



Interim Survey Results

The Impact of New Mexico's Fines and Fees

Fines & Fees
Justice Center

January 2023





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About Us

The **Fines and Fees Justice Center (FFJC)** is catalyzing a movement to eliminate the fines and fees that distort justice. Our goal is to create a justice system that treats individuals fairly, ensures public safety and community prosperity, and is funded equitably. We work together with affected communities and justice system stakeholders to eliminate fees in the justice system, ensure that fines are equitably imposed and enforced, and end abusive collection practices. Visit ffjc.us and follow [@FinesandFeesJC](https://twitter.com/FinesandFeesJC) on Twitter to get the latest updates on local, state and national fines and fees reforms.

Contact

If you have any questions on any information within this report or for any media inquiries, please contact Monica Ault at mault@ffjc.us and Amber Farrell at afarrell@ffjc.us.

Acknowledgements

We would not be able to conduct this research without the vast and dedicated network of social justice advocates and social service providers across the state of New Mexico. Behavioral health providers, local court staff, food bank managers, and many other necessary service workers allowed our organizers/researchers to speak with clients and defendants, enabling this critical research. Below is a list of partners and entities we would like to specifically thank: Alabama Appleseed, New Mexico Advisory Board on Fines and Fees, SF Recovery Center, NM Recovery Community, ABQ Healthcare for the Homeless, NM Women's Reentry Center, Crossroads Center for Women, Espanola Magistrate Court, Farmington Magistrate Court, Aztec Magistrate Court, Albuquerque ArtWalk, Rio Arriba Reroute, Espanola RAC Stop, Tierra Amarilla District Court, Bend the Arc, Albuquerque Peace and Justice Center, The Storehouse, Four Corners Coalition for Justice, ACLU NM, NM Voices for Children, Mesilla Valley Community of Hope.

Introduction

Across New Mexico, courts impose fines as a punishment for minor traffic and municipal code violations, misdemeanors and felonies. Fees (or surcharges) are additional costs attached to every point of the criminal legal system, and exist solely to raise money for government services. Thousands of New Mexicans are then trapped in the justice system simply because they cannot afford to pay fines and fees.

Survey Overview

FFJC took a mixed-methods research approach to understand the burden of fines and fees on economically vulnerable New Mexicans. FFJC New Mexico, in partnership with the New Mexico Advisory Board on Fines and Fees and ACLU New Mexico, administered a state-wide survey to gather data on New Mexicans' experiences with court debt and the state's criminal fine and fee system.

Through survey findings and conversations with **511 respondents**, FFJC aimed to answer the following questions:

- 1. How much court debt do system-involved New Mexicans have?**
- 2. What are the impacts of court debt in New Mexico?**
- 3. Are particular communities disproportionately impacted by court debt in New Mexico?**

Methodology

The Fines and Fees State Survey was modeled on the 2018 Alabama Appleseed "Under Pressure" Project. The survey entails 65 questions in English and Spanish and takes approximately 10 minutes to complete. Respondents are eligible to complete the survey if they had ever had court debt in New Mexico and/or if they had ever helped someone else pay off their fines and fees in New Mexico.

Key Findings

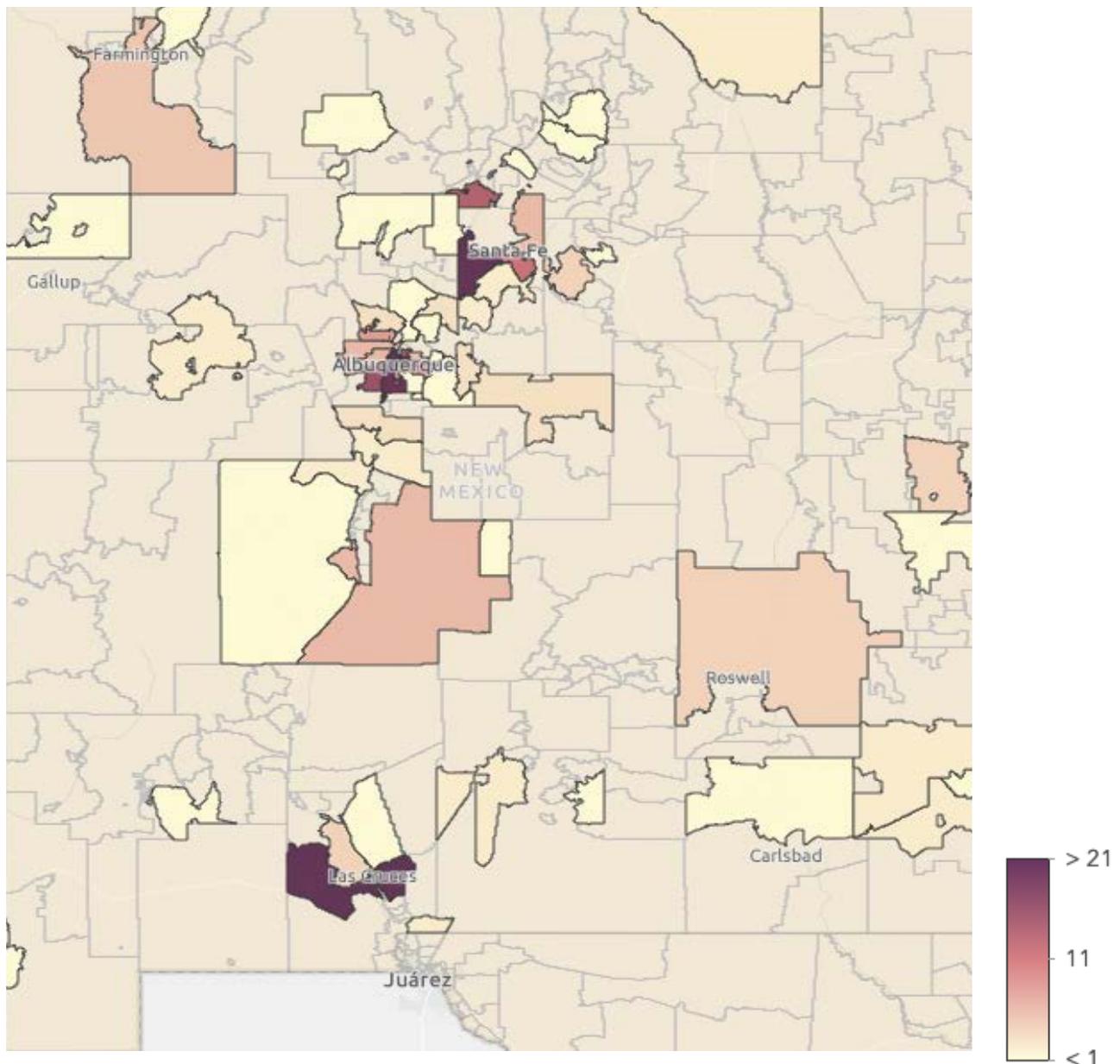
- 1. Fines and fees are driving housing insecurity, food insecurity, and general financial hardship;** 80% of respondents report forgoing basic needs including food, rent, and car payments to pay off court debt.
- 2. Pressure to pay fine and fee debt is leading to high-risk behavior and undermining community safety;** 41% of respondents indicated they had at some point committed a crime to get money to pay court-ordered fines and fees. Nearly half of respondents had resorted to “payday” loans (short term, high interest loans usually due on your next payday) or other exploitative loan options to pay fines and fees.
- 3. New Mexicans are serving time in jail for their inability to pay fines and fees;** Nearly half (48%) of respondents report having gone to jail to “pay off” their court debt when they could not afford it.
- 4. Most respondents had their licenses suspended as a result of unpaid court debt;** 57% of respondents indicated their license had been suspended at some point for failure to pay fines and fees. Rural New Mexicans were 31% more likely to be impacted by license suspensions.
- 5. Most respondents were parents and heads of their households;** 60% of respondents had dependent children at the time of taking the survey.
- 6. In New Mexico, most people who are struggling with court debt have also been victims of crime.** More than two thirds of respondents had been a victim of crime at some point in their lives.

Respondent Demographics

Where do they reside?

Survey respondents were attendees at local gatherings, events, and food banks around the state as well as municipal, magistrate and District court attendees. The majority had court debt associated with only low level offenses (traffic and misdemeanors) and most were heads of households with dependent children.

- » The map displays the number of survey respondents from each New Mexico zip code.
- » Approximately 1 in 3 respondents were from zip codes that are NOT in one of New Mexico's three major metropolitan areas (Albuquerque, Santa Fe, Las Cruces). We define these locations as 'rural' and 'semi-rural'.



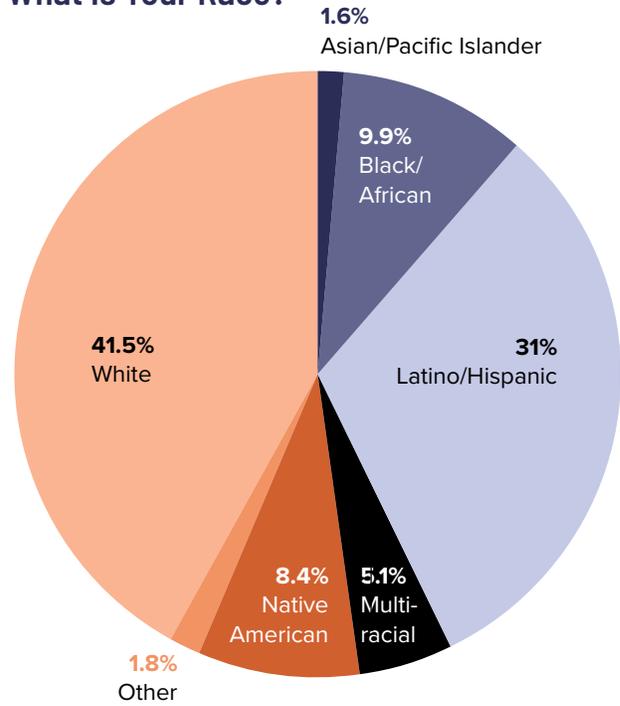
Who are they?

- » ~48% identified as female, ~50% identified as male, and ~2% identified nonbinary.

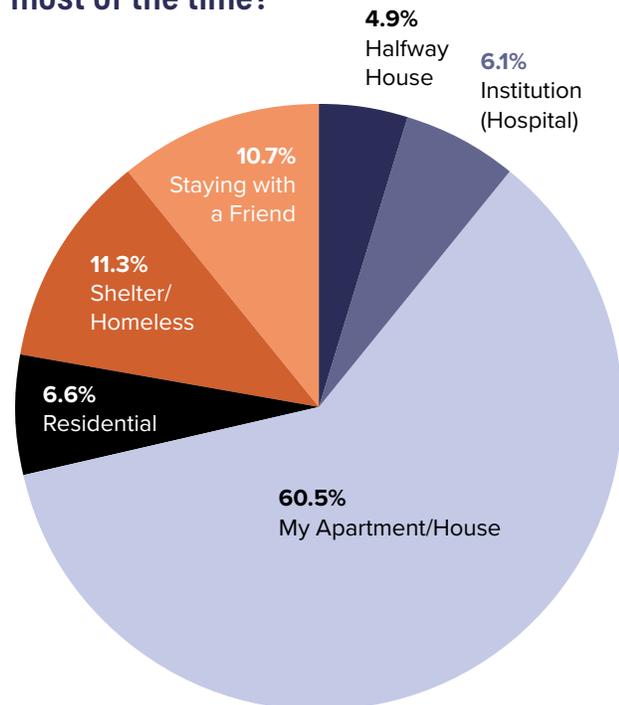
41.5% White, 31% Hispanic/Latino, 9.9% Black/African American, 8.4% Native American, 5.1% Multi-racial, 1.8% Other.

- » 60% of respondents indicated they are heads of families with dependent children
- » 47% of respondents were employed either full time or part time

What is Your Race?



In the past 30 days, where have you lived most of the time?



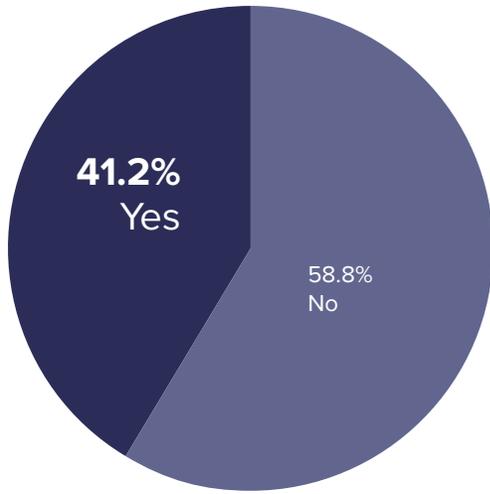
A high proportion of respondents are housing insecure or unhoused; ~40% of respondents were living somewhere other than their own home, and at least 11% were unhoused.

- » 67% of respondents indicated that they had been a victim of crime at some point in their lives.
- » In New Mexico, the victims' reparations fee is charged to defendants in all criminal cases — regardless of the type of infraction. This fee goes to the Crime Victims Reparation Fund: a program designed to reimburse victims for expenses related to their victimization. The fact that most respondents have been victims of crime indicates that these individuals are being charged to fund their own reparations.

The Impact of Fees

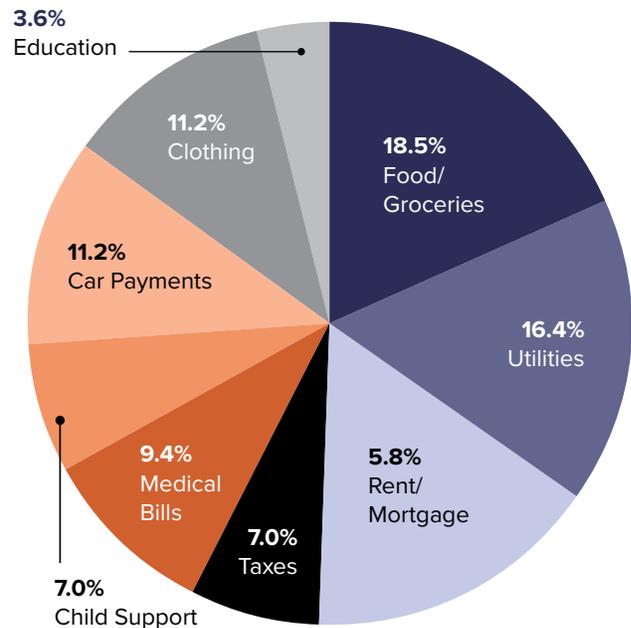
The results below highlight some of the ways lingering court debt drives financial hardship, undermining community health, safety, stability, and resilience.

Have you ever had to commit a crime to get money to pay court-ordered fines and fees?



Fines and fees debt pushed respondents towards risky and unsafe behavior. 41% of respondents indicated they had at some point committed a crime to get money to pay court-ordered fines and fees.

What did you have to give up to pay your fines and fees?



80% of respondents had to at some point give up basic necessity in order to pay fines or court fees. Food, utilities, rent, and medical bills were among the most sacrificed needs.



“[I] shoplifted formula so my kid could eat...I had paid to get out of jail so I wouldn’t lose custody.”



“[W]ell they need to realize that if you’re in jail, you probably don’t have the money to pay and should either do conversion to community service or not charge you...because then you have to commit more crimes to pay it if you want to stay out of jail.”



“All the time, it was illegal to panhandle/fly a sign asking for help, and I had to do that to pay for probation fees and to pay back money to family for paying my bond.”



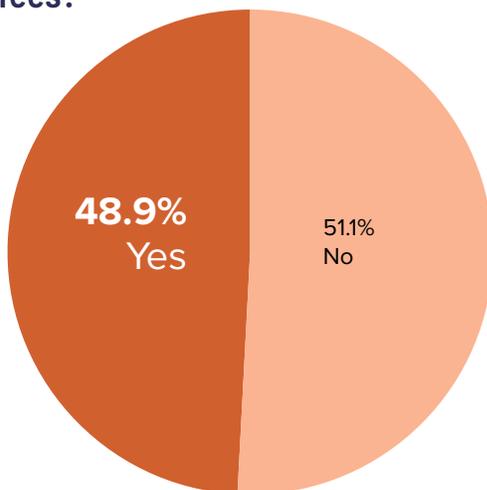
“Jail is hard enough for most people... when they get out, they have a hard time finding a job, so it forces them to find a way to pay the debt, which usually involves more criminal activity.”

- » New Mexicans are entering into predatory loan arrangements to pay off court debt. 47.3% of respondents had at some point used a payday loan or title loan (borrowers use their car title as collateral) to pay off fines and fees.

Because they were unable to pay themselves, 78% of respondents borrowed money from a relative/friend to pay their fines and fees. Research suggests that rather than being a tool to hold people accountable, fines and fees are stripping wealth from vulnerable communities.¹

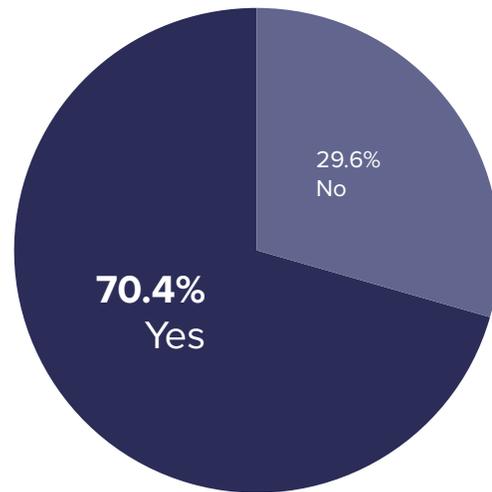
- » 85% of all respondents indicated they had access to less than \$500 at the time of taking the survey; “If you had to get money to stay out of jail, how much money would you have access to today?”

Have you ever gone to jail because you could not afford to pay court ordered fines and fees?



- » While incarceration of indigent debtors is unconstitutional under federal law, many respondents (48%) indicated they had, in fact, “paid off” their debt through time spent in jail when they could not afford to pay court fines/fees.

Have you ever been threatened with jail because you could not afford to pay court ordered fines and fees?



- » 2 out of 3 respondents had to at some point get help from charity, church, or other faith-based organization because they did not have money to pay their fines and fees.

Nearly half (48.5%) of respondents who owed money at the time they took the survey did not believe they would ever be able to pay off their court debt.

- » Many respondents pointed to confusion about the payment process about follow-up with courts as a major reason for missing payments. Respondents who reported being arrested on ‘Failure to Pay’ warrants commonly said they never received notice that they owed money. Many respondents also reported not knowing how much money they owed and not understanding who to pay or how to make payments.

The Impact of Debt-Based Driver's License Suspensions

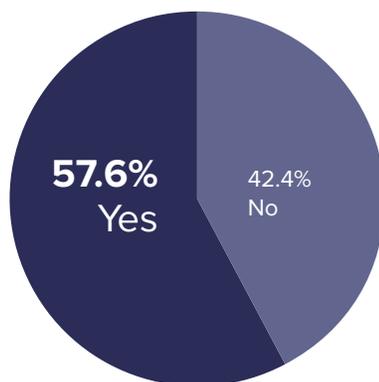
The results below are from survey questions regarding license suspensions. They demonstrate the degree to which debt-based driver's license suspensions affected respondents around the state and their connection to court fines and fees. While most respondents had their license suspended at some point for failure to pay fines and fees, suspensions seem to have the largest effect on rural and semi-rural residents.

Respondents from rural and semi-rural areas were 31% more likely to have had their license suspended for failure to pay court debt than those from urban zip codes.

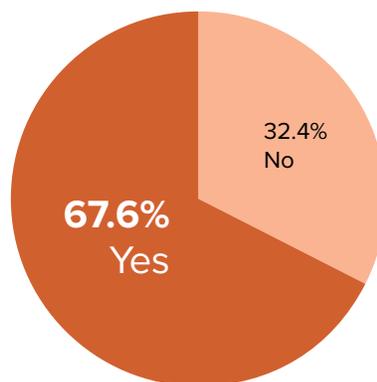
Respondents from rural and semi-rural areas were also ~21% more likely than other respondents to have a license that was suspended at the time they took the survey.

Has your driver's license ever been suspended for failure to pay fines and fees?

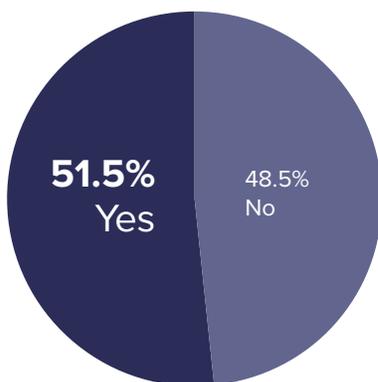
Statewide



Rural & Semi-rural



Urban



~23% of respondents, nearly a quarter of all respondents, indicated that they had at some point had to drive on a suspended license (to get money) to pay off their fines and fees.

- » The hardship of license suspensions is more profound in rural areas where people must rely on driving. Only 11% of rural residents, nationally, have access to public transportation services.²
- » 23 states in the past 5 years have enacted reforms to end debt-based license suspensions or to curb their harmful effects.³

Endnotes

- 1 Walker, E., & Nicholas, A. *It's Time To Reform Washington's Harmful System Of Fines And Fees*. Washington State Budget and Policy Center. Retrieved December 28, 2022, from <https://budgetandpolicy.org/resources-tools/2022/01/2022-LFO-Brief.pdf>.
- 2 The Walsh Center for Rural Health Analysis. *Promising Practices for Increasing Access to Transportation in Rural Communities*. Accessed Jan 3, 2023 from https://www.norc.org/PDFs/Walsh%20Center/Rural%20Evaluation%20Briefs/Rural%20Evaluation%20Brief_April2018.pdf
- 3 Sarathy Jones, P. 22 *State in 5 Years: Bipartisan Lawmakers Coalesce Behind Curbing Debt-Based Driving Restrictions*. Retrieved December 28, 2022 from <https://finesandfeesjusticecenter.org/2021/08/13/22-states-in-5-years-bipartisan-lawmakers-coalesce-behind-curbing-debt-based-driving-restrictions/>.