

FACT SHEET: MANHATTAN D.A.'S "DECLINE-TO-PROSECUTE" SUBWAY FARE EVASION POLICY

December 3, 2018



Under a first-in-the-nation justice reform policy effective February 1, 2018, the Manhattan D.A.'s Office declines the criminal prosecution of arrests for subway Theft Of Services, a Class A misdemeanor.¹

The D.A.'s policy is supported by criminal justice, anti-poverty, and transit policy advocates. But now, some in the MTA claim that the D.A.'s policy has increased subway fare evasion, and is a significant factor in the MTA's financial woes. **These are the facts...**

The D.A.'s Policy Has No Effect on Farebeating Stops.

NYPD Officers and NYC Transit Inspectors continue to enforce fare evasion regulations. Violators may be warned, ejected, connected with social services, issued a TAB summons (a civil ticket), a c-summons (a criminal ticket), or be arrested. The D.A.'s policy only affects criminal prosecutions following arrests.

The D.A.'s Policy Has Enabled More Enforcement, Not Less.

By issuing more ejections and summonses, and initiating fewer prosecutions, officers spend less time processing arrestees and escorting them to court, and more time on patrol at these critical posts.

MTA Financial Woes Have Nothing to Do with D.A.'s Policy.

Manhattan's "decline-to-prosecute" policy began in February 2018. MTA's long-spiraling deficit is approaching \$1 billion, and the reasons - debt service, declining ridership, and out-of-control costs - are well-documented.

Prosecutions Cost Thousands, And Fares Are Not Recouped.

Restitution is not imposed and the MTA does not recoup the lost \$2.75 fare. Instead, taxpayers fund a lawyer for the defendant; D.A., courtroom, and correctional personnel; and any police overtime associated with the arrest.

Fare Evasion Prosecutions Accomplish Virtually Nothing.

Before its policy the D.A.'s Office prosecuted more than 8,000 fare evasion cases per year. In 2016, after incurring all the costs described above, judges imposed jail sentences in just 3% of cases.

The Criminal Justice System Is Not a Collection Agency.

Government entities should not rely on criminal prosecutions to collect fees or maintain fiscal solvency - which criminalizes poverty and leaves customers with lifelong criminal records. This is why ejections and summonses exist.

¹ The D.A.'s policy includes three limited exceptions: (1) cases where defendant has a recent violent felony conviction, (2) cases where defendant has a prior sex crimes conviction, and (3) cases where the defendant is a documented driver of crime. Since February 1, subway fare evasion prosecutions are down 97.3%. << [Download statistics](#) >>