



## CRIMINAL JUSTICE DEBT THREATENS PUBLIC HEALTH AND FINANCIAL RECOVERY

The coronavirus pandemic poses catastrophic risks to those involved with the criminal justice system. The number of infected law enforcement officers is swelling and experts predict the virus will spread through jails and prisons like wildfire. Amidst calls to swiftly reduce prison and jail populations to save lives, slow infection, and reduce the strain on the health care system, states should take action now to ensure that residents' inability to afford fines and fees does not entangle more people in the criminal system or further undermine families' ability to weather this crisis.

Criminal justice debt stemming from fines and fees is disproportionately borne by low-wage workers without job security and people of color. These populations will experience the financial stress caused by the pandemic most acutely. Many will lose jobs and be unable to pay criminal justice debts through no fault of their own.

**Unless states act, nonpayment will result in enforcement actions that bring more of those vulnerable people into contact with the criminal system--including through suspension of driver's licenses, arrest, incarceration, and probation and parole revocations or extensions.** This would put residents, officers, and prison populations at needless risk of infection, increase viral spread, and further strain the medical system.

In the face of extraordinary job losses, states should also act to ensure that criminal justice debts do not exacerbate financial stress on vulnerable families. **Because of the harsh consequences for nonpayment, families will be forced to choose between paying for food, rent, and utilities or fees and fines.** Late fees, interest, collection fees, and collection actions, such as wage garnishment and tax offsets, will further burden distressed communities, inhibiting successful reentry, and making recovery from the financial crisis less likely.

### What States Should Do

**To protect public health and the most vulnerable residents, states should cancel outstanding fines and fees.** This would ensure that people are not ensnared in the criminal system by debt and lift this debt burden from financially distressed families and communities.

At a minimum, states should take the following actions during the crisis to ensure that these debts are not a barrier to residents' ability to meet basic needs and do not put public health at risk:

- Suspend fines, fees, and criminal justice debt enforcement activities, including:
  - Halt issuance of arrest warrants for nonpayment or failure to appear at a hearing related to the debt and vacate outstanding warrants;
  - Ensure that probation, parole, or other supervision cannot be extended or revoked based on nonpayment;

- Halt suspension of driver’s licenses for nonpayment or nonappearance at a hearing related to a debt, reinstate licenses suspended for nonpayment, and stop booting, towing, and impounding vehicles for unpaid debts. Without the ability to drive, people will be unable to use drive-through testing, will have difficulty accessing health care, and will be forced to use public transportation to buy essential supplies, potentially spreading the virus, and those driving on a suspending license face traffic stops, arrest, and incarceration;
  - Stop involuntary collections, including [wage garnishment, bank levies and offsets of tax refunds and recovery payments](#), Social Security and disability benefits, unemployment insurance, and bail bonds and commissary fund, and refund amounts seized involuntarily from individuals since the [March 13, 2020 National Emergency order](#) or any earlier state emergency order;
  - Cease assignment of debts to private collection companies and order collection companies, as well as probation, parole, and other supervision, to suspend all collections and payment requirements for government debts; and
  - Impose an automatic payment moratorium on fines, fees, and other criminal justice debts; and ensure that no interest, penalties, or late fees accrue. Payment plans that provide forgiveness after a certain number of payments should not have the forgiveness date pushed back so that this crisis does not lengthen criminal and financial burdens on residents.
- Release anyone already in jail or prison for nonpayment of fines and fees or nonappearance at a debt-related hearing.
  - Suspend issuance of fines to the extent feasible, including parking tickets and municipal code violations that do not impact public safety, and reduce or waive fines so that they are proportionate to people’s ability to pay at this time.
  - Suspend imposition of fees and surcharges, which are amounts above and beyond the penalty fines, on people impacted by the criminal and traffic systems.
  - Ensure that people who are detained do not take on additional debts due to the crisis, including by waiving medical co-pays for people in jail or prison; providing free soap and disinfecting products; and ensuring access to free emails, phone calls, and video conferencing so families and loved ones can stay in touch without in person visits.
  - Communicate policy changes to the public and to impacted people.

For an updated list of actions taken by state and local governments and court systems on criminal justice debt in response to the crisis, see the [Fines and Fees Justice Center’s Covid-19 Policy Recommendations and Policy Tracker](#). For more on what the states are doing in response to the crisis across a range of debt and consumer issues, see [NCLC’s Major Consumer Protections Announced in Response to COVID-19](#). For other ways states can assist consumers during the pandemic, see [NCLC’s COVID-19 & Consumer Protections online resources](#).

***For more information, please contact National Consumer Law Center attorney Abby Shafroth at [ashafroth@nclc.org](mailto:ashafroth@nclc.org).***