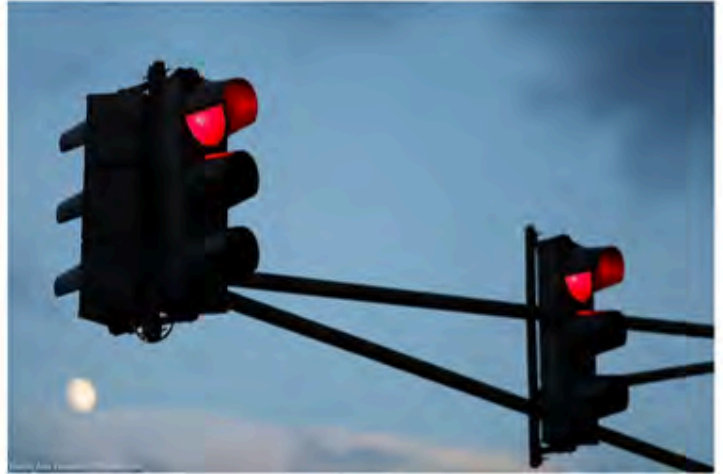


NEWS & COMMENTARY

Taxation by Citation

The system of fines and fees to collect revenue for local governments is broken. It's time for us to let our governments know our demand: No more taxation through citation.



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Last week, Nevada Gov. Steve Sisolak signed into law a bill to [decriminalize minor traffic violations](#). This move will ensure all traffic tickets no longer lead to warrants and incarceration for people who cannot afford to pay fines and fees imposed on them for simple traffic infractions, like speeding and driving with a broken tail light. While this victory means that Nevada is now leaving behind 12 states that continue the practice of treating every single traffic code violation as a crime, the national practice of raising revenue from residents' wallets by imposing vast fines and fees for other traffic infractions and low-level offenses remains widespread. The result: over-criminalization and over-policing for profit across the country.

It's not cheap running our country. In 2018, state and local governments spent about [\\$3.67 trillion](#). The federal government spent [\\$3.8 trillion](#). Elected officials face daunting tasks when balancing governmental checkbooks, facing increasing debts and angry constituents who demand lower taxes but more local support simultaneously. Other government actors also feel pressure as their budgets get tighter — especially in the overburdened criminal legal system as it contends with the financial consequences of mass incarceration. For example, local courts with declining funds must still process the ever-increasing cases coming through their doors, and local jails must afford to house all the people sent their way by police and courts. That's when these stakeholders start getting creative: enter the monstrous system of fines and fees.

Government actors use fines and fees to attempt to offset the costs of their operations, and threaten strict penalties for not paying up. Through it, the criminal legal system relies heavily on collecting money from the very people targeted by the system. When people can't pay, they face mounting penalties: more fines and fees, driver's license suspensions, longer terms of probation, and even arrests and incarceration. If someone is then caught driving when their license is suspended or breaking a probation rule, they face arrest and incarceration again. Police are then charged by the courts to enforce these punishments, acting as debt collectors on

behalf of the state and giving them a reason to target people the system has already harmed. Thus, these penalties inextricably link fines and fees to over-policing, criminalization, and mass incarceration.

The human toll is devastating, often sparked by small infractions. In a recently published ACLU report, one person interviewed on how fines and fees impacted them said [it all started with a \\$175 fine](#) for illegally tinted windows. After additional court fees were added to that ticket, he owed over \$1,000. When he couldn't afford to pay, he lost his driver's license, faced arrest warrants, incarceration, and additional fines and fees amounting to thousands of dollars. As a result, he lost his job and health insurance, his credit score declined, he was hospitalized multiple times for anxiety attacks, and he still struggles five years later when deciding whether to pay this debt or buy food. His experience is typical for millions of people who cannot afford to pay their tickets.

Without intervention, the fees and fines system will continue to spin out of control. One recent study estimated that judges have the choice of whether to impose a fee or fine in well [over 30 million low-level cases](#) per year — not even including traffic cases. Courts already take advantage of this option often — the percentage of people convicted in the U.S. who received court-ordered fines grew from [25 percent to 66 percent from 1991 to 2004](#). The amounts charged snowball, making it impossible for some people to afford paying them off. In 2019, the Federal Reserve reported that [6 percent of adults had outstanding legal or court debt](#). But this doesn't impact everyone equally — Black adults (12 percent) and Latinx adults (9 percent) are more likely to have these debts than white adults (5 percent). The more people that cannot afford to pay and are punished with police intervention and time behind bars, the less money these local governments make as they spend significantly more to enforce the debt than they will receive.

Now is the time to stop balancing budgets through ticketing. Nevada's latest reform is a significant step in that direction: Decriminalizing minor traffic offenses so that nonpayment cannot result in warrants for arrest will decrease policing for profit and debtor's prisons. It will also alleviate police, court, and incarceration costs across the state.