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EQUAL ECONOMIC
OPPORTUNITY PROJECT
NATIONAL CONSUMER LAW CENTER

CRIMINAL JUSTICE
POLICY PROGRAM

HARVARD LAW SCHOOL

Affirmative Litigation of Criminal Justice Debt Abuses: Theory and Practice

March 16, 2018

Nusrat Choudhury, ACLU

Premal Dharia, Civil Rights Corps

Claudia Wilner, National Center for Law and Economic Justice

Sara Zampierin, Southern Poverty Law Center

With Moderator

Abby Shafroth, National Consumer Law Center

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- **Questions?** Type it in the Q&A function and we will relay it to the speaker(s). Will hold most questions to end when we'll do a Q&A.
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- You can access the PPT for this webinar by opening the “materials” drop down. We will also post it on line and will send instructions on how to obtain a certificate of attendance.



Moderator – Abby Shafroth

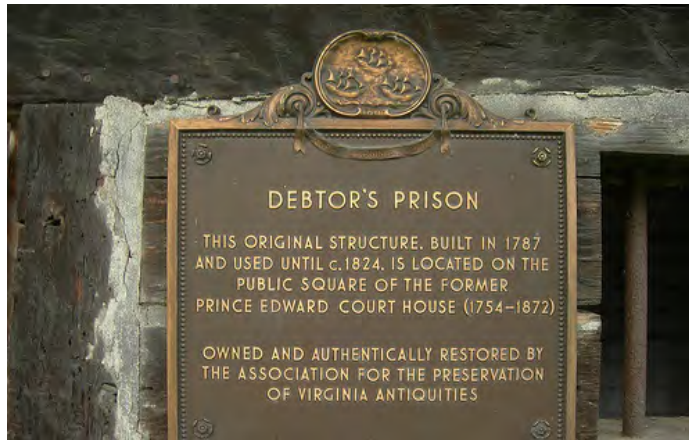
National Consumer Law Center

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., and worked as an attorney at the Lawyers’ Committee for Civil Rights Under Law.



Affirmative Litigation of Criminal Justice Debt Abuses



Other Webinars in this Series

Upcoming:

- Ensuring that People Are Not Jailed Due to Poverty: Reforming Policies and Representing Clients in Criminal Justice Debt "Ability to Pay" Proceedings
(*Date TBD*)

Prior webinars (recordings available online):

- Confronting Criminal Justice Debt: Introduction and Impact on Communities of Color
- The Advocacy Gap: Meeting the Urgent Need for Counsel to Represent Individuals in Criminal Justice Debt Proceedings
- Using Bankruptcy Law to Aid Criminal Justice Debtors
- Intro to Harvard Criminal Justice Policy Program's 50-State Criminal Justice Debt Law Web Tool

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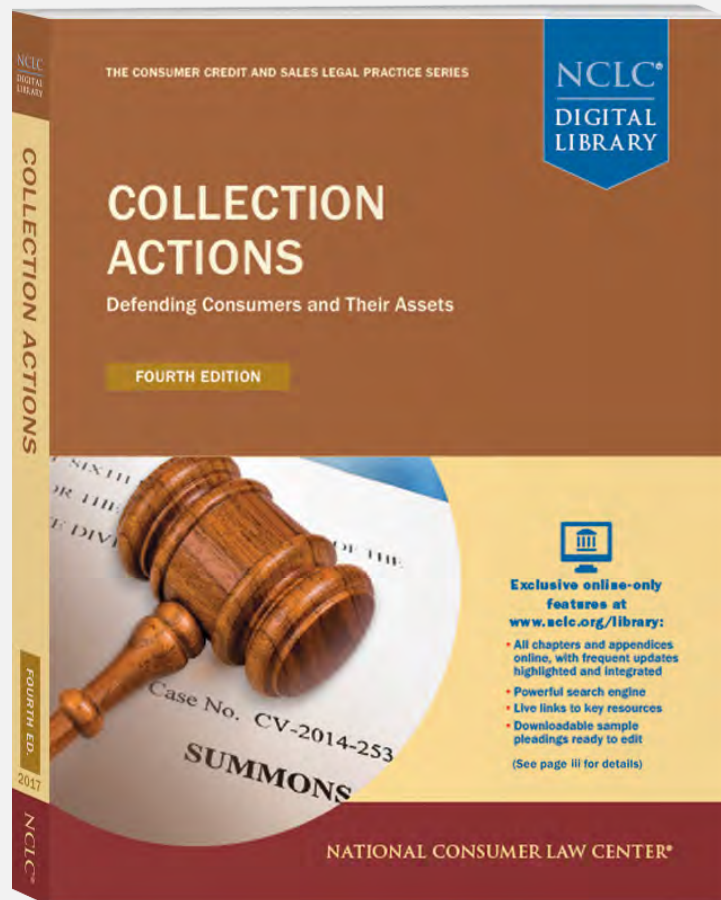
Resources

Guide for Litigation



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New chapter on criminal justice debt

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treatises & read the first chapter
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www.nclc.org/library

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.

North Carolina
66 total fees & surcharges
Mandatory driver's license revocation?
Yes
Has any mandatory fees or surcharges?
Yes
Has required fee for parole or probation?
No

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 traps in Arizona](#)

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](#)

- Tool at cjdebtreform.org
- Webinar training on nclc.org

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Other Resources

- NLADA Court Debt Listserv
- National Center for State Courts, [National Task Force on Fines, Fees and Bail Practices Resource Center](#)



Nusrat Choudhury

ACLU

Nusrat Choudhury is a senior staff attorney in the ACLU's Racial Justice Program, where she pursues litigation and advocacy against racial discrimination in the criminal justice system.

Nusrat's work challenges biased policing and "debtors' prisons"- the illegal arrest and jailing of people too poor to pay court fines and fees. She currently challenges debtor's prisons in *Brown v. Lexington County, South Carolina* and brought litigation to end debtors' prisons in jurisdictions in Georgia, Mississippi and Washington, including as lead counsel in *Kennedy v. The City of Biloxi, Mississippi*, which resulted in model reforms.

Previously, Nusrat was a staff attorney in the ACLU's National Security Project, where she challenged post-9/11 profiling of racial and religious minorities.





Premal Dharia

Civil Rights Corps

Premal Dharia is the Director of Litigation at Civil Rights Corps, which engages in litigation and advocacy challenging systemic injustice in the criminal legal system.

Civil Rights Corps' litigation challenges practices that harshly penalize people for being poor, including debtors' prisons, money bail, debt-based drivers' license suspensions, and abusive for-profit probation practices.

Premal's criminal justice work is informed by her nearly 15 years of experience as a criminal defense attorney, including work at the Public Defender Service for the District of Columbia, the office of the Federal Public Defender in Baltimore, and the military commission at Guantanamo Bay.



Claudia Wilner

National Center for Law and Economic Justice

Claudia Wilner is a senior attorney at the National Center for Law and Economic Justice, which promotes economic justice for low-income families, individuals, and communities.

Claudia has used impact litigation and policy advocacy to challenge abusive practices for collecting both government and private debt. She helped secure a debt collection class action settlement that returned approximately \$60 million to low-income people and cancelled more than \$1 billion in alleged debt.

Prior to joining NCLEJ, Claudia worked at the New Economy Project, where she brought impact litigation against financial institutions, launched and directed the NYC Financial Justice Hotline, and co-led a policy and legal team supporting the formation of community land trusts in NYC.





Sara Zampierin

Southern Poverty Law Center

Sara Zampierin is a senior supervising attorney at the Southern Poverty Law Center, which uses litigation, education, and other forms of advocacy to fight hate and bigotry and to seek justice for the most vulnerable members of society.

Sara works on economic justice issues in SPLC's Montgomery office. She focuses on the public and private systems that trap people in poverty and punish them simply for being poor.

Sara has represented clients in litigation against both public and private actors engaged in the bail and municipal debt systems, asserting violations of civil rights, racketeering, and consumer laws.

Affirmative Litigation Challenging Debtors' Prisons

March 16, 2018

Nusrat Choudhury, Senior Staff Attorney,
ACLU Racial Justice Program

ACLU

Modern-Day Debtors' Prisons

- Poor people, predominantly people of color, are sentenced to pay fines and fees for criminal offenses and civil infractions that they can never afford to pay.

Consequences of Inability to Pay Court Fines and Fees

- Arrest
- Incarceration
- Driver's license suspension
- Occupational license suspension
- Suspension of utilities (Georgia)
- Loss of child custody (Mississippi)
- Loss of voting rights (30 states)

Modern-Day Debtors' Prisons

- In at least 17 states, people have been jailed in violation of basic constitutional rights, due process, equal protection of the law, and the right to counsel simply because they cannot pay.
 - Arkansas
 - California
 - Colorado
 - Georgia
 - Louisiana
 - Maine
 - Michigan
 - Mississippi
 - Missouri
 - Nebraska
 - New Hampshire
 - Ohio
 - North Carolina
 - South Carolina
 - Tennessee
 - Texas
 - Washington

Constitutional Requirements:

Ability-to-Pay Determination

It is unconstitutional to incarcerate a person for nonpayment of fines or restitution without first determining that the person was able to pay and that nonpayment was “willful”.

Bearden v. Georgia, 461 U.S. 600, 667-69 (1983).

- The court must make an ability-to-pay determination.
- If a person is determined to be unable to pay, the court must consider alternatives to incarceration.

Constitutional Requirements:

Right to Counsel May Attach Before Incarceration

6th Amendment

- *Argersinger v. Hamlin*, 407 U.S. 25 (1972)
- *Scott v. Illinois*, 440 U.S. 367 (1979)
- *Alabama v. Shelton*, 535 U.S. 654 (2002)

14th Amendment

- *Turner v. Rogers*, 564 U.S. 431 (2011)
- *Gagnon v. Scarpelli*, 411 U.S. 778 (1973)
- *Bearden v. Georgia*, 461 U.S. 660 (1983)

State Law

ACLU Litigation Against Debtors' Prisons

- Direct appeals in individual criminal and civil cases.
 - Colorado, Michigan, New Hampshire
- Action seeking supervisory control over lower court
 - Michigan
- Lawsuits by individuals to enforce constitutional rights (42 USC 1983)
 - Georgia
- Class action litigation to enforce constitutional rights (42 USC 1983)
 - Arkansas, Mississippi, South Carolina, Texas, Washington

The Power of Direct Representation in Criminal and Civil Cases

Direct Representation Can Help Prevent Debtors' Prisons

Advocate FOR:

- assessment of ability to pay before fines and fees are imposed;
- consideration of alternatives that are reasonable and achievable by your client, **with no additional fees**;
- a statement of fines and fees owed, deadlines, payment plan terms, and procedures for informing the court of mailing address changes.

Advocate AGAINST: probation solely to collect fines and fees

Inform your client to contact you if facing difficulty meeting obligations

Raise Claims in Direct Representation

ENFORCE THE RIGHT TO AN ABILITY-TO-PAY HEARING:

- Court failure to assess ability-to-pay before imposing fines and certain fees may be appealable
 - Consult state law and the law of your federal circuit (e.g. public def fees)
- If the court seeks to impose incarceration in lieu of a fine/fee at sentencing, enforce the right to an ATP hearing.
 - Appeal if no consideration of ability to pay.
- If after sentencing, a warrant or other process leading to incarceration is issued without a prior ATP hearing, advocate for a hearing & quash.

Section 1983 Litigation

Defendants and Potential Immunities

- Section 1983 permits claims against “a person,” who “under color of state law” deprives another of constitutional rights.
- Powerful tool limited to specific defendants.
- May be brought in federal courts and certain state courts.

Section 1983 Litigation

Defendants and Potential Immunities

- Bars injunctive relief claims against judicial conduct;
- Permits claims for damages and injunctive and declaratory relief v. municipalities under *Monell*;
 - requires showing policy or custom that is “moving force” behind violation;
- Permits injunctive relief claims v. state officials sued in their official capacity under *Ex Parte Young*
- Permits damages claims v. state officials sued in their individual capacity

Section 1983 Litigation

Defendants and Potential Immunities

- What is an “arm of the state” barred from suit under the doctrine of Eleventh Am. Sovereign Immunity?
 - Courts?
 - Public Defenders?
 - Law enforcement officials (e.g., county sheriffs)?
- Potential challenges to suing for-profit companies under Section 1983
 - “person” acting under “color of state law”?
 - Quasi-judicial immunity for quasi-judicial conduct?

Thompson v. DeKalb County (N.D. Ga. 2015)

The Defendants

- DeKalb County, Georgia
 - municipality sued for damages only for policy and custom
- Chief Judge of the DeKalb County Recorders Court
 - sued for damages only for actions taken in official capacity as chief County policymaker for collection of revenue through Recorders Court probation
- Judicial Correction Services, Inc.
 - company sued for damages only for actions under color of state law

Twanda Marshinda Brown

Brown v. Lexington County, South Carolina



- Incarcerated for 57 days because she could not afford to pay the entire \$1,907.63 that she owed.
- “There was no way that I could pay. I did not want my children to go without food, electricity, and rent. And I had not yet gotten my first paycheck at my new job.”

Brown v. Lexington County

Claims Against Draconian Debtors' Prison

- Impoverished people incarcerated when they cannot pay fines and fees to magistrate courts for traffic/misdemeanor offenses.
- More than 1,000 bench warrants issued/year for nonpayment.
 - No ability-to-pay hearing,
 - No notice of the right to request counsel
 - No appointment of counsel for the indigent.
- Those unable to pay in full when warrant is served are incarcerated for weeks to months.

***Brown v. Lexington County* (D.S.C. 2017)**

The Defendants

- Chief and Associate Chief Judges for Administrative Purposes of Summary Courts of Lexington County (appointed under state law)
 - sued for injunctive/declaratory relief under *Ex Parte Young*
 - sued for damages in individual capacity
 - claims under 14th, 6th, and 4th Amendments
- Lexington County Sheriff
 - sued for injunctive/declaratory relief under *Ex Parte Young*
 - sued for damages in individual capacity
 - claims under 14th, 6th, and 4th Amendments

***Brown v. Lexington County* (D.S.C. 2017)**

The Defendants (cont.)

- Judge Rebecca Adams
 - sued for declaratory relief only for actions in individual, judicial capacity;
 - claim brought by plaintiff who owes fines/fees in a case under her jurisdiction;
 - claims under 14th, 6th, and 4th Amendments.
- Lexington County & Eleventh Circuit Public Defender (in official capacity)
 - sued for damages and injunctive and declaratory relief only for inadequate provision of indigent defense under *Monell*.
 - claims under 6th Amendment.

Hurdles to Section 1983 in Federal Court

Standing and Mootness

- Standing for Injunctive/Declaratory Relief
 - Need a substantial risk of injury that is “real, immediate, and direct”
 - *Davis v. Fed. Election Comm’n*, 554 U.S. 724, 734 (2008).
- Mootness
 - Did events following filing of suit eliminate the controversy?
 - *Friends of the Earth, Inc. v. Laidlaw Env’tl. Servs.*, 528 U.S. 167 (2000).
- Defendants may try to moot claims by plaintiffs with standing
 - *See, e.g. Thompson v. DeKalb County.*

Hurdles to Section 1983 in Federal Court

Younger Abstention

- *See Sprint Communications, Inc. v. Jacobs*, 134 S. Ct. 584 (2013).
- Federal courts may “refus[e] to decide a case in deference to the States” in three “exceptional circumstances”:
 - Ongoing state criminal prosecutions;
 - Certain civil enforcement proceedings;
 - Pending civil proceedings involving certain orders uniquely in furtherance of state court’s ability to perform judicial functions.

Hurdles to Section 1983 in Federal Court

Younger Abstention

- Federal court decisions holding that doctrine doesn't apply when challenging post-conviction practices:
 - *Cain v. City of New Orleans*, 186 F. Supp. 3d 536, 550 (E.D. La. 2016)
 - *Rodriguez v. Providence Cmty. Corr., Inc.*, 191F. Supp. 3d 758, 763 (M.D. Tenn. 2016)
 - *Ray v. Judicial Corr. Servs.*, No. 2:12-CV-02819-RDP, 2013 WL 5428360, at *12 (N.D. Ala. Sept. 26, 2013)

Hurdles to Section 1983 in Federal Court

Heck v. Humphrey, 512 U.S. 47 (1997)

- May bar Section 1983 claim by current or former prisoner if “success will necessarily imply the invalidity” of conviction or sentence.
- Limited to current prisoners with access to habeas relief and former prisoners who could have practicably sought habeas relief while incarcerated.
 - *Covey v. Assessor of Ohio County*, 777 F.3d 186, 197 (4th Cir. 2015).

Hurdles to Section 1983 in Federal Court

Rooker-Feldman Doctrine

- Bars “state court losers” from “inviting [federal] district court review and rejection of those judgments.”
 - *Exxon Mobile Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005).
- Does not apply if plaintiff “is not challenging the state-court decision.”
 - *Davani v. Virginia Dept. of Transp.*, 434 F.3d 712, 718 (4th Cir. 2006)

Settlement

**A Chance to Promote Long-term,
Institutional and Culture Change**

Settlement of *Kennedy v. Biloxi*

Model Reforms to End Debtors' Prisons

- End of for-profit companies to collect court fines and fees
- New Public Defender's office
 - Represent indigent people at sentencing if jail or probation may be imposed;
 - Represent indigent people at hearings concerning nonpayment.
- Detailed Court Procedures and Bench Card
 - Guide judges on how to protect rights and avoid jailing people for nonpayment.

Settlement of *Kennedy v. Biloxi*

Model Reforms to End Debtors' Prisons

- Clear Ability-to-Pay standard:
 - Unable-to-pay presumption: less than 125% of Federal Poverty Guideline, homeless, residence in mental health facility, incarcerated.
 - Anyone suffering from manifest hardship from payment is unable to pay
- Consideration of ability to pay at sentencing to prevent crippling monetary burdens.

Settlement of *Kennedy v. Biloxi*

Model Reforms to End Debtors' Prisons

- Alternatives to Payment/Incarceration at Sentencing and Afterwards:
 - Payment plans
 - Reduction or Waiver
 - Approved programs in job skills, mental health counseling, and drug treatment
- No fees or interest for alternatives.

Settlement of *Kennedy v. Biloxi*

Model Reforms to End Debtors' Prisons

- Advisement of Rights given to people who owe fines and fees.
 - Simple and clear language
 - “You have the right to a court hearing before being jailed for nonpayment.”
 - “You have the right to have a lawyer help you at the hearing.”
- Training for judges, court staff, police, prosecutors, public defenders.

Settlement of *Kennedy v. Biloxi*

Model Reforms to End Debtors' Prisons

- Any requirement to complete Community Service or other Programs should be reasonable in light of a defendant's individual circumstances
 - Physical and mental abilities and disabilities;
 - Restrictions on driving privileges;
 - Limitations on access to transportation;
 - Caregiving responsibilities;
 - Employment responsibilities.

Settlement of *Kennedy v. Biloxi*

Independent Evaluation of Reforms

- Compliance Hearings
 - Trust in public defender
 - Feeling of fairness
 - individualized determinations by judge
 - Use of alternatives



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For more information:

nchoudhury@aclu.org

www.aclu.org

Affirmative Litigation of Criminal Justice Debt Abuses: Driver's License Suspensions

Claudia Wilner, NCLEJ & Premal Dharia, Civil Rights Corps

Driver's licenses are, in many states, suspended solely for nonpayment of certain debts – often without notice or inquiring into ability to pay.



This practice is harmful for a number of reasons:

1. Deprives people of their licenses because of their poverty;
2. Often deprives people of the ability to lawfully drive *without them even knowing*;
3. In many places, there are either no hardship provisions or inadequate ones;
4. In many places – including Tennessee – the ability to drive is central to the ability to earn a living, acquire food, provide for a family, obtain medical care, maintain familial relationships, and many of the other basic components of life.
5. Driving on a suspended license – which many people do out of necessity – exposes one to arrest, prosecution, incarceration, and life-long consequences.
6. No highway-safety justification for nonpayment suspensions.

Cycle of Debt & Poverty



Two Class Action Lawsuits in Tennessee

- ***Thomas v. Haslam***: Criminal Case Fines and Fees
 - Revocation without notice if one year passes without payment
 - Possibility of payment plan & hardship license (new this year)
 - More than 146,000 revocations since 2012
 - Only 7% reinstated – but that could change
- ***Robinson v. Purkey***: Traffic Citation Debt
 - Suspension for nonpayment of traffic debt within 30-90 days
 - No payment plan in most jurisdictions
 - No consideration of ability to pay
 - More than 250,000 suspensions since 2012
 - More than 50% never reinstated
- **Claims:**
 - Equal Protection and Due Process (*Bearden* and *Strange*)
 - Procedural Due Process (*Bell*)

Discriminatory Impact of License Suspensions in Tennessee

- African Americans make up 16% of population but:
 - 36% of people whose licenses are revoked for nonpayment of court debt.
 - 44% of people whose licenses are suspended for nonpayment of traffic debt.
- African American drivers are 4 times more likely than white drivers to have their driver's license suspended for nonpayment of traffic debt.
- If you are working on these issues in your state, ask for data disaggregated by race!

*Bearden v.
Georgia,*
461 U.S. 660 (1983)

- Jailing someone because he is unable to pay a sum of money violates equal protection and due process.
- Supreme Court: Equal protection and due process “converge” when a person is subjected to different treatment in the criminal system solely because she cannot make a monetary payment.
- Four-part test considers: (1) the nature of the individual interest affected; (2) the extent to which it is affected; (3) the rationality of the connection between legislative means and purpose; and (4) the existence of alternative means for effectuating the purpose.
- See also: *Griffin v. Illinois*, 351 U.S. 12 (1956); *Tate v. Short*, 401 U.S. 395 (1971), *Williams v. Illinois*, 399 U.S. 235 (1970).

*James v.
Strange,*
407 U.S. 128 (1972)

- Debt collection case in which the State sought to recoup indigent defense costs. The collection statute specifically denied criminal defendants the exemptions available to civil judgment debtors.
- Supreme Court: State may not “impose unduly harsh or discriminatory terms merely because the obligation is to the public treasury rather than to a private creditor.”
- State’s unique power over the allocation of driver’s licenses = coercive attempts to secure payment from those who cannot pay.
- Equal Protection Clause requires “more even treatment of indigent criminal defendants with other classes of debtors.”

Bell v. Burson,
402 U.S. 535 (1971)

- Driver's licenses "are not to be taken away without that procedural due process required by the Fourteenth Amendment."
- PDP requires notice and opportunity to be heard
- *Bell* held that notice & hearing must precede the deprivation.
- *But see Dixon v. Love*, 431 U.S. 105 (1977).

Potential Challenges...

- Statutory regime varies from jurisdiction to jurisdiction.
- Non-merits challenges: standing, SOL, *Rooker-Feldman*, etc.
- Applying *Bearden* and *Strange* to driver's licenses.
- Procedural due process - considerations.

Considering
bringing this
type of
lawsuit?

Talk to us!

LOCAL

- Importance of local partners cannot be overstated
- Investigation, understanding real needs
- Policy
- Client and class member relationships
- Other relationships with local stakeholders

NATIONAL

- Importance of engaging those litigating these issues elsewhere
- Coordinated efforts for best results
- Insight into issues, possible counter-arguments, investigative and other goals
- <https://www.justice4all.org/wp-content/uploads/2017/09/Driven-by-Dollars.pdf>



Sara Zampierin

March 16. 2018

For-Profit “Justice”

Increased cost for defendants or families

Threats and punishments for nonpayment

Profit-driven decisionmaking

Other consumer rights or tort violations

For-Profit “Justice”

Private probation

Collection agencies

Pretrial supervision

Bail Bond Industry

For-Profit “Justice”

PRIVATE PROBATION

Collection agencies

Pretrial supervision

Bail Bond Industry



SPLC sues Gardendale, judge, private probation company

Updated Oct 24, 2017; Posted Oct 24, 2017

By Mike Cason

The Southern Poverty Law Center has filed a federal lawsuit on behalf of two Jefferson County residents alleging that the city of Gardendale uses a private probation company that profits by piling monthly fees on people who can't pay fines and court costs.

SPLC filed the lawsuit Monday against the city of Gardendale, Municipal Judge Kenneth Gomany and Professional Probation Services, Inc.

The SPLC also filed an ethics complaint against Gomany with the Judicial Inquiry Commission. Gomany and Gardendale City Attorney Ken Thompson said today they had not seen the lawsuit. Gomany declined to comment on the lawsuit or the ethics complaint.

There was no immediate response from Professional Probation Services.

"PPS is using the Municipal Court as a cudgel to extract financial profit from those too poor to pay their fines and court costs," the lawsuit says. "The Municipal Court enables this exploitation by requiring any who cannot pay in full to be supervised on probation with PPS. PPS exercises exclusive control over its supervisees, and PPS has a direct financial interest in every decision it makes in its supervisees' cases." The lawsuit says people unable to pay their fines and court costs in Gardendale's city court are referred to Professional Probation Services to manage their probation. The company adds its own monthly fee, typically \$40, to the fines and court costs already owed by the person on probation, the lawsuit says.



Private Probation Company Agrees to Stop Drug Testing People Absent Court Order

31st January, 2017

Southern Center for Human Rights

CLEVELAND, GEORGIA – In a preliminary federal court consent order, Sentinel Offender Services, LLC, has agreed to stop requiring people on probation to submit to and pay for drug tests that no court has ordered.

The consent order was entered in *Luse, et al. v. Sentinel Offender Services, LLC, et al.*, a federal civil rights lawsuit in the U.S. District Court for the Northern District of Georgia. The lawsuit was filed by Rita Sanders Luse and Marianne Ligocki on behalf of a class of people sentenced to probation by the White County Probate Court in Cleveland, Georgia. The defendants are Sentinel Offender Services, LLC, and Sentinel probation officer Stacy McDowell-Black.

The plaintiffs allege that Sentinel has a practice of forcing probationers to provide urine samples, submit to drug testing, and pay testing fees, absent any lawful authority. Many of the people subjected to this practice, including Ms. Luse and Ms. Ligocki, are on probation for traffic tickets that have nothing to do with drugs, alcohol, or substance abuse. Ms. Luse, a 62-year-old grandmother on a limited income, received a ticket for driving without a license. She was placed on probation only because she was unable to pay a fine on the day of court. While on probation, she had to submit to repeated urine tests and pay Sentinel nearly \$60 in unauthorized fees. Ms. Ligocki was also placed on probation for driving without a license and was required to submit to repeated drug screening.

Probationers set to collect in \$14.3 million class-action suit

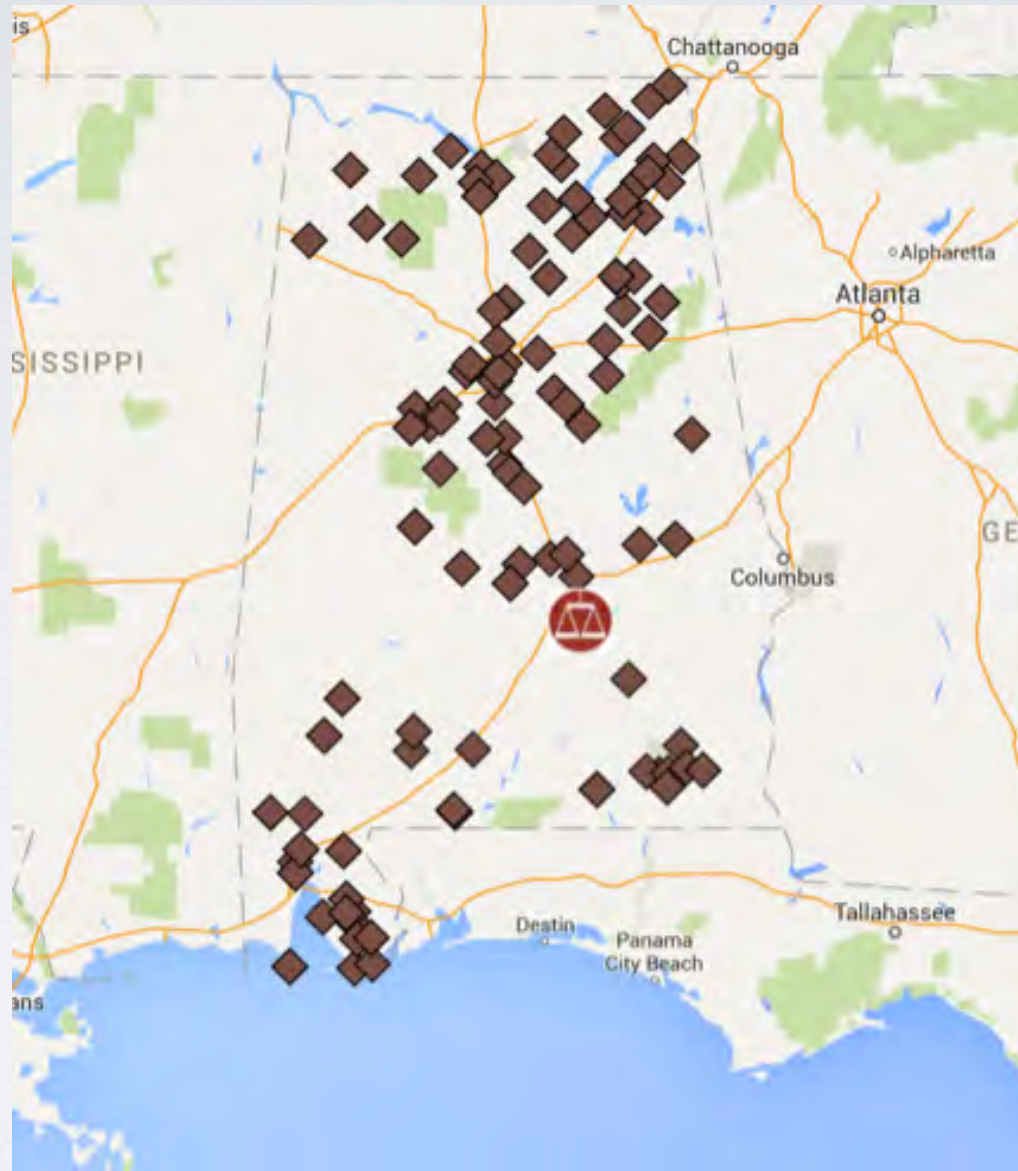
SAM STOCKARD Feb 6, 2018

Tens of thousands of former probationers who could be eligible for awards through a class-action lawsuit settlement with Rutherford County and Providence Community Corrections have been mailed forms to claim their money.

The final step in the case is to make sure as many people as possible can obtain the money they're entitled to receive through a federal judge's preliminary approval of the \$14.3 million settlement, according to Alec Karakatsanis, an attorney with Civil Rights Corps who brought the lawsuit.



“This settlement is an important one not only because it will pay a fund of \$14.3 million to some of Rutherford County’s poorest people whose constitutional rights were violated, but also because it ensures that the legal system will protect their rights going forward,” Karakatsanis said.



The Birmingham News

Private probation company once called 'judicially sanctioned extortion racket' leaving Alabama

Judicial Correction Services Inc., a company that once was called a "judicially sanctioned extortion racket," is pulling out of the state.

JCS issued a brief statement Monday that it was ceasing operations. "At this time, JCS has determined that it will discontinue operations Monday."

The statement does not say when the shutdown will occur, but it **would be Nov. 13.**

"As a company, we have operated within full compliance with the law and have contracted to retain our services," according to the statement. "We would further regulate our industry, but have been unable to do so."



For-Profit “Justice”

Private probation

COLLECTION AGENCIES

Pretrial supervision

Bail Bond Industry



Mississippi Court Collections, Inc.



Court Collections, Inc.
P.O. Box 1384
Brandon, MS 39043
Phone: 601.825.8083
Fax: 601.825.8085

Business Type:
Professional Services/Trades/Suppliers

Bio:
MCC specializes in the collection of delinquent Justice Court fines, personal property tax, mobile home tax and solid waste fees. We work only for county and municipal governments in the State of Mississippi.

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Madison and Rankin counties District Attorney Michael Guest, outside the Madison County Justice Court. ROO/LO V. SOLIS/ASSOCIATED PRESS

UPDATED 6:58 a.m.
02.07.2018

NEWS

Mississippi Moonlighting

Congressional hopeful, district attorney, debt collector.

By NICOLE LEWIS

When District Attorney Michael P. Guest announced his bid for U.S.

Every sheriff in Oklahoma being sued over unpaid fees going to collection

Tulsa lawyers say 'extortion scheme' targets poor criminal defendants

By Curtis Killman Tulsa World Nov 6, 2017

DAILY BEAST

Debt Company Makes Sheriffs Rich by Jailing the Poor, Lawsuit Claims

A private company increases debts by 30 percent, then tells Oklahomans to pay up or go to jail. Law enforcement is in its pocket, a new lawsuit claims.

KELLY WEILL November 9, 2017

RAW STORY

Oklahoma collections firm is making sheriffs rich by sending poor people to jail

DAVID FERGUSON
09 NOV 2017 AT 10:25 ET

For-Profit “Justice”

Private probation

Collection agencies

PRETRIAL SUPERVISION

Bail Bond Industry



In Louisiana, a Private Company Is Operating a Court-Approved Shakedown

By [Brandon Buskey](#), ACLU Criminal Law Reform Project

AUGUST 8, 2017

Imagine being arrested. You haven't been convicted of a crime, but you are told you have to pay bail to be released. If you don't have enough money to pay the full bail amount, you could pay a bail bondsman, who will keep 10 percent of your bail fee as profit. Either way, if you cannot afford to purchase your freedom, you stay in jail.

But in East Baton Rouge Parish, Louisiana, it's worse than that. Here Judge Trudy White has for years been assigning people to a for-profit company, Rehabilitation Home Incarceration, to supervise the conditions of a person's release — for a price. RHI then charges people who post bail a \$525 fee simply to be released. And it doesn't stop there. You then have to pay the company a monthly \$225 "supervision" fee while awaiting trial. If you don't, they will threaten to send you back to jail.

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Pretrial supervision

BAIL BOND INDUSTRY



THE BAIL BONDS ★ PROCESS ★



**CANNOT AFFORD THE FULL
AMOUNT OF THE BAIL**



**JUST CONTACT
OK BAIL BONDS**



**SET UP A PAYMENT
PLAN**

PAY FULL AMOUNT



- ✓ Call Us Anytime, 24/7
- ✓ Serve Both Harris and Brazoria Counties
- ✓ Payment Plans Available
- ✓ Mobile Company

OK Bail Bonds

Harris: (713) 477-5400

Brazoria: (281) 485-9393

INJUSTICE

Bail Bondsmen Kidnapped and Extorted Inmate, Lawsuit Claims

Ronald Egana says the ankle monitor he was forced to wear came attached with \$3,000 in hidden fees. The SPLC says he's probably not the only one.

JOANNA PURPICH

07.10.17 1:00 AM ET

Ronald Egana thought a bail bond would keep him free. Instead, he claims bounty hunters repeatedly kidnapped and extorted him for money he didn't know he owed to the bondsman.

The Southern Poverty Law Center says he's not alone.

Together they're suing Blair's Bail Bonds of New Orleans and three other businesses for "abusive and exploitive actions." Egana's lawsuit claims he was forced to pay \$3,000 in hidden fees to win back his freedom. The SPLC said they believe there are others like Egana and they hope their lawsuit will shed light on a multibillion-dollar industry that preys on vulnerable inmates.



'Systematically overcharging' suspects has reaped Orleans bail bondsmen millions, complaint says

BY JOHN SIMERMAN | JSIMERMAN@THEADVOCATE.COM SEP 7, 2017



Nearly every bail bond company operating in New Orleans routinely charges illegally high rates to cut criminal suspects loose from jail, according to a complaint filed Thursday with the Louisiana Department of Insurance.

The Southern Poverty Law Center claims that average rates charged by bail bond firms in the city exceed the legal cap by \$100 on average, adding up to more than \$400,000 each year in excessive charges.

SPLC



Southern Poverty Law Center

Fighting Hate • Teaching Tolerance • Seeking Justice

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 - A survey
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- Thank you to our speakers!

