected applicants can't drive for a ride-hailing operation.

Regulations authorized by the Legislature in 2016 are some of the strictest for ride-hailing drivers in the nation. The state says drivers can be disqualified if their records show license suspensions, driving infractions, or serious crimes such as sexual and violent offenses, among other charges.

Some legal advocates said the results raise questions about whether the state's background checks are too stringent, disqualifying applicants who may have committed a minor violation decades ago or whose cases were settled without a conviction.

The state looks back seven years for violations such as reckless driving, license suspensions, and less serious violent crimes. But it looks back for unlimited periods at other offenses, such as sex crimes, more serious violent crimes, and drunken driving that results in serious injury or death.

Uber and Lyft each pointed out that they are limited by state law to checking just the last seven years of an applicant's history, which they said explains why so many drivers they had passed flunked the government's more thorough review. Lyft said only "a small

percentage of our drivers failed," while Uber added that the unlimited reach of the government's background checks is unfair to drivers who are trying to overcome past troubles.

"Thousands of people in Massachusetts have lost access to economic opportunities as a result of a screening that includes an unfair and unjust indefinite lookback period.

"We have an opportunity to repair the current system in the rules process so that people who deserve to work are not denied the opportunity," the company said.

Uber officials have said that the company runs criminal background checks on all new drivers and rescreens them twice a year. Under the company's rules, drivers can't join the service if they have had a felony conviction in the past seven years or a major driving violation, such as a suspended or revoked license or registration, in the past three years.

The most common reasons for rejections were related to driver's license status: Many had suspended licenses or had not been driving long enough to qualify for the ride-hailing services.

Also disqualified were drivers who had court cases that ended not with a conviction but in a continuation without a finding, a form of settlement that defendants can later get dismissed.

One is Erik Scott, a Peabody resident who began driving with Uber last year. In January, he was told he could no longer operate after failing the state's background check. The reason, he said, was a continuance without a finding stemming from a street fight in the 1990s, when he was in his early 20s.

"I agree Massachusetts

should have stringent background checks," Scott said. "But if the case is dismissed and there's no conviction, then a driver should be able to earn a living, regardless."

Pauline Quirion, an attorney at Greater Boston Legal Services who represents workers with criminal backgrounds trying to reenter the workforce, said her office has received numerous inquiries from drivers who were disqualified for minor, long-ago offenses.

By not considering the circumstances of each individual's conviction, Quirion argued, the state could be exposing itself to discrimination lawsuits, because longstanding racial inequities in the criminal justice system mean nonwhite workers are more likely to have records.

"What about somebody who abused drugs, but now they've been sober for 20 years? Or a domestic violence victim who has a conviction for throwing a can at her abuser?" Quirion wondered. "Would anyone be worried about her driving an Uber?"

Moreover, the appeals pro-

cess available to drivers is extremely limited; the state automatically rejects appeals from applicants who have any of 18 disqualifying conditions, ranging from a suspended license to a violent crime. Scott, for example, said his appeal was summarily dismissed.

Concerns about passenger safety have been stoked by a series of sexual assault charges against Uber drivers in recent years. They include a 34-year-old driver arrested in 2016 in Everett for allegedly raping a 16-year-old passenger; the driver had an extensive criminal background, including an array of motor-vehicle charges and a 2008 drug conviction that resulted in a prison sentence.

Outside Massachusetts, the ride-hailing companies typically are the only entities that vet drivers; even states that have adopted regulations for the burgeoning industry generally rely on the companies. But in Massachusetts, after tense negotiations that included lobbying by the taxi industry and Boston Police Commissioner William Evans to require fingerprinting,

lawmakers last summer added a state-run background check.

Critics say the results of the state reviews vindicate their claim that the companies' checks were lax.

"These were 8,200 unqualified and potentially dangerous individuals to the public who were driving around," said Donna Blythe-Shaw, a labor organizer and advocate for Boston cab drivers, who must undergo fingerprint checks by the city. "The good news is that they're not on the road any longer. The bad news is that the [companies'] system is deeply flawed."

Evans said the rejections were "a good sign we're looking into making sure our drivers are qualified and our riders are safe."

"You can't be too safe," he added, saying that he still wants drivers to undergo a fingerprint-based background check, like those his department imposed on cab drivers, beginning in February 2016.

The state checks began in January, after Uber and Lyft signed an agreement to submit their drivers to the reviews a year before the law would have required. Drivers had until Monday to submit their applications to the state.

In a statement, Governor Charlie Baker said "public safety is a top priority" and that his administration looks forward "to future partnerships with Uber, Lyft and others to grow this innovative industry and support more jobs and economic opportunities for all."

Adam Vaccaro can be reached at adam.vaccaro@globe.com. Follow him on Twitter at @adamtvaccaro. Dan Adams can be reached at daniel.adams @globe.com. Follow him on Twitter @Dan_Adams86.

RICHARD VOGEL/ASSOCIATED PRESS/FILE 2016

Outside of Massachusetts, drivers for ride-hailing services are generally screened only by the companies themselves.