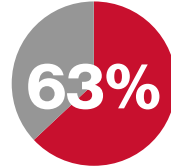




Criminal justice debt functions as a regressive tax on a state's poorest and most vulnerable residents. [Approximately 4 out of 5 criminal defendants are too poor to hire their own lawyers](#), yet they often fund government with fines and fees.

**\$13,607**

On average, families in a 2015 survey paid \$13,607 in court-related costs — and 1 in 5 families surveyed had to take out a loan to cover those costs.



In 63% of cases, family members of the accused took responsibility for criminal justice debts, even though many could not afford to.

In many states, the use of [fines and fees to fund law enforcement](#) distorts police priorities and ultimately impedes public safety. For example, in cities where police departments receive more of their funding from fees [police solve violent crimes at significantly lower rates](#).

## State and Local Reforms

State legislative and court reforms can restore integrity to the criminal justice system and align fines and fees policies with the system's broader goals. Reforms are urgently needed to protect low-income families from being trapped in ruinous debt, and people from being penalized — and sometimes even incarcerated — simply because they can't pay court fines and fees.

As a general matter, fees not intended as a punishment should be eliminated entirely; these are regressive taxes imposed on people least able to pay. Punitive fines, if used, should be structured so that they are proportional and do not impoverish families or make it harder for people with criminal records to get back on their feet. Below are a variety of actions that state and local decisionmakers can take to ensure criminal justice debt does not impoverish low-income families.

## Preventing Debt from Impeding Fundamental Rights

### CRIMINAL JUSTICE DEBT PROBLEMS

People are imprisoned because they are unable to pay criminal justice debt.

Probation is imposed, extended, or revoked for those unable to pay criminal justice debt, subjecting people to surveillance because they are poor.

People are denied the right to vote simply because they lack the resources to pay off criminal justice debt.

### STATE LEGISLATIVE SOLUTIONS

[Prohibit jail time for debt, or at minimum create clear standards, procedures, and a right to counsel to protect those who can't pay debts from incarceration.](#)

[Delink probation and criminal justice debt by ensuring payments are not a condition of, or monitored through, probation.](#)

[Debt should never be a barrier to the right to vote and states should ensure voting rights are not tied to payment of debts.](#)

## Preventing Fines & Fees From Driving Families into Poverty

### CRIMINAL JUSTICE DEBT PROBLEMS

Pressured to generate revenue police focus on fining rather than public safety, and courts impose fees on the accused—who are often poor—to raise revenues.

Buried in criminal justice debt, families are forced to skip bills for necessities or take on usurious payday loans to make ends meet.

A lost job or other setback means that criminal justice debt that was manageable is now pushing a family into poverty.

Harsh nonpayment penalties mean people who can't pay fines and fees lose access to jobs and fall deeper in debt and poverty.

### STATE LEGISLATIVE SOLUTIONS

Fund courts and law enforcement from general revenues, not fines and fees. States should mandate limits on local revenue derived from fines and eliminate fees.

Require courts to make ability-to-pay determinations before fining and to waive or tailor fines to a person's ability to repay.

Create affordable payment plans that readily allow for modifications, reductions, or waiver, and don't impose additional fees.

Do not allow suspension of driver's licenses, extension of probation, or limitation of record expungement for nonpayment of criminal justice debt.

## Court-Led Reforms

### CRIMINAL JUSTICE DEBT PROBLEMS

Many judges automatically impose maximum fines and fees without considering the harsh consequences or superior alternatives.

People face the impossible choice of missing work or violating court orders because of frequent requirements to appear at debt status hearings.

People are being imprisoned because they are unable to pay criminal justice debt, which is in violation of the constitution.

### COURT LEADERSHIP SOLUTIONS

Guide judges to take people's finances into account in setting or waiving fines and fees where permitted and to consider alternatives to fines.

Minimize the need for in-person court appearances related to criminal justice debt so people do not have to miss work.

Provide guidance to courts on how to conduct ability-to-pay and willfulness hearings, and discourage the use of arrest warrants for nonpayment.

### For more on how to address criminal justice debt:

[Criminal Justice Debt in the South: A Primer for the Southern Partnership to Reduce Debt](#)

### To start a conversation on how to reform criminal justice debt, contact:

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