

Imprisonment due to poverty was outlawed by the equal protection clause of the 14<sup>th</sup> Amendment, yet today courts across the country continue to find ways to imprison people for being poor. The following policy tools can help ensure that poverty does not equal a jail sentence.

## **Limit automatic fees attached to citations.**

By limiting fees attached to citations to a percent of the initial citation, a small infraction would not grow to an impossible burden. Additionally, though, fees should have direct correlation to the specific citation and requirement of payment should be based on an individual's ability to pay.

## **Limit interest rates and fees attached to unpaid financial obligations.**

Inability to pay should not result in a never-ending penalty due to high interest rates. Interest rates should be capped at 6 percent, and based on ability to pay. Additionally, mandatory annual fees for payment plans should be eliminated.

## **Cap operating revenue from fees.**

Government entities should not rely on fees from citations to survive. Capping the percentage of revenue that can come from these fees would help prevent a policy where police are encouraged to write as many tickets as possible just to raise revenue for general funds.

## **Establish more clear criteria for determining ability to pay fines and fees.**

When judges have no clear criteria for setting fines and fees, and no criteria for determining ability to pay, it is left to the judge's discretion. More clear criteria including employment history and status, public assistance status, and more can help prevent bias in fines and fees and in determining whether a defendant is willfully refusing to pay or simply cannot pay. A bench card such as the one distributed in Ohio, could help limit bias and help judges rule fairly.

## **Prohibit driver's license suspension for inability to pay.**

Inability to pay should not result in suspension of a driver's license that is necessary to remain or gain employment. Lack of a driver's license can only increase the chance that someone will be unable to pay and then end up in a cycle of poverty.

## **Restrict courts' ability to send unpaid fines and fees to outside debt collection agencies, and better regulate the debt collection industry.**

Even when a financial obligation is relatively modest, if it is unpaid it often ends up in the hands of debt collectors. These debt collectors not only charge extremely high interest rates, they often use bullying tactics and add additional fees of their own that leave those paying fines and fees in a cycle of debt and poverty. Restricting circumstances where debt from fees and fines can go to collections agencies and regulating the ability to add additional fees, regulating interest rates, and prohibiting bullying tactics like threatening jail time for unpaid debts would help stop this cycle.