



NEW YORK STATE SENATOR

Jesse Hamilton

Senator Hamilton, Assemblywoman Wright, & Advocates Advance Bill to Stop More than 25,000 Turnstile Jumping Arrests

EAN FULLERTON July 25, 2017

| ISSUE: **CRIMINAL JUSTICE REFORM, YOUTH, JUSTICE, JUVENILE JUSTICE REFORM**



Brooklyn, NY – Senator Jesse Hamilton and Assemblywoman Tremain Wright will host a press conference with public defenders and criminal justice reform advocates on Tuesday, July 25th at 12:00 PM at Eastern Pkwy & Franklin Ave, Brooklyn, NY 11238, on legislation to decriminalize turnstile jumping. Legislation they introduced (S.4841-B) would make turnstile jumping a civil matter, resulting in a potential fine and not a potential arrest, imprisonment or criminal record.

Senator Hamilton will also issue a report, entitled *Turning Lives Around: The Need to Decriminalize Turnstile Jumping* [full report attached as PDF], detailing the breakdown of arrests, misdemeanor convictions, and jail sentences resulting from turnstile jumping over the past four years. People of color represent 92% of turnstile jumping arrests. The effort on turnstile jumping represents part of a broader initiative to end broken windows policing and the resulting harms caused to communities of color, to police-community relations, and to the fabric of New York City life.

Senator Hamilton hosted an End Broken Windows Policing town hall in Sunset Park on February 16th with Assistant Assembly Speaker Felix Ortiz and community advocates. Senator Hamilton also hosted a Broken Windows Roundtable with Senator Marisol Alcantara. The roundtable included the participation of a number of State and City elected officials (including Councilmen Jumaane Williams, Rafael Espinal, Ritchie Torres, and Carlos Menchaca), and community advocates on May 18th.

Passage of this legislation would fortify recent steps taken by Manhattan District Attorney Cyrus Vance Jr. to reduce criminal prosecutions of low-level, non-violent misdemeanors and similar measures announced by Acting Brooklyn District Attorney Eric Gonzalez.

NYS Senator Jesse Hamilton said, “We need to radically rethink our approach to policing and crimes of poverty. This measure on turnstile jumping takes a step in that direction and brings us closer to dismantling broken windows policing. Our laws need to approach our fellow New Yorkers with more compassion and humanity, especially in at-risk communities. Shifting from criminal to civil action means nearly 30,000 fewer New Yorkers will face the nightmare of an arrest, potential for a criminal record, loss of housing, or even deportation. We must lift that daunting burden placed on our fellow New Yorkers over \$2.75. These are our friends and neighbors, these are people who may just be trying to get to school, or to work, or to a doctor’s appointment. I look forward to working with advocates for justice

reform, for civil rights, and for better community-minded policing, and working with colleagues and all conscientious New Yorkers to pass this bill.”

“The members of our union, attorneys at the Legal Aid Society, day in and day out, serve clients who are dragged into court for low level arrests and broken windows policing, said Deborah Wright, President of the Association of Legal Aid Attorneys-UAW Local 2325. It is clear to us that as subway fares continue to rise beyond the means of average New Yorkers, turnstile jumping should not be treated as a criminal offense. We applaud the introduction of this bill to remove turnstile jumps from the list of misdemeanors and urge continued progress to end the criminalization of poor and working New Yorkers.”

“Rather than addressing the root issue of poverty, arrests and prosecutions for fare evasion only aggravate the problem in New York City. I thank Senator Hamilton for recognizing this injustice and introducing legislation to end criminal penalties for fare evasion which only serve to further limit access to opportunity for so many people, almost exclusively those who are racially and economically marginalized. Ending the policing of poverty would enable the City to reinvest substantial savings in making transit more affordable and equitable for those in need. I call on the leaders of the Legislature to pass this bill and on the Governor to sign it,” said Lisa Schreibersdorf, Executive Director of Brooklyn Defender Services.

“We have an affordability crisis in our city that is playing out in our mass transit system where thousands of mainly poor people of color are stopped and arrested for the non-violent offense of fare evasion,” said David R. Jones, President and CEO of the Community Service Society and MTA Board Member. “The consequences of these arrests can be dire: a criminal record, and for some, opening the possibility of deportation. I applaud State Senator Hamilton for proposing legislation that effectively removes evading a public transit fare as a criminal offense under the State Penal Law. At the same time, we need to address the fundamental problem of transit affordability for 800,000 low-income New Yorkers by

making access to public transportation easier for the poor among us.”

“Thousands of New Yorkers are arrested each year for jumping a turnstile to make it to a job on time, night class or to access essential services,” said Tina Luongo, Attorney-In-Charge of the Criminal Practice at The Legal Aid Society. “The price they pay for this basic “crime” of poverty is cruel and could carry with it pre-trial detention, or for non-citizen New Yorkers, removal proceedings. Decriminalization is long overdue, and The Legal Aid Society lauds Senator Jesse Hamilton for his leadership on this issue. We look forward to working with the Senator Hamilton and his colleagues to see this bill enacted into law next session.”

“For too long, minor offenses like turnstile have been punished with jail and the lifelong barriers created by criminal convictions,” said Glenn E. Martin, President and Founder of JustLeadershipUSA. “The prosecution of these types of offenses has disproportionately ensnared poor people and people of color in the criminal justice system. Now, Manhattan District Attorney Cy Vance has already begun diverting turnstile jumping arrests out of criminal court, and Acting Brooklyn District Attorney Eric Gonzalez has committed to do the same. JustLeadershipUSA is proud to join Senator Jesse Hamilton in calling for the other district attorneys of New York City to follow suit and for the New York State legislature to enact comprehensive reform by removing the offense from the theft of services statute. These are exactly the types of shifts necessary to reduce jails populations and close Rikers Island once and for all.”

“Nobody--especially no young person--should be handcuffed, thrown in a police car, fingerprinted, and held in a cell because they don’t have \$2.75 to get where they need to go,” said Laurie Parise, Executive Director of Youth Represent. “This legislation removes the threat of criminal prosecution for fare evasion and the severe civil penalties that come with it. We applaud Senator Hamilton for introducing it and look forward to working to see it signed into law.”

WHO:

- NYS Senator Jesse Hamilton
- NYS Assemblywoman Tremaine Wright
- Kirsten John Foy, Northeast Regional Director for National Action Network
- Deborah Wright, President of UAW Local 2325, Association of Legal Aid Attorneys
- Anthony Posada, Director Community Justice Unit for Legal Aid
- Laurie Parise, Founding Executive Director, Youth Represent
- Scott Hechinger, Senior Staff Attorney at Brooklyn Defender Services

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RELATED LEGISLATION

2017-S4841B

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly

- On Floor Calendar Senate

- ◦ Passed Assembly

- Passed Senate

- Delivered to Governor

- Signed By Governor

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Eliminates from the class A misdemeanor of theft of services certain transportation services and allows for community service in lieu of a civil penalty for certain thefts of transit services

March 03, 2017

In Senate Committee [Codes](#)

Sponsored by [Jesse Hamilton](#)

Do you support this bill?