

MAY 2021

## **NO PRICE ON JUSTICE: ENDING NEW YORK'S FERGUSON PROBLEM**

### **THE ISSUE**

Predatory fines and fees encourage policing-for-profit, criminalize poverty and endanger Black and brown lives. New Yorkers deserve to live without fear of lifelong debt and poverty, and they deserve a fair, transparent government. **It's time to end predatory court fees.**

### **BACKGROUND ON NEW YORK'S FINES AND FEES**

**Fees (or surcharges) are extra costs that the government attaches to every conviction** — even traffic tickets and minor infractions. They can total hundreds of dollars (not including the amount of any fine imposed). Individuals are often required to pay fees on top of a fine, or in many cases, even when the judge decides not to impose a fine at all. These court fees are explicitly intended as revenue raisers; they function as a form of regressive taxation on New Yorkers that are often the least able to afford them.

**New York's top predatory fee is the mandatory surcharge.** The mandatory surcharge is a fee attached to every conviction in New York — from minor violations to felonies. Courts do not waive or reduce these fees or surcharges — or even consider your ability to pay them. Depending on the type of conviction, a single mandatory surcharge can amount to hundreds of dollars. In addition to mandatory fees, many charges come with a mandatory minimum fine, meaning that judges cannot consider someone's ability to pay.

### **POLICING-FOR-PROFIT IN FERGUSON: A CAUTIONARY TALE**

After a police officer killed Michael Brown in 2014, the Justice Department investigation of the Ferguson Police Department found it was engaged in aggressive, racially-discriminatory policing practices in order to increase the city's revenue by imposing fines and fees. By 2010, Ferguson generated over 12% of its revenue from fines and fees. But Ferguson isn't the only city suffering from a reliance on fines and fees. In New York, many localities' reliance on fines and fees is just as bad — and in some cases worse — than Ferguson.

Dozens of New York localities across the state rely on this toxic revenue. Examples from [data maps using 2018 revenue](#) show alarming percentages of total revenue from fines and fees:

- Town of Brant (Erie County) — **25.59%**
- Town of Red House (Cattaraugus County) — **17%**
- Town of Stanford (Dutchess County) — **16.63%**
- Town of Schuyler (Herkimer County) — **15.83%**
- Town of Pembroke (Genesee County) — **13.48%**
- Town of Sheridan (Chautauqua County) — **12.44%**

**The list goes on.**

Harsh policing of minor violations — driven by governments' dependence on fines and fees money — [does not lead to greater public safety](#). It exposes Black and brown people to more interactions with law enforcement. When this happens, even routine traffic stops can become deadly — as in the cases of [Philando Castile](#), [Samuel DuBose](#), and [Daunte Wright](#), who were all killed by police during traffic stops.

## **MISSING DATA LETS NEW YORK AVOID ACCOUNTABILITY**

New York fails to keep records on how the government assesses, collects, and distributes the money it receives from fines and fees, in violation of a law requiring them to do so. Since January 2020, legislators and [advocates](#) have repeatedly requested this reporting without success. No data means no accountability. Ignoring legal mandates to track the assessment, collection, and distribution of fines and fees revenue is not only bad fiscal policy — it is bad government.

## **DESPITE WARNINGS FROM FERGUSON, NEW YORK'S FERGUSON PROBLEM HAS NOT IMPROVED**

From 2014 to 2018 in New York State, **504 local governments increased their reliance** on fines and fees, while **243 local governments still did not report legally mandated data** on fines and fees.

When governments use predatory fines and fees to raise money, the result is a hidden, disproportionate tax on those who can least afford it. This system of taxation-by-citation encourages policing for profit, extracts wealth from people living in poverty, and exposes Black and brown New Yorkers to more encounters with police. Despite the warnings from Ferguson, many localities in New York are still as reliant on fines and fees revenue — or worse — than Ferguson. **New York needs change now.**

## **TO END NEW YORK'S FERGUSON PROBLEM, THE STATE MUST END PREDATORY COURT FEES AND POLICING FOR PROFIT.**

The New York Legislature can end predatory court fees. [The End Predatory Court Fees Act](#) would eliminate New York's most common predatory fees and mandatory minimum fines. It would also end incarceration and commissary garnishment for unpaid fines and fees.

Since 2015, dozens of cities and states around the U.S. have implemented [fines and fees reforms](#). Last year, California passed the most far-reaching fee elimination [reforms](#) to date, ending the collection of 23 fees charged to people in the criminal justice system, while forgiving \$16 billion in court debt. New York is overdue for reform.

**This Tax Day, legislators and the No Price on Justice campaign are rallying to demand that New York [“Tax The Rich, Not The Poor”](#).**

People who owe fines and fees — disproportionately low-income people and people of color — are getting their [stimulus payments garnished for court debt](#). Many other people, like [Peggy Herrera](#), must use their stimulus money to pay off court debt just to keep themselves or loved ones out of jail.

“My whole stimulus check went to paying off my son’s court fines and fees,” [said Herrera](#), a member of Center for Community Alternatives. “It still wasn’t enough.”

Read the No Price On Justice campaign’s full report: [New York’s Ferguson Problem: How the state’s racist fee system punishes poverty, lacks transparency, and is overdue for reform.](#)