

JPB CAC

**CORRESPONDENCE
AS OF**

November 17, 2020

From: Alexander Johnson
To: [Board \(@caltrain.com\)](mailto:Board@caltrain.com); [cacsecretary 1@caltrain.com](mailto:cacsecretary1@caltrain.com); boardsecretary@caltrain.com; citycouncil@belmont.gov; [Pine_Dave 1@smcgov.org](mailto:Pine_Dave1@smcgov.org); [Collins_Ron 1@cityofsancarlos.org](mailto:Collins_Ron1@cityofsancarlos.org); [Heminger_Steve 1@steveheminger1@gmail.com](mailto:Heminger_Steve1@steveheminger1@gmail.com); [Bruins_Jeannie 1@bruins@losaltosca.gov](mailto:Bruins_Jeannie1@bruins@losaltosca.gov); [Chavez_Cindy 1@cindy.chavez@bos.sccgov.org](mailto:Chavez_Cindy1@cindy.chavez@bos.sccgov.org); district6@sanjoseca.gov; waltonstaff@sfgov.org; monique.zmuda@sf.gov; [Public Comment](#)
Cc: tinischhollins@gmail.com
Subject: Caltrain Assault - October 8th, 2020
Date: Monday, October 26, 2020 10:04:47 PM

To whom it may concern

I would like to bring to your attention my recent encounter with a Caltrain employee/conductor (name unknown until a copy of the police incident report can be obtained) whose employee status desperately needs review. In the incident outlined below the conductor displays multiple red flags. A clear lack of duty, people skills, willingness to do his job to the best of his ability, lack of compassion for a fellow human being, train rider and an undeniable anger management issue. Taking into account everything described, I can't imagine this being his first transgression. This conductor desperately needs to be brought before a review board for this occurrence and to have a review of his full work history, performance, prior complaints and anger management issues.

Incident date: Thursday, October 8, 2020

The day began as I boarded the 7:25am north bound train from Hayward Park Station in San Mateo. I sat in the first section of seats immediately to the right upon boarding. After the first stop at the San Mateo Caltrain station, I noticed that the train conductor was scanning clipper cards. As he walked up, before he could ask to scan my card, I immediately let him know that I had not purchased a ticket. I told him the ticket machines throughout different Caltrain stops had not been accepting money for quite some time now. I showed him that I did have a clipper card but that I did not use it because I was unsure of my balance and that the previous train stations did not have functioning machines where I can add money to my clipper card. I was trying to be honest and upfront giving him as much information as I could so that we could handle things properly.

The Conductor then takes a couple of steps towards me to get closer and in a very loud tone asked if he could scan my clipper card. I asked why the need to scan my card due to the fact I already told him it hadn't been used because I was unsure of the balance and the ticket machines at the previous station were not in working order. He then asked if I knew my card balance, to which I repeated again that I did not. I told the conductor that I was pretty sure the card balance was not enough to cover the ride and I was going to add money to the clipper card at the next stop that had a Clipper Card machine. This would be the Millbrae Bart station. He once again asked to scan my card, which I allowed him to do. He scanned the card then again asked if I knew the balance of my Clipper Card. I still didn't know the exact balance but

of course he did because it's right there on his scanning device. At this point I'm trying and have full intentions of doing the right thing but am already being treated like a criminal trying to scam a free fare.

I told the train conductor once more that I did not know my balance and reminded him that I have already stated multiple times my plan to add funds to my clipper card balance at the next stop, the Burlingame Caltrain station. He then shoves his device in my face, nearly making contact and asks in a very rough tone, "Do you see what that says?" The device showed a balance of -.85 cents. I informed him that I was confused on why he felt the need to use such a rude tone or shove the device in my face. I had already explained I did not know the exact balance on the clipper card but would be adding more money, enough for my trip and then some. I let him know that I would get off and pay with cash on the next stop if the machine was working there.

He began to raise his voice. Telling me that I was incorrect, basically accusing me of lying. He stated that ALL of the Caltrain ticket machines were up and running and accepting money during this time and that they ALL had been functioning without complaint. He further insinuated that I did not know what I was talking about, lying or just didn't know how to use the machine.

The Conductor then changed his tone and attitude. He began to tell me that I should have come up to one of the train conductors, himself or the other Conductor (Tina) if there were any issues with payment. He said that part of their job was to assist in any way they could and that I should always come to them for help or with questions.

I told him I understand and appreciated they were there to help but the fact was there were machines that had not been working for quite some time. Also adding, why would I feel the need to tell train employees something they should clearly already be aware of? Additionally, I thought the machines being down could possibly be a result of a measure taken due to Covid-19.

He then pulled out some pad or device very quickly and said, "What is your name". I asked why he needed my name. His response was to then ask if I had an ID on me. I let him know that yes, I did have identification. While the train was still in motion, the train conductor very aggressively demanded that I "Get up!"

I refused, pointing out the train was moving and I felt unsafe to stand while it was moving. I let him know I would stand as soon as the train stopped. Once again he was told I had no problem with buying a ticket at the next stop. I also asked if he could assist me with the ticket machine so that I could purchase my ticket and to see if the machine would take my money. I

let him know it was very important for me to not miss this train. He said O.K. and that he would walk with me.

I did not feel I needed to go into further detail and discuss my medical history, where I was going, or why it was important not to miss the departing train while attempting to add fare to my clipper card.

From that moment forward, the train conductor did not speak to me again. He never asked me what my name was again, he did not ask me to get up again, never once said I had to leave the train or did he ever accuse me of anything. He just stood close by silently until the next stop that was coming up, Burlingame station.

I stood and prepared to exit the train as it stopped. The train conductor opened the doors and stood to the right, outside of the open doors. I asked him if he could now walk me to the ticket machine as promised. He told me he never said that he would walk to the ticket machine to assist me. I repeated to him what he had just told me not even 5 minutes prior and that he said their job was to help people with any payment issues. I let him know the only way to see the machine not working was for him to walk with me and that he had said he would help me. He began aggressively telling me to not tell him what his job was or how to do it. I told him that I was only restating what he had just told me. That I was just asking for help.

I looked to the left and saw that the ticket machines were at least 4 train cars down. I saw he noticed that too. He pointed toward the north end of the station and said, "There are the machines." He refused to assist me and stated that another train conductor was down by the machines and that she could assist me. He said, "That's why there are two of us, so I don't have to walk." The woman's name was Tina. I met her about 4 years ago at the Belmont station. She may not remember me but she is great and is not someone you forget. I asked if he could call her on his walkie/radio because I did not want to walk down there and she not be aware and the train pull off. He agreed to call and let her know that I was coming down. He used his walkie/radio in front of me and let Tina, the other conductor know that I would be on my way down. During the entirety of this encounter the conductor is continuing to be rude and aggressive for no reason. I still do not understand why! After he radioed in to Tina, Tina waives to confirm from about 4 train cars down to the both of us, I waved back and then I began to walk down in her direction. I told the conductor thank you for helping and doing his job and that is all I wanted from the beginning.

As I was walking towards the other conductor and was more than three quarters of the train cars distance away from my original train exit, I could hear the conductor behind me yelling and walking towards me. As he approached, I asked if he was now going to walk with me and assist with the machine just in case there are any problems. He initially told me he was not, after previously saying he would. Honestly by this point I was a little confused and unsure of

his intentions.

He continued to walk towards me at a quick pace in an aggressive manner . Telling me that I was stopping him from doing his job. He kept stride and walked directly up and into me, his face shield bumping into my face and then pushing against my face. All as his chest applied enough leverage and force to push me backwards at least 2 steps which was needed to help steady my balance.

I then stood my ground and told him what he was doing was not right and that he needed to give me space. He continued to intimidate me, continually bumping into my chest using full advantage of his size and weight to force me backwards and off balance. I repeatedly let him know, his actions were completely wrong and unwarranted. Especially as an employee whose duty is to aid and help the public as they ride the train. I explained that if roles were reversed and I walked up, bumped him and talked to him aggressively it wouldn't be okay. More than likely the police would be called, I would be questioned, possibly detained, cited or ever worst arrested. So why would he assume it ok to treat me in a manner he wouldn't accept being treated. Again, I stood my ground and told him his actions were excessive for the situation and asked him if the shoe was on the opposite foot how would he feel. The conductor continued with the aggressive behavior, yelling at me and pushing forward invading my personal space. At this point we are still literally chest to chest because I refuse to take another step backwards or be further intimidated by the conductor. He then shoved me with all his might, forcing me several paces backwards to catch my balance and prevent myself from falling on the hard concrete platform. The conductor then quickly turned and began quickly walking away, back toward the train door. The conductor was attempting to board the train and leave after his aggressive behavior had peaked with him assaulting me.

At no point did I retaliate or initiate physical contact with this man. I told him repeatedly that he crossed the line, he should have never put his hands on me and that I was going to call the police. I then walked away returning to the spot I originally exited the train. Multiple requests were made to the conductor to use his radio to call for a supervisor or for any Caltrain employee to come to the platform. I wanted to speak with anyone that was capable of filing an incident report and providing information on how to file a formal complaint against the conductor for his actions. He refused all requests for assistance as well as all requests to provide his name. Again, I told him he had no right or cause to physically assault me. He clearly knew he was in the wrong...why else would he immediately try to board the train and leave? If he was so quick to get aggressive and physical with someone who was clearly up front and completely cooperating from the start. How many other Caltrain patrons has his man done this to? How many other riders have been intimidated or assaulted and were too afraid to speak up?

At this point he began to turn his radio on and off to radio something in. Every time he turned it on, I would ask for a supervisor or help. My requests all went unanswered. I began to ask in a louder and louder voice, yet he never actually radioed anything in during that time. Afraid that he was going to accuse me of doing something wrong and to make sure my voice was heard I began to speak loudly so anyone nearby could hear what was happening to me. Still

the conductor showed no remorse and would not help me. I could still see anger and aggression in his face and posture. I feared he would attempt further physical contact.

From the previous contact my leg was already in a lot of pain. I used my left arm to brace myself against the pole at the entrance to the train in an attempt to gather my composure so that I could call for help. As I began to dial 911 the Conductor got closer to me again and acted as if he was going to assault me for a second time. He told me I could not board the train. I informed him I had no intention of boarding the train, all I initially wanted was a supervisor but now after being assaulted I would be calling the police.

As I was attempting to dial 911 using my right hand, as my left arm was still being supported by the pole in the train doorway. The conductor who was standing on the stairs in the train attacked me from behind on my left side. He grabbed my left arm from the pole and immediately began to choke me from behind. All I could feel was his forearm across my throat crushing my adams apple. My air was cut off immediately, making it difficult to breathe at all. The conductor grabbed me so tight and with such force I went from standing outside the train to being laid out on my back inside the train. He was bigger and stronger than I so that from his elevated position he literally lifted me off my feet up into the train. I found myself on the stairs on my back with the conductor beneath me with a tight strangle hold of my neck. He was squeezing with all his might. All I could do was gasp for air in an attempt to ask for help as I stared witnesses straight in the eye. They all watched, yet none did anything to stop him or try to help me.

Nobody said a word or lifted a finger to help me. Not even the man standing 2 feet away watching as I tried to scream out “ he is choking me, I can’t breathe, do you see this, someone help.” But my screams went unanswered, nobody helped. I could even see people reaching for their phones and recording me being choked from across the train tracks in an auto body shop. All as my legs were flailing trying to get grip as they dangled just beyond the grip of the train and stairs. I can vividly remember the faces of all those people on the train who watched and did nothing. Faces I can’t forget but wish I could, how they all looked on but didn’t help as I desperately struggled to get air, all watching but why is nobody stepping forward to help.

At that moment, I actually thought, dam this is how it actually happens. In a quick instant and in a senseless and meaningless way. His rage was all I could feel because I never really saw his face. I could only wiggle my body around to get little bits of air because the tight grip had me subdued while holding me defenseless on top of him. He eventually stopped choking me, not out of compassion for another human being or wishing to do no ill will. He let go only after holding on so long and tightly that his arms were so tired he had no choice but to let me go. Once again allowing me to breathe deeply and freely. Up until that very last second I honestly thought he was trying to kill me and I remember him squeezing my neck tighter every time I could get out words and say “ I can’t breathe” , “help!” or “he’s choking me”. He was choosing to silence me not with his words but instead with an instant intentional tightness every time I chose to try and speak.

As soon as he stopped choking me I lay there gathering my senses. It took a while before I could stand and even then I was still in shock and a bit confused about what had just taken place. I recall asking the Caltrain conductor why this was happening and what was going on and why he felt the need to escalate the situation to the extremes that he did. Immediately after regaining my wits I looked at my phone to see if the 911 call had connected...it had. I do not remember the woman's name but I do recall being on the phone approximately 10 minutes with the 911 operator. She insisted I remain on the line and to not get off the phone until officers arrived on scene to insure my safety. She also insisted that even if I see an officer that she would not get off the phone until I had made actual contact with that individual. I told her I was still sitting in the stairwell of the train where assault occurred and would remain there until police arrived.

The conductor finally left my general area to go meet with the officers arriving on the scene. I can only assume to give his statement before the officers were able to speak with me. Which I was told is the Standard Procedure.

During this time, the other Conductor, Tina, was extremely helpful. Her main concern was to make sure I wasn't hurt, that I just remained calm and to make sure to keep my composure. I honestly feel that without Tina's assistance and care that I may have had a seizure. Tina was able to help me calm down, control my breathing and calm down. Due to the trauma and stress I was definitely feeling the familiar onset of the beginning symptoms of a stress induced seizure.

As I sat waiting to speak to an officer, overwhelming pain ran throughout my body, my throat felt sore and swollen and a throbbing headache was starting to set in. It was hard to swallow or even just breathe. My left forearm and shoulder hurt, my knee was pounding and there was sharp pain in my right foot. As the adrenaline wore off the more the pain, panic and anxiety began to settle in.

I was questioned by the police which was an experience in itself, good and bad. I must say they were very professional. I truly appreciate them giving as much help as they could give under the circumstances. Once the report was completed, I was told an investigation would be under way and given contact information to follow up on the case.

Beyond able to change one thing during the exchange with the officers... I did take notice that during at least 90 percent of the time I was being questioned, the person that assaulted me was allowed to stand in close proximity. During which time he continually stared me down in an attempt to further intimidate me. I had to ask an officer if what he was doing was allowed because it was to the point of making me very uncomfortable as this man had just physically

assaulted me twice. The officer agreed and asked the conductor to move away because it was inappropriate for him to be that close.

After all reports were taken that man, the conductor, was allowed to get back on the train, continue his day and go home. I on the other hand spent the rest of my day in a neck brace, being taken to the hospital and finally back home in bed recovering from the day's events.

Had the roles been reversed I can assure you I would have been charged with assault and arrested on the spot. To top things off, once the investigation is completed I could possibly be the one being charged with assault during this unfortunate encounter.

How is that justice?

Was all this worth it, my life and physical wellbeing were treated as if they and I are worthless...?

I ask you again, is my life and wellbeing worth less than a \$4.00 train ticket?

This conductor desperately needs to be brought before a review board for this occurrence. There's no way this is his first time being a problem. His full work history, performance, prior complaints and anger management issues should be reviewed and dealt with accordingly.

Finally, I believe this man owes a formal apology for the physical and emotional trauma he inflicted upon me.

Respectfully,