

Agitating Local Actors around Fees and Fines

How can we be advocates in our own communities during COVID-19?

Why We Must Agitate

- The US formally abolished debtors prisons (jailing people who have failed to pay a debt) 200 years ago. But today, thousands of North Carolinians are in jail and/or trapped in a cycle of debt.
- In courtrooms across the state, there is no consistent standard for when or how fines and fees are imposed.

Why We Must Agitate

- The courts are using the fees and fines collected to replace funds that were lost due to budget cuts and tax breaks given to corporations.
 - These fees and fines are not proportional to the crimes charged and often do not relate to any expense that the state accrued in the case.
- Unpaid fees and fines can cause someone to be locked up, lose their right to vote, lose access to public assistance, and their driver's license.

Why We Must Agitate

- Judges also have a **constitutional obligation** to determine a person's ability to pay fines and fees, and that inquiry is not happening.
- Courts often do not appoint legal counsel for people who face incarceration for failure to pay fees and fines. Many people, most of them Black, Brown and poor, are unconstitutionally sentenced to jail without being provided a lawyer.
 - When a person does have an attorney, that attorney often does not sufficiently advocate for the waiver of fees and fines.

Why We Must Agitate

- When judges do ask about a person's ability to pay, they do not tie their decisions to objective criteria like the federal poverty level. They make arbitrary decisions that result in poor people being ordered to pay despite the fact that they can't.
- Instead of waiving fees and fines for people who cannot pay, judges often keep people under court supervision. The person must repeatedly return to court, which disrupts everything from education to employment to childcare all while spending what little money they have on court debt rather than life's necessities.

Who We Must Agitate

- Judges
 - Judges are the ultimate decision makers in the courtroom. They have the final say in any setting in their court room. They have the constitutional obligation to ensure that people are being treated fairly, equitably, lawfully and have due process (notice and opportunity to be heard)

Who We Must Agitate

- District Attorneys
 - District Attorneys are more than just prosecutors. The district attorney's job is to seek **justice** in criminal cases, work to prevent crime, and serve as a leader in the diverse communities they represent.

Who We Must Agitate

- DA's have tremendous power to impact the lives of millions of people, their families, and entire communities. If someone is accused of committing a crime, it is not the police but the DA who has the sole power to decide if criminal charges are filed and the severity of those charges.
 - They alone decide who is deserving of a jail or prison sentence and who will instead be routed into a diversion program to help rebuild their life, or have charges dismissed.
 - They also have some power surrounding to fees and fines.

Who We Must Agitate

- Legislators
 - State Senators and Representatives consider matters brought forth by the governor or introduced by its members to create legislation that becomes law. The legislature also approves a state's budget and initiates tax legislation and articles of impeachment.
 - The laws enacted by the NCGA determines what is legal and what is not. They also decide the cost of fees and fines in the courtroom. The legislature can also intimidate judges and system actors by passing laws to track waivers of fees and fines.

How We Agitate

- Judges
 - Court watching is a tool that can be used to agitate judges in the courtroom.
 - Judges are used to defendants and their families being in the courtroom, along with any alleged victims and witnesses.
 - They are not used to the public coming in just to watch and in Mecklenburg, they are visibly uncomfortable with our presence. They have no idea what we are watching for.

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 - Informed Voting
 - If thru CW we see they are imposing fees and fines without an ability to pay inquiry, when they are campaigning, we show up to their events and ask them why are they ignoring the constitution. We make this an issue that they address in their platform. We hold them accountable by our votes. We vote them in or out!

How We Agitate

- DA's
 - We can use the laws that already exist to push District Attorneys to provide relief to people who are too poor to pay court fees and fines. An easy way to start doing this is to focus on unpaid traffic fees and fines.
- Relief: Eliminating Unpaid Traffic Fees and Fines Under GS 20-24.1
 - § 20-24.1(b) A license revoked under this section remains revoked until the person whose license has been revoked:
 - (4) demonstrates to the court that his failure to pay the penalty, fine, or costs **was not willful** AND that he is making a good faith effort to pay **or that the penalty, fine, or costs should be remitted.**

How We Agitate

- DA's
 - In NC, failing to pay a traffic ticket causes an automatic, indefinite suspension of a person's driver's license.
 - Court data reveals that traffic court costs are very rarely paid after two years of nonpayment. In 2019, district attorneys in Durham and Mecklenburg led initiatives to eliminate millions of dollars in long-term traffic court debt and thousands of driver's license suspensions. The debt relief programs piloted in these jurisdictions can be efficiently replicated in all North Carolina jurisdictions if there is support from local court officials, including district attorneys, district court judges, and clerks of court.
 - In Meck, the DA was open to the idea but was moving slowly. Activists and organizers on the ground were able to push him to implement the idea by meeting with him and encouraging him to do so. We focused on the socioeconomic and racial implications of his inaction as well.

How We Agitate

- **Legislation**
- Follow your representative's voting patterns. When it comes time for reelection, it's important to know just how well your representative kept his or her original promises. Follow your representative's voting patterns throughout the year to stay up-to-date.
- Know how to contact your legislators. Knowing your state and local representatives — and how to contact them — is key for holding politicians accountable and fueling civic engagement. Add your representatives' office numbers to your cell phone so you can quickly let your voice be heard when you have an opinion on new legislation. All you have to do is dial, identify yourself as a constituent, and state your case — it takes less than five minutes.

How We Agitate

- Show up to community events. Email, social media, and cell phones mean political participation can be done from the comfort of your home, but there's something to be said for the knowledge and support gained at in-person events. Show up to public forums, committee meetings, speaking events, and other gatherings your representatives hold locally. Encourage friends, family, and members of any political organizations you may be a part of to join as well. Showing politicians and local government you're paying attention often starts with having a physical presence where they're already at.
- Showing support or opposition to current political initiatives has a tenfold effect if you take it to the public. Creating a public display like a rally, march, or open forum can offer your ideas more reach and even get picked up by the media. The widespread use of social media and mobile devices means drumming up support is easier than ever. Email blasts, petitions, and blizzarding with fliers or brochures can also be a great way to rally others in your local community for civic engagement.

What Can You Do?

1. Establish a program to eliminate traffic court debt and restore driver's licenses.
2. Revise the local bail policy to be fairer, reduce pretrial confinement, and comply with the statutory restrictions on secured money bonds.
3. Promote regular use of petition and order forms by local court officials to facilitate fair consideration of a person's ability to pay a fine and/or fee at sentencing and prior to imposition of any sanction for failure to pay
4. Use court facility fees to establish a municipal fund to help people pay criminal justice debt.
5. Host poverty and reentry simulations and roundtables to educate judges, district attorneys, and other court officials on the impact and realities of living in poverty in NC.
6. Fundraise and administer a community bail fund.
7. Prevent "mug shot extortion" by limiting access to booking photos.

LIVES ARE AT STAKE: Help us stop the spread of COVID-19 in prisons

Learn More →



NC Second Chance Alliance
Restoring Opportunities. Strengthening Families & Communities.

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Take Action Now: Advocacy on Fines and Fees You Can Pursue in Your Community

TAKE ACTION NOW: ADVOCACY YOU CAN PURSUE IN YOUR COMMUNITY

Thank you for participating in the People's Choosing on Fines and Fees and launching a campaign to end criminal justice debt in North Carolina. Our goal is to improve the experiences of people in the criminal justice system who are unable to pay fines, cover increasing administrative fees, and other legal financial obligations. Court debt and the experiences of impacted people show that people involved in North Carolina's criminal justice system—especially people of color—are not being held up to that because of their inability to pay the range of costs that have become attached to virtually every aspect of the criminal justice system, including reentry. The cultural consequences of criminal justice debt are often long-term, severe, and generational, including indefinite driver's license suspensions, violations and extension of probation, wage garnishment, tax liability, property foreclosures, bankruptcy, and judgments, fees, and incarceration. People, families, and communities of color disproportionately and more severely experience these costs and collateral harms.

Outlined below are several education and advocacy efforts that can be pursued by your community to improve people and their lives, including you. The regular updates on ongoing activities and additional resources, please visit <https://www.ncsecondchancealliance.org> and <https://www.ncsecondchance.org>.

- 1. Establish a program to eliminate traffic court debt and restore driver's licenses.**
In NC, being a poor traffic ticket causes an automatic, indefinite suspension of a person's driver's license. Court debt results in traffic court costs that are very rarely paid after many years of employment. In 2018, districts across the Tarheel and Wake/County had initiatives to eliminate millions of dollars in unpaid traffic court debt and thousands of driver's license suspensions. The debt relief programs piloted in these jurisdictions can be effectively replicated in all North Carolina jurisdictions that have traffic court debt, including districts across the state, court judges, and clerks of court.
Local district court/judges/clerk/judges: <https://www.ncsecondchance.org>
District clerks: <https://www.ncsecondchance.org>
Contact for additional information: Kara.Holland@ncsecondchance.org, 919-864-4422
Materials and other resources: <https://www.ncsecondchance.org/resources/traffic-court-debt-relief-report-june-2019>
- 2. Review the local bail policy to be fairer, reduce potential confinement, and comply with the statutory prohibition on second money bonds.**
North Carolina law prohibits a conviction or conviction for the following conditions of general confinement that only allow a judge to impose a second cash bond if the judge determines the person is a flight risk, poses a danger of injury to any person, or is likely to appear with evidence. Unfortunately, many jurisdictions have additional time to require cash bond and conditions with cash bond and provisions that schedule the imposed cash bond based on the charged offense. In 2018, several jurisdictions have piloted cash bond reform to reduce potential confinement.
Child Welfare Services: <https://www.ncsecondchance.org>
District court judges: <https://www.ncsecondchance.org>
District clerks: <https://www.ncsecondchance.org>
Contact for additional information: Kara.Holland@ncsecondchance.org, 919-864-4422
Materials and other resources: <https://www.ncsecondchance.org/resources/second-cash-bond-reform-report-june-2019>
<https://www.ncsecondchance.org/resources/second-cash-bond-reform-report-june-2019>
- 3. Promote regular use of probation and order terms by local court officials to facilitate fair consideration of a person's ability to pay a fine and/or fee at sentencing and prior to imposition of any sanctions for failure to pay.**
Several counties provide judges the ability to waive and schedule alternative fines and fees for a broad range of circumstances, including inability to pay, change of circumstances, and "proper administration of justice." The second reason, judges are rarely using that ability to waive fines and fees, including the absence of probation and order terms in a court system that is properly reliant on standard fines. Jurisdiction can adopt local terms based on the examples listed below.

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Are you impacted by the criminal justice system during the COVID-19 Crisis? Share your story here.

Local Reentry Councils

ACLU

WE THE PEOPLE