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## United States Senate

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Dear Mr. Khosrowshahi,

I write in the wake of deeply disturbing reports about sexual assault and harassment that have occurred through your ride-sharing app and your responses to those incidents. Last year, CNN reported that at least 103 Uber drivers in the US had been accused of sexually assaulting or abusing their passengers over a period of four years. According to the same report, at least 31 drivers have been convicted of crimes ranging from forcible touching and false imprisonment to rape, and dozens of criminal and civil cases are pending.

A recent *Washington Post* report about Uber's handling of these claims raises serious concerns about whether your company takes sexual misconduct seriously. According to this report, individuals working in Uber's Special Investigations Unit, its call center for passenger complaints, are "coached by Uber to act in the company's interest first, ahead of passenger safety." The report details that "agents are forbidden by Uber from routing allegations to police or from advising victims to seek legal counsel or make their own police reports, even when they get confessions of felonies." It further states that "even in the most severe cases, when Uber kicks drivers off the platform, it doesn't convey the information to police, the other ride-share companies or background check firms." In one alarming incident detailed in the report, "a New-York area driver allegedly made three separate sexual advances on riders" but "after an executive overruled the investigator, the driver was allowed to continue working until a fourth incident, when a rider claimed he raped her."<sup>1</sup> These reports are shocking.

I am further alarmed by Uber's public statements about this issue, which indicate a brazenly careless attitude about your responsibility to your customers. Your global head of women's safety, Tracey Breeden, was quoted as saying, "At the end of the day, we're not the judge and jury to determine whether a crime has occurred. We're here to gather information, make a business decision." This is simply unacceptable.

Last year, you agreed to stop forcing sexual assault victims to pursue their claims through arbitration and sign non-disclosure agreements.<sup>2</sup> I commend you for this step which I consider an

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<sup>1</sup> Greg Bensinger, *When Rides go Wrong: How Uber's Investigations Unit Works to Limit the Company's Liability*, Washington Post, Sept 25, 2019, available at <https://www.washingtonpost.com/technology/2019/09/25/ubers-investigations-unit-finds-what-went-wrong-rides-its-never-companys-fault/>

<sup>2</sup> Sarah Ashley O'Brien, *Amid Sexual Assault Concerns, Lyft Tries to Reassure Riders With Safety Measures*, CNN, Sept. 10, 2019, available at <https://www.cnn.com/2019/09/10/tech/lyft-safety-updates/index.html>.

extremely important one.<sup>3</sup> But rescinding a policy you never should have had in the first place is clearly not enough. At that time, you agreed to publish safety transparency reports that would indicate how many assaults occur on your platforms, but you have yet to do so.

Uber has repeatedly marketed itself as a way of ensuring a safe ride home after a night of drinking.<sup>4</sup> If marketing your company as providing safe rides for young, intoxicated women is going to be part of your business model, then it is especially crucial that you ensure that these rides are in fact safe. Otherwise, these advertisements serve as a signal to sexual predators that driving for Uber is an effective way to prey on vulnerable young women.

In 2017, Uber was sued by a woman who was raped by a driver who had an extensive history of violence, including a conviction for attempted first-degree murder and assault.<sup>5</sup> I understand that Uber has implemented daily criminal background searches, a step that has led to 20,000 drivers being removed from the app. But you aggressively resisted utilizing fingerprint-based background checks, which is required of most taxi drivers.<sup>6</sup> Your opposition to this routine form of background check was so intense that you shut down operations in Austin, Texas when a local law required fingerprint-based background checks. Indeed, the fact that someone with a conviction for attempted first-degree murder was able to pass one of your background checks raises serious questions about your decision to rely upon name-based background checks.

It has also been reported that Uber's policy is to not share findings from complaints of sexual assault with background check firms, competitors or law enforcement. Apparently, the reason for this policy is to allow "a survivor to be able to own their story" and "choose whether they provide that information to police." Yet news reports indicate that investigators are urged not to advise victims to contact the police at all.<sup>7</sup> Putting the onus on a victim of sexual assault to report it to law enforcement, to your competitors and to background checking companies while simultaneously directing your employees not to advise victims to go to the police demonstrates your lack of seriousness about the sexual misconduct that occurs through your app.

I understand that Uber recently instituted new safety features, including a "panic button" that allows travelers to call 911 immediately from within the app as well as a "smart ride" feature that automatically contacts drivers and passengers when they detect delays. These are important first steps and I am hopeful that these initiatives are the beginning of a new trend at Uber. But you must clearly do more to ensure rider safety.

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<sup>3</sup> Sarah Ashley O'Brien, *Senator Pressures Uber After CNN Investigation Into Driver Assaults*, CNN, May 2, 2018, available at <https://money.cnn.com/2018/05/02/technology/richard-blumenthal-uber-forced-arbitration/index.html>.

<sup>4</sup> Christopher Zara, *Uber 'Targets Intoxicated Female Riders' But Misleads on Safety, Sexual Assault Lawsuit Claims*, International Business Times, Oct. 9, 2015, available at <https://www.ibtimes.com/uber-targets-intoxicated-female-riders-misleads-safety-sexual-assault-lawsuit-claims-2135587>.

<sup>5</sup> *Kansas City Woman Sues Uber, Alleges Driver Raped Her*, KSHB, June 30, 2017, available at <https://www.kshb.com/news/local-news/kansas-city-woman-sues-uber-alleges-driver-raped-her>.

<sup>6</sup> Justin Pritchard, *Uber Settles Driver Background-Check Case for At Least \$10M*, AP News, April 7, 2016, available at <https://apnews.com/d5bcac26827d448b96c9b898d5c62b17>.

<sup>7</sup> <https://www.washingtonpost.com/technology/2019/09/25/ubers-investigations-unit-finds-what-went-wrong-rides-its-never-companys-fault/>

Please provide a written response to the following questions by no later than October 31, 2019:

1. Please explain Uber's process for dealing with a report of sexual assault or harassment. Do you report the incident to law enforcement? Will you commit to making the details of these procedures available to the public through your app?
2. What steps do you take to ensure that drivers who assault or harass riders are permanently prohibited from driving for Uber? What steps are you taking to ensure that victims are informed of whether the drivers they report for such behaviors still work with your companies?
3. Will you commit to conducting fingerprint-based, as opposed to name-based, background checks? Will you commit to reporting problematic incidents to background checking companies, law enforcement, and your competitors, such as Lyft?
4. Do you employ customer service representatives who are trained sexual assault victim advocates? What training do employees receive on identifying sexual harassment and assault? What training do they receive on responding to these reports using a victim-centered approach?
5. Will you commit to ensuring that reports of sexual assault or harassment are immediately handled by human reviewers specifically empowered and trained to address these issues? Will you publish a detailed account of sexual assault complaints that occur while individuals are using the Uber app, as you have been promising for over a year?
6. Will you commit to suspending marketing campaigns representing your app as ensuring a "safe ride home" until you publicly release statistics on the number of assaults and incidents of harassment reported against your drivers?

Should you have any questions, please contact Charlotte Schwartz at [Charlotte\\_Schwartz@blumenthal.senate.gov](mailto:Charlotte_Schwartz@blumenthal.senate.gov) and Aparna Patrie at [Aparna\\_Patrie@judiciary-dem.senate.gov](mailto:Aparna_Patrie@judiciary-dem.senate.gov).

Sincerely,



Richard Blumenthal  
United States Senator