

Using the Justice Index to Create Fines & Fees Reform in Your State

The Fines and Fees Justice Index

Recognizing that fines and fees are an engine for economic and racial injustice, the National Center for Access to Justice at Fordham Law School created the [Fines and Fees Justice Index](#), a tool that promotes changes in the law by scoring and ranking the states on the degree to which their laws protect—or more often fail to protect—people from the most pernicious fines and fees practices. Guided by a task force of experts from around the country, the Index examines how states fare on 17 key policies, ranging from whether a state has eliminated fees altogether to whether fines and fees revenues go directly into court or law enforcement budgets. You can read more about the benchmark selection and methodology for creating the Index [here](#).

The online Index allows visitors to see quickly and easily 1) how each state ranks and scores, 2) an explanation of the laws in each state with citations, and 3) which states have adopted each of the various benchmarks. There are also printable State Reports that provide an explanation of NCAJ’s findings for each state and the District of Columbia, as well as more in-depth descriptions of current laws and policy recommendations for reform.

We show, below, how you can use the Fines and Fees Justice Index to help drive reform in your own state, including as (1) a diagnostic tool to understand the most pressing issues for fines and fees reform as well as examples of laws that are working in neighboring states; (2) an educational tool to inform lawmakers, journalists, and community members about fines and fees; and (3) a way to create competition with other states, spurring lawmakers to action.

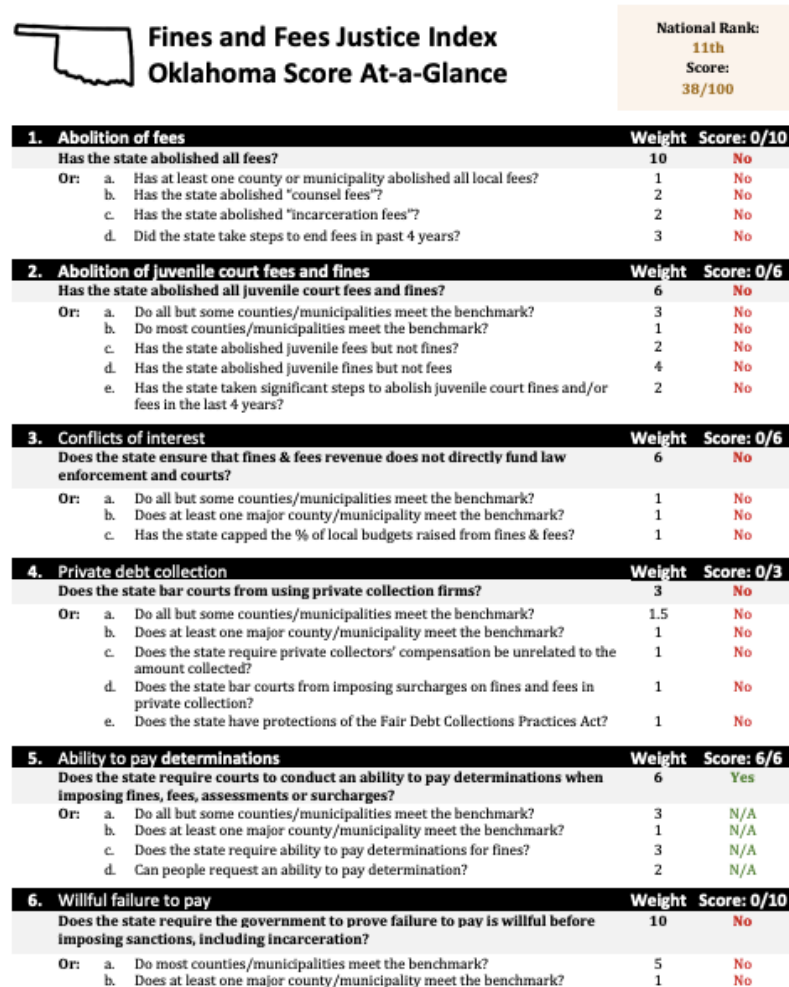


Figure 1: Snapshot from the Oklahoma Fines and Fees Report

1) Diagnosing the Most Pressing Issues on Fines and Fees

From whether judges must determine people’s ability to pay before imposing fines and fees to whether outstanding fines and fees can lead to a driver’s license suspension, a loss of voting rights, or other unjust penalties, the laws on fine and fees are complex. To make matters more difficult, fines and fees policies are often hidden in seemingly random parts of state law.

When starting a campaign for fines and fees reform—or deciding what to focus on fixing next—the Fines and Fees Justice Index can help. Each State Report provides a quick snapshot of how the state fared on the 17 benchmarks, allowing readers to learn about the areas where the state falls most short of the best policies. The reports also provide more in-depth explanations about the state’s policies, with citations and policy recommendations. These allow advocates to quickly find laws that may be ripe for change, as well as model laws that can increase justice.

Often, when lawmakers are considering reform, they want reassurance that the proposed law has a track record in other places. Although no state fared well on the Fines and Fees Justice Index overall, for almost every benchmark at least one state received credit for having already established the policy. By selecting a particular benchmark in the Index and then clicking on the state(s) that have adopted that policy (shaded in gold), you can quickly locate laws that are already in place in those states. Furthermore, NCAJ is currently conducting an analysis of “gold standards” in fine and fees policy. At the end of 2023, please check back for model language and real world examples of laws governing “ability to pay” decisions.

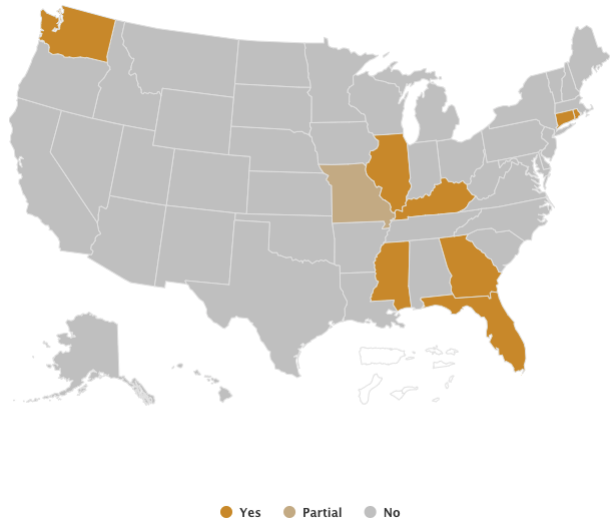


Figure 2: Visualization of which states received credit for Benchmark 8, which asks: Has the state codified standards that trigger a presumption that a person is indigent and, therefore, unable to pay fines, fees, surcharges, assessments, or other costs?

2) Educating Lawmakers, Journalists, and Community Members on Fines and Fees

The State Reports provide a quick snapshot of fines and fees policies in the state, as well as brief descriptions of how the state compares to other states. The State Reports can be useful tools to help educate lawmakers, journalists, and community members. In Alabama, for example, advocates pressing for a bill to end juvenile court fines and fees included the Alabama Fines and Fees Report in leave-behind packets after meeting with legislators and legislative staff.

If you would like a member of the NCAJ staff to talk through the findings for your state—with you and other advocates, journalists, or lawmakers—please email Lauren Jones at ljones77@fordham.edu. We are happy to work with advocates to provide [webinars](#), testimony, educational tools, and more.

3) Creating Competition Among States to Drive Fines and Fees Reform

Perhaps the most powerful use of the Fines and Fees Justice Index is to create a race to the top. National competition—or sometimes competition with neighboring states—can draw attention to the need for change, and spur reform.

Delaware provides a prime example. After the release of the first Fine and Fees Justice Index, the state ranked 47th in the nation. Advocates at the ACLU of Delaware, the Campaign to End Debtor’s Prison, and others used the state’s 47th place ranking in press releases, op-eds, and talking points with legislators and journalists [to underscore the urgent need for reform](#). The legislator who introduced an omnibus bill on fines and fees similarly used the Justice Index to argue for the need to make fines and fees reform a top priority. NCAJ analyzed how proposed legislative reforms would change the state’s score and ranking, which local advocates then incorporated into their talking points. In 2022—just over a year after the initial release of the Index—the Governor signed HB 244, which moved Delaware from 47th to 23rd on the Index.

In other states, NCAJ has written testimony, letters, and public reports about how proposed reforms would impact the state’s standing on the Fines and Fees Justice Index. If you and your community would like to accomplish fines and fees reform, please email Lauren Jones at ljones77@fordham.edu to talk through how the Fines and Fees Justice Index can be most useful to your campaign.

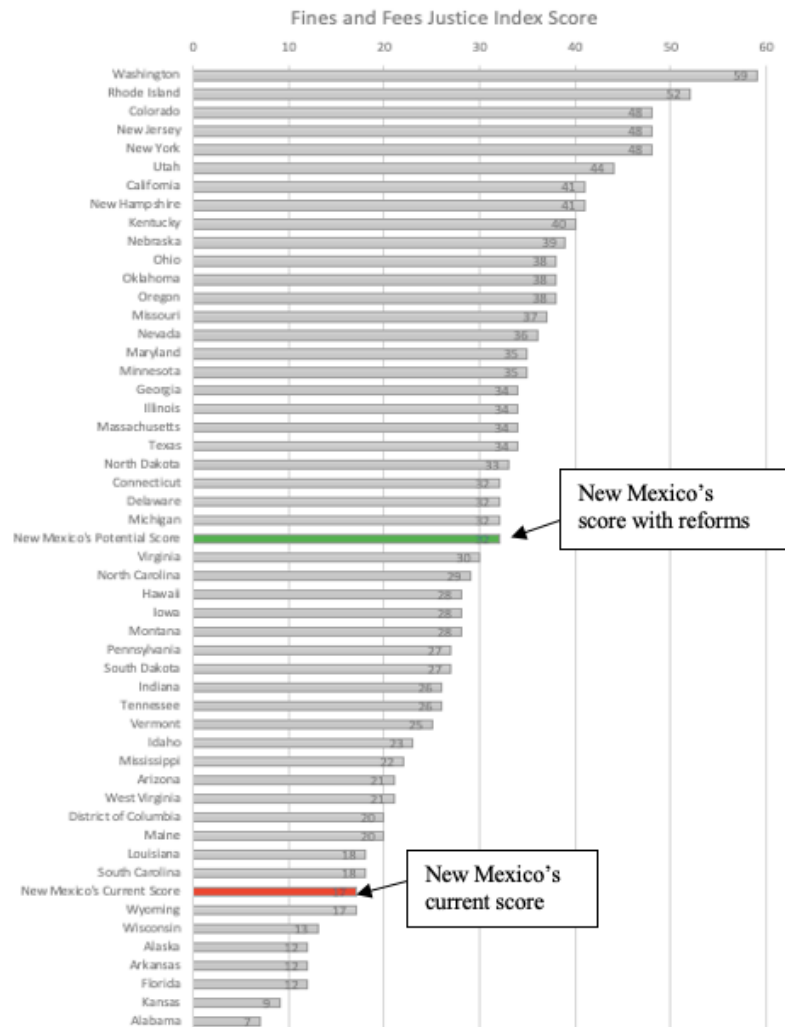


Figure 3: Graphic from NCAJ letter to the New Mexico Governor about how proposed reforms would change the state's standing on the Fines and Fees Justice Index.

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