

# Priority Policy Reform Areas

## Overview

Jurisdictions selected for the second cohort of Cities & Counties for Fine and Fee Justice must focus on one or more of the policy areas listed below. Considerations related to these priority areas will also be featured at the CCFFJ Bootcamp in March 2022.

## CCFFJ Priority Policy Areas:

### 1. **Administrative Fees in the Criminal-Legal System.**

End high-pain administrative fees charged to people in the criminal-legal system. Eliminate fees, surcharges, penalties, and interest that are piled on top of traffic tickets and drive up costs to unaffordable levels for people with low incomes.

### 2. **Driver's License Suspensions that Penalize People for Their Poverty.** Stop suspending people's driver's licenses when they cannot pay their traffic tickets and/or miss a court date. Reinstatement driver's licenses suspended for those reasons.

### 3. **The High Costs of Incarceration.** Put people before profits by eliminating the costs to incarcerated people and their families for phone calls, and eliminate profiteering off of purchases from the jail store/commissary and tablets. Phone call and commissary costs are a significant economic drain on low-income people and people of color.

### 4. **Fines that Exceed People's Ability to Pay or Serve No Compelling Policy Purpose.** Eliminate fines that do not advance a key policy goal and create alternatives to fines where the goal can be achieved through other means. Remaining fines should be proportionate to the offense, the person, and their circumstances. They should be enforced equitably and serve a public policy goal. If they do not, rightsize fines that exceed the ability of people with low incomes to pay them.



## Policy Area 1: Administrative Fees in the Criminal-Legal System

People exiting jail or the criminal-legal system are often charged thousands of dollars in administrative fees and surcharges that aim to cover costs or raise revenue. These fees include: monthly probation fees, fees to use an electronic ankle monitor, and jail booking fees, among others. These fees are charged to very low-income people who cannot afford to pay them, disproportionately charged to people of color, and create barriers to reentry. Collection rates on these fees are often very low. These fees are a counterproductive, harmful, anemic source of revenue.

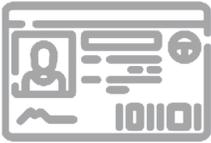
Fees are often added on top of traffic and criminal fines. These add-on fees can drive up costs to unaffordable levels for people with low incomes. For nonmoving violations like expired registration or fix-it tickets, people should have the chance to correct the problem without additional fees.

### **Bold Reforms Include:**

- End “high-pain, low-gain” criminal administrative fees in the adult and juvenile systems (these include, but are not limited to, electronic monitoring fees, probation fees, diversion fees, fees for drug/alcohol testing, fees for restitution collection).
- Eliminate fees that are piled on top of traffic tickets and drive up costs to unaffordable levels for people with low incomes.

### **Examples Include:**

- The Ramsey County Board of Commissioners eliminated 11 fees, including probation supervision fees, electronic monitoring fees, and fees for diabetes supplies and over-the-counter medications for people in custody. (2020)
- The San Francisco Board of Supervisors passed an ordinance eliminating all county-imposed criminal administrative fees, including, though not limited to, probation fees, electronic monitoring fees, and booking fees, and waived \$33 million in related debt for 21,000 people. (2018)
- Buffalo Common Council repealed 15 vehicle and traffic fees. Following several years of advocacy led by the Fair Fees and Fines Coalition, the Common Council voted unanimously to eliminate the 15 vehicle and traffic fees introduced and adopted in 2018. These fees include Public Safety Fee, Driver Responsibility Fee, Initial and Subsequent Deferred Payment Fee, Scofflaw/Default Judgement Administrative Processing Fee, Default Conviction Administrative Processing Fee, Administrative Fee for Filing Judgements, Late Fees, Collections Fee, Distracted Driver Diversion Program Application Fee, and Boot and Tow Fee. (2020)



## Policy Area 2: Driver's License Suspensions that Penalize People for Their Poverty

Millions of people have their [driver's license suspended](#), not for dangerous driving, but because they could not afford to pay traffic fines, or they missed a traffic court date. Driver's license suspensions make it harder for people to get and keep jobs, further impeding their ability to pay their debt. They harm credit ratings. They exacerbate economic inequity. Driver's license suspensions disproportionately impact people of color. Ultimately, they keep people trapped in long cycles of poverty that are difficult, if not impossible, to overcome. There is no evidence that suspending a person's driver's license for unpaid fines and fees in missed traffic court hearings increases payment of court-related debt.

### **Bold Reforms Include:**

- Stop suspending driver's licenses for an inability to pay fines or for missing a court date.
- Stop arresting / citing / charging people for driving on a suspended license.
- Stop prosecuting for driving on a suspended license when the underlying cause of suspension was related to court debt.
- Influence legislators and the governor to pass state legislation preventing this practice.
- Restore licenses and forgive debt.

### **Examples Include:**

- The **City of Durham's** Innovation Team worked with local community organizations, the Durham District Attorney's Office and the court to waive old traffic fines and fees and helped restore 35,000 driver's licenses that had been suspended for the nonpayment of traffic tickets. (2017)
- Prosecutors in **Shelby County, TN; Baltimore, MD; Davidson County, TN; Cook County, IL; and Suffolk County, MA** have stopped charging people for driving on a suspended license when the underlying cause of suspension was related to court debt.



### Policy Area 3: The High Costs of Incarceration

It's a common practice in jails and prisons to profit off of phone calls, jail store (commissary) items like supplemental nutrition and hygiene products, and tablet services like email, reading a book, and listening to music. In some localities, phone calls from jail or prison can cost people over \$1 per minute. The high costs of incarceration is a significant economic drain on low-income communities and oftentimes the costs of incarceration fall on women of color. Phone calls are people's lifelines to their support networks. Staying in touch with family and support networks helps people get through their time in jail; maintain family ties that they will need when they get out; find work; and plan for a place to live. Research shows that maintaining contact with families and support networks is a key to successful reentry and increased community safety.

#### Bold Reforms Include:

- Provide free jail phone calls for incarcerated people.
- Eliminate all commissary upcharges.
- Ensure basic necessities are free to incarcerated people.
- Provide free use of tablets for incarcerated people.

#### Examples Include:

- The **New York City** Council passed an [ordinance](#) eliminating fees for jail phone calls. One week after the reform was implemented, call volume at the Rikers jail complex increased by 38 percent. (2018)
- **San Francisco** [made all jail phone calls free and eliminated commissary markups](#) in 2020. Overnight, there was a 41 percent increase in the volume of calls and incarcerated people are now spending 80 percent more time in communication with their support networks. Incarcerated people and their families are now saving \$1.1 million annually. (2020)
- **Philadelphia** passed a budget to provide funding for 165 minutes of free phone calls each week for incarcerated people and eliminate commissary markups. (2021)
- The **Dallas County** Commissioners Court approved a [five-year contract](#) with Securus that reduces jail phone call fees from \$3.60 every 15 minutes to 18 cents per 15 minutes, eliminated fees for setting up inmate accounts, and significantly reduced third-party vendor fees. (2020)



## Policy Area 4: Fines that Exceed People's Ability to Pay or Serve no Compelling Policy Purpose

Eliminate fines that do not advance a key policy goal and create alternatives to fines where the goal can be achieved through other means. Remaining fines should be proportionate to the offense, the person, and their circumstances. They should be enforced equitably and serve a public policy goal. If they do not, right-size fines that exceed the ability of people with low incomes to pay them.

### Bold Reforms Include:

- Eliminate mandatory minimum fines. Reforms include implementing ability to pay assessments, payment plans, and/or community service as an alternative to fines, fees, or other monetary sanctions.
- Legalize current offenses that do not impact public safety and/or punish being poor, such as sleeping on a park bench.
- End municipal fines for issues that people can correct, such as code enforcement fines (e.g., fines for overgrown grass/vegetation, failure to remove trash bins from sidewalks, failure to clean up graffiti).
- Rightsize remaining fines, including traffic fines, using FFJC guidance, so that they are proportionate to people's incomes.

## Towing and Booting Fines

Getting towed or booted can be devastating for people with low incomes, who sometimes must decide between paying their rent or paying to get their car back. Towing can be particularly devastating for people experiencing homelessness who are vehicularly housed.

### Bold Reforms Include:

- Provide waivers, steep discounts that reflect low-income individual needs, or alternatives to towing and booting costs for people with low incomes and people experiencing homelessness.
- Designate safe parking zones for people of low income or people experiencing homelessness (to prevent ticketing and towing of vehicle).

### Examples Include:

- The **San Francisco** District Attorney's office, in collaboration with the Financial Justice Project and San Francisco Superior Court, established the [CONNECT](#) Program, which allows individuals struggling with homelessness to clear their Quality of Life citations if they receive 20 hours of social services assistance. (2019)
- **New York City's** city council passed the [Criminal Justice Reform Act](#), decriminalized possession of open alcohol containers and public urination, adding a new civil summons in place of a criminal summons. The civil summons are heard by judges at the Office of Administrative Trials and Hearings, who are required to offer a community service option in place of paying civil penalties. There are also free diversion programs. (2017)
- **San Francisco's** Municipal Transportation Agency discounted towing fines by more than half for individuals who earn below 200 percent of the federal poverty level. They also lowered boot fines from \$500 to \$100 for lower income households and allowed low-income people to pay off underlying tickets through payment plans or community service. The SFMTA Board also approved [deeper discounts](#) on towing and booting for people struggling with homelessness.

## Traffic Safety

Over-policing of traffic violations within communities of color and lower income communities leads to a devastating pattern of inequity and violence by increasing their likelihood of repeated interactions with the criminal-legal system.

### **Bold Reforms Include:**

- Nonmoving violations:
  - End police stops for nonmoving traffic violations for problems that stem from low-income people's inability to pay, like expired registration or broken tail lights.
  - Provide fix-it/compliance notices, without fees and develop a program for low-income people to comply (e.g., help people make minimal automotive repairs).
- Moving violations:
  - Prioritize street design, infrastructure and signage for public safety and remove enforcement/underlying fines.
  - Equitable fines and/or innovative nonmonetary, nonjail sanctions, such as performing community service to clear citation.

### **Examples Include:**

- **Philadelphia** passed the Driving Equality Bill in 2021, banning police from stopping drivers for certain low-level traffic offenses. This legislation categorizes certain motor vehicle code violations as “primary violations” (which officers can stop drivers for in service of public safety) and “secondary violations” which are not considered to meet criteria for a lawful traffic stop.
- **Seattle** has made its streets safer by reducing speed limits to 25 mph and increasing speed limit sign frequency, resulting in a [reduction in accidents by 22 percent](#). This demonstrates the importance of using signage rather than enforcement to promote public safety. (2020)



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