



# DRIVING INTO DEBT: THE NEED FOR TRAFFIC TICKET FEE REFORM

## Authors

**Annette Case**, Senior Policy Consultant, Insight Center for Community Economic Development

**Jhumpa Bhattacharya**, Director of Racial Equity and Strategy, Insight Center for Community Economic Development

## Acknowledgments

We wish to thank the Ford Foundation and the Levi Strauss Foundation for their support of this work as well as Theresa Zhen, East Bay Community Legal Center; Elisa Della-Piana, Lawyers Committee for Civil Rights; Selena Teji, Californians for Safety and Justice; Beth Colgan, Assistant Professor of Law, UCLA School of Law, University of California, Los Angeles; Karin Martin, Visiting Assistant Professor, Goldman School of Public Policy, University of California, Berkeley; and Natalia Emanuel, Graduate Student, Harvard University, for their thoughtful contributions to the development of this policy brief.

## INTRODUCTION

Traffic tickets. Many of us have received them and experienced the annoyance, stress, and embarrassment that they can cause. Traffic tickets, or infractions, may seem innocuous since they are quite common, but it is important to understand that they serve as an entry point into the criminal justice system since they are filed as a criminal case. About one in ten Californians intersect with the police and court system through a traffic infraction,<sup>i</sup> and these infractions remain the most common criminal and court filing. Blacks and Latinos are particularly impacted as numerous studies have shown they are more likely to be pulled over by the police while driving.<sup>ii</sup> For millions of Californians, particularly families struggling to get by, a simple traffic ticket can start a spiral of lifelong debt, license suspension, and possibly incarceration.

Recently, policymakers and community advocates in California have made traction on efforts to reform the criminal justice system. Much attention has been paid to the dire need for reform in the bail system, which plunges economically fragile families deeper into poverty. The traffic fines and fees system also needs significant reform to be more equitable for all Californians. In the current fixed fine and fee system, California drivers are fined a set amount for a specific infraction regardless of their ability to pay such fines and their related fees. As a further sanction, the courts can suspend a driver's license to compel payment on a ticket. High fines and fees disproportionately affect individuals with lower incomes, and data shows that license suspension rates are highest in low-income neighborhoods that are predominately Latino and Black.<sup>iii</sup> Millions of Californians are in debt for old traffic tickets they cannot afford to pay,<sup>iv</sup> and hundreds of thousands more have had their license suspended due to late or missed payments or missed court appearances.<sup>v</sup>

Although the fundamental purpose of a traffic infraction is to promote safety on the road, we must account for the judicial system's heavy reliance on revenues generated through traffic tickets to fund services and a significant portion of the trial court's budget. The number of traffic tickets has declined in recent years, a positive development for drivers and pedestrians. However, decreasing revenue from the drop in tickets creates a perverse incentive to increase fines, fees, and sanctions that, in turn, diminish public trust in the system. The significant number of people with traffic infractions, related debt, and license suspensions raises questions about how well these policies and practices align with their primary purpose of public safety as well as their role in creating a level of undue economic harm for families.

This report examines how policies and practices such as high fixed fines, fees, and license suspensions – all driven by the need for revenue – distort fundamental principles of justice, perpetuate inequity, and cause significant harm to the well-being of millions of Californians. We conclude with recommendations to implement an ability-to-pay system, address debt, end license suspensions, and reevaluate the funding structure of the judicial system. These proposals could carry tremendous impact for ensuring equity in California courts and the fair administration of justice for all Californians.

## UNEQUAL JUSTICE<sup>vi</sup>

Concepts of fairness and justice are critical to achieving trust in the judicial system that underlies our democracy and the equal ability of citizens to participate in it. In order to achieve meaningful equality before the law, a person should not be punished more or less than others for the same act due to their actual income and/or wealth.<sup>vii</sup>

In most cases, fines and fees are the sole punishment for receiving a traffic ticket, the fundamental purpose of which is to deter unsafe driving practices. Yet, in practice, the ramifications of the fine and fee system extend far beyond mere traffic control. In the U.S., monetary sanctions have a long history of contributing to the criminalization of poverty and race. For example, from Emancipation through the 1940s, states in the Deep South enacted a convict lease program that required people to pay legal debt through their labor to corporations that paid the salaries of the judges assigning the monetary sanctions. In addition to creating conflicts of interest, sanctions became another system of maintaining servitude and racial domination.<sup>viii</sup>

The current fixed fine and fee system in California perpetuates this historical legacy of inequitable monetary sanctions. While courts have the option to assess a person's ability to pay these fines and fees, they do not regularly do so. An individual must first request an ability-to-pay hearing, a process that is not consistently regulated across California and which many California drivers remain unaware of.

As Katherine Beckett and Alexes Harris state, "By definition, monetary sanctions that are not adjusted by income have a disproportionate impact on the poor."<sup>ix</sup> People cannot be equal before the law if punishment for some individuals is more severe than others simply because of their wealth and income. In regard to traffic infractions, low-income families who are unable to pay the fines and fees assigned to them are subject to additional sanctions that only serve to compound their financial limitations. On the other end of the spectrum, people with greater financial resources can effectively purchase the right to commit a driving violation because they can afford to pay the total cost of a ticket, in which case an infraction simply becomes a clerical inconvenience. For the wealthy, the fine does not represent a meaningful sanction.<sup>x</sup> For the poor, the punishment is impractical and can vastly outweigh the infraction.

In addition, although a fixed fine system is in place, the process for contesting or even paying a ticket can vary from court to court. Moreover, because there is no statewide standard governing the process for determining a person's ability to pay traffic fines and fees, the process for assessing an individual's ability to pay can vary according to where the person was ticketed within the state. While sanctions such as high-cost tickets, late fees, and license suspensions are routinized and cause disproportionate impact, procedural differences across the state potentially create further disparate outcomes for people, especially when "extralegal" factors come into play.<sup>xi</sup> The research literature often shows, particularly in criminal cases, that such "extralegal" factors include the ethnicity of the individuals, resulting in discrimination that perpetuates racial inequity and diminishes trust between the people and the courts.<sup>xii</sup> Indeed, cases document traffic infractions heard in court in which Whites received a reprieve from the judge while people of color did not.<sup>xiii</sup>

## THE DEBT TRAP

The current system tips the scales of justice to favor the wealthy and further punish lower-income people and people of color by disproportionately creating significant debt and adding license suspension to the original infraction.

As anyone who has received an infraction can attest, traffic tickets in California will set a driver back several hundred dollars. In California's system, tickets (fines plus fees) cost the same amount across the state according to the type of infraction. As one example, the base fine, or punishment, for a speeding ticket going over 26

mph of the speed limit is \$100. Additional fees are added to the fine as a means of funding various services, training, and trial court operations. Once all of these costs are added together, the ticket totals \$490.<sup>xiv</sup> In addition, should a person miss a court appearance or a payment, they may receive a civil assessment for \$300. Additional fees can bring the total close to the \$1000 mark. After 20 more days without payment, the court may hold or suspend the driver's license.

A narrow majority of people in California (56 percent) pay their fines and fees immediately or through installments that maintain non-delinquent debt status.<sup>xv</sup> By default, the courts assume late payments are deliberate and regularly add the \$300 civil assessment to the total cost of the ticket. Late or missed payments result from a number of issues including inability to pay the exorbitant costs, confusion about when a payment is due, or lack of proper notice about the requirements or rights related to the ticket, including an ability-to-pay determination. Regardless of the reason, once payment is late, fines and fees become delinquent debt. New delinquent debt accrues each year, contributing to a growing total over time.

“  
About 8 million Californians, equal to the population of Los Angeles, San Diego, San Jose, San Francisco, and Fresno combined, hold an estimated \$6.5 billion in delinquent debt on traffic tickets filed prior to January of 2013.”

Many Californians are striving to make ends meet but are falling short. Over 3.5 million households, or 38 percent of all households in California, cannot cover the basic cost of living.<sup>xvi</sup> Without regularly assessing the ability of individuals to pay fines and fees, it should come as no surprise that the high monetary sanctions lead to significant delinquent debt. Total estimated outstanding debt in California is \$12.3 billion for all criminal court-ordered debt, of which approximately \$9.7 billion is delinquent debt.<sup>xvii</sup> **About 8 million Californians,<sup>xviii</sup> equal to the population of Los Angeles, San Diego, San Jose, San Francisco, and Fresno combined, hold an estimated \$6.5 billion in**

**delinquent debt on traffic tickets filed prior to January of 2013.**<sup>xix</sup> Because these are the estimates of cases eligible for a recent traffic amnesty program, the numbers represent only a portion of the total number of people and the related traffic ticket debt accrued since that time. *[See box on pg. 5 for more on the traffic amnesty program.]*

In order to receive debt relief, individuals had to first find out about the temporary amnesty program and then request an eligibility determination. Although 8,000,000 cases were determined eligible, a mere 5 percent (398,138) of cases were resolved through debt reduction and license reinstatement.

Fines and fees should aspire to provide the minimum punishment needed to achieve their fundamental purpose, in this case promoting safety on the road and deterring unsafe driving practices.<sup>xx</sup> Yet for the many low-income households who lack the means to pay them, the consequences of the resulting debt are serious and long lasting. Unlike other debt, legal debt cannot be mitigated through bankruptcy. High levels of debt that people cannot afford to pay therefore become an unrelenting punishment that exceeds the original legitimate purpose of the infraction. A sense that the punishment is not only impractical but persistent and increasingly insurmountable erodes trust in the system and infringes on the basic rights of citizens to function freely in society.<sup>xxi</sup>



The astonishing amount of delinquent debt in California takes on greater weight because, by virtue of a fixed fine and fee system and racial bias in police stops, it disproportionately affects low-income families and families of color. Even small debt payments in a family struggling to get by can become a trade off against basic necessities such as healthcare and food. In addition, debt can affect an individual's and household's ability to gain and maintain employment, housing, credit, and additional education, thereby establishing a firm barrier to mobility.<sup>xxii</sup> Suspending a driver's license, particularly when a person cannot afford to pay the initial ticket, only magnifies and calcifies the consequences of debt.

## LICENSE SUSPENSION: INAPPROPRIATE, INEFFECTIVE, AND CAUSE OF SERIOUS ECONOMIC HARM

As one indicator of the judicial system's inappropriate focus on generating revenues, license suspension is a sanction frequently used only to compel payment. **Point in time data shows that licenses are suspended at a rate equal to nearly half of drivers (47 percent) who receive a \$300 civil assessment for failure to pay or appear.**<sup>xxiii</sup>

“

Point in time data shows that licenses are suspended at a rate equal to nearly half of drivers (47 percent) who receive a \$300 civil assessment for failure to pay or appear.

”

The practice of suspending licenses to compel payment intensifies the inequities created by the fixed fine and fee system. Debt from traffic tickets disproportionately accrues to those least able to pay. Once debt becomes delinquent, sanctions, such as license suspension, continue to pile up even though those who were unable to pay before likely remain unable to pay.

Research literature describes an effective collections process as one in which people are able to pay a defined cost as soon as possible and avoid debt.<sup>xxiv</sup> The widespread use of license suspension assumes people are able to pay tickets. If this

sanction worked effectively, and individuals were actually able, they would pay their tickets as soon as they become aware that their license is suspended. However, examining data related to the amnesty program shows license suspension occurred for 1 out of every 13 eligible amnesty cases.<sup>xxv</sup> The high number of license suspensions to compel payment (612,831 as of December 2015), and significant amounts of delinquent debt at least two years old, suggest license suspension does not in fact compel payment.

No reliable or easily accessible mechanism exists to calibrate fines and fees with the ability to pay them. As a result, in California more licenses are suspended in areas with higher rates of poverty and lower median household incomes.<sup>xxvi</sup> In addition, more licenses are suspended in communities with higher numbers of Black and Latino residents.<sup>xxvii</sup>

License suspension carries a host of ramifications. Foremost, it creates a barrier to employment. In California the vast majority (78 percent) of people drive to work and over five million jobs require the ability to drive.<sup>xxviii</sup> The geography of rural areas requires the ability to drive to work. Commutes are also growing longer as jobs and people move farther apart. Even in dense urban areas with public transportation, people drive to work. Recent research shows that public transit can make for a long commute as routes do not connect people to

the majority of jobs under 90 minutes.<sup>xxxix</sup> Long bus commutes are often incompatible with other daily activities such as picking up children from care, preparing meals, and helping with homework. People of color and people who are in poverty are the most likely to end up with a suspended license and are experiencing an even greater decline in access to jobs in cities and suburbs.<sup>xxx</sup>

Losing a license also creates barriers to meeting basic needs such as getting to and from medical appointments, school, child care, grocery shopping, and even court appointments. When the only adult or one adult in the household cannot drive, others close to the family must help coordinate logistics. Without additional support getting to work, the driver can lose his/her job. In one study, 42 percent of people lost their jobs after license suspension and 45 percent of those people could not find another job. The majority of those who did regain employment found work paying a lower wage.<sup>xxxi</sup>

Joblessness creates a number of social and health effects for individuals and their children, including the loss or reduction of income available to cover basic necessities. The longer a person cannot find employment the more likely their future earnings will be lower. Unemployment affects overall family well-being through poor health and lower academic outcomes for children.<sup>xxxii</sup> Without employment, people are much less likely to be able to pay court-ordered debt. When people do lose income or a job due to a suspended license, those resources are also extracted from the community in the form of lower consumption and a smaller tax base.

## TRAFFIC AMNESTY PROGRAM

The program began in October 2015 and ended April 3, 2017. Through this unique opportunity for debt relief, individuals were eligible to reduce their debt on tickets received prior to January 2013 as well as have their license reinstated. Individuals with incomes below 125 percent of the Federal Poverty Level received an 80 percent reduction on their debt if they had not been able to make any payments on their tickets. Individuals with incomes above that level who had not been able to make any payments received a 50 percent reduction. People who made payments after September 2015 were not eligible for reductions in debt but could have their licenses reinstated. Individuals had to pay an additional \$50 to participate in the program and \$55 to reinstate their licenses.

Alternatively, a driver's license provides economic benefits, especially for struggling households. For example, in one recent study, housing voucher recipients with a car were less likely to be exposed to poverty and more likely to find a job, stay employed, and earn higher incomes than those who were unable to drive.<sup>xxxiii</sup>

## REVENUE VS. THE DEBT BUBBLE

Much like the housing bubble and subsequent foreclosure crisis, delinquent debt does not represent real possible revenue and ultimately causes undue economic harm to families, their communities, and the state overall.

During the severe economic downturn, California increased the fines and fees for traffic tickets. The increasingly high costs of tickets became more difficult to afford, particularly as unemployment rose and wages stagnated. The number of traffic ticket cases began to steeply decline from their peak in FY 2010-11, resulting in declining revenues.<sup>xxxiv</sup> Recently, in February 2017, representatives from 49 of the 58 California courts requested an additional \$159 million for the judicial budget, stating that current budget shortfalls endanger their ability to provide fair and equal access to the court system for all the people who seek or require its services.<sup>xxxv</sup>

“

**The total outstanding criminal fines and fees, a fantastical amount of \$12.3 billion, is almost 3.5 times the current proposed budget (\$3.6 billion) for the judicial system.** ”

Recent public debate on whether or not to maintain policies such as license suspension focus around the “revenue” they generate from delinquent debt. When debt becomes delinquent it also becomes more difficult and costly to collect. Total debt grows each year as more is added than is paid off or otherwise resolved and, over time, it represents a significant amount of very old debt. **The total outstanding criminal fines and fees, a fantastical amount of \$12.3 billion, is almost 3.5 times the current proposed budget (\$3.6 billion) for the judicial system.** Comparing outstanding fines and fees of \$12.3 billion to the additional budget request of \$159 million

demonstrates the outsized ballooning of the debt bubble relative to annual budgets grounded in real time. Much of this debt is uncollectible and will not materialize into revenue for the judicial system, yet it will continue to hinder the ability of affected individuals and households to make ends meet, undermining their full potential to thrive and contribute to their communities.

The original purpose of traffic infractions is to promote public safety. The drive to secure revenue from fines, fees, and license suspensions presents a conflict of interest that undermines the effective administration of justice as court staff must serve as debt collectors to pay their salaries.<sup>xxxvi</sup> While they seek revenue, the significant level of delinquent debt and disproportionate impact caused by these actions creates severe consequences for millions of Californians. Within this context, it is important to consider whether or not it is ever appropriate to suspend a license for the purpose of revenue collection. Can equal access to justice be funded through a process that undermines the effective administration of justice?

## ASSESSING ABILITY TO PAY

Opportunities exist to resolve these conflicts. Research literature suggests that determining ability to pay and assigning proportional sanctions improve equality under the law and potentially allow an increase in collections without undermining basic principles of effective justice.<sup>xxxvii</sup> Pilot projects across the country designed and tested this proposition.

In a letter to the Back on the Road (CA) coalition dated March 16, 2017, Professor Beth Colgan details her research findings regarding day fines. A day fines system assesses fines based on the severity of the crime and the income of the person responsible. Colgan finds that day fine experiments in the United States show an increase in earlier and full payment of fines. For example, in Maricopa County, Arizona, collections for individuals in the day fine experiment averaged \$699 compared to \$344 for individuals sanctioned through the fixed-fine system. Nearly all (96 percent) day fine participants paid a portion of their fines, with over half paying in full within a year, compared to 10 percent of individuals paying fixed fines and fees.<sup>xxxviii</sup> In a day fine experiment in Staten Island, New York, collections increased 14 percent.<sup>xxxix</sup> Research also addresses the need for appropriate alternatives, such as community service, for those unable to pay.<sup>xl</sup>

Initial results from the amnesty program support the research literature. The amount of collections for all delinquent debt on a per case basis was compared to the amount collected through the traffic amnesty

program. Using data available from the most recent fiscal year, the California Amnesty Program collected three times more debt (\$151 per amnesty case) than regular delinquent debt collections (\$45 per case).<sup>xii</sup> Even when accounting for the cost of collections, the ratio of collections per Traffic Amnesty case is 2.5 times greater than other delinquent court-ordered debt collections per case. A number of counties also cited the Amnesty Program as a reason for increased collections. The collections process varies widely county to county. Even so, the vast majority of counties (88%) collect more revenue per amnesty case than other criminal delinquent debt. These initial results from the Amnesty Program suggest that assessing the ability to pay and providing more proportional sanctions and manageable installment payments, as well as hope for an end to punishment, facilitates greater delinquent debt collection.

Research literature also suggests that improving the ease and convenience with which individuals can pay tailored fines and fees is also an important component of successfully collecting them.<sup>xiii</sup> Online payments, payment plans, kiosks, and other similar payment methods facilitate full, timely payment, and could reduce the incidence of harmful delinquent debt for individuals and the courts as well as the cost of collecting it.

## **RECOMMENDATIONS: REBALANCING THE SCALES OF JUSTICE**

The large number of people eligible for the amnesty program due to delinquent debt and license suspensions for nonpayment indicates the need to rebalance the scales of justice. Assessing a person's ability to pay fines and fees and tailoring fines to income offer a counter weight to the disproportionate impact that existing policies have on struggling households and can help end the vicious cycle of delinquent debt imposed on millions of Californians. Tailoring fines to income with a manageable payment system that maintains non-delinquent debt collection supports the effective administration of justice and avoids the harmful effects of long-lasting debt for individuals and the courts.

The following recommendations can effect these changes in pragmatic yet meaningful ways.

### **Implement a uniform statewide ability-to-pay assessment that determines reasonable fines and fees based on a “make ends meet” standard of living.**

The process for determining the ability to pay a ticket and the plan for paying it depends on the trial court where the infraction was filed. The courts do not provide consistent information or a consistent process for handling tickets that are not automatically paid. Drivers who are unable to pay their traffic ticket are often unaware of the options available to them, such as the right to request an ability-to-pay hearing or an installment plan. This inconsistent process creates disparities that disproportionately impact low-income families.

Equal access to justice requires a clear and consistent process across all counties in California, such as notice about rights as well as responsibilities related to the traffic infraction, and transparent and standardized methods to determine both ability to pay and how fines will be assessed according to one's ability to pay. The method for determining ability to pay is a critical component of ensuring that a traffic ticket provides appropriate deterrence for the infraction without creating crushing debt that undermines a person's ability to work, thrive, and contribute to their community.



The current legislative proposal includes several factors to determine an individual's income and, similar to the recent Traffic Amnesty Program, establishes an income benchmark below which drivers would receive reduced fines and fees. This proposal could provide an effective solution toward addressing current inequities in the traffic fine and fee system. However, the method to assess income and establish the benchmark could further reflect realistic standards of living, such as accounting for local costs of living, basic expenses, and income needed to make ends meet. A more comprehensive accounting of this kind could help put an end to undue financial burdens arising from a traffic ticket.<sup>xliii</sup>

A uniform statewide day fine system that automatically assesses income and assigns a proportional fine based on a percentage of daily income offers bold reform. A well-implemented day fine system, based on a reasonable standard of living, creates proportional deterrence and removes many of the logistical barriers embedded in the current system. A uniform and automatic process across all 58 California counties is necessary to ensure consistent outcomes for all similarly situated clients. In addition, any system reform should make alternatives, such as community services in lieu of payment, regularly available for those who cannot afford to pay a fine.

### **End license suspensions intended to compel payment.**

The State's interest in collecting revenue through license suspension is inappropriate and undermines the credibility of the justice system. More revenues will likely be collected through a system that focuses on assessing ability to pay, assigning tailored fines, and maintaining non-delinquent debt payments. More importantly, the State of California should not perpetuate the economic harm and inequities that result from this practice.

### **Discharge uncollectible debts.**

A remedy should be provided to end unrealistic punishments and enduring debt that is uncollectible and that disproportionately affects low-income families of color.

The data available regarding non-delinquent and delinquent collection practices and outcomes is inadequate to fully estimate the age of debt, as well as other important information that would help inform appropriate practices to reduce and avoid delinquent debt. Currently, when the cost of collecting debt outweighs the amount to be collected, the courts can discharge the debt from their books. Yet individuals have no such remedy. At a minimum, when courts discharge debt from their balance sheets, the debt should also be discharged for the individual connected to those accounts.

The significant delinquent debt bubble indicates that a substantial portion is likely uncollectible. The courts could consider a one-time sweeping discharge of debt older than one or two years.

### **Re-evaluate the funding structure of the judicial system.**

The judicial system should be adequately funded to conduct the public's business without compromising fundamental principles of justice. However, under the current funding structure, the decline in the number of traffic tickets (which could indicate safer driving conditions) also means revenues will decline. In addition, as revenues decline, staff workload appears to be increasing in other areas of court business that do not necessarily generate revenue.<sup>xliiv</sup>

Recent discussions within the justice community are clear that policies and practices driven by the need to generate revenue compromise outcomes and the public trust in fair and equal justice.<sup>xlvi</sup> Fines and fees generate about \$1.7 billion in revenue for California, mostly as non-delinquent debt.<sup>xlv</sup> Nearly half of these dollars stay in local government. Legislation prescribes the formulas for disbursing the rest of the revenue that comes to the state. Given the conflicts of interest with principles of justice, it is more economically sensible to deposit fine and fee revenue into the General Fund and support the judicial system from revenues generated by all residents. This removes the misaligned incentive for judicial officers and courts to impose high amounts of debt. This structure might also allow funding to better follow need based on workload or other changes and assessments. A full analysis of service needs and distribution structures may identify other options. Any analysis should assume implementation of more equitable practices, such as regularly and uniformly assessing ability to pay as well as collecting appropriately assigned fines, that are also likely to support adequate funding. Whether or not depositing fine and fee revenue into the General Fund is the best option, we must re-evaluate the funding structure of the judicial system to ensure equality under the law and adequate revenues to provide fair and equal access to the courts.

## CONCLUSION

California's traffic fines and fees system is in need of major reform. As currently designed, the fixed fine and fees system perpetuates hardship on families who are already struggling to get by, and there is a disproportionate impact on communities of color. We should not let the need for revenue outweigh basic principles of justice. Instead, let us take strides to create a better system so that all Californians experience just and fair treatment in our traffic court system. The recommendations listed in this report help create a just and fair system while balancing the need for state revenue from these fines and fees.

## REFERENCES

- <sup>i</sup> “2016 Court Statistics Report Statewide Caseload Trends 2005-2006 through 2014-15.” *The Judicial Council of California*, <http://www.courts.ca.gov/documents/2016-Court-Statistics-Report.pdf>
- <sup>ii</sup> “Stopped, Fined, Arrested: Racial Bias in Policing and Traffic Courts in California.” *Back on the Road (CA) Coalition*, April 2016, [http://ebclc.org/wp-content/uploads/2016/04/Stopped\\_Fined\\_Arrested\\_BOTRCA.pdf](http://ebclc.org/wp-content/uploads/2016/04/Stopped_Fined_Arrested_BOTRCA.pdf)
- <sup>iii</sup> Ibid.
- <sup>iv</sup> “Amnesty Summary Reporting Period September 2016-December 2016.” *The Judicial Council of California*, <http://www.courts.ca.gov/documents/Amnesty2015-Quarterly-Report-20160901-20161231.pdf>
- <sup>v</sup> Ibid.
- <sup>vi</sup> Outlining important principles of a justice system. Martin, Karin D., Smith, Sandra Susan, and Still, Wendy. “Shackled to Debt: Criminal Justice Financial Obligations and the Barriers to Re-Entry They Create.” *New Thinking in Community Corrections Bulletin*, U.S. Department of Justice, National Institute of Justice, 2017, Washington D.C. NCJ 249976. See also, Beckett, Katherine and Harris, Alexes. “On cash and conviction: Monetary sanctions as misguided policy.” *Criminology & Public Policy* Volume 10, Issue 3 August 2011, <http://criminology.fsu.edu/wp-content/uploads/volume-10-issue-31.pdf>
- <sup>vii</sup> Kantorowicz, E.. “Day-Fines: Should the Rich Pay More?” *Working Paper Series No. 2014/12*, Rotterdam Institute of Law and Economics, 2014.
- <sup>viii</sup> Beckett, Katherine and Harris, Alexes. “On cash and conviction: Monetary sanctions as misguided policy.” *Criminology & Public Policy* Volume 10, Issue 3 August 2011, <http://criminology.fsu.edu/wp-content/uploads/volume-10-issue-31.pdf>
- <sup>ix</sup> Ibid.
- <sup>x</sup> Kantorowicz, E.. “Day-Fines: Should the Rich Pay More?” *Working Paper Series No. 2014/12*, Rotterdam Institute of Law and Economics, 2014.
- <sup>xi</sup> Beckett, Katherine and Harris, Alexes. “On cash and conviction: Monetary sanctions as misguided policy.” *Criminology & Public Policy* Volume 10, Issue 3 August 2011. <http://criminology.fsu.edu/wp-content/uploads/volume-10-issue-31.pdf>
- <sup>xii</sup> Beckett, Katherine and Harris, Alexes. “On cash and conviction: Monetary sanctions as misguided policy.” *Criminology & Public Policy* Volume 10, Issue 3 August 2011. <http://criminology.fsu.edu/wp-content/uploads/volume-10-issue-31.pdf> See also Martin, Karin D., Smith, Sandra Susan, and Still, Wendy. “Shackled to Debt: Criminal Justice Financial Obligations and the Barriers to Re-Entry They Create.” *New Thinking in Community Corrections Bulletin*, U.S. Department of Justice, National Institute of Justice, Washington D.C., 2017. NCJ 249976. <https://www.ncjrs.gov/pdffiles1/nij/249976.pdf>
- <sup>xiii</sup> “Stopped, Fined, Arrested: Racial Bias in Policing and Traffic Courts in California.” *Back On the Road (CA) Coalition*, April 2016 [http://ebclc.org/wp-content/uploads/2016/04/Stopped\\_Fined\\_Arrested\\_BOTRCA.pdf](http://ebclc.org/wp-content/uploads/2016/04/Stopped_Fined_Arrested_BOTRCA.pdf)
- <sup>xiv</sup> Based on review of violations in the Uniform Bail and Penalty Schedules. “Uniform Bail and Penalty Schedules.” *Judicial Council of California*, 2017 Edition. <http://www.courts.ca.gov/documents/2017-JC-BAIL.pdf>
- <sup>xv</sup> Taylor, Mac. “2017-2018 Budget: The Governor’s Criminal Fine and Fee Proposals.” *Legislative Analyst’s Office*, March 3, 2017, <http://www.lao.ca.gov/reports/2017/3600/Criminal-Fine-Fee-030317.pdf>
- <sup>xvi</sup> Insight Center’s analysis of Self-Sufficiency data. *Insight Center for Community Economic Development*, 2014, <https://insightccd.org/tools-metrics/self-sufficiency-standard-tool-for-california>
- <sup>xvii</sup> Taylor, Mac. “2017-2018 Budget: The Governor’s Criminal Fine and Fee Proposals.” *Legislative Analyst’s Office*, March 3, 2017, <http://www.lao.ca.gov/reports/2017/3600/Criminal-Fine-Fee-030317.pdf> and “Report on the Statewide Collection of Delinquent Court-Ordered Debt for Fiscal Year 2015-2016.” *Judicial Council of California*, February 3, 2017, <http://www.courts.ca.gov/documents/lr-2017-JC-Statewide-Collection-of-Delinquent-Court-Ordered-FY2015-16.pdf>
- <sup>xviii</sup> An estimated 8 million accounts were eligible for the Amnesty program which could include one person with multiple accounts.
- <sup>xix</sup> “Amnesty Summary Reporting Period September 2016 -December 2016.” *Judicial Council of California*, <http://www.courts.ca.gov/documents/Amnesty2015-Quarterly-Report-20160901-20161231.pdf>
- <sup>xx</sup> Martin, Karin D., Smith, Sandra Susan, and Still, Wendy. “Shackled to Debt: Criminal Justice Financial Obligations and the Barriers to Re-Entry They Create.” *New Thinking in Community Corrections Bulletin*, U.S. Department of Justice, National Institute of Justice, Washington, D.C.:2017. NCJ 249976. <https://www.ncjrs.gov/pdffiles1/nij/249976.pdf>
- <sup>xxi</sup> Ibid.

- <sup>xxii</sup> Beckett, Katherine and Harris, Alexes. "On cash and conviction: Monetary sanctions as misguided policy" *Criminology & Public Policy*, Volume 10, Issue 3 August 2011, <http://criminology.fsu.edu/wp-content/uploads/volume-10-issue-31.pdf>
- <sup>xxiii</sup> Analysis of data set provided by the California Department of Motor Vehicles to the Back on the Road (CA) Coalition detailing the number of active driver's license suspensions due to Failure to Appear or Failure to Pay on July 14, 2014 (snapshot in time), by zip code.
- <sup>xxiv</sup> U.S. Bureau of Justice Assistance and Vera Institute. "How to Use Structured Fines (Day Fines) as an Intermediate Sanction." *U.S. Department of Justice*, November 1996
- <sup>xxv</sup> "Amnesty Summary Reporting Period September 2016 -December 2016." *Judicial Council of California*, <http://www.courts.ca.gov/documents/Amnesty2015-Quarterly-Report-20160901-20161231.pdf>
- <sup>xxvi</sup> Analysis by Natalia Emanuel Downloaded from here: [http://www.census.gov/did/www/saipe/data/interactive/saipe.html?s\\_appName=saipe&map\\_yearSelector=2015&map\\_geoSelector=mhi\\_c&s\\_state=06&s\\_year=2015&s\\_measures=mhi\\_snc&menu=grid\\_proxy](http://www.census.gov/did/www/saipe/data/interactive/saipe.html?s_appName=saipe&map_yearSelector=2015&map_geoSelector=mhi_c&s_state=06&s_year=2015&s_measures=mhi_snc&menu=grid_proxy) Accessed: 23 January 2017 Mapping from Zip code to MSA from US Department of Labor: [https://www.dol.gov/owcp/regs/feeschedule/fee/fee11/fs11\\_gpci\\_by\\_msa-zip.xls](https://www.dol.gov/owcp/regs/feeschedule/fee/fee11/fs11_gpci_by_msa-zip.xls) Accessed: 22 February 2017
- <sup>xxvii</sup> See also, "Stopped, Fined, Arrested: Racial Bias in Policing and Traffic Courts in California." *Back On the Road (CA) Coalition*, April 2016, [http://ebclc.org/wp-content/uploads/2016/04/Stopped\\_Fined\\_Arrested\\_BOTRCA.pdf](http://ebclc.org/wp-content/uploads/2016/04/Stopped_Fined_Arrested_BOTRCA.pdf)
- <sup>xxviii</sup> Based on analysis by Natalia Emanuel of American Community Survey PUMS as well as Bureau of Labor Statistics Occupational Employment Statistics program [http://www2.census.gov/programs-surveys/acs/data/pums/2015/5-Year/Documentation available here: http://www.census.gov/programs-surveys/acs/technical-documentation/pums/documentation.html](http://www2.census.gov/programs-surveys/acs/data/pums/2015/5-Year/Documentation%20available%20here.pdf) Accessed: 7 Feb 2017 Data on which occupations require driving: <https://www.onetonline.org/find/result?s=driver&a=1> Accessed: 23 December 2017 Data on income of people in those occupations: <https://www.careeronestop.org/toolkit/wages/find-salary.aspx?soccode=533031&location=California&dataview=table&hourly=False&national=False> Accessed: 23 February 2017 Data on number of people in those occupations: [https://www.careerinfonet.org/occ\\_rep.asp?optstatus=001000000&soccode=434031&id=1&nodeid=2&stfips=06&search=Go#SectionOp3](https://www.careerinfonet.org/occ_rep.asp?optstatus=001000000&soccode=434031&id=1&nodeid=2&stfips=06&search=Go#SectionOp3) Accessed: 15 February 2017
- <sup>xxix</sup> Those who do not own a car still rely on a car to get to a job even if their neighborhood has transit as those routes only connect people to 40% of jobs within 90 minutes. Kane, Joseph and Tomer, Adie. "Cars Remain King and Barrier to Economic Opportunity." *Brookings Institution*, Thursday, October 23, 2014, <https://www.brookings.edu/blog/the-avenue/2014/10/23/cars-remain-king-and-barrier-to-economic-opportunity/>
- <sup>xxx</sup> Holmes, Natalie and Berube, Alan. "Close to home: Social mobility and the growing distance between people and jobs." *Brookings Institution*, Tuesday, June 9, 2015, <https://www.brookings.edu/blog/social-mobility-memos/2015/06/09/close-to-home-social-mobility-and-the-growing-distance-between-people-and-jobs/> <https://www.brookings.edu/research/the-growing-distance-between-people-and-jobs-in-metropolitan-america/>
- <sup>xxxi</sup> Gustitus, Sandra, Simmons, Melody and Waller, Margy. "Access to Driving and License Suspension Policies for the Twenty-First Century Economy." *The Mobility Agenda*. May 2008, <http://www.kidscount.org/news/fes/sep2008/driverslicense.pdf>
- <sup>xxxii</sup> Nichols, Austin, Mitchell, Josh and Lindner, Stephan. "Consequences of Long-Term Unemployment." *Urban Institute*, August 20, 2013, [http://www.urban.org/research/publication/consequences-long-term-unemployment/view/full\\_report](http://www.urban.org/research/publication/consequences-long-term-unemployment/view/full_report)
- <sup>xxxiii</sup> Pendall, Rolf, Hayes, Christopher R., George, Taz, Mc Donald, Zachary, J. and additional authors. "Driving to Opportunity: Understanding the Links among Transportation Access, Residential Outcomes, and Economic Opportunity for Housing Voucher Recipients." *Urban Institute*, March 31, 2014, <http://www.urban.org/research/publication/driving-opportunity-understanding-links-among-transportation-access-residential-outcomes-and-economic-opportunity-housing-voucher-recipients>
- <sup>xxxiv</sup> "2016 Court Statistics Report Statewide Caseload Trends 2005-2006 through 2014-15" *Judicial Council of California*, <http://www.courts.ca.gov/documents/2016-Court-Statistics-Report.pdf>
- <sup>xxxv</sup> Miller, Cheryl. "Courts Plead with California Governor for \$159 million in More Funding." *The Recorder*, February 21, 2017, <http://www.therecorder.com/id=1202779624998/Courts-Plead-With-California-Governor-for-159M-in-More-Funding?mcode=1202617072607&curindex=3>
- <sup>xxxvi</sup> Martin, Karin D., Smith, Sandra Susan, and Still, Wendy. "Shackled to Debt: Criminal Justice Financial Obligations and the Barriers to Re-Entry They Create." *New Thinking in Community Corrections Bulletin*, U.S. Department of Justice, National Institute of Justice, Washington, D.C., 2017. NCJ 249976. <https://www.ncjrs.gov/pdffiles1/nij/249976.pdf> See also Mahoney, Barry. "The Ventura Day-Fine Pilot: A Report on the Planning Process and Decision to Terminate, with Recommendations Concerning Future Development of Fines Policy." *The Justice Management Institute*, July 1995.
- <sup>xxxvii</sup> Martin, Karin D., Smith, Sandra Susan, and Still, Wendy. "Shackled to Debt: Criminal Justice Financial Obligations and the Barriers to Re-Entry They Create." *New Thinking in Community Corrections Bulletin*, U.S. Department of Justice, National Institute of Justice, Washington, D.C., 2017. NCJ 249976. <https://www.ncjrs.gov/pdffiles1/nij/249976.pdf> and Kantorowicz, E.. "Day-Fines: Should the Rich Pay More?" *Working Paper Series No. 2014/12*, Rotterdam Institute of Law and Economics, 2014.

<sup>xxxviii</sup> “Letter from Beth A. Colgan, Assistant Professor of Law, UCLA School of Law, to Theresa Zhen.” *Back on the Road (CA) Coalition*, Mar. 16, 2017. (Providing preliminary analysis of research related to U.S. day-fines pilot projects forthcoming in Beth A. Colgan, *The American Day-Fines Experiment and the Case for Graduated Economic Sanctions*, 103 *Iowa L. Rev.* (forthcoming 2017)).

<sup>xxxix</sup> *Ibid.*

<sup>xl</sup> Martin, Karin D., Smith, Sandra Susan, and Still, Wendy. “Shackled to Debt: Criminal Justice Financial Obligations and the Barriers to Re-Entry They Create.” *New Thinking in Community Corrections Bulletin*. U.S. Department of Justice, National Institute of Justice, Washington D.C. 2017. NCJ 249976

<sup>xli</sup> Based on analysis of collections reported by county FY 2015-2016. “Report on the Statewide Collection of Delinquent Court-Ordered Debt for Fiscal Year 2015-2016.” *Judicial Council of California*, February 3, 2017, <http://www.courts.ca.gov/documents/lr-2017-JC-Statewide-Collection-of-Delinquent-Court-Ordered-FY2015-16.pdf>

<sup>xlii</sup> Martin, Karin D., Smith, Sandra Susan, and Still, Wendy. “Shackled to Debt: Criminal Justice Financial Obligations and the Barriers to Re-Entry They Create.” *New Thinking in Community Corrections Bulletin*, U.S. Department of Justice, National Institute of Justice, Washington D.C., 2017. NCJ 249976

<sup>xliii</sup> Any measure of income should be based on *current* employment or other income as well as meaningful local costs of living (i.e. accounting for high cost of housing in San Francisco vs. long commutes in rural areas, such as Shasta county) to meet basic needs such as food, housing, healthcare, transportation, and child care as well as allowances for debt, income volatility, and caregiving/dependent costs per number of children. A number of models exist to inform an income determination and benchmark such as the Self Sufficiency Standard, the Making Ends Meet assessment, or the Family Budget Calculator.

<sup>xliv</sup> “Judicial Workload Assessment: 2016 Update of Judicial Needs Assessment.” *Report to the Judicial Council*, Oct. 26, 2016, <http://www.courts.ca.gov/documents/jc-20161028-16-161.pdf>

<sup>xlv</sup> Taylor, Mac. “2017-2018 Budget: The Governor’s Criminal Fine and Fee Proposals.” *Legislative Analyst’s Office*, March 3, 2017, <http://www.lao.ca.gov/reports/2017/3600/Criminal-Fine-Fee-030317.pdf>

<sup>xlvi</sup> Gupta, Vanita. “Dear Colleague Letter.” *Office for Access to Justice*, Civil Rights Division, U.S. Department of Justice. March 14, 2016, <https://www.justice.gov/crt/file/832461/download>





# INSIGHT

---

CENTER FOR COMMUNITY  
ECONOMIC DEVELOPMENT

360 14<sup>th</sup> Street , Suite 500A

Oakland, CA 94612

Phone: (510) 251-2600

Fax: (510) 251-0600

Email: [info@insightccd.org](mailto:info@insightccd.org)