

Innovations in Fines, Fees, and Financial Burdens

Breakout Session - March 2nd
Track 3-A



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What's the difference between a fine and a fee?

FINES

Monetary sanctions imposed as punishment for violating the law – either criminal or civil.

Examples:

Fines exist for parking violations, littering, traffic offenses, truancy, sleeping on a park bench, walking dog without a license, cracked windshield etc.,

FEES

Costs, assessments, and/or surcharge imposed to access services or fund the justice system or other government services.

Examples:

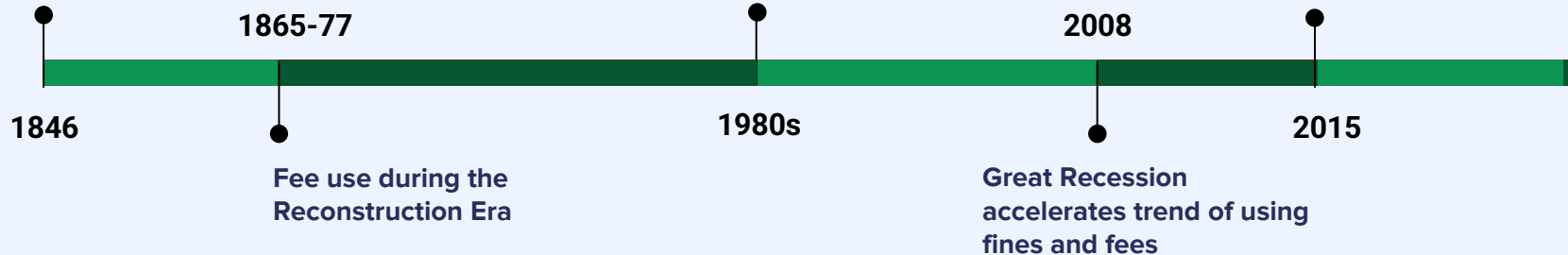
Probation Fees, Programming Fees, Counsel Fees, Drug Testing Fees, Civil Assessment Fees, Electronic Monitoring Fees, Warrant Fees, Phone Call Fees etc.,

Brief History of Fines and Fees

Michigan enacts first
correctional fee

State and local gov.'s increase the
number or amount of fines and fees

DOJ Ferguson Report



A CLOSER LOOK: Ferguson, MO

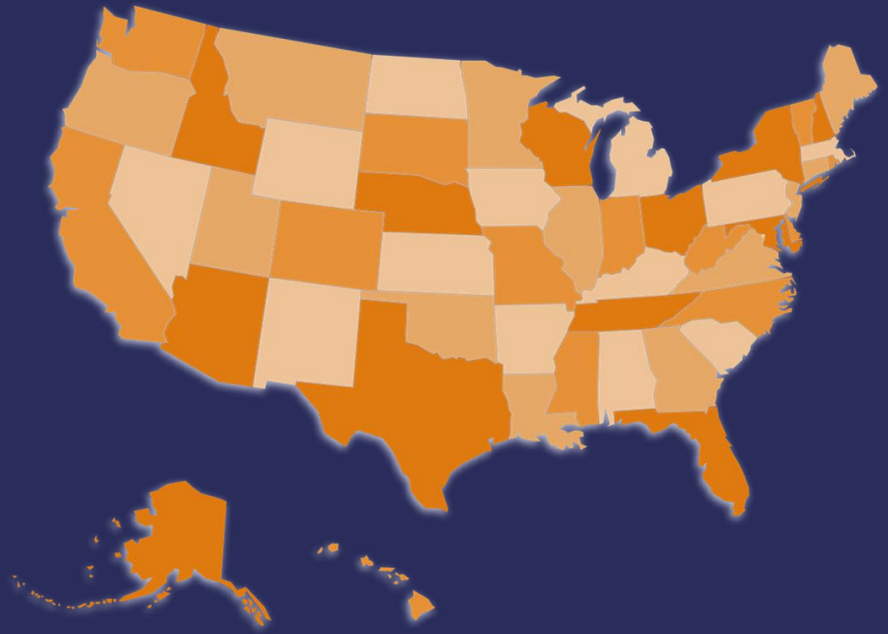
- City planned to collect over 23% of revenue through fines and fees in 2015.
- Issued 23,000 warrants in a city of 21,000 residents.
- Police engaged in racially discriminatory policing to increase revenue through fines and fees.



A person wearing a hat is holding a sign that says "It's Not Just Ferguson". The image is overlaid with a dark blue filter. The text "Where else are fines and fees being relied on for revenue?" is written in white over the image.

Where else are fines and fees
being relied on for revenue?

States, cities,
small towns –
everywhere.



Fines & Fees in Texas Courts

- \$1.18 billion collected by Texas courts in 2020
 - \$40.37 per capita – 3rd highest in country
- Justice & Municipal Courts
 - Traffic, City Ordinances and Fine-Only Misdemeanors
 - 90% of cases involving fines & fees
 - \$758 million in fines and fees collected (+ even more assessed)
- Other misdemeanors
 - Average >\$600 assessed per case

Jurisdictions with high reliance on fines and fees FY 2017-2018

600 JURISDICTIONS

In 600 jurisdictions, fines account for **over 10% of general revenues**

284 JURISDICTIONS

In 284 of those 600 jurisdictions, fines account for **over 20% of revenue.**



Source: *Addicted to Fines, Governing, 2017-2018 data*



The impact of fines and fees on families and communities

Inability to pay
leads to increased
fines and fees

01

Punishments
become more
severe

02

Cycle of Debt &
Punishment

Families
driven further
into debt, less
able to pay

05

Collateral
consequences
pile on

03

Prolonged system
involvement

04

Feed your family or fund the courts?

According to a 2018 Alabama Appleseed Survey:

- More than **8 in 10** people with court debt gave up necessities like rent, food, medical bills, car payments, and child support to pay their court debt.
- Approx. **45%** lost their licenses because they were unable to pay their court debt.
- Nearly **50%** said they had been jailed for failure to pay court debt.

*Source: Report: Under Pressure, Alabama
Appleseed, 2018*

Mis-using law enforcement makes communities less safe

- **Every 1% increase in revenue from fines and fees correlates with a 6.1% decrease in the violent crime clearance rate and an 8.3% decrease in the property crime clearance rate.**
- **According to Alabama Appleseed Survey, 38% of respondents admitted to committing at least one crime to help pay off their debt**
- **Imposition of juvenile fees associated with increased likelihood of recidivism**

Sources: Exploitative Revenues, Law Enforcement, and the Quality of Government Service, Goldstein, Sances, You, 2018; Alabama Appleseed Survey; The Noneconomics of Criminal Fines and Fees, Giles, 2021

Fines and fees disproportionately impact communities of color

- People living in poor areas are also those most impacted by fines and fees
- Major racial disparities exist in traffic stops, citations, and arrests
- Wealth is extracted from entire families, especially women

Source: Driving While Black and Latinx: Stops, Fines, Fees, and Unjust Debts, 2020; Who Pays? Trust Cost of Incarceration of Families, 2015

How can we end the harms of
fines and fees?



SOLUTION 1:
**End Driver's License Restrictions
Related to Court Debt**

"I'm being treated like a criminal — my crime is driving to work." - Larry M.

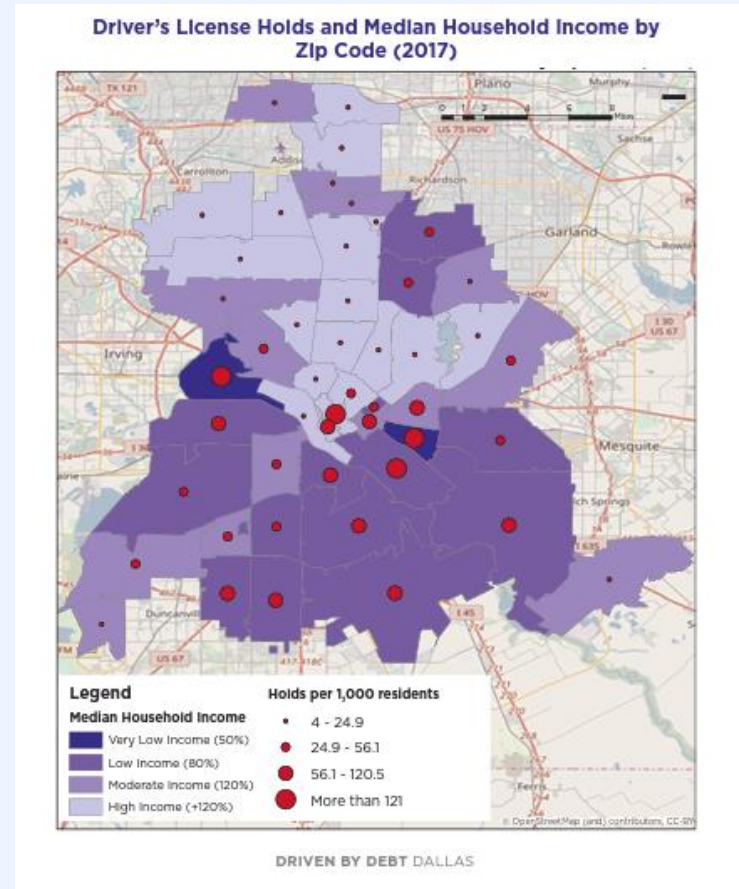
Why End Debt-Based Driver's License Suspensions?

- **Driver's license suspensions cost people their livelihoods.**
- **Suspending licenses cuts economic growth.**
- **License suspensions undermine public safety.**
- **Restoring licenses increases tax base and overall GDP.**

Source: freetodrive.org

Texas OmniBase Program

- > 450K cannot legally drive because of unpaid fines and fees in Texas
- ~1 million drivers (1 in 20) impacted
- Holds concentrated in low-income neighborhoods
- Disproportionate burden on Black drivers
 - Texas: 11% of licensed drivers / 28% of holds
 - City of Dallas: 24% of population / 60% of holds



23 States Have Already Passed Reforms

Free to Drive National Campaign →

National campaign to end debt-based driver's license suspensions. Visit www.freetodrive.org.

Momentum is Accelerating →

23 states and D.C. have passed reforms to curb license suspensions since 2017

Reform is Bipartisan →

120+ organizations from across the political spectrum.



Source: freetodrive.org

Texas Reforms

Local Reforms →

Cities of Dallas and Austin and Harris County have cancelled contracts to participate in OmniBase Program.

Statewide Reform →

Legislature ended Driver Responsibility Program in 2019.

2023 session: HB 2413 would make it to make it easier to lift a license hold.

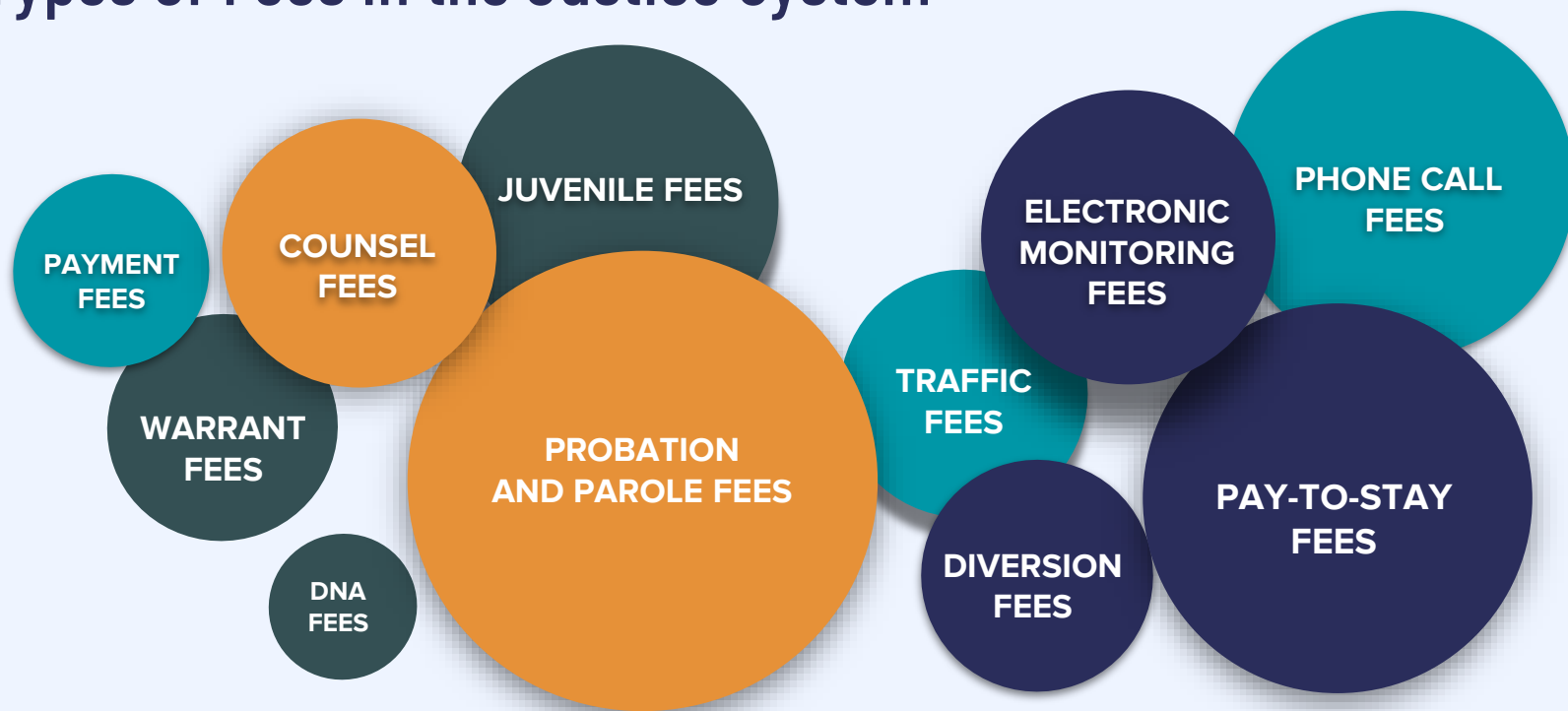


Source: freetodrive.org

The background features a dark blue, semi-transparent overlay. On the right side, there is a faint, light-colored image of the Statue of Liberty holding a scale of justice. On the left side, there is a faint image of a wooden scale with a basket of coins on one side. The text is overlaid on this background.

SOLUTION 2:
Eliminate Fees & Discharge Debt

Types of Fees in the Justice System



Why Eliminate Fees in the Justice System?

- Fees operate as a regressive tax
- No relationship to accountability
- Counterproductive economic policy
- Fees decrease public safety




A police officer in a dark uniform and white cap is standing next to a silver car. The officer is looking down at a handheld electronic device. The background shows a white SUV parked on a street. The entire image has a blue tint.

SOLUTION 3:
**Decriminalize Traffic and Other Low-
Level Offenses**

Warrants for Unpaid Fines in Texas

- **320K warrants for failure to pay fines in traffic and fine-only misdemeanor cases in 2021**
- **1 million warrants for failure to appear**
 - Failure to appear is essentially failure to pay in fine-only cases

Source: Texas Office of Court Administration Annual Statistical Report, FY 2021



SOLUTION 4:
**Ensure Fines are Equitably Imposed
and Enforced**

The Impact of a Single Ticket in Texas

Table 1. Relative Cost of a \$286.00 Stop Sign Violation

Income Level	Hourly Wage (Pre-Tax)	Labor Hours Needed to Pay Ticket	Percent of All Workers at or Below Wage	Percent of Black Workers at or Below Wage
High Income	\$60.00	4.8 hours	95 percent	>95 percent
Moderate Income	\$25.00	11.4 hours	60 percent	80 percent
Low Income	\$15.00	19.1 hours	30 percent	50 percent
Minimum Wage	\$10.00-\$7.25	28.6-39.4 hours	10 percent	20 percent

Implementing Ability-to-Pay Assessments

- **Before any fine is imposed, a person's ability to pay must be assessed**
- **Reasonable payment plans are necessary**
- **Community service offers an alternative to monetary sanctions**

Source: FFJC Ability-to-Pay Guidance

Learn more about fines & fees policy

FFJC's Clearinghouse

Digital library with 400+ article summaries of research, litigation, policy guidance, media and more related to fines and fees reform.

Get started: ffjc.us/clearinghouse

Contact: mmergler@ffjc.us



FINANCIAL JUSTICE PROGRAM

Working toward Financial Equity



Financial
Health
Pathways
Texas

A MODEL FOR COLLABORATION AND INNOVATION

OVER
\$700,000
FINES AND FEES
WAIVED

Built in partnership

In collaboration with Experian and Williamson County.

2,566
CASES DISMISSED

Provides Financial Education classes

As an alternative to fines for minor traffic violations.

4
STATEWIDE AWARDS
DESIGNATED AS 'BEST
PRACTICE' PROGRAM
ACROSSTHESTATEOFTEXAS

Adopted by several departments

Across Williamson County, including the Juvenile Services Emerging Adult program.



Financial Health Pathways
www.financialhp.org



Purpose

The purpose of Community Court is to work with Directions Home to eliminate some of the roadblocks that people experiencing homelessness face in obtaining housing



Eligibility



- Has not used the program within one year from compliance in Community Court
- Individual is homeless or in Directions Home housing or some other housing program
- Has driver's license or state ID or some form of identification.
- Has at least 1 Class C Misdemeanors (with Fort Worth Municipal Court)
- Referral by case manager

How Community Court Works

- Case manager works with client to complete Community Court Program Application and sends to Yvonne.Yanez@fortworthtexas.gov at CFW Municipal Court. 817-392-7641
- City staff reviews and emails case manager when accepted and when case will be brought forward
- City staff drafts Court Order, mails and emails Setting Notice to the facilities' case manager



How Community Court Works Cont.

- Applicant and case manager appear in court – Judge addresses application and explains Court Order (what must be done to avoid fines or jail time, deadline and date of return to Compliance Docket) and applicant signs
- Applicant completes all actions within ninety (90) days and returns to Compliance Docket and shows proof
- If the person has complied with all the conditions, then the Prosecutor makes a recommendation for dismissal on all charges.



Conditions of Community Court Probation

(may include, but not limited to)

- Obtain housing
- Obtain some source of income, i.e. job, social security
- Attend Life Skills classes, including financial management
- Attend certain number of AA or NA meetings/counseling
- Attend and maintain Mental Health evaluation/counseling
- Complete community service, if not undue hardship
- Obtain a form of ID or DL
- Obtain Health and/or SNAP food benefits



Compliance

- Ninety days after enrolled in the Community Court program, the individual must attend a Compliance hearing.
- At the Compliance hearing, the City Caseworker reviews the necessary documents, makes copies of all documents.
- The documents are submitted to the Prosecutor for dismissal.
- The Judge then approves the dismissal and the individuals citations are dismissed.



Community Court New Initiatives

- Moving Community Court to the community
- On a quarterly basis, we want to launch a Circuit Court to each of the emergency shelters and True Worth Place
- Circuit Court means we conduct Court in the facility with Court Clerk, Marshals, Case Manager and Judges



Community Court New Initiative Process

STEP ONE: There will be a reception table for individuals to sign in

STEP TWO: The individual will then be directed to a case worker to complete a Community Court application (or review the application with the person)

STEP THREE: The bailiff will then escort the individual to the Judge's table with their paperwork.



Community Court New Initiative Process Cont.

STEP FOUR: The Judge will call the individual to bench and discuss with him/her their legal options.

STEP FIVE: The Judges then enter their decisions and lift any outstanding warrants.

STEP SIX: The Clerk scans and enters all necessary documents in each case.



Discussion Questions

- What have been your experiences with clients using Community Court?
- What are obstacles to using Community Court?
- What would create heavy usage of Court at shelters?

