

Missouri Fees and Fines

Criminalization of Youth in Poverty

Overview

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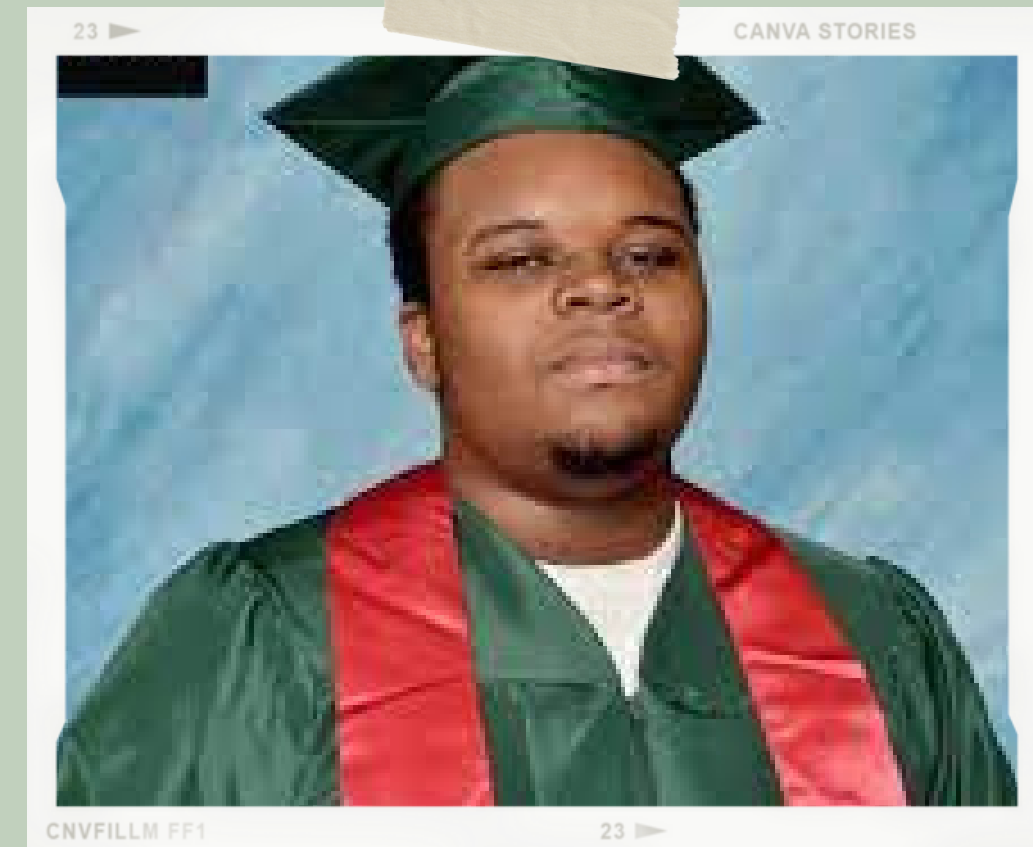


After the killing of Michael Brown in 2014 in Ferguson, the DOJ investigation uncovered the racial bias embedded in the Ferguson Police Department.

The intense focus on revenue generation created a pattern of unconstitutional police practices through the levying of fines and fees in municipal court.

Jennings, Normandy, Edmundson, and Maplewood has faced federal class-action lawsuits for their predatory practices and similar lawsuits are pending for Florissant and Ferguson.

Background



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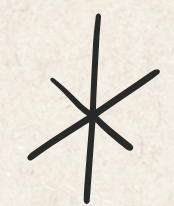
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DOJ Letter

1. Fees and Fines
 - a. Generally
 - b. State Specific
2. Constitutional Protections
3. Discussion



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Fees and Fines

They violate civil rights of youth and adults when they don't comply with statutory requirements, public policy considerations, and Constitutional requirements

1. Causes more harm
 - a. escalating debt
 - b. revolving door of incarceration
 - c. extended parole/probation
 - d. immigration status changes

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Harms of Fees and Fines

Disproportionately affects low-income communities and communities of color

Raises revenue without addressing public safety

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Consequences of Failure to Pay

1. State income tax refund
can be garnished.

RSMo. § 488.020(3)

2. Juvenile delinquency
cases can remain open.

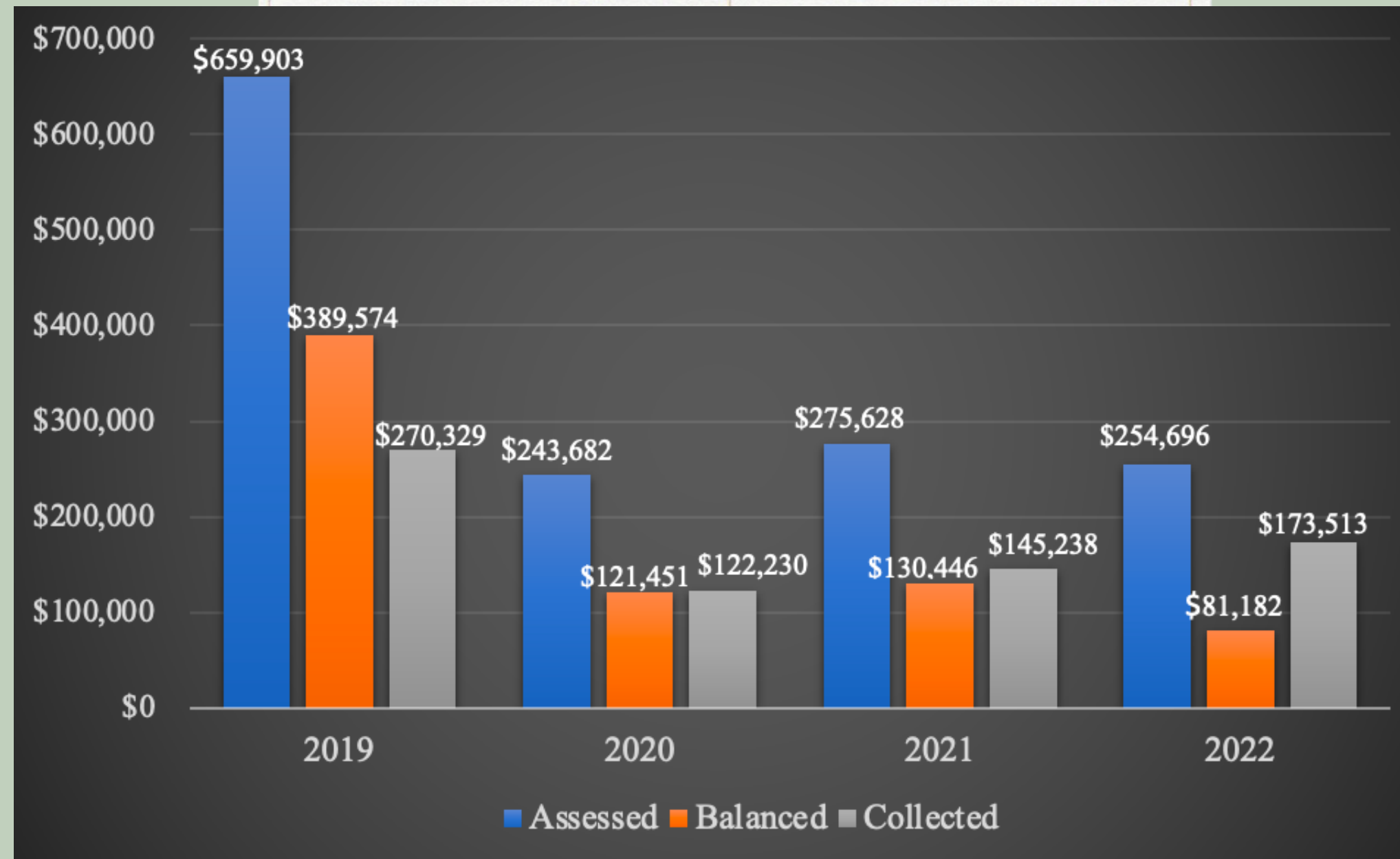
RSMo. § 211.041.

3. Youth and/or their
families can be held in
contempt of court.

RSMo. § 488.020(4).

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Delinquency and Status Offense Assessed, Balanced, and Collected



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Constitutional Protections

Eighth Amendment

1. prohibits imposition of fines grossly disproportionate to the severity of the offense

Fourteenth Amendment

1. requires ability to pay determination
2. consideration of alternatives
3. cannot create conflicts of interest
4. no intentional discrimination

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Constitutional Protections

**Sixth and Fourteenth
Amendments require due
process protections:**

1. Access to counsel
2. Notice



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Discussion: Solutions

Working within the System

1. DFJ MO legislation to abolish juvenile court fees (HB1142)
2. Advocating for establishment and expansion of Youth Courts in MO (and providing overview of structures and jurisdictions which have them)

Abolishing the System

1. Diversion Programs
2. Restorative Justice practices

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