

Superior Court Trial Lawyers Association

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October 10, 2018

Councilmember Charles Allen
Chairperson of the Committee of the Judiciary and Public Safety
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004

RE: Bill 22-0408, the “Fare Evasion Decriminalization Amendment Act of 2018”

Dear Councilmember Allen and Members of the Council,

As members of the Superior Court Trial Lawyers Association (SCTLA), we write in support of Bill 22-0408, the “Fare Evasion Decriminalization Amendment Act of 2018,” a much-needed step in criminal justice reform.

Members of SCTLA are appointed pursuant to the Criminal Justice Act to represent indigent persons charged with criminal offenses in the District of Columbia including cases involving fare evasion. In fact, the vast majority of adult persons arrested for fare evasion in the District of Columbia are represented by members of SCTLA who are appointed pursuant to the Criminal Justice Act. In our work, we see firsthand the damage caused by arrests for fare evasion and the resources wasted prosecuting low-income residents over a \$2.00 fare. We strongly support the decriminalization of fare evasion.

Even though most arrests for fare evasion do not result in conviction, fare evasion arrests take an enormous toll on our clients who suffer collateral consequences and cannot afford the indirect costs of defending against the charges. A single arrest, regardless of whether it results in conviction, can turn someone’s life upside down. When a person is taken into custody, they are unable to attend to their responsibilities until their release which may not occur for 24-48 hours. That includes going to work, taking care of children or family members, attending school, and more. Similarly, returning to court to defend against fare evasion charges requires taking off more work, missing more classes, and/or making special arrangements for childcare and other responsibilities. Each of these things comes at a financial cost that persons already living on the margins cannot afford. Consequently, many people plead guilty or post-and-forfeit in fare evasion cases merely because they are unable to afford the loss of income or expenditures resulting from another day of attending court.

There have been suggestions that decriminalization of fare evasion is not necessary because the Metro Transit Police does not arrest persons for fare evasion alone. Contrary to such suggestions, arrests for fare evasion directly is far from a non-issue. SCTLA members have represented and continue to represent the many persons that are arrested, taken into custody, and prosecuted for fare evasion alone. As part of our representation of arrested persons, we review the police reports, sworn affidavits in support of arrest, available video footage, and more. Therefore, we have access to statements and information not available in the public record or in data tables. The experience of SCTLA attorneys is that direct fare evasion arrests are far from unusual. Quite the opposite, fare evasion is frequently the only basis for an arrest and the only offense charged. Accordingly, decriminalization of fare evasion is critically necessary to address the harms caused by fare evasion arrests.

Sincerely,

Betty M. Ballester, President
Superior Court Trial Lawyers Association