

Prior to the COVID-19 crisis, court fines and fees, and other monetary sanctions overly burdened young people and adults involved in the criminal legal system with debt from pre-trial through post-release and beyond. A few months into the crisis, we are seeing that Black and Brown communities are disproportionately facing economic challenges. This is reflected in national unemployment data, where May 2020 unemployment rates were 24.3% and 25% for Black and Hispanic workers, respectively, compared to 16.1% for White workers.¹ Due to over-policing and over-incarceration, these same communities subjected to a wealth-based criminal legal system are now dually impacted by a pandemic-induced recession.

While it is difficult to determine the extent of US household debt resulting from the criminal legal system, California offers a snapshot for scale. After a 2018 state law prohibited county courts from assessing new juvenile fees, most California counties (40 of 58) voluntarily stopped collecting fees charged to families prior to the law's passage, which totaled over \$300 million.² Throughout the country, the impact of the 2008 Great Recession resulted in states and municipalities relying more heavily on court fees, particularly criminal fines and fees, in order to balance their budgets.³ Private corporations also increasingly profited from vendor contracts throughout the carceral system.⁴ Black and Brown communities and low-income communities bear the brunt of these increasing costs that serve to fuel the racial wealth gap.

Action must be taken immediately to provide relief for these vulnerable families also now confronted with the economic and health crisis. **Any additional federal COVID-related stimulus aid designated for state and local governments to use for their court systems and public corrections agencies, as applicable, should be conditioned on the following to address the immediate and long-term consequences of the crisis.** Per the U.S. Department of Health and Human Services, experts expect the COVID-19 pandemic will last for 18 months,⁵ with economic impacts lasting far longer. **Therefore, these conditions should remain in place at least through September 2021, the length of time public health officials estimate it will take for the pandemic's impact on our lives to stabilize.**

Halt assessment and collection of fines and fees by:

- Suspending the collection of juvenile and adult criminal legal system fines and fees owed to state and local governments, including suspending consequences for nonpayment of fines and fees, including, but limited to default orders, arrest warrants, voting rights, and/or drivers' license suspensions.
- Placing a moratorium on the assessment of monetary fees imposed for a criminal arrest, prosecution, or conviction for the cost of administering the juvenile and adult criminal legal system, including, but not limited to:
 - administering probation and diversion programs;
 - collecting restitution orders;
 - processing arrests and citations;
 - administering drug testing;
 - incarcerating inmates;
 - facilitating medical visits; and
 - sealing, or expunging criminal records.
- Pausing referral of debt to third-party collections.

Pause use of cash bail by:

- Suspending incarceration in state prisons and local jails pre-trial solely based on inability to pay bail. This has ripple effects for housing, public assistance, employment, and guardianship.
- Narrowing the discretion that state and local judges have to preventatively detain individuals pre-trial. Judges overseeing these determinations should explore fair, non-punitive pre-trial services that strengthen communities including, but not limited to: releasing individuals on their written promise to appear, or identifying other noncarceral interventions, bearing in mind the continued need to reduce incarcerated populations during this public health emergency.

Amend contracts with for-profit vendors by:

- Eliminating charges for phone calls, emails and video visits between people who are incarcerated and their loved ones.
- Providing access to all basic necessities, including sanitary products.
- Pausing markups on commissary items in jail stores.
- Exploring eventual termination from existing correctional agency and court contracts with private companies, which ultimately shift the cost of the criminal legal system to those least able to pay. These contracts include, but are not limited to:
 - software use on e-tablets;
 - residential programs;
 - electronic monitoring;
 - bail;
 - outpatient programs.
- Halting negotiations for new and/or expanded vendor contracts.

¹ Shierholz, Heidi (2020). *Economic Policy Institute*. <https://www.epi.org/blog/nearly-11-of-the-workforce-is-out-of-work-with-zero-chance-of-getting-called-back-to-a-prior-job/> (accessed July 6, 2020)

² Berkeley Law (2017). *Juvenile Fee Abolition in California*. <https://www.law.berkeley.edu/experiential/clinics/policy-advocacy-clinic/juvenile-fee-collection-in-california/> (accessed June 26, 2020).

³ Sibilla, Nick (2019). *Forbes*. <https://www.forbes.com/sites/nicksibilla/2019/08/29/nearly-600-towns-get-10-of-their-budgets-or-more-from-court-fines/#a3c4b944c998> (accessed June 19, 2020); San Francisco Financial Justice Taskforce (2019). *Fines and Fees Task Force: Initial Findings and Recommendations Executive Summary*. <https://sftreasurer.org/sites/default/files/2019-09/Fines%20and%20Fees%20Task%20Force%20Executive%20Summary%20May%202017%202017.pdf> (accessed June 26, 2020).

⁴ Wagner, Peter and Bernadette Rabuy (2017). *Following the Money of Mass Incarceration*. <https://www.prisonpolicy.org/reports/money.html> (accessed June 19, 2020).

⁵ U.S. Department of Health and Human Services (March 13, 2020) *PanCAP Adapted U.S. Government COVID-19 Response Plan*, 4 <https://int.nyt.com/data/documenthelper/6819-covid-19-response-plan/d367f758bec47cad361f/optimized/full.pdf#page=1>