

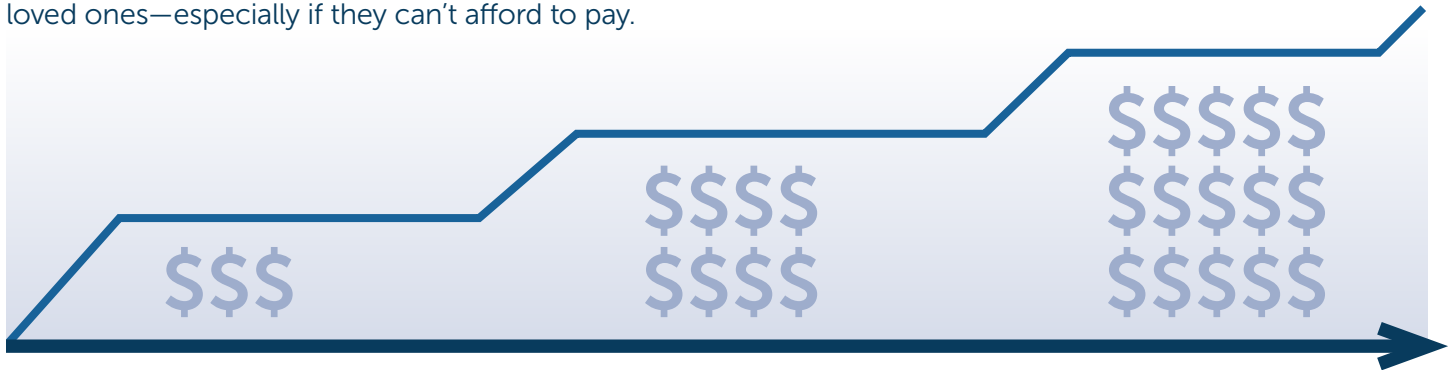


THE LASTING HARM OF DC'S CRIMINAL LEGAL FINES & FEES DEMAND MORE REPORTING AND TRANSPARENCY

The criminal legal system should ensure public safety, treat people fairly, and be equitably funded. But fines and fees put a price on justice that is out of reach for many people who become involved in DC's criminal legal system—people who are disproportionately Black and low-income due to our legal and penal systems' deep history of anti-Black racism. This exploitative method of government funding traps people in cycles of debt and incarceration with negative ripple effects on their loved ones and communities. DC policymakers and public safety agencies should reform the District's approach to criminal legal fines and fees to repair the harms of the extensive history of wealth extraction from Black communities through jails, prisons, and courts.

DC Imposes Fines and Fees at Nearly Every Stage of the Criminal Legal Process

Although the criminal legal fines and fees landscape in the District is not fully transparent, people involved in the criminal legal system may have to pay several financial penalties, including criminal assessments and fines, communication fees, commissary fees, and work release fees. Individually, these costs are incredibly burdensome; cumulatively, they can be devastating to people with criminal legal involvement and to their loved ones—especially if they can't afford to pay.



Trial & Sentencing

- Restitution
- Criminal offense fines
- Court-imposed assessments for each violation or offense

Incarceration

- Fees to call, email, and mail loved ones
- Commissary costs, for hygiene items and food
- Fees on wages earned

Post-Release

- Wage garnishment for unpaid criminal legal debt
- Possible further incarceration because of inability to pay debt

By imposing high costs while enforcing low wages for incarcerated workers, the criminal legal system pushes the burden of these financial penalties on the families and loved ones of those incarcerated and Black women in particular.¹ A 2014 study found that family members of the incarcerated were primarily responsible for criminal legal costs in 63 percent of cases and of those families, nearly 85 percent were women.² Since Black people comprise the majority of the incarcerated population, this burden falls most heavily on Black women.

Recommendations for Greater Transparency of Criminal Legal Fines and Fees in DC

District lawmakers should take steps to improve transparency of criminal legal fines and fees for Black and low-income communities. **Particularly, lawmakers should:**

- Pass legislation requiring existing agencies to annually publish comprehensive fines and fees reports—DC could start by adopting model legislation crafted by the Institute for Justice;³
- Enforce the Office of Integrity and Oversight’s reporting requirements to publish annual audits of Department of Correction’s inmate welfare fund (IWF);
- Require DC Sentencing Commission to update data sharing agreement to include reporting of court fine data within annual felony sentencing reporting; and
- Require the Office of the Chief Financial Officer to publish non-tax and special purpose revenue reports.

Other Localities Lead the Way on Reform

- Since 1994, **Virginia** has published annual reports detailing the assessment and collection of fines, costs, forfeitures, penalties, and restitution.⁴ In 2022, Virginia established a working group to study and make recommendations for reducing fees charged to individuals incarcerated in local jails—including fees related to the costs of an inmate’s keep, work release, telephone services, commissaries, and more.⁵
- Since 2021, **Allegheny, Pennsylvania** has provided monthly stipends for incarcerated individuals to afford phone calls and commissary items.⁶
- In 2021, **Philadelphia** eliminated all commissary surcharges and approved 165 minutes (about 3 hours) of free phone calls per week for individuals who are incarcerated.⁷
- In 2023, **Nevada** eliminated room and board fees for all individuals who are incarcerated.⁸

1. Ella Baker Center for Human Rights et. al, “Who Pays: The True Cost of Incarceration on Families,” September 2015, ellabakercenter.org/wp-content/uploads/2022/09/Who-Pays-FINAL.pdf.

2. Ibid.

3. “Fines and Fees Reporting Act Model Legislation,” Institute for Justice, August 2021, ij.org/legislation/fines-and-fees-reporting-act.

4. “Publications and Forms,” Virginia State Compensation Board, scb.virginia.gov/reports.cfm.

5. “House Bill 1053,” Virginia State Legislature, January 2022, lis.virginia.gov/cgi-bin/legp604.exe?222+sum+HB1053.

6. “Incarcerated Individuals Welfare Fund Report,” Allegheny County Office of the Controller, June 2023, alleghenycontroller.com/wp-content/uploads/2023/06/2023.06-IWF-Report-FINAL.pdf.

7. “Statement on Elimination of Commissary Fees and Increase in Free Communication at Philadelphia Prisons,” City of Philadelphia Office of Community Empowerment and Opportunity, July 2021, www.phila.gov/2021-07-26-statement-on-elimination-of-commissary-fees-and-increase-in-free-communication-at-philadelphia-prisons/.

8. “Senate Bill 416,” Nevada State Legislature, March 2023, leg.state.nv.us/App/NELIS/REL/82nd2023/Bill/10425/Overview.