

How criminal fees damage our communities

Written by By Javier Rojo, MPA, New Mexico Voices for Children
Friday, 17 March 2023 03:55



Dear Editor,

As new Mexicans, we've made significant progress in improving the economic well-being of our children and families, including passing new and expanding existing tax credits for working families, requiring that employers provide paid sick leave, and passing a constitutional amendment that increases funding for early childhood education to help families afford childcare.

However, a number of barriers continue to prevent working families and their children from reaching their full potential. One devastating barrier many New Mexicans face is the sprawling and unfair use of fees in our criminal legal system that hinder their ability to provide for their families.

Fees are assessed by the courts for every conviction – even traffic tickets and minor infractions – and exist only to raise money for state and local governments. Yet one could say that the juice isn't worth the squeeze – meaning what we collect in fines and fees isn't worth the effort (or cost) that goes into collecting them, with the cost of collections often outpacing the revenue generated. One study found that it cost \$1.17 to collect every dollar. Millions of dollars in fees go uncollected across the state every year – making them highly inefficient revenue sources for our courts.

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Fees can total hundreds of dollars per person and are often added on top of a fine, restitution or other financial penalties. But too many of the people who become involved with the criminal legal system come from low-income backgrounds and simply lack the means to pay them. And when we nickel-and-dime struggling families, there are dire consequences that reverberate across our communities.

People who can't afford to pay these fees are subjected to punishments that further trap them in the criminal justice system and in poverty. These include arrest warrants, driver's license suspension, and the addition of even more unaffordable fees.

We know that the economic pressure created by these unnecessary fees often force people to skip basic needs. This debt often results in less food on the table or missed rent payments that can lead to increased housing insecurity. In fact, a whopping 80% of survey respondents reported forgoing basic needs such as food and rent to pay off court debt, according to a new, comprehensive survey of New Mexicans from across the state.

When the debt becomes too much, many New Mexicans are forced to "pay it off" by going to jail, costing the taxpayer more money, further threatening family economic security, and destabilizing communities. This even happens in cases that are ultimately dismissed. It's no wonder fees are correlated with higher recidivism rates and declines in overall public safety.

Thankfully, the New Mexico Judiciary, New Mexico Sentencing Commission, Representative Micaela Lara Cadena, and a host of advocacy and behavioral health organizations are working to address this problem in this year's legislative session. Policymakers are realizing they can help their constituents – and the bottom lines in their jurisdictions – by supporting fee elimination.

Our state leaders must find a better solution for funding the criminal legal system – not only because fees are an inefficient and inequitable source of funding, but also to alleviate the harms they cause our families and communities.

Sincerely,

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