



MULTIFAITH EMI

OCTOBER 2024

Freedom Conversations

The Freedom Summer Conversations toolkit series was designed to maintain the momentum from the 2024 “UnConference” held in Dallas, whether you attended or not. It will help you engage your family, friends, local activists and faith community around issues resulting from the carceral state in our country.

In this FINES & FEES edition, you'll...

- Learn what our faith teaches about our obligation to protect the poor from inequitable punishment.
- Examine the historical origins of many fines and fees that are still levied today.
- Understand how fines and fees can be improperly used to fund law enforcement systems.
- Recognize how your community's practices of fines and fees compare to others around the country.
- Identify what you can do in your community to help end unjust fines and fees.

INEQUITABLE FINES & FEES
IN THE JUSTICE SYSTEM

FAITH FRAMING

Our faith teaches us that all humans are entitled to equality and dignity, regardless of their perceived position or status in society. In fact, unfairly policing certain communities and requiring those who are economically disadvantaged to pay more than their share for the benefit of others, results in the criminalization of poverty. Nowhere is this inequity more apparent than in the carceral system when it comes to payment of fines and fees.

Our collective faith communities should reject the false prosperity gospel that says the rich have been given spiritual gifts and the poor have done something morally wrong to be poor. In our faiths, it is the poor who are blessed.

In Dr. Martin Luther King Jr's., work, "Where Do We Go From Here: Chaos or Community," he names poverty, racism and militarism as the three animating factors or "evil" that threaten civilization. We find the criminalization of poverty to be the intersection of those three issues. Dr. King concluded,

Ultimately a great nation is a compassionate nation. No individual or nation can be great if it does not have a concern for 'the least of these.' A true revolution of values will lay hands on the world order and say of war – 'This way of settling differences is not just.' This way of burning human beings with napalm, of filling our nation's homes with orphans and widows, of injecting poisonous drugs of hate into the veins of peoples normally humane, of sending men home from dark and bloody battlefields physically handicapped psychologically deranged, cannot be reconciled with wisdom, justice and love. A nation that continues year after year to spend more money on military defense than on programs of social uplift is approaching spiritual death.

Thus, where obedience to laws and maintenance of security are derived and applied justly, they are to be supported and defended. But where they do not, they must be challenged and revised or overturned. Otherwise, in the name of safety and security, we divide and harm people, thereby becoming both idolatrous and immoral.

Reflection Questions

- What does your faith say about debt or unfair debt?
- What does your faith say about proportionality in punishment? Are there any limits to punishment from your faith tradition?
- What does your faith say about stewardship and fairness?
- What does your faith say about treatment of the poor? Have you ever heard religious messages that condemn the poor and exalt the rich? What do you think of those messages, and do you think they have contributed to a culture that criminalizes poverty?

PREPARATION

For Facilitators & Circle Leaders

In a justice system where 67% of the prison system is composed of people of color, and 90% of people charged with a felony or misdemeanor are indigent, fines and fees fall disproportionately on communities of color and low-income individuals.

Mass incarceration and the rising cost of the justice system correlate with the high number and value of fines and fees imposed throughout that system. Over the past couple of decades, political pressure to minimize taxes increased, and state and local governments began using fines and fees as a revenue source for the justice system and other government services. The fines and fees increase has resulted in financial obligations that the majority cannot afford to pay. People's inability to pay can hurt them and their families by increasing their jail time, revoking their driver's licenses, taking away their voting rights, lowering their credit scores or decreasing their chances for successful re-entry.

The Brennan Center [report](#) highlights problems with fines and fees in the U.S. criminal legal system, its criminalization of poverty, particularly in communities of color, and constitutional doctrines that apply to fines and fees. It also highlights reform efforts and personal narratives from people across the country who have been impacted by the criminalization of fines and fees. **Since 2008, almost every state has increased criminal and civil court fees or added new ones, and the categories of offenses that trigger fines have been expanded. Our justice system increasingly relies on fees and fines charged to defendants in criminal cases to fund basic operations.** There is a historical connection between the current increase in fines and fees, and past poll-taxes and debt servitude systems.

Cash bail is another way poverty is criminalized in our legal systems. There are two purposes for bail: 1) to incentivize arrested persons to return to court and 2) to protect individuals from harming themselves and others in the community. Numerous studies have shown there is no need for cash bail to incentivize people to return to court for proceedings related to the charges against them. But the inability to pay cash bail seriously disrupts the lives of people — jobs are lost, families are torn apart, people are unable to support themselves or their families in numerous ways — for no reason. And it is critical to remember that detainees have not been convicted and under our system are presumed innocent. [The Bail Project](#) has various materials on this topic and support numerous projects nationwide.

Fines and fees criminalize poverty. History and the data show that "crime" in this country has been defined in ways that criminalize the actions of poor people in disproportionate ways. People accused of white-collar crimes are less likely to face charges and often avoid being required to post bail, despite typically having the financial resources to do so. On the other hand, we've named them white collar crimes and societally allowed for laws to systematically and disproportionately prejudice and literally "charge" money for crimes that are associated with actions taken by people without means to pay. Broken Window policing furthers the criminalization of poverty by targeting poor neighborhoods and families. These targeting policies, coupled with the decline in community dollars, fuels the system of incarceration as the funding to run our municipalities relies on the funds collected through "crime."

CIRCLE PRE-WORK MATERIALS

Prior to your discussion, watch the following videos.



[Fines and Fees Justice Center Video on how Miami-Dade County is working to eliminate fines and fees](#)



[PBS Newshour on Tickets, Fines, and Fees in Ferguson](#)

[The Fines and Fees Justice Center \(FFJC\)](#) is a national advocacy organization working to create a justice system that treats individuals fairly, ensures public safety and is funded equitably.

[The Bail Project](#) provides free bail assistance to low-income Americans. They have a model of Community Release with Support, which provides free transportation to court and court notices.

The Brennan Center for Justice report, [The Steep Costs of Criminal Justice Fees and Fines](#), examines how court fees and fines unjustly burden people with debt as they re-enter society, and are ineffective at raising revenue.

Glossary

Broken Window Policing: A law enforcement strategy that focuses on cracking down on minor offenses and maintaining order in public spaces. This is based on the theory that visible signs of disorder like graffiti, vandalism and public drinking, can lead to more serious crimes.

Debt Peonage (or servitude): A system where debtors are forced to pay of their debts through work.

Disenfranchisement: The state of being deprived of a right or privilege, especially the right to vote.

Fees: Intended to raise revenue, courts and prisons charge fees to people charged with crimes, claiming the fees are used to recoup costs. Examples include clerk fees, DA fees and other surcharges.

Fines: Monetary punishment imposed upon conviction of offenses like traffic violations and misdemeanors.

Revenue: Both fines and fees are sources of income and cash flow for local governments, and are not necessarily used for matters related to criminal justice. This varies by state. In fact, they can be used to cover court wages and infrastructure expenses, and in one case, even gym memberships for court employees.

Usury: The illegal action of lending money at unreasonably high interest rates.

HISTORICAL FRAMING

U.S. History of Disenfranchisement

As our partner organizations' reports demonstrate, the services that our city, county and state agencies are tasked with providing — such as roads, policing and incarceration — are now aided and abetted by the system of policing itself. While local governance in rural areas is especially dependent on fines and fees, the problem is widespread in cities as well.

The majority of the time, when sentencing and determining the fine amount, judges do not assess people's ability to pay. Often, poor people are strapped with fines they cannot afford.

Debtors' prisons were banned in the U.S. shortly after the Civil War. But after Reconstruction, systems of debt peonage thrived and were supported by local and state law enforcement for economic incentives. Especially in the South, Black people were arrested on minor or "trumped-up" charges (loitering, for example) and forced to work for local employers to pay off their fines. Southern states often leased their convicts to factory and agriculture owners. To learn more about this issue, read the book, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II*, by Douglass A. Blackmon.

There are many ways the current system of fines and fees resembles our history of debt peonage. Southern agriculture and industry took a hit after the Civil War. Charging Black people for their own arrests was a way for white agriculture and industry owners to gain profit, and, in Blackmon's words, re-establish "slavery by another name." The revenue from the fines and fees that the courts collect today does not, as in previous eras, go to private businesses. Revenue now goes to local governments for things like criminal justice workers' wages, roads

and bridges, schools and prisons. Instead of charges like loitering, most fines and fees apply to minor traffic and municipal code violations, in addition to misdemeanors and felonies. People who cannot pay the court's fines and fees can face longer jail sentences, may have their drivers' licenses revoked, are sentenced to community service or see their credit scores go down.

The U.S. also has a history of levying poll taxes. This Jim Crow-era practice required some voters to pay fees to enter polling places to cast their votes. This was most commonly applied to communities of color and meant to discourage them from voting, yet another example of disenfranchisement. It's important to consider how today's fines and fees are both similar and different from Jim Crow-era poll taxes.

The 1980s and 1990s saw a different kind of racialized rhetoric arise surrounding poor, Black people. The welfare reform movements and policies created false and imaginary stereotypes of poor Black people as "lazy" and "undeserving." American author, Ibram X. Kendi, writes about how white people were given "welfare" in the form of housing assistance and GI Bills earlier in the 20th century (assistance that was generally denied to Black people). However, in the 80s and 90s, "welfare" was racialized as an excuse to condemn the poor. This era saw a concurrent rise of "prosperity gospels," interpretations of Christianities that supported the welfare-reform rhetoric of condemning the poor.

The Brennan Center for Justice report, "The Steep Costs of Criminal Justice Fees and Fines," stresses that fines and fees are an inefficient way to gain revenue for government services. It takes manpower and time to collect and keep track of the fines and fees. Police can spend the majority of their days trying to make their quota for issuing citations, and courts can fund scores of people tasked with tracking cash flow and

debts. We should question whether this is the best use of the government's resources, and if the motivations for fines and fees go beyond mere financial incentives.

The Fines and Fees Justice Center stresses some important alternatives. They advocate that fees should be eliminated entirely. Rather, they

propose that fines and fees should be assessed in proportion to individuals' ability to pay, and not be imposed on the incarcerated or those on probation. In addition, fines should be offered as an alternative to jail time, giving individuals the opportunity to create reasonable payment plans.

Reflection Questions

- Who should pay for schools, local infrastructure and criminal justice systems? Should it be people who find themselves interacting with the criminal justice system? Where should the money come from?
- How might collection of fines and fees create an economic incentive to over-police communities?
- In what ways do fines and fees resemble our histories of debt peonage, and in what ways are they different?
- How do penalties for inability to pay fines and fees hurt the debtors and their families? Who benefits from these debtors and debts?
- Do fines and fees resemble usury, which is illegal for private parties to enact upon one another? If the public sector enacts harsh punishments or sells debt to private companies with higher interest, does that qualify as usury?
- How do fines and fees criminalize poverty?

Florida Case Study

In 2024, The American Bar Association conducted [a study of fines and fees](#) in Florida, cited by the Fines and Fees Justice Center. They found that fines and fees assessed in Florida are imposed without regard to the person's ability to pay. Under Florida law, judges lack the power to waive or reduce most fees. Establishing a payment plan incurs additional fees, including an administrative fee for establishing the plan and often a transaction fee every time a payment is made. People who are unable to pay fines and fees in Florida incur further punishments and fees, such as:

- Their driver's license being suspended
- Their debt being sent to collections, which imposes an additional fee of up to 40% on the amount owed. Florida's misdemeanor fines and fees trap citizens already struggling financially in a cycle of debt from which it is incredibly difficult to escape.

Florida should implement reforms to improve its fines and fees procedures, preventing its criminal justice system from punishing individuals simply for being poor, such as:

- Consider eliminating or reducing court-imposed fees, particularly those levied when an individual is convicted of a misdemeanor, establishes a payment plan or makes a payment.
- Give judges the discretion to waive or reduce fines and fees.
- Ensure consideration of the individual's ability to pay when imposing fines or fees.
- Establish a process for seeking reconsideration of fines and fees based on ability to pay.
- End the practice of suspending driver's licenses as a punishment for nonpayment.
- Ensure that individuals who have misdemeanor convictions understand they retain the right to vote.
- Consider eliminating collection fees.

Considering this example of Florida's misdemeanor courts, we wonder how sending a

court fee to debt collection agencies resembles usury. As we know, it is hard to secure a job to pay debts if one does not have a driver's license. So it's important that judges be given discretion to waive fees, until fees are abolished all together.

Key Findings and Insights

- Being incarcerated, even for a short time, can be devastating. It can result in the loss of a job, child custody and even housing.

More than 62% of people in jail have not yet faced trial or been found guilty. One third are detained simply due to their inability to make bail.

- Many cities even arrest people who are unable to pay their fines, detaining them in overcrowded jails, sometimes for weeks — often at a cost to taxpayers that far exceeds the amount owed. In a true “catch-22” situation, some residents have their driver's license suspended, costing them the job they need to pay off their fines. Nearly all of those caught up in the system for failure to pay are Black, Latino, disabled and/or homeless.
- When the Justice Department investigated Ferguson's police department following Michael Brown's death, it found that officers disproportionately ticketed and arrested Black citizens, viewing them “less as constituents to be protected than as potential offenders and sources of revenue.” In fact, promotions depended on officers' ability to generate revenue. *The Washington Post* reports that some cities rely on fines for minor offenses like playing loud music, leaving grass uncut and wearing “saggy pants” to finance **more than 40% of their annual budgets.**

Bail reform is a critical aspect to reducing and eliminating fines and fees. The Bail Reform Project highlights reform in Harris County,

located in Houston, TX. Beginning in 2019, those with misdemeanors in Harris County were allowed to be released without cash bail payments.

Independent monitors reported many benefits.

1. There was no reliance on the bail bond industry, thus eliminating overhead fees and interest paid to entities outside of the court system.
2. People could keep their jobs and childcare when they were not incarcerated and awaiting pretrial.
3. Harris County redirected funds that would have been spent on jailing people toward improving indigent defense services.

The monitors advised that bail reform should apply to more than misdemeanors and be more broadly applied.

Reflection Questions

- Find out which fines and fees your city and county uses, and what penalties are imposed for not paying them.
- Examine your city's budget and see if there is a record of how much of the budget is funded by fines and fees, and identify where that revenue goes. If there is no public record, consider why there may be a lack of transparency.
- Determine whether your city or county has ever considered bail reform.

RECOMMENDED ACTIONS

Analyze Identify your city's practices around fines and fees.

- After examining your city's budget, determine how much of it is funded by fines & fees.
- Crowdfund stories of how fines and fees of the incarceration system have negatively impacted people in your community.

Amplify Tell your story on social media, talk to elected officials, etc.

- Prepare relevant talking points to guide your meeting with elected officials, then request a meeting for your group.
- If additional information is needed, consult with the Fines and Fees Justice Center.

Act Connect with a trusted partner to work on their existing campaign.

- Align with local advocates, such as non-profit organizations and elected representatives, who support this issue.
- Connect with the Fines & Fees Justice Center campaign: [Cities and Counties for Fines and Fees Justice](#).

SUGGESTED RESOURCES

Fines & Fees Justice Center, The Price of Justice: Fines, Fees and the Criminalization of Poverty in the United States

<https://finesandfeesjusticecenter.org/articles/the-price-of-justice-fines-fees-and-the-criminalization-of-poverty-in-the-united-state/>

Center on Budget and Policy Priorities

<https://www.cbpp.org/research/state-budget-and-tax/step-one-to-an-antiracist-state-revenue-policy-eliminate-criminal>

TAKING ACTION

Pray with Your Feet

"I prayed for freedom for 20 years, but received no answer. Until I prayed with my legs."

– Frederick Douglass

"I prayed with my feet."

– Rabbi Abraham Joshua Heschel, returning from the Selma voting rights march, when asked when he had time to pray

"Silence is akin to complicity."

–Talmud Yevamot 87b

"Whoever among you sees an evil action, let him change it with his hand [by taking action]; if he cannot, then with his tongue [by speaking out]; and if he cannot, then he should hate it in his heart, but that is the weakest form of faith."

– The Prophet Muhammad
(peace and blessings of Allah be upon him)