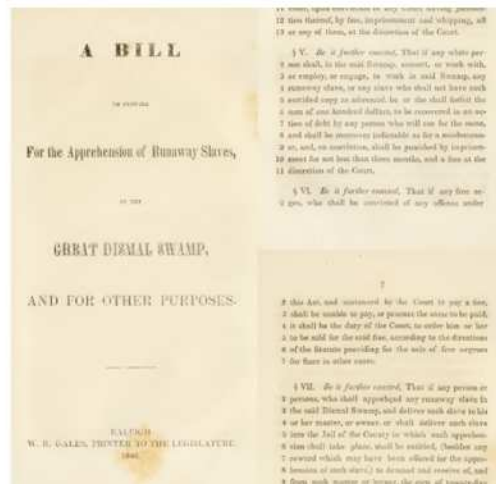




Criminal Justice and Economic Justice meet at an intersection:

- 2014 Ferguson Missouri, national attention to fines and fees as a source of revenue for local municipalities.
- In 2016, the US Dept. of Justice - investigation of collusion between law enforc. and the courts in Ferguson Missouri, finding a “financial relationship between Ferguson’s municipal courts and it’s police department, resulting in disproportionate ticketing, fining and jailing of black residents.
- In 2017, the US Commission on Civil Rights echoed these findings in briefing report on “Targeted Fines and Fees against Low-Income Communities of Color.”
- Reinvestment Partner’s research on the Debt Spiral, id’d similar trends in NC
- Here, court costs, as a regressive tax for users of the court system, rising arbitrarily from a minimum cost of \$50 in the mid-90s to nearly \$150

## History of Criminal Justice Debt: North Carolina & Beyond



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- It is important to understand the burden of criminal justice debt that we see today within the historical context of systemic oppression in the United States
- Debtor systems have existed in this country since its founding, in most cases, targeting people of color across incomes and other low-income individuals
- The US has a history of criminalizing race and poverty through slavery, debt peonage and later black codes...
- The bill you see on this slide is from the 1846 session of the NC general assembly- and references the consequences for non-payment of criminal fines for free blacks living in the Dismal Swamp area of NE NC ...

§ VI. *Be it further enacted,* That if any free negro, who shall be convicted of any offence under

7

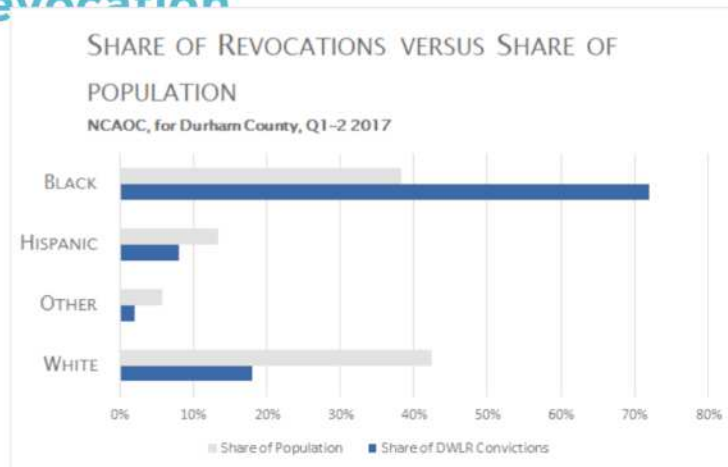
2 this Act, and sentenced by the Court to pay a fine,  
3 shall be unable to pay, or procure the same to be paid,  
4 it shall be the duty of the Court, to order him or her  
5 to be sold for the said fine, according to the directions  
6 of the Statute providing for the sale of free negroes  
7 for fines in other cases.

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- READ Bill Section 6
- And so it continues today, justification by law, for criminalization and harsh consequences, for many black state residents and others impacted by the system

## Harsh Mechanisms for Enforcement: Driver License Revocation



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Evidence of such harsh consequences today is made clear by this graph based on an individual review of court records from the NC Administrative Office of the Courts. As you can see, during the first half of 2017, black residents made up more than 70% of driver license revocations for driving while license revoked (or DWLR), although they represented less than 40% of the population of Durham County, in NC.

DWLR convictions are often the revolving door for court system involvement. If someone is convicted of even minor traffic infractions and is unable to pay costs, they can risk driver license revocation.

Once their license is revoked, they face tough decisions....

- Whether they use money that would pay for food or bills or medicine to pay court costs
- Whether they can risk driving to work or school, or even court, or rely on public transportation, if any is available
- And whether the next time they do drive, they will wind up in court again,

## Criminal Justice Debt in North Carolina

- 15 % of State residents living in poverty
- 1 in 5 North Carolinians has a criminal record
- When it comes to criminal justice debt, the punishment  $\neq$  crime

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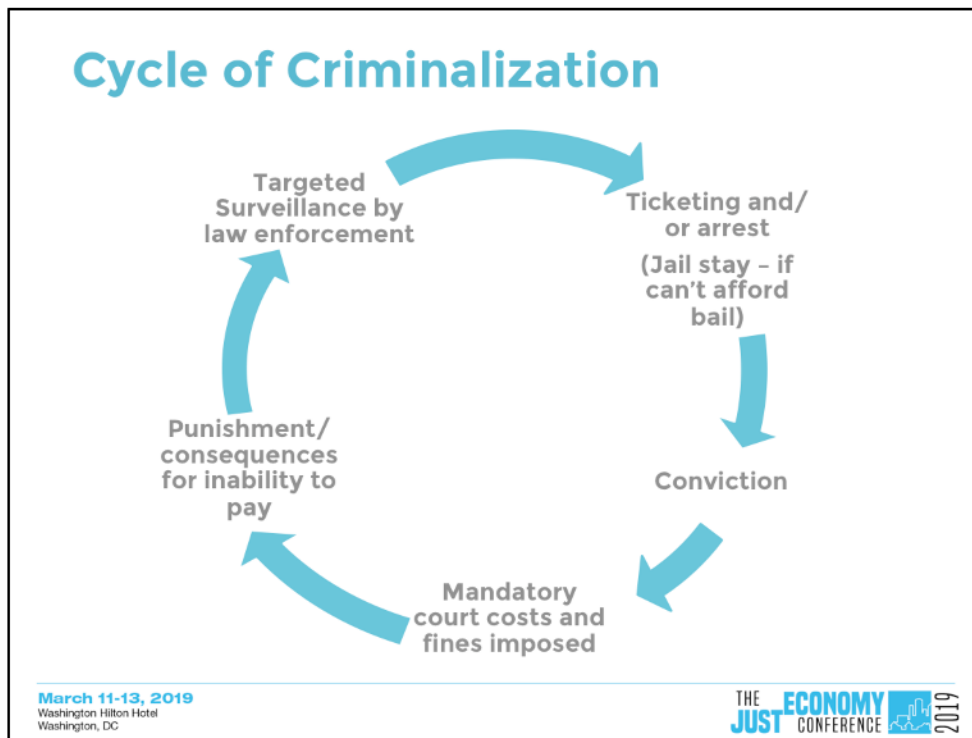
In NC, 15% of state residents live in poverty

And one in five adults has a criminal record. That means approximately 1.5 million NC residents have been convicted of anything from a traffic infraction to a felony. Assuming those records are within the last 20 years, all 1.5 million residents have been impacted by court costs, and many of them may have been living at or below the poverty line.

As mentioned before, court costs are a mandatory fee just for use of the court system, not intended as punishment. Whereas, actual fines, or punishment for criminal acts, are left to the discretion of the courts.

There is no requirement in North Carolina that the court determine whether an individual can afford to pay before imposing most fines and fees or consequences for non-payment (excluding jail time)

Further, the costs paid support more than 60 state and local entities across the state. This strongly implies that state and local municipalities stand to gain financially from having higher numbers individuals involved in the court system.



- So, how does all of this get someone to the point of being in a debt spiral?
  - Remember the driver with the revoked license? That is one of many scenarios that can fall within a cycle of criminalization, where from the point of initial contact with law enforcement and the criminal justice system, individuals face
  - Targeted surveillance and law enforcement of communities of color
  - Ticketing and/or arrest
  - Following arrest, they face increased likelihood of conviction when unable to afford bail
  - Criminal conviction
  - Mandatory court costs for criminal conviction
- (if unable to pay)
- Punishment and consequences, such as driver license revocation,

## Spiral of Debt

- Employment
- Housing stability
- Food access
- Health
- Freedom

may all be impacted by inability to pay legal financial obligations

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While someone of financial means can just pay money owed for court costs, or fines, and move on with their lives....

For someone who is poor or working class, such costs can hang like a cloud over their head. Employment, housing stability, food access, health and freedom may all be impacted by court costs and other legal financial obligations... all because someone can't afford to pay.

So, the issue remains, what can be done to stop the debt spiral?

## Key Policy Recommendations

- We support litigation and policy to address the constitutionality of imposed court costs and create a more “just” system of justice
- End revocation of driver’s licenses for failure to appear or pay court costs
- Implement a sustainable funding model for the courts that relies on all taxpayers

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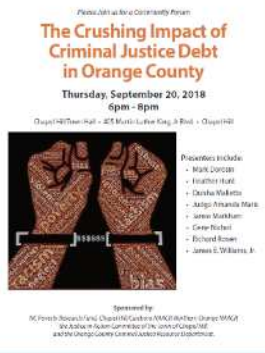
- We support litigation and policy to address the constitutionality of imposed court costs and work towards making a more “just” system of justice. AND addressing racial and social inequities, from the point of law enforcement through probation or parole
- We find that costs for use of state and local government resources, such as the court system, should not unfairly burden households with low and moderate incomes: one step towards that vision is to end revocation of driver’s licenses for non-payment of court costs (as there is no clear correlation between someone’s ability to pay a traffic ticket and their dangerousness on the road)
- We encourage key decision makers to identify ways to sustain funding for the court system that benefits all taxpayers to actually rely on all tax payers, otherwise it can create a perverse incentive for state and local jurisdictions to funnel more people through the judicial system



## Small victories... Long road



Local Initiatives:  
DEAR Program



Community Forums



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IN NC we have seen some SMALL VICTORIES :

\* Increased media attention on fines and fees across the state

- Local jurisdictions, and state lawsuit addressing driver license revocations
- Ongoing opportunities for community education and electoral engagement
- Statewide coalition, led by ACLU continues to explore opportunities for state-level change

LONG ROAD:

- In recent years, state law requires reports of all waivers by judges in each jurisdiction... this report is viewed as an attempt to shame such waivers... and it appears to have worked. Over the last couple of years, the number of waivers has decreased from over 80k to less than 30 k
- In 2018, additional binds were created for impacted people, including a law requiring judicial findings and notification of affected agencies before waiving court costs for inability to pay, AND additional cost burden imposed for individuals to get driver license restored
- Although political will increases locally, state politicians continue to

## What Can YOU Do to End The Debt Spiral?

- Educate Yourself
- Talk to State & Local Officials
- Invest in Local Communities

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### Educate Yourself

- Learn more about how the cash bail system, fines and fees, jail and probation costs can lead to a debt spiral for low income individuals, primarily communities of color

### *Talk to local officials*

Ask current judges, district attorneys, sheriffs and county commissioners (and candidates) about their views on pre-trial incarceration, fines and fees and jail costs

### *Invest in our local communities*

- Invest in existing community programs in traditionally underserved areas
- Focus on racial equity as a core value of community work
- Support opportunities for Second Chances

Also ask: How can I target my work as an advocate or service provider

to expand economic opportunity & build a more stable financial future

for justice-involved individuals & families?

Learn More  
About  
Criminal  
Justice Debt



[www.reinvestmentpartners.org](http://www.reinvestmentpartners.org)  
Search: Criminal Justice Debt

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Contact: [quisha@reinvestmentpartners.org](mailto:quisha@reinvestmentpartners.org)  
[www.reinvestmentpartners.org](http://www.reinvestmentpartners.org)

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