

The definition of insanity ...

Oregon courts are going through the motions of imposing and collecting punitive fines, but when it comes to low-income defendants, nothing about the process adds up

BY EMILY GREEN
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Desperate to make the cut, a handful of people camped out on the sidewalk overnight. Dozens more joined the line before sunrise. When East Portland's Rosewood Initiative opened its doors at 9 a.m., staff quickly signed up the 135 people it could serve that Friday afternoon in October. And then it signed up 125 to 130 more, filling up the list for its next event before being forced to turn people away.

Every two months in Multnomah County, low-income residents with unresolved legal matters can seek relief at these events, called Legal Services Days, if they show up early enough. The long line that morning was filled with people hoping to get out from under court debts that many told Street Roots they felt had become so large, they were difficult to pay off.

Almost everyone was seeking a reduction or waiver of their criminal- and traffic-related fines and fees to clear the way for getting their driver's license back or so they could expunge old convictions from their record. In many cases, hundreds of dollars in additional fees, interest and other assessments had been tacked onto the debtors' bills as they sat uncollected.

Under state statute, county circuit courts in Oregon must charge an additional \$50 to \$200 just to set up a payment plan. If payments are missed and that debt goes to the Oregon Department of Revenue for collections, an additional 28 percent of the balance owed is added to the bill. Should it go to a third party collections agency, it begins to accrue interest at a rate of 9 percent. Debts can easily double before they're ever sent to collections because setting up a payment plan alone can increase the amount owed by as much as 128 percent.

Municipal courts often have their own schedules of additional fees and surcharges, and among many Oregon courts, debtors are required to pay off traffic tickets within 12

Fines & Fees

A Street Roots investigation into the impact of criminal fines and fees on low-income Oregonians

PART II

months. This can make some payment plans unaffordable to low-income defendants.

Suffering from initial sticker shock and not seeing a reasonable path toward settling their debts or missing a monthly payment and becoming frustrated with the fees is how some people say they wound up at Legal Services Day.

Prosecutors, public defenders and judges staff these events on a volunteer basis, allowing defendants to exchange eligible debts for community service or voluntary alcohol and drug treatment hours at a rate of 1 hour per \$100 of debt. They can exchange up to 80 hours. After that, any remaining eligible balance can also be forgiven. Restitution and select fines and fees are ineligible for relief.

To get the slate wiped clean, participants must swear before a judge that financial hardship has prevented them from paying their debts and provide an official letter showing how many hours of treatment or volunteer work they've completed.

Those who spoke to Street Roots said they were motivated to settle their debts because, in many instances, their outstanding bills and the resulting consequences had kept them from accessing housing, employment and from being able to drive legally.

"I was denied housing seven times," said Craig Ali, a 53-year-old African-American man with multiple sclerosis. He and his daughter were homeless for many years, he said, and his criminal record often stood in the way of getting a roof over their heads. Because he still owed court-related debts on

a couple 17-year-old felonies, he was not eligible for expungement. He said this also resulted in at least a dozen employment denials.

"They even denied me at Goodwill," he said.

Single mother Natasha Rea came to Legal Services Day with two of her three kids in tow. She's earned a peer support certificate and wants to work as recovery mentor, but can't travel as needed without her driver's license.

She said the source of her debt is all traffic related, beginning with fines for expired tags and speeding tickets she was issued 7 years ago that she couldn't afford to pay. Nonpayment led to her license being suspended, and then she was ticketed for driving on a suspended license. She was ecstatic that she was able to get relief for the \$6,500 she owed to Multnomah County.

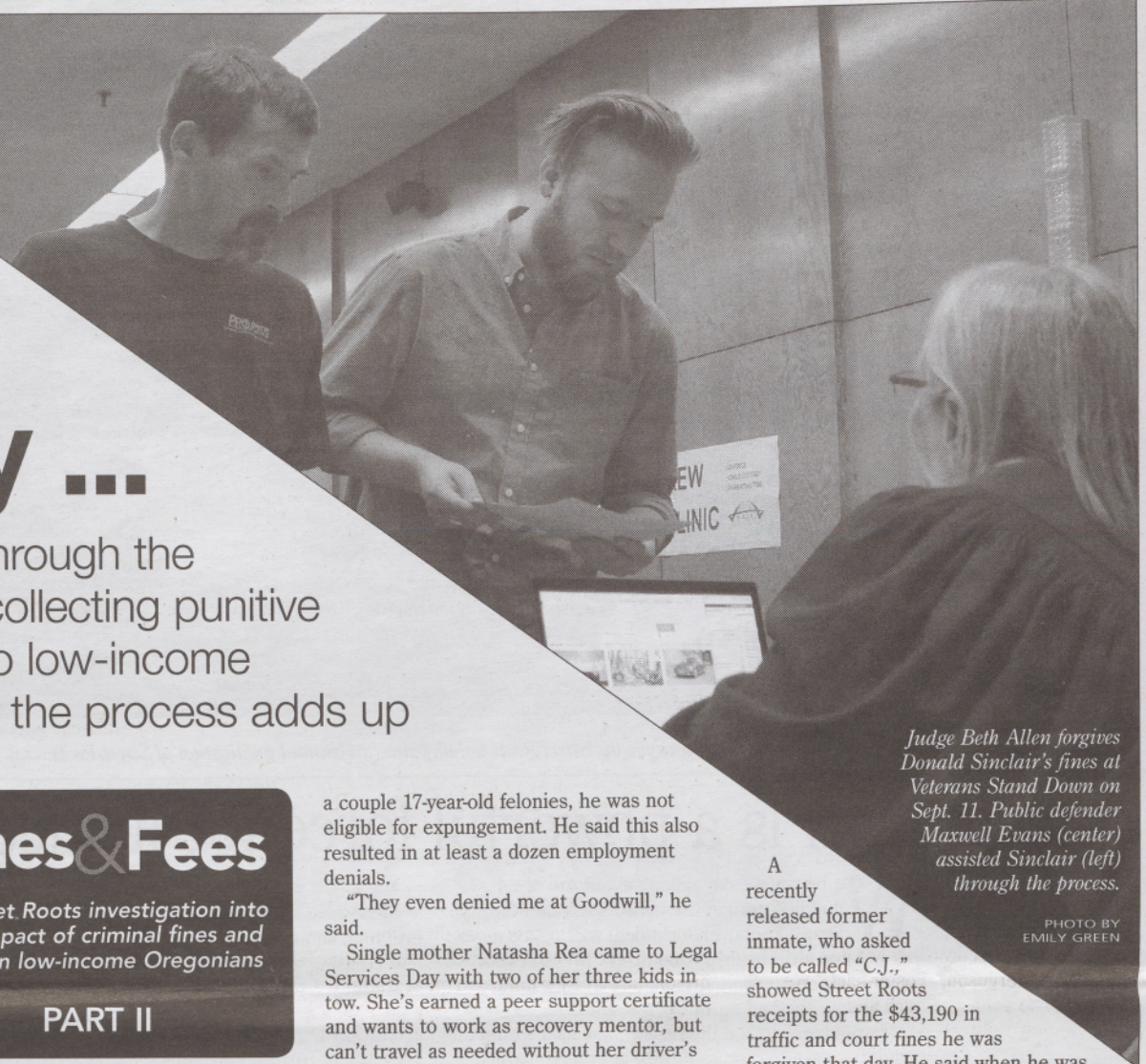
"It feels amazing to be able to start fresh," she said. "I'm going to start working and get a car — things people take for granted."

Some debtors had paid significant amounts on their bills, such as Brittany Morris, a 27-year-old single mother who works as a cashier.

She's paid the state close to \$25,000 over the past 10 years on two DUIs and multiple traffic violations, she said. Her 10-hour work shifts begins at 5 a.m., but she needs to take her daughter to school on her break at 9 a.m., which led to a misdemeanor charge for driving on a suspended license.

After nine years of suspension, she got her license back in December through the Department of Revenue's reinstatement program, which allows debtors to regain their driving privileges after making a deposit followed by monthly payments. Morris had come to Legal Services Day to get some relief from the \$5,160 she still owed the courts.

She said she's had to make a lot of sacrifices to make payments her debts over the years, including going without health insurance and spending less on necessities such as food and clothing.



Judge Beth Allen forgives Donald Sinclair's fines at Veterans Stand Down on Sept. 11. Public defender Maxwell Evans (center) assisted Sinclair (left) through the process.

PHOTO BY
EMILY GREEN

A recently released former inmate, who asked to be called "C.J.," showed Street Roots receipts for the \$43,190 in traffic and court fines he was forgiven that day. He said when he was younger, he was frequently pulled over and ticketed for "driving while black."

After serving a 4-year prison sentence for marijuana and gun-related charges, C.J. heard about the event through his halfway house. As a 53-year-old gas station attendant, it's unlikely he would ever have been able to pay off such a large debt.

Several attendees told Street Roots that their court- and traffic-related fines and fees stacked up when they were in the throes of addiction, and now that they were in recovery, large legal bills stood in the way of becoming fully functioning members of society.

A similar legal clinic was organized as part of the annual Veteran's Stand Down event at the Portland Convention Center in September. There, veterans pledged to do community service in exchange for a reduction in fines, but unlike at Legal Services Day, there was no requirement they prove the hours were ever completed.

Curtis Tice, who shuffled in with a walker, said he planned to volunteer at his church to pay off his debt. He owes \$1,600 on two traffic cases that are more than 8 years old. He said it's hard for him to get around on public transportation with his disabilities and he hopes to get his license back.

"That's a big chunk of change," Multnomah County Judge Beth Allen told him when he approached her table. "Let's make it go away."

From these, and other interviews Street

See INSANITY, page 5