

Reinforcing the Police State: Criminalizing Fare Evasion

Definitions

Fare Evasion: Traveling on public transit without deliberately purchasing or possessing the fare required to travel

Decriminalization: The act of removing criminality against an act, article, or behavior

Broken Window Theory: A theory introduced by James Q. Wilson and George Kelling stating that visible signs of crimes and civil disorder (ex: jumping a turnstile) create an environment that encourages further crime.

Fare Evasion in DC

Washington DC's Metro is one of the busiest public transportation systems in the United States. With 91 Metro stations, this system services a population of four million passengers. Fares vary based on time of day, service, day of the week, and ride length.

Since being started, the DC Metro Transit Police have been issuing citations for those who commit fare evasion. Within the past few decades, research has shown that citations have been disproportionately issued to Black people and working-class Metro riders. As a result, in 2018 the DC Council voted to *decriminalize Metro fare evasion*, meaning that criminal fare evasion penalties of up to \$300 would be replaced by a \$50 civil infraction that would not appear on a criminal record. However, this was not permanent. In November of 2022, Metro Police resumed issuing citations for fare evasion.

Fare Evasion, Policing, and Race

The Washington Lawyers' Committee for Civil Rights and Urban Affairs conducted research in 2016 to understand the racial implications of fare evasion. They found that between January 2016 and February 2018:

- 91% of Metro Transit Police citations and summons were issued to African Americans
- 46% of all citations were issued to Black youth or youth under the age of 25
- 72% of all stops occurred at Metrorail stops, the two most prominent being at Gallery Place and Anacostia stations

Although this research has been made public and many residents of DC have spoken against the resumed fare evasion citations, members of the DC Council have made it clear that citations will resume because of the financial deficit that impacts the Metro. Metro loses approximately \$40 million a year to fare evasion, but the DC Police Department's budget for the fiscal year 2023 is more than \$560 million.

Imagine what could be possible if the money allotted to DCPD to criminalize fare evasion was redistributed so Metrorail and Metrobus could be free.

Metro General Manager Randy Clarke has supported the decision to increase police supervision of fare turnstiles and metro stations and wants to make it clear that, "you are being watched...Please respect the community's transit system. Don't do bad behavior on this system." But is there any bad behavior occurring on this system?

Fare evasion citations, on their surface, are “color-blind” monetary consequences to deter crime. However, the enforcement of fares and evasion citations are deeply racialized. DC Metro Police are unable to ask for proof of fare payment since most passengers use cards, thus they are unable to accurately obtain an estimate of the frequency of fare evasion.

Additionally, transit police issue fare evasion citations at their own discretion, allowing them to police transit systems any way they wish. As we know, we live in a racialized society and police serve to reinforce those racial distinctions while also protecting property and preserving the ruling class's interests. One way police do this is through issuing fare evasions; this action reinforces the notion that Black people do not belong in shared public spaces.

Although the Metro is a public resource, fare evasion policing parallels DC’s projects of gentrification. Many transit stations are situated in previously Black neighborhoods. As a result of the increasing white presence, Black people’s political, social, and economic power is diminished relative to white residents in those areas.

Public Transportation Should be Free to All

The unequal distribution of fare evasion citations is violent, but so are fares for public transportation. **Transit police—like all police—serve to protect the ruling class, reinforce racial and class separation, and break down class solidarity.** Most working-class people use public transportation systems, whether that be the bus or metro rail, to get to work. Fares are a barrier to essential travel.

Because of the growing unaffordability for working people, metro and bus fares are less of a priority. When people are pushed to commit fare evasion, they are looked down upon by their peers. This then causes transit police and others to embrace a *Broken Windows* perspective of fare evasion. This theory suggests that when left unaddressed, clear fare evasion behaviors (ie jumping a turnstile) will incite fear in law-abiding riders. This would cause those riders to withdraw their monetary contributions to the transit system and disengage with it completely (ie finding other means of transportation).

This assumes that if fare evasion behaviors have no consequences, then other serious and more violent crimes would not as well. This fear would be co-opted by the state which would enact laws that increase policing in transit stations to control crime and enforce the law. **Fearing potential crime produces a cycle that leaves working-class people and youth vulnerable to racist policing behaviors and unnecessary interactions with law enforcement.** By making public transit free for all, the city would be making it clear that everyone is welcome in public spaces.

The DC Council has made efforts to mitigate the effects of racialized policing in relation to fare evasion over the past year. In December 2022, the DC Council unanimously voted in favor of making all Metrobuses operating in the District free to riders as early as July 2023. Under this program, 12 major lines will establish overnight hours and DC residents will be issued \$100-a-month subsidies that can be on the Metrorail, buses outside of DC and anywhere SmarTrip cards are accepted.

Though this program will provide a more affordable and equitable service for Metrobus riders, it does not solve the greater issue. Only 28% of fare evasion citations were issued along Metrobus routes; this is a stark contrast to the 72% of citations issued at Metrorail stops. More attention should be paid to the issue of policing and fare evasion within Metrorail stations as they have proven to be the sites of continued violence and class conflict. Making buses free is one step in the right direction, but all public transportation should be free and accessible to all.

It Doesn't Stop at Fare Evasion

While the District of Columbia decriminalized fare evasion, meaning that it is seen as a civil infraction and thus will not appear on one's criminal record, Maryland, Virginia, and other metropolitan areas in the U.S. have not. Fare evasion is still classified as a criminal offense; this exposes people to collateral consequences and interactions with the criminal justice system, including issues with immigration and parole consequences.

Simple interactions with not only police, but courts and other structures of the criminal justice system, have escalated to traumatic experiences of violence and even death. In order to ensure our survival, we need to reduce our interactions with law enforcement and struggle against the ideologies that they are employed to enforce, such as white supremacy, racial capitalism, and neoliberalism.

It's also important to understand that DC is experiencing the highest "intensity" of gentrification of any city, and fare evasion citations and over-policing have exacerbated this. All of our problems are interconnected and must be addressed together and intersectionally.

Exploratory Questions

1. How does the criminalization of public spaces like the Metro impact Black people?
2. What issues does funding more police over funding public goods present?

Sources

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