We still have debtors' prisons in 2022

By Rachel Nader, advocacy director

Debtors’ prisons may have been abolished in 1833, but the concept is still alive in practice.

Follow me for a minute:

You commit a crime. You go to jail. You serve your time. You’re released. You’re ready to move on and re-enter society.

But while you were in jail, you lost your job. Your bills piled up. You got behind on your rent, and your landlord filed to evict you.

So, you go out and try to get a job. But because you have a record, it’s difficult to find steady work at a livable wage. So you’re barely scraping by but you’re trying, and paying what you can of your bills.

Then, you start getting notices that you owe money to the court: fees from your weekly required drug tests; fees attached to your court appearances; administrative costs you are being charged to pay for your probation; and the daily fee you owe for each day you were in jail.

Since you’re barely making ends-meet now, you can’t pay those bills. You start getting collection agencies calling you. Your mental health suffers, making it difficult

to focus on work. But you're trying. You're stressed to the max, but you're trying.

And then, because you have outstanding court debt, the court issues a block on your license, and you lose your driving privileges. So now, you have no reliable transportation to get to your job, which, of course, you lose.

But you have rent to pay and medication to buy, maybe children to feed. So you do the only thing you can think of: you drive with a suspended license, so that you can get to the next low-paying job you can find.

Then, one of a couple things happens. Either you eventually get so far behind that you can't catch up, you lose your home and end up drowning in debt. Or, you get caught driving with a suspended license, and you end up back in jail. And the whole cycle starts all over again.

This may seem like a no-win scenario, where there's no way out. But that's because there often is no way out.

It's a domino effect, and much like housing instability, it is both a cause and an effect of poverty.

Some may say, *That's what you get. You shouldn't have broken the law.* And at a surface level, that may seem like a reasonable response.

But should one mistake really define the rest of your life? Shouldn't you be able to learn from your lesson, then re-enter society and build a better future?

And consider this: people of color, and especially Black and Brown men, are more likely to go to jail for a crime they didn't commit than their white counterparts. In fact, while Black citizens make up roughly 13% of our country's population, they make up 47% percent of exoneres (people who have served time only to be proven innocent). Which means they are that much more likely to suffer the mental, emotional, and financial consequences of a prison sentence and have their entire lives upended and derailed, all for something they didn't do.

It's easy to find a word for this: injustice.

So, what causes all this? That's a complicated question to answer. Generations of racism, unequal treatment in the justice system, an imbalanced focus on punishment, rather than rehabilitation.

But then, there's the simple answer -- economics. It's a fact that our courts rely on the revenue from fees to operate. And our courts need revenue to operate. They are forced to seek funding to bring in revenue to cover their operating costs.

The two main ways they do this are through traffic fines and criminal fines/penalties. And these are things that disproportionately affect low-income and poor people who can't afford to pay it to begin with. If courts had consistent revenue from public funding, for example, this could make a difference in the lives of our citizens and dismantle a system with disparate impacts.

We did away with debtors' prisons hundreds of years ago because we saw the basic human indignity of them. We're now seeing them return. They don't look the same, but they're back.

The bottom line is you can go to prison for not being able to pay a fine. But what we're really doing is creating a vehicle by which poor people have to give up their freedom because they can't afford an alternative.

The invisible shackles we put on people after court involvement can determine the trajectory for the entirety of their lives. That is neither right, nor equal, nor just.

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