

How local governments punish poor people with fines

When a parking ticket spirals into homelessness

by [Caitlin Yoshiko Kandil](#) in the [December 4, 2019](#) issue



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Several years ago, Anne Stuhldreher rolled through a stop sign in San Francisco and got a ticket. That kind of infraction costs \$238 or more in California. The price shocked Stuhldreher, who knew that many families living in San Francisco—rated one of the most economically unequal cities in the US—don't have a few hundred dollars to spare.

After Stuhldreher got her ticket, she thought about the way that the fee would impact different people in the community differently. "If someone who is a daycare worker in my neighborhood got that ticket, it would be very different than someone who works at a tech company." Stuhldreher, who has long worked on addressing the financial issues facing low-income residents, started digging into these questions.

Around this time, new research was demonstrating the impact of fines and fees on low-income people across the country. The problem isn't isolated in San Francisco: a

2016 survey by the finance website Bankrate showed that 63 percent of Americans don't have enough money saved to cover a \$500 emergency. That is nearly the cost of a ticket for running a red light in California.

In its 2015 report on Ferguson, Missouri, in the aftermath of the police shooting of Michael Brown, the US Department of Justice showed that aggressive law enforcement in low-income communities of color was being used to generate revenue. People's inability to pay for minor offense tickets could have major ramifications on their lives, forcing them to go into debt, lose a driver's license or a job, or even end up in jail.

The same trends were found in California. According to the 2015 report *Not Just a Ferguson Problem*, by the Lawyers' Committee for Civil Rights of the San Francisco Bay Area and other advocacy groups, fines and fees often become a "poverty sentence" for many Californians.

Stuhldreher calls it the "spiral of despair." A person gets a traffic ticket for a few hundred dollars. Unable to pay the fine, she misses the deadline for payment, and the ticket starts accruing late fees and creates a debt that hangs over her head. The city sends the ticket to the collections department, and now her credit is damaged, so that the next time she tries to rent an apartment, her application is rejected. Eventually, her driver's license is suspended for failure to pay. Without a driver's license, she can't perform the basic tasks of everyday life—commuting to work, grocery shopping, taking children to school, going to doctor's appointments—and also becomes ineligible to apply for and work at many jobs. Without secure employment and housing, she is now at risk for homelessness. It all started with a traffic ticket.

In California, so many additional fees and assessments have been tacked on to traffic citations recently that tickets with a base cost of \$100 now cost nearly \$500. Missing one payment deadline can hike that same fee up to more than \$800. Further failure to pay or a missed appearance in traffic court to contest the ticket could result in a suspended driver's license, which can affect a person's ability to find or keep a job. More than 4 million California drivers had suspended licenses four years ago.

Ken Theisen, a legal advocate for Bay Area Legal Aid, said that when he first started working to eliminate barriers to employment for low-income residents in San

Francisco eight years ago, about 90 percent of his clients had accumulated traffic tickets. The average person's debt was about \$2,000, he said, while one had as much as \$18,000 in speeding tickets and additional fines and fees. Many of these clients had their driver's licenses suspended even though failure to pay was often the result of not having the money. Their failure to appear in traffic court was often out of fear that they would be thrown in jail for not being able to pay, he said. (Many immigrants don't show up to traffic court for fear of deportation.)

Often, Theisen said, his clients don't even know their license is on hold. "The client finds out they have a license on hold when they get pulled over by a cop for the next violation, and the cop says 'You're driving without a license.' So you get hit with whatever the violation was, but also for driving without a license or driving with a suspended license, which adds to it."

"The repercussions basically put people in poverty or keep them in poverty," he said.

Stuhldreher started talking to local community organizations and city hall about the issue, and in 2016 she was invited by San Francisco treasurer José Cisneros to help launch the Financial Justice Project, the country's first-ever government-embedded effort to assess and reform the fines, fees, and other financial penalties that disproportionately impact low-income residents. Stuhldreher, who now serves as the project director, said the program has two prongs: listening to the community about the painful impact of fees and working with various government entities to make reforms.

In its nearly three years of existence, the Financial Justice Project has helped to implement wide-ranging reforms across San Francisco, including reducing the cost of traffic citations and towing and boot fees for low-income residents; allowing the homeless to have citations for illegal camping removed if they receive social services help; eliminating fees for residents whose water has been turned off; cutting administrative fees for people exiting jails and prison; and abolishing overdue fines at the San Francisco Public Library.

While these reforms are designed to eliminate the spiral of despair, Stuhldreher maintains that these fixes are also in the best long-term interest of government. "We really do believe that it's possible to hold people accountable without putting them in financial distress," Stuhldreher said. "And we believe we can balance our

budget in ways that are not on the backs of the lowest-income people in our community.”

A deeper look into the history of local government reveals why the burdens on low-income people have worsened in recent years. Lewis Brown, senior associate at PolicyLink, a research institute based in Oakland, California, said that when tough-on-crime policies ramped up in the 1970s and 1980s, more money was needed for law enforcement. At the same time, governments started cutting tax rates.

“The money had to come from somewhere . . . and it made sense that they would look at fees and fines as a way to fill that gap,” Brown said, noting that because these financial penalties usually occur after contact with law enforcement, poor people of color are disproportionately impacted.

The recession in 2008 exacerbated this trend. In California, he said, the loss of tax revenue meant the state shifted costs directly onto those in the criminal justice system. “If you plotted it on a graph, as soon as tax revenue went down, you’d see another line with fines and fees going up,” Brown said. “It developed as a revenue replacement mechanism.”

But these fines and fees are not particularly effective as a revenue generating mechanism. Data from the San Francisco Superior Court show that in 2016 the collection rate for probation fees was just 9 percent. And in some parts of the state, counties end up spending more money trying to collect criminal justice fees and fines from poor people than they bring in. Los Angeles County, for instance, spent \$3.9 million on collections last year to bring in \$3.4 million in adult probation fees.

“It’s a lose-lose,” said Stuhldreher. “It’s a lose for people and it’s a lose for the city. . . . We’re not saying that there should be no consequences,” she said. “We think that the consequence should fit the offense, and it shouldn’t hit lower-income people harder.”

In 2015, the San Francisco Superior Court became the first in California to stop suspending licenses for failure to pay traffic tickets, and two years later the state followed suit. This year, the Financial Justice Project helped lift 88,000 existing suspensions on licenses. The Financial Justice Project and Bay Area Legal Aid also worked with the local courts to automatically reduce traffic tickets by 80 percent if the person’s income is under 250 percent of the federal poverty line. The tickets can be paid off through installments under a payment plan or with community service.

The Financial Justice Project worked with the San Francisco Municipal Transportation Authority to set up payment plans and lower fines for parking violations and to reduce towing and boot fees for low-income residents of the city. According to the Financial Justice Project, after these reforms, the SFMTA reported a 400 percent increase in the number of people enrolling in payment plans.

After tackling traffic tickets, the Financial Justice Project took on the criminal justice system, which has long burdened people exiting jails and prisons with thousands of dollars in fines and fees.

According to a 2019 report by the Financial Justice Project, at least 45 different fines and fees can be assessed to individuals upon their release from local jail or prison, the majority of them administrative. These fees are not meant to be punitive; they're designed to recover some of the costs of the criminal justice system and include charges for electronic monitoring, presentencing reports, booking, alcohol testing, and emergency medical services. In addition, San Francisco charged a \$50 monthly probation fee. Since most probation periods last three years, the entire amount of \$1,800 was typically charged upfront upon release from incarceration, making it one of the most expensive items on a person's bill. Over the past six years, the Financial Justice Project estimated, individuals leaving the criminal justice system were charged \$57 million.

Aminah Elster, a senior organizer for the Oakland nonprofit Legal Services for Prisoners with Children, said that for low-income residents, getting these fees is like getting another sentence.

"If you've completed your 15 years, then you believe, 'I've done my time and I'm going back out into society,' only to realize that you're still incarcerated," she said. "You're on community supervision, you're still burdened by financial obligation to the state or the court, and you have all these collateral consequences stacked against you in order to live a healthy, productive life like any other American. You're forced almost immediately to start paying all these large bills when folks can barely afford to live out here."

These costs typically fall on the families—the parents, partners, and children—of incarcerated people. According to a 2015 report from the Ella Baker Center for Human Rights, an Oakland nonprofit, families on average paid more than \$13,000 for court-related fines and fees, and one in five take out loans to cover costs. Eighty-

three percent of the time, women end up making these payments on behalf of their loved ones.

The spiral of despair is familiar: failure to pay fines and fees can lead to wage garnishment or damage a person's credit. In some cases, not paying probation fees is considered a violation of probation and can land a person back in jail. In San Francisco, failure to pay also has meant a person couldn't get their record cleared or expunged, often a necessary step in gaining access to housing or employment. According to a Financial Justice Project report this year, these heavy fines and fees become a barrier to reentry and can also increase the likelihood of recidivism.

After the Financial Justice Project advocated for reform last year, San Francisco became the first county in the US to eliminate all local fees on people released from jail, a move that eliminated \$32 million in debt for 20,000 people. This year, San Francisco also became the first county in the nation to eliminate fees for phone calls from jails.

Elster said she's already seen the impact on families of incarcerated people. "I'm able to see families being able to afford to invest in other areas of their lives and their children's lives that they hadn't been able to invest in before," she said.

In the three years since the Financial Justice Project began, several of its reforms have spread throughout the state of California and to the rest of the country. Anthony Robles, a youth organizer for the Los Angeles-based Youth Justice Coalition, said that while his group has been working on the issue of criminal justice fines and fees in Los Angeles for the past decade, it has also taken cues from the Financial Justice Project, trying to implement some of the same reforms in Southern California. Statewide, California has abolished new administrative fees assessed on juveniles in the criminal justice system (but didn't abolish debt from existing fees) and is considering legislation to eliminate administrative fees for all people in the criminal justice system. (The Financial Justice Project is among the cosponsors of this bill.)

Last year, Chicago became the second city in the nation to launch a government entity to assess and reform fines and fees. The Chicago Fines, Fees and Access Collaborative, created by city clerk Anna Valencia, was in part formed in response to the outcry of grassroots community groups such as Community Organizing and Family Issues, an organization of parent leaders, over the city's ticketing practices.

“It’s a reality that a lot of communities are extremely poor,” said Rosazlia Grillier, co-president of COFI’s Parents Organized to Win, Educate and Renew PAC. “And one predatory event, such as these fines and fees, can cause a person to become homeless.”

Grillier said that as COFI began working on these issues, it looked around the country for best practices and reached out to the Financial Justice Project and San Francisco’s treasurer, Cisneros, for advice. Since its founding, the Chicago Fines, Fees and Access Collaborative has already implemented changes to its city vehicle sticker program, which Grillier said put financial stress on many families.

Some advocates say even deeper reforms need to be made to ease the financial burden fines and fees cause low-income people. Elster, of Legal Services for Prisoners with Children, said that another—albeit controversial—step would be to significantly reduce the restitution payments many incarcerated and formerly incarcerated people must make. She said these funds for victims can total hundreds of thousands of dollars, making payment far out of reach for most people. Brown, of PolicyLink, said the best way to ease the burden of fines and fees is to eliminate them entirely and decriminalize many of the nonserious offenses that trigger tickets in the first place.

While fines and fees are gaining mainstream national attention—largely as a result of the US Department of Justice’s Ferguson report—Robles pointed out that it’s an issue low-income people of color have long understood.

“It’s something that poor black and brown people, poor people in the criminal justice system have always known,” he said, explaining that growing up in Los Angeles, he was constantly issued tickets for minor offenses. After he was released from prison at age 21, he was charged \$4,000 in probation fees, which he struggled to pay off. “When it started coming to national attention, I was like, ‘Finally!’”

Stuhldreher said that she gets calls every week from people across the country asking how they can start engaging in this work. Meanwhile, she said, there are still many more areas she’s hoping to look into in San Francisco, including street vendor fees, to continue the work she feels is just beginning.

“I hope we’re a more fair and just city,” she said. “I think we still have a long way to go.”

A version of this article appears in the print edition under the title “Predatory fines.”