



RACIAL JUSTICE &
EQUAL ECONOMIC
OPPORTUNITY PROJECT

NATIONAL CONSUMER LAW CENTER

CRIMINAL JUSTICE
POLICY PROGRAM

HARVARD LAW SCHOOL

Confronting Criminal Justice Debt: Introduction and Impact on Communities of Color

October 4th, 2017

Alexes Harris
Thomas Harvey
Mitali Nagrecha

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NATIONAL
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LAW
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with Moderator, Abby
Shafroth

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- This training is being recorded



Webinar Tips

- **Questions?** Type it in the Q&A function and we will relay it to the speaker(s)
- If you are having technical problems, please use the Q&A function for help and I will assist you
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Pleas join us in Washington, DC this November for NCLC's annual Consumer Rights Litigation Conference!

November 16th-19th, 2017
Lobby Day, November 15th

This will be a particularly special and energizing conference, with more courses offered than ever before, all featuring high-quality and well-known speakers addressing **the 900+ consumer attorneys** expected to attend. We hope you will join us to network, brainstorm, and choose from over **60 breakout sessions** taught by leaders in the field of consumer law, making the CRLC the most **important event of the year** for consumer advocates!

For more details, please visit <https://www.nclc.org/conferences>





Moderator – Abby Shafroth

Abby Shafroth is a staff attorney at the National Consumer Law Center and focuses on the intersection of criminal and consumer law as well as student loan and for-profit school issues. She is the co-author of two reports in the *Confronting Criminal Justice Debt* series: *The Urgent Need for Reform* and *A Guide for Litigation*. She is also a contributing author of the National Consumer Law Center's *Student Loan Law and Collection Actions* treatises.

Prior to joining NCLC, Abby litigated civil rights and employment class and collective actions at Cohen Milstein Sellers & Toll PLLC in Washington, D.C. She also previously worked as an attorney at the Lawyers' Committee for Civil Rights Under Law and as a law clerk for the Honorable Richard A. Paez of the Ninth Circuit Court of Appeals. Abby is a graduate of Harvard College and Harvard Law School.



Other Webinars

Below is a partial list of past webinars sponsored by NCLC's Racial Justice & Equal Economic Opportunity Project.

Find these and other webinars at: <https://www.nclc.org/racial-justice.html>

- The Color of Debt: Racial Disparity in Debt Collection Lawsuits
- Debt and Democracy: How the Collection of Civil Fees and Fines Contributed to the Unrest in Ferguson
- Weblining and Other Racial Justice Concerns in the Era of Big Data
- Holding Wall Street Accountable for the Subprime Mortgage Crisis in Urban America
- Toxic Transactions: How Land Installment Contracts Once Again Threaten Communities of Color
- Minding the Gap: Using the New Racial Wealth Audit to Measure the Impact of State and National Policies on the Racial Wealth Gap





Presenter – Alexes Harris

Professor of Sociology, University of Washington

Prof. Harris earned her MA (1999) and PhD (2002) in sociology from the University of California, Los Angeles. Her research and teaching focuses on social stratification processes and racial ethnic disparities, particularly how contact with institutions like educational and criminal justice systems impact individuals' life chances. Her recent research has investigated the sentencing practice of monetary sanctions, the fines, fees, surcharges, restitution and related payment costs imposed on people who make contact with systems of justice in the United States.

Dr. Harris' book, *A Pound of Flesh: Monetary Sanctions as a Punishment for the Poor*, (Russell Sage, 2016) has received widespread media attention. Her work has also been published in leading academic journals. With a grant from the Laura and John Arnold Foundation, Dr. Harris is continuing her research on monetary sanctions to replicate and expand her research in Washington State to study sentencing practices in seven other states with collaborators.

In 2015, Dr. Harris was appointed by United States Attorney General to a four-year appointment on the Office of Justice Programs Science Advisory Board. She has presented her research on monetary sanctions, racial, ethnic and class inequality in the criminal justice system, and U.S. race relations in general to audiences ranging from judges, policy makers, public defenders, academics and students (of all ages), and the U.S Department of Justice and the White House.



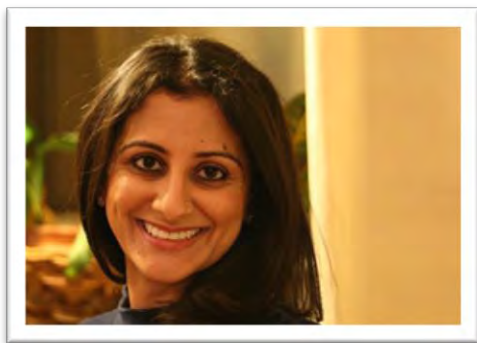


Presenter – Thomas Harvey

Executive Director, Co-Founder, ArchCity Defenders, Inc.

Thomas B. Harvey is the Co-Founder and Executive Director of ArchCity Defenders, a non-profit civil rights law firm providing holistic legal advocacy to the poor and homeless in the St. Louis region and beyond. ArchCity Defenders uses direct services, impact litigation, and advocacy through policy and public relations as its primary tools to promote racial justice and protect civil and human rights. ArchCity Defenders represents more than 1000 people in civil and criminal cases and has filed federal class action challenges against debtors' prisons and cash bail against 23 cities. ArchCity recently settled its class action against the City of Jennings for \$4.75 million.

For his work to end cash bail and debtors' prisons, Thomas was awarded Public Justice's Trial Lawyer of the Year in 2017. Thomas is the lead author of ArchCity's white paper on the systemic abuses of St. Louis County's municipal court system published in August of 2014 that brought context to underlying factors in the protests following the killing of Mike Brown in Ferguson. Thomas's work on these issues has been featured in the Wall Street Journal, The Economist, The New York Times, Democracy Now, MSNBC, and National Public Radio.



Presenter – Mitali Nagrecha

Director, Harvard University National Criminal Justice Debt Initiative

Mitali Nagrecha joined CJPP as an attorney with over seven years of experience working on criminal justice policy issues. For nearly as long, Mitali has had an interest in the issue of criminal justice debt and co-authored the Brennan Center's 2010 report "*Criminal Justice Debt: A Barrier to Reentry.*"

Most recently, in partnership with Center for Community Alternatives and Mary Katzenstein, Professor of American Studies at Cornell University, Mitali published "When All Else Fails, Fining the Family," a paper that provides first person accounts of individuals with criminal justice debt. The paper concludes that these individuals are often making ends meet only through reliance on family and goes on to suggest policy solutions. Mitali was Senior Director of Policy at The Fortune Society where she led the organization's criminal justice policy efforts including state and local advocacy to increase use of alternatives to incarceration and sentencing reform; local, state and federal efforts to increase access to reentry housing; and legislative changes to child support laws.

Ms. Nagrecha joined the Fortune Society from the City of Newark Office of Reentry, where she served as the Senior Policy Director for Mayor Cory Booker. While in New Jersey, Ms. Nagrecha provided recommendations to the Office of the Governor as co-author of a report, "*Prisoner Reentry Services in New Jersey: A Plan to Reduce Recidivism.*" In between earning her B.A. at Cornell University and her J.D. *cum laude* from The University of Pennsylvania School of Law, Ms. Nagrecha served as a Fulbright Scholar in India.



Just a Reminder

- Tomorrow you will receive an email with:
 - The recording and materials for this webinar
 - A survey
 - Instructions for receiving a certificate of attendance.
- Thank you to our speaker!





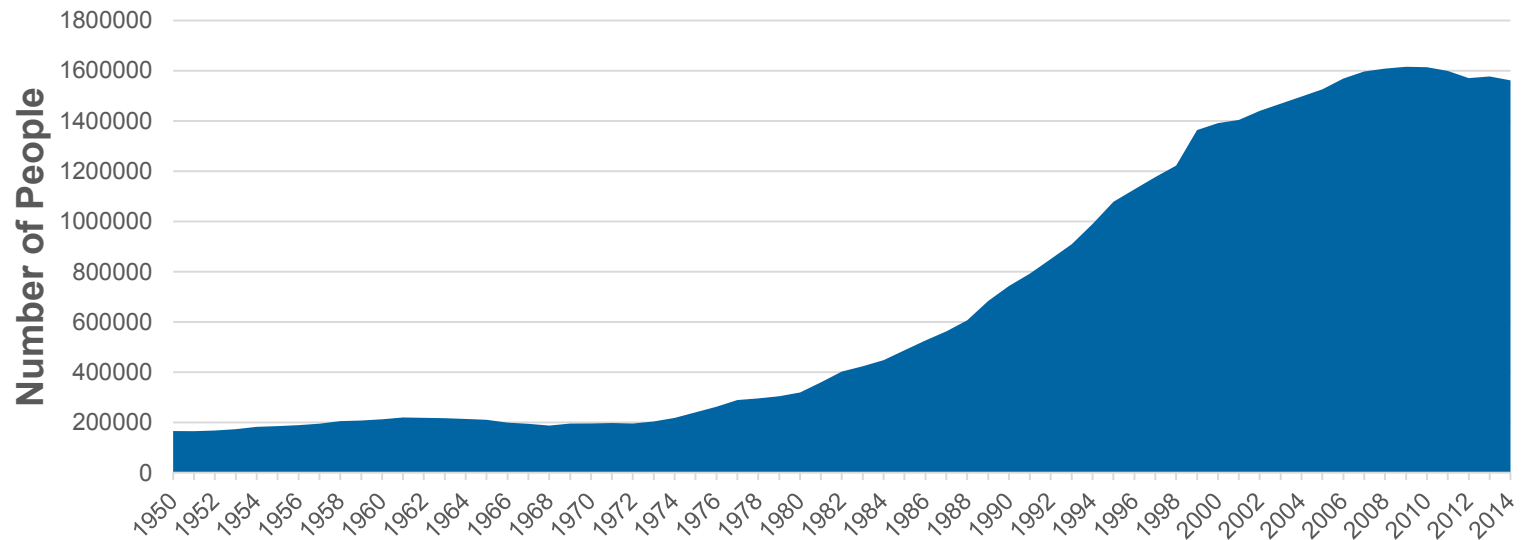
Confronting Criminal Justice Debt: Introduction and Impact on Communities of Color

Outline

- Background and Examples
- Research Findings
- Resources

BACKGROUND AND EXAMPLES

Figure 1: State and Federal Prisoners in the United States, 1950-2014



Source: Bureau of Justice Statistics, National Prisoner Statistics Program.

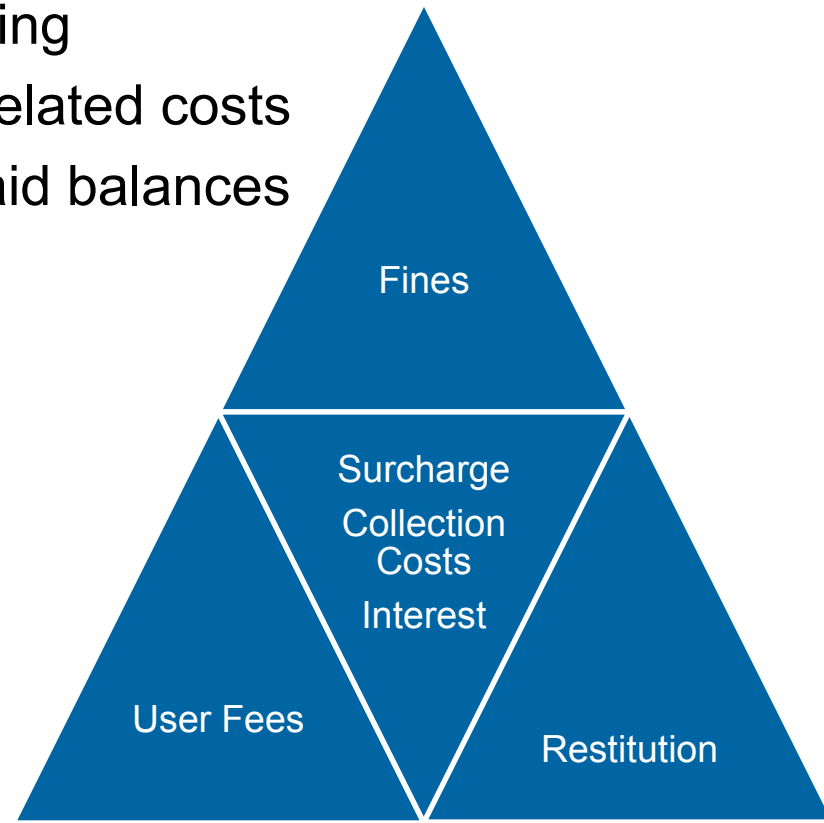
The Rise in Conviction and Incarceration

- **1 in 100 American adults 18 years and older lives behind bars**
- **Number of adults living with felony convictions in U.S. is 5.85 million**
- **Racial and Ethnic Disproportionality**



The Problem: Monetary Sanctions

- ❖ Fines related to offense
- ❖ Court Imposed user fees for processing
- ❖ Surcharges for court and non-court related costs
- ❖ Collection costs and interest on unpaid balances
- ❖ Restitution for victim compensation



Examples of Fines and Fees

- Fines:
 - Fixed financial penalties attached to a given offense
 - Example: WA: \$1,000 drug conviction
- Fees:
 - Charges for costs of using the system
 - Example: WA – court costs, public defender, VPA, DNA

Fees for a Public Defender

Charges for:

- Application fees for eligibility determination
 - LA \$40, WA \$10-25
- Actual attorney's costs
 - AR \$10-\$100, WA \$350 - \$950, IL caps at \$5,000
- Cost of prosecution
 - Ohio mandates

Interest and Collection Fees

State Examples:

- FL - 4.75% interest
- GA - 7% interest
- WA - 12% interest
- IL - 15% penalty on unpaid, 30% collections fee
- AZ - 19% collections fee for delinquent, \$35 fee



Research Findings

1. Monetary sanctions are **regularly imposed** nationally
2. Legal debt is typically **substantial** relative to expected earnings
3. **Non-legal factors significantly influence** the amount of LFO sentenced
4. Monetary sanctions reduce **family income** and create **long-term debt**



Research Findings

5. Lead to **financial constraint** particularly with interest the costs increase
6. Creates **family stress** and strain on relationships, leading to difficult choices for **children**
7. Generates **accumulated disadvantage** - accessing food, housing, employment, medication, and avoidance of police and other institutions
8. Produces **emotional strain** including frustration, distrust, anger, anxiety, disappointment

Summary of Research

9. County level **variation** in implementation
10. People are regularly **incarcerated** for non-payment
11. Courts lack clear legal standards for **“ability to pay,” “wilful nonpayment,”** and **“indigent”**
12. LFOs create a **two-tiered system of punishment** that permanently punishes poor people

Multi-State, Multi-year Study of Monetary Sanctions (On going research)

- 8 States: WA, CA, TX, GA, MO, MN, IL, NY
- Policy Review (state, county (3) and municipalities (3))
- Observations of sentencing and sanctioning hearings
- Interviews with court officials (judges, prosecutor, defense, clerk)
- Interviews with people sentenced to monetary sanctions
- Analysis of automated court data
- Funded by the Laura and John Arnold Foundation
- Alexes Harris is the principal investigator, U. of Washington

Resources

- “A Pound of Flesh: Monetary Sanctions as a Punishment for the Poor” Alexes Harris, <https://www.russellsage.org/pound-flesh>
- <http://www.monetarysanctions.org/>
- National Center for State Courts, <http://www.ncsc.org/topics/financial/fines-costs-and-fees/resource-guide.aspx>
- Harvard Law School, Criminal Justice Policy Program’s Criminal Justice Debt Reform Builder <https://cjdebtreform.org/>

EXTRA SLIDES

Future best practices

- Credit for restorative and rehabilitative activities (e.g., GED, restorative courts)
- Day fine
- Bench cards (e.g., Ohio and Washington)
- Court rules (e.g., require individualized assessment of indigence)
- Statute changes (e.g., outlining legal criteria for interpretation of indigence, eliminating non-restitution monetary sanctions)

Source: Harris, Alexes. 2016. *A Pound Of Flesh: Monetary Sanctions As A Punishment For The Poor*. New York: Russell Sage.



Confronting Criminal Justice Debt:
Introduction and Impact on Communities of
Color in Ferguson

1210 Locust Street • Saint Louis, MO, 63103 • Tel: 855-724-2489 • <http://www.archcitydefenders.org/>

Mission Statement

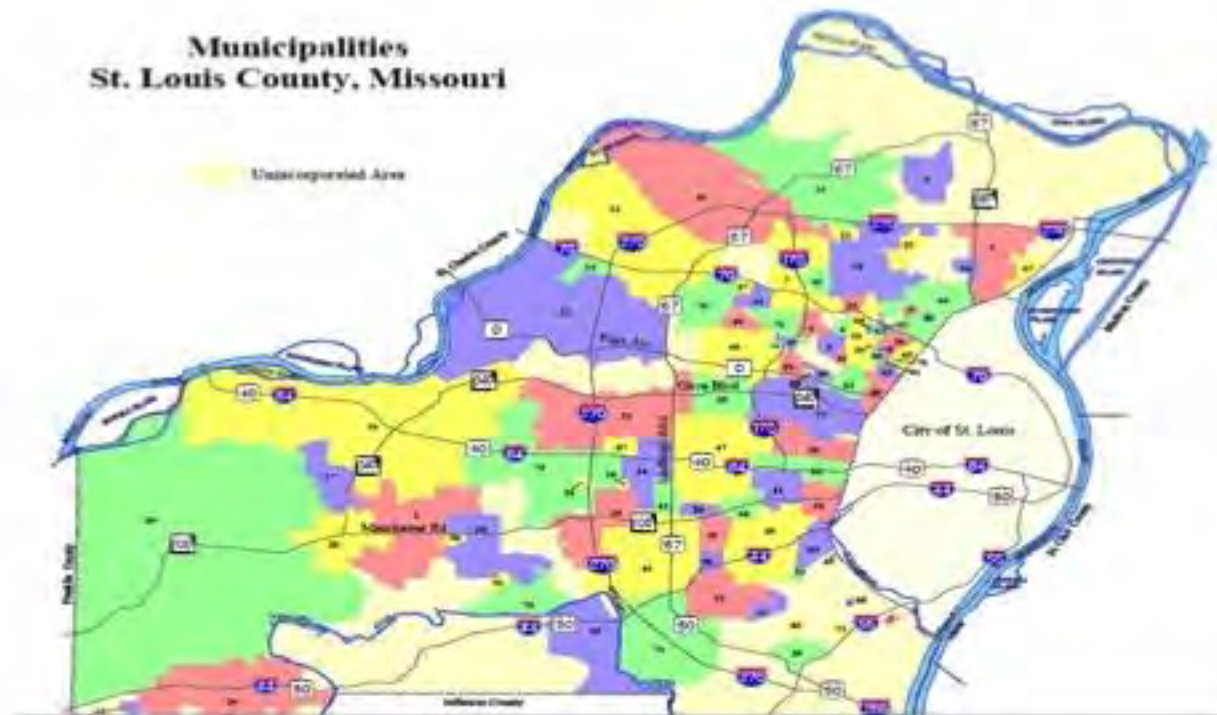
ArchCity Defenders (ACD) is a 501(c)3 non-profit civil rights law firm providing holistic legal advocacy and combatting the criminalization of poverty and state violence against the poor and people of color.

- ACD uses direct services, impact litigation, and policy and media advocacy as its primary tools to promote justice, protect civil and human rights, and bring about systemic change on behalf of the poor and communities of color directly impacted by the abuses of the legal system.

Our Criminal Legal System:

- 500,000 People locked in a cage right now because of poverty
- 11 million people cycle through local jails yearly
- 96% of all arrests are for non-violent offenses
- The United States jails black men at a rate 6 times that of South Africa at the Height of Apartheid

Recipe for Disaster: 91 towns, 81 courts, 67 police departments for 900,000 people



91 Municipalities in St. Louis County

Ferguson

- Ferguson, a city of about 21,000
- Filed 11,400 **traffic** cases in fiscal year 2013
- In 2013, the municipal court in Ferguson [issued 32,975 arrest warrants](#) mostly for not coming to court to pay fines.
- That's 90 arrest warrants issued per day.
- Fines and court fees were the **second largest** source of revenue for the city, a total of **\$2,635,400**.

Municipal Divisions in Missouri

- Missouri Muni Courts
2013: >**132 Million** net
- St. Louis City and County
collected **\$61,152,087**

#Ferguson

- "You don't get \$321 in fines and fees and 3 warrants per household from an about-average crime rate. You get numbers like this from bullshit arrests for jaywalking and constant 'low level harassment involving traffic stops, court appearances, high fines, and the threat of jail for failure to pay.'"
 - Alex Tabarrok, a professor of economics at George Mason University

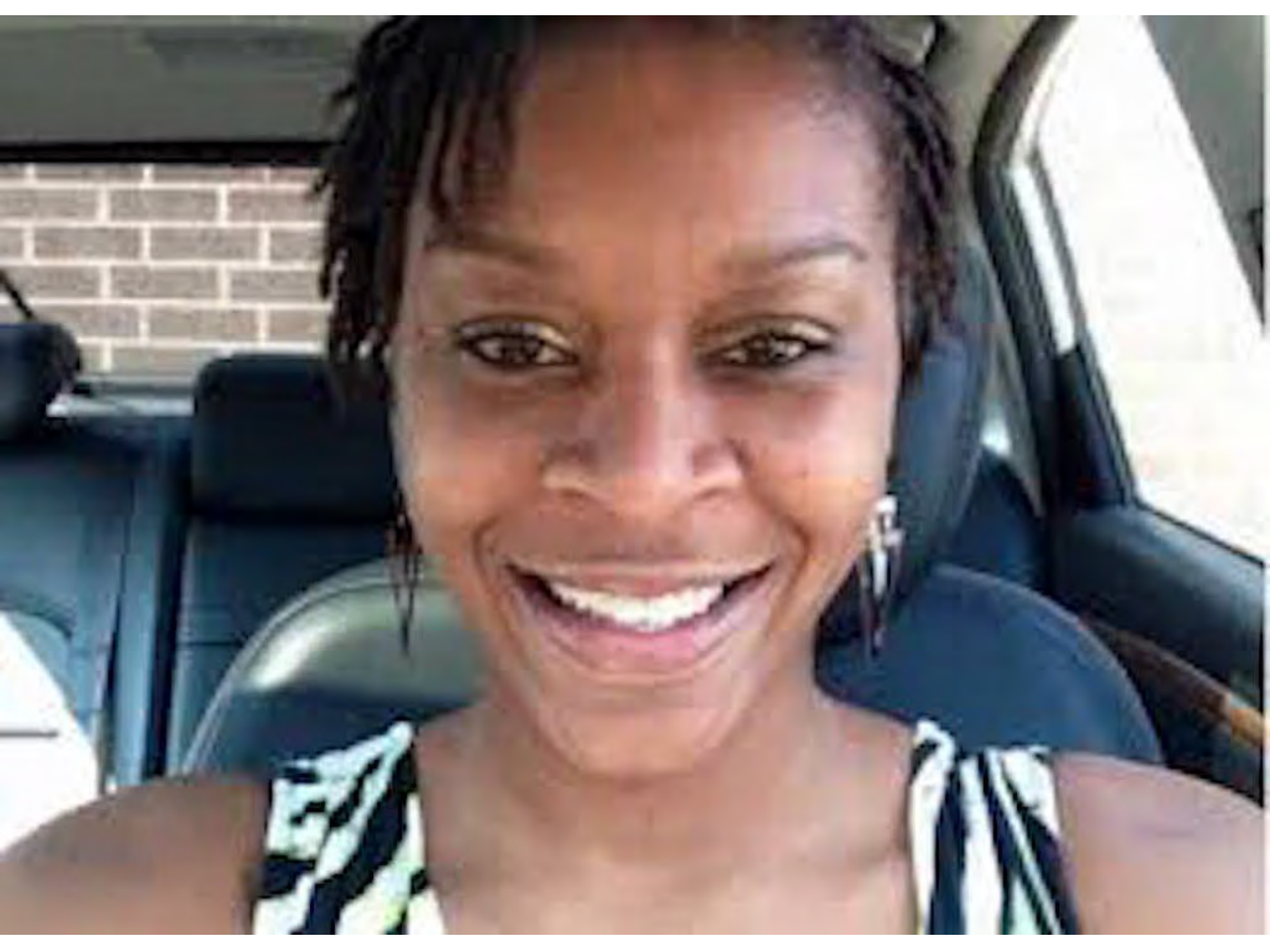










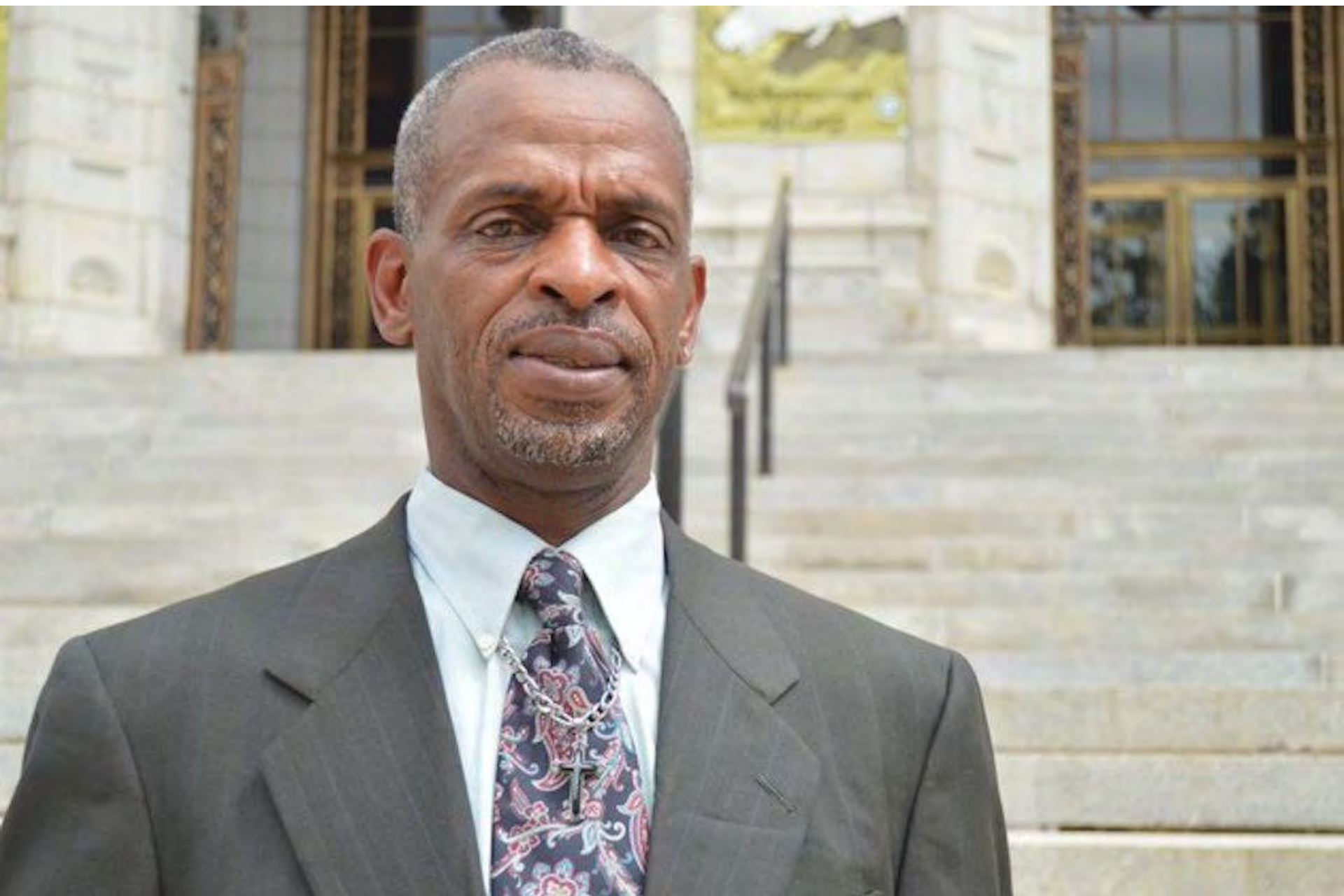






CAM

Contemporary Art
Museum St. Louis







The Fight

- Direct Representation
- Litigation
- Advocacy & Collaboration

Direct Representation: Nicole Bolden



Impact Litigation

- Illegal 4th Amendment Violations – St. Louis County’s “Wanted’s” Policy with CCR , Paul Weiss
- Police Misconduct Cases – Pine Lawn, Ferguson, City of St. Louis, Kinloch
- Crime Free Ordinance Case
- Large Debtors Prison and Conspiracy case against 13 municipalities with Arnold & Porter
- 3 additional Debtors’ Prison Cases against more affluent cities with Tycko and Zavareei
- Malicious Prosecution cases with Dowd & Dowd

Impact Litigation Partners

- Saint Louis University School of Law Legal Clinics
- Alec Karakatsanis, Civil Rights Corp
- White & Case
- Arnold & Porter Kaye Scholer
- Paul, Weiss, Rifkind, Wharton & Garrison
- Khazaeli Wyrsh

ArchCity Impact Litigation

ArchCity Defenders: Systemic Litigation

	Year	Court	Type	Name
1	2015	Federal	Cash Bail	Pierce v. Velda City
2		Federal	Cash Bail	Powell v. St. Ann
3		Federal	Debtors' Prison	Fant v. Ferguson
4		Federal	Debtors' Prison	Jenkins v Jennings
5		State	Warrant Fee	Lampkin v. Jennings
6		State	Warrant Fee	White v Pine Lawn
7		State	Warrant Fee	Pruitt v. Wellston
8		State	Macks Creek Violation	Pruitt v. Bel Ridge
9		State	Warrant Fee	Carter v. Ferguson
10		State	Warrant Fee	Wann v. City of St. Louis
11		State	Warrant Fee	Marlo v. St. John
12		State	Warrant Fee	Watkins v Florissant
13		State	Debtors' Prison	<u>Furlow (Breck Hills)</u>
14		State	Debtors' Prison	Charisse Davidson (Northwoods)
15		Federal	Police Misconduct	Currie v. Ferguson
16		Federal	Police Misconduct	Wilson v. Beller
17	2016	Federal	Debtors' Prison	Thomas v St Ann et al (13)
18		Federal	Debtors' Prison	Baker v. Florissant

ArchCity Impact Litigation

19		Federal	Debtors' Prison, Cash Bail	Webb v. Maplewood
20		Federal	Debtors' Prison	Bolden v. Foristell
21		Federal	Police Misconduct	Schweppe v Pine Lawn
22		Federal	Police Misconduct	Franks v. Steinmeyer
23		Federal	Police Misconduct	Kidd v. Ferguson
24		Federal	Police Misconduct	O'Rourke v. King
25		Federal	Wanted, Police Misconduct	Furlow v. Belmar
26		Federal	Police Misconduct	A. Qandah (St. Charles)
27		Federal	Police Misconduct, Malicious Prosecution	Powers v. Ferguson
28		Federal	Police Misconduct, Malicious Prosecution	Phillips v. Ferguson
29	2017	Federal	Police misconduct	Brown v. Pine Lawn

Partners in Advocacy: The Law Alone Can't Fix This Problem

- Missourians Organizing for Reform and Empowerment (MORE)
- Metropolitan Congregations United (MCU)
- Organization for Black Struggle (OBS)
- Millennial Activists United (MAU)
- Hands Up United (HUU)
- Law For Black Lives (LBL)
- National Association of Public Defenders (NAPD)
- National Coalition for the Homeless

Advocacy: Redefine Public Safety

A Town Hall to re-define public safety!

Re-Envisioning

Public Safety

This is a space for St. Louis citizens to talk about public safety & government accountability in a post-Ferguson world. We'll engage in activities that challenge us to re-think how we can use our tax dollars to fight crime *and* to meet basic human needs. Let's create a new public safety model for the City!

Thursday, June 23, 2016 6:00 - 8:00 pm (Doors open at 5:30 pm)
Gateway Classic Sports Foundation • 2012 Dr. Martin Luther King Drive

Childcare Provided

Food & Beverages Served

For more information, contact OBS at 314.367.5959 or contactus@obs-stl.org



Labor Donated

This event is made possible by the generous support of the Rockefeller Family Fund.

Collaboration: Pine Lawn Town Hall

PINE LAWN COALITION & ARCHCITY DEFENDERS PRESENTS:

INSTITUTIONAL ACCOUNTABILITY:

AN OPEN DISCUSSION ABOUT REDEFINING AND INVESTING IN GENUINE PUBLIC SAFETY.

WHEN
Sunday May 22nd
4:30-6:30pm doors open at 4:00pm

WHERE
Barack Obama Elementary School
3883 Jennings Station Road - St. Louis, MO 63121

Let's change the conversation around public safety and institutional accountability from investment in budget items that decrease public safety such as police and corrections. Instead we will discuss how we redirect funds to better long-term solutions that have been shown to create an environment where crime is less likely to occur. Solutions such as education, access to housing, substance abuse and mental health treatment, and employment opportunities.

Please RSVP using the case sensitive link below!
<http://goo.gl/forms/Cbrw0mwTrK>

Made possible by generous support from the Rockefeller Family Fund!


COMMUNITY TOWN HALL, AND OPEN DISCUSSION

FREE FOOD
Enjoy free beverages and BBQ starting at 3pm outside!

CHILDCARE AVAILABLE
Childcare will be provided as needed so if you plan to attend with children please give us a call to request FREE childcare.

ARCHCITY DEFENDERS
ArchCity Defenders strives to prevent and end homelessness among the indigent and working poor in the St. Louis Region by providing holistic legal representation, advocating for policy change, and by bringing impact litigation designed to combat the systemic problems in the legal system.

CONTACT US
publicsafety@archcitydefenders.org
Phone: 855-724-2489
Pine Lawn: 314-282-0123
FB: ArchCity Defenders, Inc.
Twitter: @ArchCityDefense



Collaboration: Mayoral Forum



Collaboration: Community Events



Collaboration & Advocacy: Circuit Attorney Debate



Advocacy: The White House



Collaboration & Advocacy: Bailout



Results

- Reduction in Revenue
- Policy Change
- Damages

Reduction in Revenue: Municipal Divisions in Missouri

- In 2016:
 - \$ **78,694,412.00** collected in fines
 - \$ **8,427,939.00** collected in court costs
 - \$ **9,583,316.00** collected in fees (jail costs)
 - \$ **2,586,739.00** collected in Bond Forfeitures
- 2016: **99.3 Million** collected
 - >**32 percent decrease since 2013.**

Reduction in Revenue: Ferguson

Ferguson	Population	Total Households	Median Household Income	Race: White	Race: Black or African American	Race: Other	Warrants Issued	Outstanding Warrants	Warrants Per Capita	Per HH	Total Fines*
(FY)2014	21,164	8,600	\$38,685	34.2%	66.0%	2.5%	32,907	45,185	1.6	3.8	\$1,566,858.29
(FY)2015	21,151	8,557	\$40,660	33.7%	67.8%	0.9%	8,819	N/A	0.4	1.0	\$823,432.02
(FY)2016	21,120	8,475	\$42,738	33.0%	68.1%	1.6%	4,167	N/A	0.2	0.5	\$482,944.95

Reform

- Warrant Recall program in Ferguson and City of St. Louis among others
- Amendments to Rule 37
 - Requires municipal courts make a finding as to indigent status and proportion fines and costs
 - Requires court send summons to individuals prior to issuing warrant for failure to appear
- SB 5 (Mack's Creek Law – revisions)
 - Lowers revenue to 20% in State, 12% in St. Louis County Currently on Appeal

The Results: Policy Change & More

- no individual be held for a non-payment without a meaningful inquiry into ability to pay
- Warrant fees eliminated
- Letter fees eliminated
- 400,000 warrants recalled
- municipal debts be collected like other civil debts and establishes alternative sentencing options for the indigent
- municipal courts can no longer incarcerate individuals for non-payment of fees, which mitigates the rate of incarceration for minor offenses

The Results: Damages

- \$6 million in damages in warrant fee class actions alone
 - \$3 million in debt relief
- \$4.75 million in Jenkins v. Jennings
 - \$2 million in debt relief
 - Largest debtors' prison class action award

Is This Progress?

- allow the public to enter the courthouse
- ask people if they are too poor to pay
- not to charge illegal fines and fees
- stop making destitute people pay court costs
- offer community service
- take people who are arrested and jailed before a judge within 48 hours
- not to use the police or jail to raise revenue
- adequately staff the courts
- require strict compliance with due process before locking a human being

Final Words: The Fight Continues

"If you stick a knife in my back nine inches and pull it out six inches, there's no progress. If you pull it all the way out that's not progress. Progress is healing the wound that the blow made. And they haven't pulled the knife out, much less healed the wound. They won't even admit the knife is there."

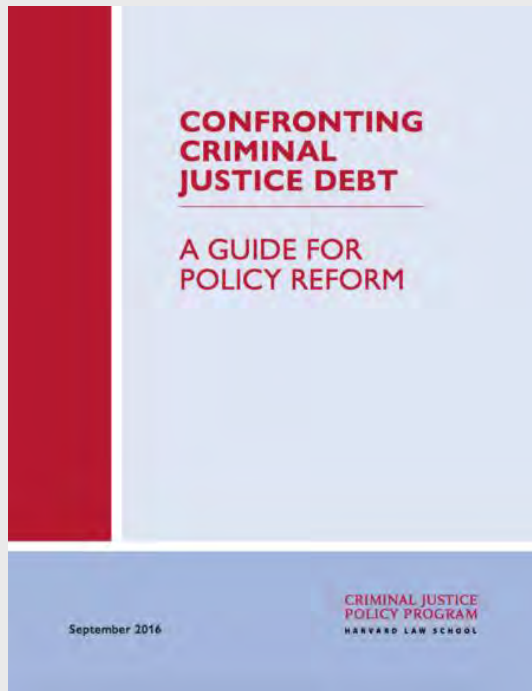


- El Hajj Malik El Shabazz, Malcolm X



For questions, please email me at
tharvey@archcitydefenders.org
Follow us on twitter @archcitydefense
Find us on Facebook ArchCity Defenders

Confronting Criminal Justice Debt: A Guide for Policy Reform



Confronting Criminal Justice Debt: A Comprehensive Project for Reform is a collaboration of the Criminal Justice Policy Program and the National Consumer Law Center (NCLC)

**CRIMINAL JUSTICE
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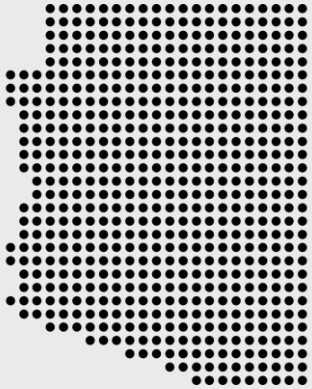
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Our work on criminal justice debt

State Partners

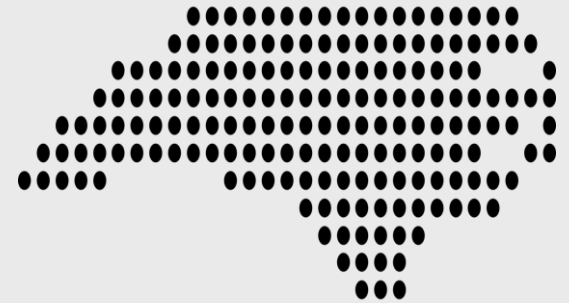
Arizona



Massachusetts



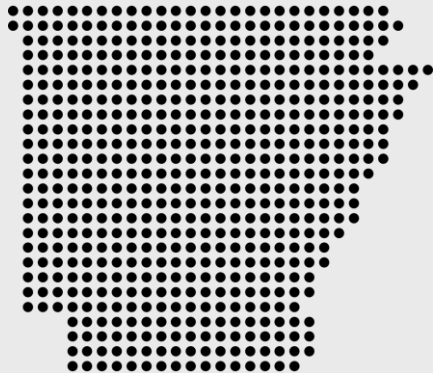
North Carolina



Michigan



Arkansas



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North Carolina

Ability-to-Pay Inquiry

1. Individuals meeting the following criteria are **presumed unable to pay** or unable to pay in full.

- Eligibility for **appointed counsel**; or
- Income at or below **200% of the poverty guidelines**;^{*} or
- **Full-time student**; or
- Whether individual is, or within the past six months has been, **homeless, incarcerated**, or residing in a **mental health or other treatment program**; or

*Number of people in household	Monthly gross income at 200% of poverty guidelines
1	\$2,010
2	\$2,707
3	\$3,403
4	\$4,100
5	\$4,797
6	\$5,493
7	\$6,190
8	\$6,887

- Receiving means-tested **public assistance**.²

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North Carolina

2. LFOs **should not pose an undue hardship** to the individual or his or her dependents or deprive them of money needed for basic living expenses, including food, shelter, clothing, necessary medical expenses, child support/care, utilities, and transportation. **The Court will consider the following factors to set LFO amounts. N.C.G.S. § 15A-1340.36(a).**³

- **Resources of defendant.** Include debts (including other LFOs) and assets that can be liquidated without harm to individual or dependents.
- **Ability to Earn.** Consider employment history and educational attainment; discrimination, including because of criminal justice history; homelessness, health, or mental health issues including disability; and, limited access to public transportation or limitations on driving privileges.
- **Obligation to support dependents.** Include child support obligations and support of elderly dependents.
- **Any other matters** that pertain to the defendant’s ability to make payment.

** Monthly Necessary Expenses for Health and Welfare (IRS)⁴					
<i>Examples of totals:</i>					
• 1 person with public transportation: \$2,306 (+\$511 if car)					
• Family of 4 with public transportation: \$4,573					
	1	2	3	4	5+
Housing, Utilities, Food, and other Living expenses ⁵	\$2068	\$2810	\$3146	\$3621	\$2,003 + \$325/person
Other allowances per person per month					
Transportation (Public): \$189/person in household					
Transportation (Car): \$700/month/car					
Out-of-pocket health cost: \$49 if below age 65; \$117 if over age 65					

North Carolina

4. The **monthly payment amount for LFOs** should be set to a level **proportionate to the individual's ability to pay and to the offense**. Guideline: 10% of **net** monthly income **after** basic living expenses.**
5. The Court should consider **waiving costs and fees** to arrive at a proportionate payment plan. In *Richmond Cty. Bd. of Educ. v. Cowell*, 776 S.E. 2d 244, 247-48 (N.C. Ct. App. 2015), the Court held fees and costs are remedial in nature. They may not be punitive unless collected money is allocated to the State's public schools. *Id.*
6. **Payment plan length:** Individuals should be required to pay over a reasonable time frame based on the severity of the offense. For example, the Court may set payment plans to last no longer than the maximum sentence length for the offense. *See State v. Smith*, 90 N.C. App. 161, 168 (1998) (considering how much individual could reasonably pay over probation term). Further, the court may remit or revoke fines or costs when "the proper administration of justice requires resolution of the case." N.C.G.S. §15A-1363.

CRIMINAL JUSTICE
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cjdebtreform.org

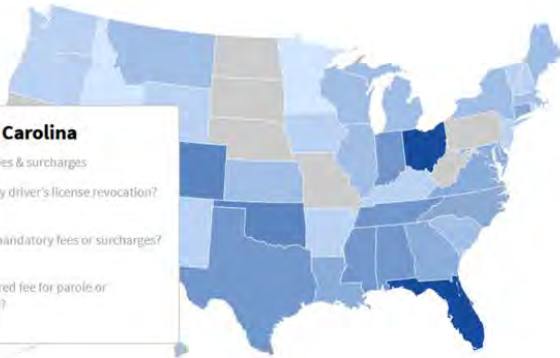
50 State Web Tool for Criminal Justice Debt



Criminal Justice Policy Program at Harvard Law School
50-State Criminal Justice Debt Reform Builder ^{beta} [Log in](#)

[Home](#) | [National Comparison](#) | [State Analysis](#) | [Law Explorer](#) | [Reform Builder](#) | [Contact Us](#)

Hover over a state on the map to see key criminal justice debt metrics. Currently the map is color-coded by the number of fees and surcharges. Click to navigate to a state summary page with additional statistics, queries in to the full law database, and details about our methodology.



Arizona

[§ See all AZ provisions](#)

[Change state](#)

- [§ Relevant Provisions](#)
- [✔ Policy Recommendations](#)
- [+ Add to board](#)

[Methodology](#)

Arizona

Fees and Fines State Summary

Across the country, onerous fines and fees pose a fundamental challenge to a fair and effective criminal justice system.

[✔ Additional policy background](#)

Explore the law in Arizona

- [§ Data of all fees and surcharges](#)
- [§ Data of all fines for misdemeanors and felonies](#)
- [§ See all financial penalties in Arizona](#)

Arizona snapshot

Arizona has 25 fees and surcharges

- [✔ See policy recommendations](#)
- [§ Explore the data](#)

Arizona has a required charge for parole or probation

- [§ Explore the law in Arizona](#)

Arizona

Poverty Penalties and Poverty Traps

Poverty traps such as incarceration and driver's license revocation constrain an individual's ability to earn a living and pay court costs. Poverty penalties attach cascading costs and penalties to the collection practices.

[✔ Additional policy background](#)

[See all poverty penalty and poverty](#)

Arizona

Ability to Pay

Sound policy considerations counsel in favor of robust procedures for conducting ability to pay determinations not only at the enforcement stage but also when financial obligations are imposed.

[✔ Additional policy background](#)

[See all ability to pay policy recommendations in CJPP's Policy Guide](#)

CRIMINAL JUSTICE
POLICY PROGRAM

HARVARD LAW SCHOOL

Overview of Litigation Issues

**Abby Shafroth,
National Consumer Law Center**



Overview of Litigation Issues

- Importance of representation
- Types of criminal justice debt litigation
- Resources

Importance of Representation

- Harsh consequences of criminal justice debt:
 - Huge debts that may snowball with interest and collection costs
 - Garnishment
 - Frequent status hearings that interfere with job
 - License suspension (1 in 6 drivers in VA)
 - Restrictions on expungement, right to vote
 - Longer periods of probation
 - Warrants, arrest, and incarceration for failure to pay
 - Increased interaction with criminal justice system

Importance of Representation

- Advocacy Gap – Roles for Civil and Criminal Attorneys
 - Webinar: Tuesday, October 10 at 2pm EST

Types of Criminal Justice Debt Litigation

- Defending against imposition of fines and fees
- Seeking modification or remission of debt after imposition
- Defending against collection and punishment for nonpayment, including incarceration
- Bankruptcy
- Protections against garnishment
- Affirmative claims

Resources:

Litigation Guide



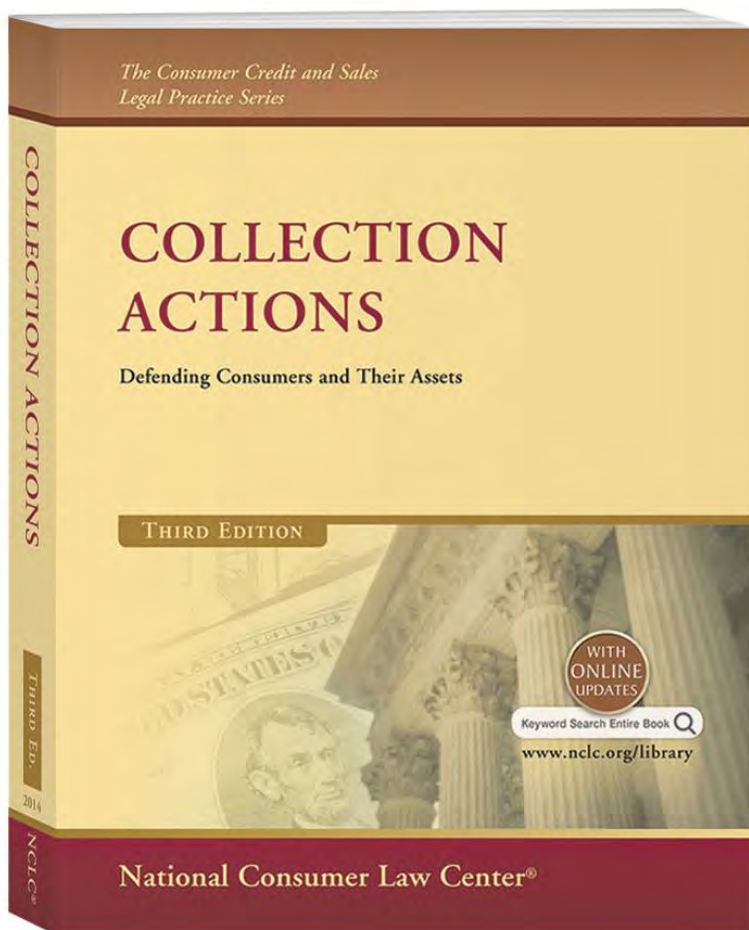
- Aimed at civil and criminal litigators/practitioners
- Primarily focused on individual representation
- Includes practice checklists

Topics in Litigation Guide



- Constitutional backdrop
- Defending against imposition of fines and fees
- Defending against collection
- Bankruptcy
- Protections against garnishment
- Affirmative claims

New Criminal Justice Debt Chapter Online



www.nclc.org/library

Upcoming Webinars

Upcoming criminal justice debt webinars:

- The Advocacy Gap
 - Oct. 10 @ 2 pm EST / 11 am PST
- Using Bankruptcy Law to Aid Criminal Justice Debtors
 - Oct. 17 @ 2 pm EST / 11 am PST
- Intro to CJPP's 50-State Criminal Justice Debt Law Web Tool
- "Ability to Pay" (Policy and Practice)
- Affirmative Litigation

Other Resources

- NLADA Court Debt Listserv
- Criminal Justice Policy Program's Criminal Justice Debt Reform Builder
<https://cjdebtreform.org/>
- DOJ Fines and Fees Resource Guide
<https://ojp.gov/docs/finesfeesresguide.pdf>

Questions?

