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February 6, 2018

Joseph Lhota
Chairman
Metropolitan Transportation Authority
2 Broadway
New York, New York 10004

Dear Mr. Lhota:

Please note my wholehearted objection to the contents and tone of your February 5, 2018 letter to District Attorney Cyrus Vance. Rather than condemn his recently-announced policy of not prosecuting the majority of individuals who evade fares on our subways and buses, I fully support it, and so do any number of New Yorkers concerned about the criminalization of poverty and its racially disparate impact. We do not condone lawbreaking, but we simply do not believe in continued full-on enforcement of laws that punish the poor for being poor. Fare evasion is driven by economic realities, and should be solved by economic solutions, such as providing reduced fare MetroCards through our proposed Fair Fares program. We cannot and should not think we can prosecute our way out of the problem that income inequality has largely created.

My organization, the Community Service Society of New York, recently analyzed Brooklyn fare evasion arrest data provided by the borough's public defender agencies. What we learned was unsettling, to say the least. Many poor New Yorkers cannot afford to access public transit, and the NYPD is arresting them at alarmingly high rates, especially in poor black neighborhoods. As explained in our report, *The Crime of Being Short \$2.75*, the overwhelming majority of individuals arrested for fare evasion in Brooklyn are people of color – a full 90 percent. These arrests occur much more frequently at subway stations nearest high poverty black neighborhoods. Black men aged 16 to 36 represent half of all those arrested, but represent only 13% of poor adults. This racial disparity is deeply disturbing.

You express concern that not prosecuting fare evasion will lead to lawlessness. You point to an example of an individual apprehended after jumping the turnstile and found to have an open warrant for a serious

crime. But this is fearmongering, something we might expect from Donald Trump, but not from you. It belies the reality of what is going on in our City, and belittles the experiences thousands upon thousands of people of color who are treated to this reality on a daily basis.

This is a massive problem. In 2016, the NYPD stopped approximately 92,000 for fare evasion, 89 percent of them people of color. A simple arrest can cause a person to lose a job and have other negative effects. Prosecuting those arrests compounds the problem. A conviction for fare evasion – a misdemeanor – can have lifelong negative effects not only for the individual, but for his family as well. Employment consequences are among the most visible, but housing consequences are just as real. When these effects are borne so disproportionately by people of color, justice demands a remedy.

DA Vance's policy is a step in the right direction for this City, and one that other District Attorneys should emulate. Far from criticizing him, we should be praising this forward-thinking initiative.

Yours very truly,

A handwritten signature in blue ink, appearing to read 'D.R. Jones', with a stylized flourish at the end.

David R. Jones, Esq.,
President & Chief Executive Officer
MTA Board Member