

## KNOW YOUR RIGHTS

*When you cannot afford court-ordered fines and fees*

If you owe money to the Court or probation, you have the following obligations and legal rights:

- Always make sure the Court and probation have your current mailing address. Respond to all notices and appear in court and at probation meetings as required.
- You have the right to a court hearing on the money you owe before the Court can jail you for nonpayment.
- At a hearing, you can:
  - Tell the Judge how much money you have.
  - Tell the Judge how much you pay for rent, food, or other important things.
  - Ask the Judge to let you pay the money later.
  - Ask the Judge to let you pay on a payment plan.
  - Ask the Judge to let you perform community service instead of paying money.
  - Ask the Court to make you pay less or nothing at all.
  - Ask the Judge to appoint a lawyer to help you. Make this request when you arrive in Court for the first time.
- If you ask for a lawyer and the Judge does not appoint a lawyer and then jails you for failing to pay a fine or fee, contact the ACLU of Mississippi.
- If you are told you will be arrested or detained (for example, you are going to be put in jail) because you cannot afford to pay money, contact the ACLU of Mississippi.



## Ending Modern-Day Debtors' Prisons

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## LET'S WORK TOGETHER TO END MODERN-DAY DEBTORS' PRISONS

Right now in Mississippi, we are punishing poor people simply because they are poor.

Two hundred years ago, there were special prisons for people who couldn't pay their debts. These debtors' prisons have long been abolished. The Supreme Court has ruled that it is unconstitutional to send people to jail simply because they cannot afford to pay legal fines and fees, yet the practice of jailing people because of their poverty continues.

Today, people are imprisoned for failing to pay fines or fees set by courts in many communities. These might be fines for low-level offenses, like traffic tickets, or fees tied to misdemeanor convictions, like probation fees. In too many locations, this approach is pursued because of a profit motive. Some jurisdictions have given private companies contracts for handling parts of the criminal justice system, like for probation. These companies have an interest in maximizing their profit, so they stack on fees when people can't pay the fines. They do not help courts identify the desperately poor whose debts should be waived, reduced, or converted to community service.

Court fines and fees quickly add up - especially when a poor person is trapped in a debtors' prison. Because people can't work when they are in jail and often have lost their jobs by the time they get out, they have no way to pay off debts. People become trapped in a complicated, expensive maze with no realistic way to get out. We see it having the worst effects in communities of color.

This situation affects us all by trapping more and more people in debt and funneling more and more of our communities in jail, disrupting families and undermining community stability. When police are enlisted to collect court fines and fees and arrest debtors, the result is distrust between community members and the police, which hurts their ability to keep the public safe.

There are common-sense solutions out of the maze of debtors' prisons: We can make sure everyone gets a chance to tell the court whether they can afford a fine or fee before they are punished for not paying. We can make sure there are alternatives to paying fines and fees when the amount to pay is simply out of reach. We can make sure lawyers are available to help people navigate the system, especially when their liberty is threatened. We can make sure for-profit companies are not responsible for doing the work of our criminal justice system so that profit motives do not lead to the violation of people's rights.

The ACLU of Mississippi is working hard to end practices that jail people simply because of their poverty. Tell us your story. Join our effort. Together, we can make sure to end practices that give rise to modern-day debtors' prisons.

VISIT [WWW.ACLU-MS.ORG](http://WWW.ACLU-MS.ORG) TO FIND OUT MORE.

## IN HER OWN WORDS: QUMOTRIA KENNEDY'S STORY



"I was a passenger in a car with a friend one day in July when a police officer pulled us over. The officer ran my name for warrants, made me step out of the car, and put handcuffs on me.

From there, he took me to the Biloxi police station and then to jail. At the police station, they told me I would have had to pay \$1,001 in cash to get out. That was what I owed in traffic fines and fees that I hadn't been able to pay. They didn't bring me to court, give me a lawyer or even tell me that I had a right to one.

I didn't have the money. I was sad, upset and crying. I'm a single mom so I knew I'd have to be in jail and leave my daughter with my friend. My daughter didn't even know where I was or what happened for an entire night.

No one told me how long I'd be in jail. Each day, I was wondering when I would see my daughter or be brought to court. In the end, I was locked up five days.

When I was in jail I lost my part-time job. Now I'm just on call as a cleaning person, so I only go to work once or twice a week. I'm struggling on so little. Now they want me to pay hundreds of dollars a month for my fines and fees. But I just don't have the money. I asked the probation officer if I could do community service instead, but she said there was nothing she could do.

I owe so much money that I can't pay. Every day, I worry that I could get arrested and sent back to jail."

Qumotria is just one of the people who has experienced first-hand what happens when people are punished for not paying fines and fees they can't afford. The ACLU of Mississippi worked with Qumotria and the City of Biloxi to make sure no one in Biloxi is jailed anymore because they can't afford to pay court fines and fees. The City of Biloxi adopted reforms that are seen as a national model on protecting the rights of the poor. Now, the ACLU of Mississippi is partnering with state leaders to make sure the same is true all over Mississippi. *No one in Mississippi should be punished simply because they are poor.*