

## Criminal justice debt creates major barriers to economic health

*By Dev Wakeley, policy analyst | January 2022*

It is unconstitutional to jail someone just because they owe money. But Alabama has no set process for courts to determine if a defendant can afford to pay fines and fees. And though debtors' prisons are illegal, thousands of Alabamians are in danger of going to jail or are driven further into poverty because they can't pay high costs attached to the criminal justice system.

### Fines and fees are everywhere

Alabama relies heavily on fines and fees to fund its court system. Largely as a result, fees are [attached to every phase](#) of criminal justice proceedings in our state.

People pay bail bonds and related fees to avoid jail before trial. They pay fines and costs if convicted. They pay fees for drug testing, parole supervision and public defender representation. And they pay for diversion programs to keep convictions off their record and community corrections programs to maintain jobs and lives while serving sentences.

The financial damage continues beyond the courthouse and jail. People pay fees to reinstate driver's licenses and higher costs for some mandatory types of insurance. They pay interest and surcharges because they can't pay the full amount at once. And they even pay a fee for paying in installments.

### Criminal justice debt adds up

A 2014 survey by TASC, Jefferson County's community corrections program, found [90% of participants owed court debt averaging \\$7,885](#). Costs for possessing 1 ounce of marijuana in Shelby County could total \$2,611, [the Public Affairs Research Council of Alabama found](#). Probation could add \$960, and driver's license restoration would add another \$300.

Legal financial obligations (LFOs) often lead to incarceration and debt. In much of Alabama, a person who falls behind on payments can be jailed. TASC's survey found nearly one in five respondents (18%) had been jailed for failure to pay fees or fines.

Mounting debt also can prompt cynicism about a system that preys on people of color and people who live in poverty. Many of the worst abuses of criminal justice debt [have occurred](#)

[in places with large Black and Hispanic populations](#). Four out of five people charged with crimes [are indigent](#). And 60% of people surveyed by TASC said they had to choose between paying LFOs or meeting basic needs like groceries, utilities and housing.

## Fixing Alabama's criminal justice debt problems

Lawmakers have numerous policy solutions available to help repair a court system that traps many Alabamians in debt. These options include:

- Standardize determination of ability to pay.
- Create an income-based sliding scale for fines, fees and other legal financial obligations.
- Eliminate cash bail for misdemeanors.
- Stop requiring payment of fines and fees before restoring the right to vote for Alabamians who are otherwise eligible.
- Prohibit jailing people for unpaid debt.
- Study and remedy racial disparities in criminal justice debt.
- Encourage courts to use alternatives to monetary sanctions, such as community service or treatment programs.
- End driver's license revocations and suspensions for offenses unrelated to driving, such as a drug crime or missed court date.
- Eliminate fees for reinstating driver's licenses.

### Bottom line

Alabamians deserve a justice system that helps people rejoin society and doesn't squeeze every cent from people with limited resources. Funding courts through adequate general appropriations instead of fines and fees would be a major step toward a more just, inclusive Alabama for all.