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The High Price of Using Justice Fines and Fees to Fund Government in New York

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Summary

Fines and fees in the justice system are harmful to poor, Black, and brown New Yorkers. With every misdemeanor and felony conviction, and even every traffic ticket and municipal violation, people are charged hundreds of dollars or more. In 2018, New York state and local governments collected at least \$1.21 billion in criminal and traffic fines and fees as revenue. People who are charged fines and fees but cannot afford to pay risk losing their driver's licenses, spending time in jail, and being subject to a civil judgment. Yet for all of this harm, in the vast majority of New York's hundreds of towns and villages, 62 counties, and 61 cities, revenue from fines and fees is typically 1 percent or less of the total budget.

Introduction

In courts across New York State, when someone is convicted of a felony, a misdemeanor, or even a traffic offense they are charged a set of mandatory surcharges, with no possibility to reduce the amount if they are poor.¹ That person may also face costs within jail or prison—such as telephone fees—and a financial cost to be on probation, parole, or pretrial services. All told, someone caught in New York's justice system can easily owe hundreds, or even thousands, of dollars to the justice system.

While fees and surcharges are intended to compensate government operations, fines are intended to serve as a punishment for an offense. However, they both become revenue that is deposited into government bank accounts and used to fund justice agencies and general government operations. Fines and fees bring governments revenue as if they were a tax, but this method of funding government inflicts considerable harm on already impoverished communities. Black, brown, and poor communities in particular are more likely to be charged fines and fees.² The consequences reach beyond financial hardship: people lose their driver's licenses not for safety concerns, but simply because they cannot pay their fines and fees, and contact between communities of color and the police is increased because police are responsible for issuing traffic tickets and other fees.³

This research brief explores the use of fines and fees in New York State and seeks to answer two questions: (1) What is the impact of fines and fees on New Yorkers, and (2) how much do counties, municipal governments, and the state collect in fines and fees? To answer these questions, researchers from the Vera Institute of Justice (Vera) collected and analyzed budget data from the state, county, city, town, and village governments of New York State for fiscal year 2018 (see "Methods" at page 9 for more information). As state and local governments prepare budgets that are under increased stress from the COVID-19 crisis, it is more important than ever for taxpayers to understand how their governments are profiting from fines and fees collections.⁴

Vera's Findings

How are New Yorkers harmed by fines and fees?

New Yorkers with a case in a court system are subject to high, flat fees as well as a number of fees that vary based on the criminal charge and how the case proceeds.⁵ These can include

- Conviction surcharges: The state applies a mandatory surcharge of \$95 for a municipal violation, \$175 for a misdemeanor, and \$300 for a felony, along with a \$25 fee for crime victim assistance and a \$50 DNA database fee on most misdemeanor and felony convictions.⁶ Before a fine or restitution payment to a victim is even applied, the cost of a municipal violation already totals \$120, \$250 for a misdemeanor, and \$375 for a felony.
- Traffic fines: Fines for first-time traffic infractions can be as high as \$150.⁷ Certain offenses trigger a driver responsibility assessment, a fee of up to \$250 each year for three years.⁸
- Bail: Courts keep a nonrefundable fee of up to 3 percent on any bail payment.⁹
- Incarceration costs: People in jails and prisons pay a variety of fees. These include fees to make telephone calls; markups on commissary items they buy in the jail, such as food and hygiene items; and work release fees.
- Supervision costs: The state can charge \$30 per month to the people on probation or parole supervision.¹⁰ Counties also collect a fee from people on probation, as well as other charges like GPS monitoring, lab tests, and investigation fees. People who owe restitution—a payment to a crime victim—as part of their sentence must also pay a 5 or 10 percent surcharge to the county probation department.¹¹

These fees leave New Yorkers owing hundreds of dollars or more after their case is closed. The financial burden this places on people can be insurmountable—and this burden is not distributed equitably. As a result of racial disparities at every stage of the justice system in New York, Black and brown people are far more likely to be arrested for, and convicted of, an offense.¹² And because fines and fees are charged as a result of an arrest and conviction, Black and brown people are more likely to be charged fines and fees.

The impact of fines and fees can be devastating for people who live in poverty. Even minor traffic offenses come with a high cost. The typical cost for driving with a suspended license in New York is up to \$633, while a window tint violation can cost \$340 in fines, fees, and surcharges.¹³ The mandatory surcharge cannot be reduced by a judge, even in cases of financial hardship. Someone working full time at the minimum wage outside of New York City and its surrounding counties earns \$24,544 a year; a \$1,000 bill for criminal justice fines and fees would eat up half of a month's pretax income.¹⁴ In a study of 37 residents of New York State who experienced fines and fees, 40 percent owed more than \$1,000.¹⁵ More than half of this group had a monthly income of \$1,000 or less. An unexpected charge of hundreds of dollars drains the

already meager budgets of working families in the state. This is especially true in the current economic and health crisis. In mid-2020, more than one-third of adults in New York State had difficulty covering household expenses—one of the highest rates in the country—and one-fifth of renters reported deferring on or being unable to pay the most recent month’s rent.¹⁶

The state continues to collect revenue from these surcharges and fees even while someone is incarcerated. If a person owes these charges upon entering prison, the state collects up to 50 percent of what they receive in their commissary account, including any money sent by friends or family to help them purchase food or basic hygiene supplies in the prison. The state also collects 40 percent of what a person earns at a prison job—which typically has a wage of less than \$0.40 per hour—until the costs are paid off.¹⁷ By taking a share of someone’s already minuscule prison wages, the state collects very little money, at a cost of making life in prison more degrading.¹⁸

An analysis of records from a sample of New York jails found that families with a loved one in jail pay an average of \$152 per month in phone call, commissary, and other fees.¹⁹ For people earning the minimum wage, these costs drain away 7 percent of their monthly budget, harming their own economic stability and reducing resources that can help their family member successfully reenter the community after release.

Fines and fees cause other collateral harms

When the state imposes fines and fees with no consideration for a person’s ability to pay them, it creates a two-tiered justice system. Someone who is wealthy and gets a traffic ticket simply pays the money and moves on. A person living in poverty risks a spiraling set of economic and justice consequences. They may lose their driver’s license, be sent to jail, or receive a civil judgment

that limits their ability to get a job and take out a loan. All three consequences further limit a person’s ability to rebuild financial security.

In 2016, the state suspended the driver’s licenses of 680,000 people simply for unpaid traffic tickets.²⁰ A New Yorker’s driver’s license may be suspended as soon as 30 days

New York Numbers

680,000

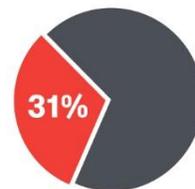
New Yorkers in 2016 who had their driver’s licenses suspended because they couldn’t afford to pay fines and fees.

30

Number of days after a missed payment when a New Yorker’s drivers license could be suspended.

\$630

Typical total charge for driving with a suspended license in New York.



That’s 31% of the monthly income of someone making minimum wage.

after a missed payment.²¹ In order to have it reinstated they must pay back all debt in addition to a suspension termination fee. Because of the difficulty many people face in paying off these costs, almost half of the suspensions from 2016 were still in effect a year later. The lack of a valid driver’s license keeps people from accessing certain jobs and limits their ability to legally take care of their basic needs, especially in areas with poor public transportation.

New York law allows courts to jail someone for willfully failing to pay fines and fees for a period of up to one-third of the maximum sentence for a misdemeanor and up to 15 days for a petty offense.²² A survey of public defenders revealed that some have witnessed justice courts issue an arrest warrant on people without a consideration of their ability to pay the costs, with some of the arrests resulting in jail time.²³ In New York City, 11,000 arrest warrants were issued in 2017 for nonpayment, with 161 people spending time in jail.²⁴ Finally, people may have criminal justice debts converted to a civil judgment, which can harm a person’s ability to get a mortgage or other loan.²⁵ In New York City alone, in 2017, the courts issued 103,000 civil judgments for failure to pay court-related debt.²⁶ The impact of the debt and collateral harms resulting from fines and fees is that people who owe them, who are often people with very low incomes to start with, are left even more financially unstable.

How much do governments collect?

Vera identified at least \$1.21 billion in fine and fee revenue in fiscal year 2018 that benefited the budgets of the state government, cities, counties, towns, and villages.

New York’s Justice Systems

New York has a highly decentralized court system with 61 cities (excluding New York City) and more than 1,300 towns and villages operating courts to handle misdemeanor, municipal, and traffic cases.²⁷ County courts handle felony cases. Town and village courts (collectively called justice courts) are operated and funded by their local jurisdiction, while city and county courts are part of a unified court system and financed by the state.²⁸ In New York City, the criminal court and the supreme court (a trial-level court) of each borough handle misdemeanor and felony criminal cases, respectively.²⁹

Entity	Revenue amount
Towns and villages	\$129 million
Cities	\$80 million
Counties	\$200 million
State	\$111 million from towns and villages; \$28 million from city courts
NYC courts	\$665 million
Total	\$1.21 billion

Towns and villages

Town and village courts collected \$249 million in fines and fees in 2018, sending \$111 million to the state government and \$8 million to the counties and keeping \$129 million locally for their own town and village governments.³⁰ The justice courts collect fines and fees on misdemeanor, traffic, and municipal offenses as well as the mandatory surcharge.³¹ A series of statutes determines in which cases fines and fees must be transferred to the state government and the county government.³² The revenue from fine and fee collections is used by town and village governments to fund the courts as well as other municipal services such as police, sanitation, and infrastructure.³³

The median town and village court collected \$9 in court revenue per resident and court revenue made up only 1 percent of the total budget in the median town and village.³⁴ However, in 25 towns and villages, of the more than 1,200 for which there is data, collections per capita exceeded \$100.³⁵ More than half of these places are quite small, with populations below 2,500 people; the few larger towns and villages are all in either Nassau, Suffolk, or Westchester Counties—counties surrounding New York City. Similarly, in 22 towns and villages, fine and fee revenue exceeded 10 percent of the budget.³⁶ Again, nearly all are small places, confirming nationwide research that has found that small jurisdictions are more likely to be highly reliant on fines and fees.³⁷

Incentives to raise revenue

A justice court administration manual states that justice courts “are not to be viewed as revenue-generating entities for their municipalities” and should not make case decisions based on potential revenue.³⁸ Yet a report from the Special Commission on the Future of the New York State Courts found that this system of self-financing creates “significant risk that justices will feel pressure from municipal officials to facilitate inappropriate plea bargaining, particularly in connection with violations of New York’s Vehicle and Traffic Law.”³⁹ Although judges cannot typically change the amount of costs imposed on a certain charge, they do have the ability to encourage a plea to a lesser charge. In 2009, half of speed violation charges—of which revenue is sent primarily to the state—were pled down, mostly to a charge of failing to obey a traffic signal or a parking violation, for which revenue is kept locally for the town and village.⁴⁰ The Office of the State Comptroller reports that town and village courts collected \$23 million from these pled-down cases. Local journalism has caught this practice in action in Long Island, notorious for high fees on traffic and vehicle infractions.⁴¹ This sense that the courts are using fines and fees to fund their budgets was expressed in a series of interviews with New Yorkers facing fines and fees.⁴²

Cities

Of the 60 cities for which Vera collected data, fines and fees brought in \$80 million in revenue in fiscal year 2018.⁴³ In the median city, collections were \$13 per capita and made up 0.7 percent of the budget. City fine and fee revenue is heavily dominated by parking fee revenue, which

made up more than \$50 million of the total. Two cities—White Plains and Yonkers, both in Westchester County—collected more than 3 percent of their total budgets in fines and fees.

County fine and fee revenue

Vera identified at least \$200 million in fine and fee revenue in the budgets of New York counties in 2018. This revenue includes bail fees; fines and fees from felony cases; telephone, commissary, and other fees from the people in county jails; monthly fees from people on probation supervision; and other supervision fees. In the typical county, fines and fees are only \$4 per capita and make up 0.2 percent of the county budget. Nassau County is an exception, with fine and fee revenue making up 3 percent of the budget.

New York City

Vera identified \$665 million in fine and fee revenue in New York City in 2018. The vast majority of this revenue came from parking tickets, red light cameras, and other traffic offenses.

State fine and fee revenue

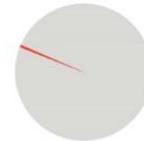
Vera identified at least \$139 million in revenue from city, town, and village courts that benefits the state budget.⁴⁴ In 2018 the state received \$111 million in surcharges and fees from town and village courts, and \$28 million from city courts. Much of this revenue is sent directly to the state general fund. A smaller share of funds are sent to the Criminal Justice Improvement Account, intended to support crime victims, the Indigent Legal Services Fund, and the Commercial Vehicle Safety Program Fund, among others.⁴⁵ Revenue in these funds can also be moved into the general fund, to be used for general state operating expenses.⁴⁶

A lack of transparency

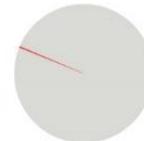
While this brief answers some basic questions about the scale of fines and fees revenue in New York's governments, there is much that remains unclear. For example, the state does not make publicly available any data on how many dollars in fines and fees are assessed—that is, imposed by a judge. In other states—Florida, for example—data on the amount of fines and fees that are actually paid can be compared to the amounts that are assessed to understand how much debt remains unpaid.⁴⁷ A large share of unpaid debt may mean that many people are dealing with the collateral consequences of unpaid debt, such as a suspended driver's license. Comparing the two data points also allows for an understanding of how efficient or inefficient fines and fees are as a revenue source, compared to other types of revenue. It is also unclear how much revenue is collected from fees compared to fines in New York. While court clerks are instructed to report data on fines, fees, and mandatory surcharges separately, that level of detail is not made publicly available by the State Comptroller. While fines ostensibly serve as punishment for an offense

On average, money collected from fines and fees makes up:

0.7%
of city budgets



0.2%
of county budgets



and fees are intended as compensation for a government service, merging the two together in datasets only further highlights that both are treated as governmental revenue.

Conclusion

Fines and fees are particularly harmful to poor people, forcing them to choose between paying their fines and fees at the expenses of other basic necessities, or not paying and risking further fees, license suspension, arrest, and even jail time. Although town and village court officials are instructed not to consider their courts as a source of revenue, it is an unavoidable fact that towns and villages use the revenue their courts raise to fund court operations and other municipal services. At the governmental level, these revenues typically make up 1 percent or less of the jurisdiction's budget. But to an agency, they may be a critical source of funding. And to people who owe, the cost can be devastating. These funding structures create a clear conflict of interest, where governments and agencies have a financial incentive to arrest, charge, and convict more people to bring in more money to their budgets. Research has demonstrated that the impact of these decisions falls most harshly on poor, Black, and brown residents.⁴⁸

Principles for change

In order to undo the harms of fines and fees, many governments around the country are reconsidering their use of these revenues. Vera suggests several principles for reform as more governments take on the necessary work to undo the harms of these practices:

- People who already struggle to afford their basic needs should not be made financially worse off from a case in the criminal justice system. Governments should eliminate all criminal legal fees and proactively ensure that all people with incomes below a threshold, such as the local living wage, are not financially harmed by fines. These changes should be made retroactive to apply to people currently struggling to afford criminal justice debt.
- No one should face the loss of a driver's license or other infringements on their civic life because of fines and fees.
- Until the state eliminates these harmful fines and fees, money collected from them should be used in ways that serve the people most negatively impacted by the criminal justice system. At minimum, this money should be returned to the general fund, instead of to the budgets of the entities responsible for collecting the funds.
- Governments should provide clear and transparent data on the amounts of fines and fees assessed and collected and aggregated data on the demographics of the people who are charged fines and fees.

Methods

There is no single data source that compiles revenue from fines and fees for all governments in the state. In order to develop a comprehensive portrait of fines and fees that benefit government budgets, this brief relied on several data sources.

Towns and villages: The Office of the New York State Comptroller produces an annual report detailing the revenue collected by 1,210 town and village courts, the amount of that revenue that is distributed to the state and county governments, and the amount that is retained locally. This source reports that in 2018, towns and villages kept \$129 million of the revenue they collected and distributed \$111 million to the state. The Office of the New York State Comptroller's Financial Data for Local Governments provides data on local government expenditures and population.

Cities: New York has 61 cities, excluding New York City. Vera reviewed budget data from the 60 cities for which budgets were available.⁴⁹ Vera pulled data for all revenues from fines, fees, surcharges, tickets, and forfeits. The data relates to actual collections for fiscal year 2018 whenever possible; in a few instances, Vera used budgeted data for 2019 or 2020. Collectively, these cities reported \$80 million in fine and fee revenue. Vera also sent a Freedom of Information Law request to the Office of the State Comptroller for a dataset of city court collections, similar to the town and village data from the Comptroller. This data showed that all city courts in the state sent \$28 million to the state government in 2018. The Office of the New York State Comptroller's Financial Data for Local Governments provides data on city government expenditures and population.

Counties: Vera reviewed the budget documents of all 62 counties in the state. Similar to the city data analysis, Vera collected data from each revenue line related to criminal justice fines, fees, surcharges, tickets, and forfeits. The Office of the New York State Comptroller's Financial Data for Local Governments provides data on county government expenditures and population.

State: The state collected \$111 million from fines, fees, and surcharges in town and village courts and \$28 million from city courts.

Governments sometimes contract with private companies to provide basic services in the justice system, such as phone and commissary within the jails. This report does not include data on revenue received by private companies.

Endnotes

1 As the result of a law passed in August 2020, judges may choose to waive the mandatory surcharge and other fees for defendants under age 21. See New York Assembly Bill A5045, Relates to Allowing a Court to Waive Certain Surcharges and Fees; Repealer, 2019-20 Legislative Session, <https://perma.cc/4VQ4-WNNP>.

2 For example, see Beth A. Colgan, "Beyond Graduation: Economic Sanctions and Structural Reform," *Duke Law Journal* 69 (2020), 1529-1583, <https://perma.cc/8RKU-ZJFX>, which states that low-income communities, communities of color, and other communities with high barriers to political participation are more likely to be heavily policed and to be assessed fines. People caught in the justice system typically have far lower incomes than the general population. The median incomes of people right before they entered prison were \$19,650 for men and \$13,890 for women in 2015, or 48 percent and 58 percent, respectively, of the incomes of those who were not incarcerated; see Bernadette Rabuy and Daniel Kopf, *Prisons of Poverty: Uncovering the Pre-Incarceration Incomes of the Imprisoned* (Northampton, MA: Prison Policy Initiative, 2015). People who are charged economic sanctions find it difficult to pay in light of other financial obligations and often miss payments; see Barry R. Ruback, Stacy N. Hoskins, Alison C. Cares, and Ben Feldmeyer, "Perception and Payment of Economic Sanctions: A Survey of Offenders," *Federal Probation* 73, no. 3 (2006), <https://perma.cc/J4T3-JM3U>. One survey of people under supervision for a felony conviction in Jefferson County, Alabama, found that their median income was only \$8,000 and that the majority had foregone basic necessities to cover court debt, as well as borrowing from friends and family; see Foster Cook, *The Burden of Criminal Justice Debt in Alabama* (TASC: Jefferson County's Community Corrections Program, 2014). In this context, fines and fees operate as a poverty trap, with little to no impact on financially stable households but a harmful one for those who struggle to pay; see Steven Mello, "Speed Trap or Poverty Trap? Fines, Fees, and Financial Wellbeing," Technical Report, 2018.

3 The use of the police and the justice system for revenue generation intensifies the policing of Black, brown, and poor neighborhoods and amplifies the threat of violence. Black Americans, living in over-policed neighborhoods, are more likely to be issued tickets and citations for municipal and traffic offenses—charges that permit greater officer discretion; see Torie Atkinson, "A Fine Scheme: How Municipal Fines Become Crushing Debt in the Shadow of the New Debtors' Prisons," *Harvard Civil Rights-Civil Liberties Law Review* 51, no.

1 (2015), 189-238, <https://perma.cc/3V6L-35U2>. This racial inequity remained true under the early 2020 stay-at-home order in New York City, during which 81 percent of the tickets issued for failing to social distance were given to Black and Latinx city residents, even though these groups make up just over half of the city's population; see Erin Durkin, "Black and Latino New Yorkers Get Vast Majority of Social Distancing Summonses," Politico, May 2020, <https://perma.cc/G9FU-ASWW>. As in Ferguson, Missouri, the use of revenue-driven policing can erode community trust in the police and legal institutions while diverting police attention away from serious crime. In fact, greater fiscal reliance on criminal fine and fee revenue is associated with a lower violent crime clearance rate; see Rebecca Goldstein, Michael W. Sances, and Hye Young You, "Exploitative Revenues, Law Enforcement, and the Quality of Government Service," *Urban Affairs Review* 56, no. 1 (2018), 5-31, <https://perma.cc/WCA5-4VF6>.

4 As of mid-2020, New York State faced a \$14.5 billion deficit over the next two years; see Karen Dewitt, "NYS Budget Deficit: Fiscal Experts Say It's Time For Cuts," WAMC Northeast Public Radio, September 15, 2020, <https://perma.cc/DCV4-SD9V>.

5 The Criminal Justice Debt Reform Builder tool from Harvard Law School lists 41 statutes in New York State permitting fines, fees, and surcharges; see Criminal Justice Policy Program at Harvard Law School, 50-State Criminal Justice Debt Reform Builder, <https://perma.cc/M75U-86HC>.

6 New York State Consolidated Laws, Penal Law § 60.35, <https://perma.cc/P7LF-XV59>.

7 New York State Unified Court System, Justice Court Manual, January 2015, <https://perma.cc/9A5C-NZJE>.

8 New York State Department of Motor Vehicles, "How to Pay A Driver Responsibility Assessment," <https://perma.cc/34QK-NF28>.

9 New York State Consolidated Laws, General Municipal, Article 5: Section 99-M, <https://perma.cc/B7BP-4PBY>.

10 New York State Correction Law §201 (9)(a), <https://perma.cc/P8QB-BQPG>.

11 New York State Consolidated Laws, Penal Law § 60.27, <https://perma.cc/JSF4-5ZYW>.

- 12 FPWA, Ending the Poverty to Prison Pipeline, April 2019, <https://perma.cc/YZ7D-8296>; Prison Policy Initiative and VOCAL-NY, Mapping Disadvantage: The Geography of Incarceration in New York State, February 2020, <https://perma.cc/7UEB-Z5X3>.
- 13 Alexes Harris et al., Monetary Sanctions in the Criminal Justice System (Laura and John Arnold Foundation, April 2017), <https://perma.cc/W56W-NUGR>; and Fiscal Policy Institute, Fines and Fees: Raising Revenue at the Community's Expense, April 2020, <https://perma.cc/7BFV-8PGN>.
- 14 The minimum wage in New York in 2020 was \$11.80 per hour. Annual wage is calculated using a 40-hour work week and 52 weeks per year.
- 15 Alexes Harris et al., United States Systems of Justice, Poverty and the Consequences of Non-Payment of Monetary Sanctions: Interviews from California, Georgia, Illinois, Minnesota, Missouri, Texas, New York, and Washington (Laura and John Arnold Foundation, November 2017), <https://perma.cc/YJ3B-3PDK>.
- 16 Center on Budget and Policy Priorities, Tracking the COVID-19 Recession's Effects on Food, Housing, and Employment Hardships, October 4, 2020, <https://perma.cc/MZJ3-EVAH>.
- 17 New York City Bar Association, "New York Should Re-Examine Mandatory Court Fees Imposed On Individuals Convicted of Criminal Offenses and Violations," May 2019, pg. 8-9, <https://perma.cc/VZ9Y-D99X>. For data on the wages of prison jobs for incarcerated people, see Wendy Sawyer, "How Much Do Incarcerated People Earn in Each State?" Prison Policy Initiative, April 10, 2017, <https://perma.cc/5ZBL-KAUR>.
- 18 In New York City, the jail collected \$101,000 from personal jail accounts to pay outstanding mandatory surcharges, limiting people's ability to afford commissary items or other needs. New York City Comptroller, Fees, Fines and Fairness: How Monetary Charges Drive Inequity in New York City's Criminal Justice System, September 2019, <https://perma.cc/EFJ8-YJRC>.
- 19 Katie Schaffer, Bianca Tylek, and Robert Callahan, Paying for Jail: How County Jails Extract Wealth from New York Communities (New York, NY: Worth Rises, Brooklyn Community Bail Fund, December 2019), <https://perma.cc/93M3-WW7X>.
- 20 Fines and Fees Justice Center, Opportunity Suspended, <https://perma.cc/7BL6-KRDW>.
- 21 Ibid.

- 22 New York Consolidated Laws, Criminal Procedure, Part 2, Title L, Section 420.10, <https://perma.cc/L534-FX72>.
- 23 The Fund for Modern Courts, Fines and Fees and Jail Time in New York Town and Village Justice Courts: The Unseen Violation of Constitutional and State Law, April 2019, pg. 16-18, <https://perma.cc/G8MT-D3NW>.
- 24 New York City Comptroller, Fees, Fines and Fairness.
- 25 Ibid.
- 26 Ibid.
- 27 The state also has two district courts. One operates in Nassau County and the other in the five western towns of Suffolk County. The courts handle misdemeanor and traffic offenses, similar to town and village courts.
- 28 New York Division of Local Government Services, Local Government Handbook, March 2018, <https://perma.cc/753Q-PWW2>.
- 29 Unlike in other states, New York's Supreme Court is a trial-level court and has a branch in each New York county. The New York State Court of Appeals is the state's highest court.
- 30 Discrepancies in totals are due to rounding. In 2010, the Office of the State Comptroller reported that 90 percent of this revenue is generated from fines, fees, and surcharges of traffic and vehicle offenses, with the rest of the revenue from criminal and environmental offenses, as well as forfeited bail; see Office of the State Comptroller, Report on the Justice Court Fund, August 2010, <https://perma.cc/TY3T-UTDY>.
- 31 The Fund for Modern Courts, <https://perma.cc/23AP-8ZSE>.
- 32 Justice Court Manual, 2015, pg. 58.
- 33 The Fund for Modern Courts.
- 34 The typical village collects more per capita than towns, \$16 per person compared to \$7 per person in towns. Villages are also slightly more reliant on fine and fee revenue, with these revenues making up 1.3 percent of the total budget in villages compared to 0.9 percent in towns.
- 35 These 25 towns and villages include the towns of Austerlitz, Brant, Kingston, Milan, North Hudson, Red House, Stafford, Taghkanic, and Tuxedo, and the villages of Brewster,

Bronxville, Cedarhurst, Corfu, Great Neck Estates, Great Neck Plaza, Islandia, Lake Success, Larchmont, Mineola, North Hills, Ocean Beach, Port Chester, Sag Harbor, Southampton, and West Hampton Dunes.

36 These 22 towns and villages are the towns of Brant, Brutus, Gallatin, Glen, Green Island, Kingston, Lewis, Milan, Otsego, Pelham, Pembroke, Red House, Schuyler, Sheridan, Stanford, Taghkanic, and Wawayanda, and the villages of Cedarhurst, Corfu, Galway, Great Neck Plaza, and North Hills.

37 Mike Maciag, "Addicted to Fines," *Governing*, September 2019, <https://perma.cc/GFW5-EM29>.

38 Justice Court Manual, 2015, pg. 18.

39 The Special Commission on the Future of New York State Courts, *Justice Most Local: The Future of Town and Village Courts in New York State*, September 2008, pg.77, <https://perma.cc/224W-XXJF>.

40 Report on the Justice Court Fund, 2010, pg. 14.

41 Craig Schneider, "Long Island Finds a Cash Cow: Traffic Tickets," *Newsday*, December, 2, 2018, <https://perma.cc/KRE4-MFXM>.

42 Harris et al., 2017: "Respondents in New York similarly characterized the criminal justice system as a moneymaking machine. A respondent in New York City stated his belief that monetary sanctions were used to pay court officials: 'The city's broke—you know that, right? How do you think they payin' all these pensions?' Another respondent who was incarcerated in New York drew a similar conclusion, arguing that \$5 'write-up' fees for minor behavioral infractions in prison administered at the discretion of correctional officers were making the system millions of dollars and paying for the correctional staff's incomes and pensions."

43 The sample does not include the budget of Little Falls, New York, which is not available on the city's website.

44 The state Department of Corrections and Community Supervision (DOCCS) collects a \$30 monthly supervision fee from each person on parole. The sum of those revenues is not disaggregated in the state budget and is not accounted for here. Unlike in other states, DOCCS does not collect commission fees from in-prison phone calls or emails. A private

company, Securus Technologies, provides telephone services and tablets in New York prisons and profits from the provisions of these services. DOCCS, Supervision Fees (Community Supervision), Directive No. 9250, <https://perma.cc/VCW2-LRCA>; New York State Assembly Committee on Correction, 2018 Annual Report, <https://perma.cc/KU6X-FG4S>.

45 For a full list of earmarked funds see Office of the State Comptroller, Report on the Justice Court Fund, 2010, pg. 12-13.

46 For a discussion of the mandatory surcharge, DNA, and crime victim fees and where they are deposited in the state budget, see New York City Bar Association, 2019, footnote 33. In 2017, for example, \$8.8 million that was intended for crime victim support was swept into the general fund.

47 See Florida Court Clerk & Comptrollers, 2018 Annual Assessments and Collections Report, <https://perma.cc/J424-PSUA>.

48 A rich body of research has found that Black Americans are more likely to be stopped, searched, given a citation, and arrested; see Neil L. Sobol, "Fighting Fines & Fees: Borrowing from Consumer Law to Combat Criminal Justice Debt Abuses," *University of Colorado Law Review* 88 (2017), 841-912, <https://perma.cc/WBQ6-R5GU>. They're also more likely to be served a charge with broad officer leeway, such as failing to obey an order or disorderly conduct. The imposition of fines and fees functions as a tax or, as Theresa Zhen puts it, a "faux-taxation scheme that circumvents the traditional political process and is predicated on racially discriminatory stops"; Theresa Zhen, "(Color)Blind Reform: How Ability-to-Pay Determinations Are Inadequate to Transform a Racialized System of Penal Deb," *N.Y.U. Rev. L. & Soc. Change* 43 (2019), 179. As one report concluded, the system "fund[s] its state government on the backs of poor people whose ability to obtain gainful employment is severely hampered by the consequences of having criminal records"; Alabama Appleseed Center for Law and Justice, University of Alabama at Birmingham Treatment Alternatives for Safer Communities, Greater Birmingham Ministries, and Legal Services Alabama, *Under Pressure: How Fines and Fees Hurt People, Undermine Public Safety, and Drive Alabama's Racial Wealth Divide* (Montgomery, AL: Alabama Appleseed, 2018), <https://perma.cc/346P-K7EK>.

49 The budget for Little Falls, New York, was not available and is not included here.

Credits

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An electronic version of this report is posted on Vera’s website at <https://www.vera.org/the-high-price-of-using-justice-fines-and-fees-to-fund-government>.

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