



PLANK 4: Decriminalize poverty.

The United States makes it a crime to be poor. [People are jailed over unpaid debts.](#)

People are kept on probation because they cannot pay off their fines. [People experiencing homelessness](#) are fined and jailed for basic, life-sustaining activities like sleeping and sheltering themselves. People's driver's licenses are suspended or revoked for unpaid fees and fines, making it impossible for nearly [7 million](#) people to conduct their daily lives — to work, see the doctor, buy groceries, visit family, pick up and take care of children, and even leave the house. And [voting rights](#) are denied to people who cannot pay criminal-legal debts.

This practice of criminalizing poverty disproportionately affects Black, Brown, Indigenous, LGBTQ, and low-income communities, and people with disabilities, and it turns jails into debtors' prisons where poor people are incarcerated simply for being poor. Criminalizing poverty prevents families from thriving by exacerbating challenges that low-income people already face. Incarceration lowers employment rates, destroys family relationships, triggers housing insecurity, and makes economic stability even more difficult to attain.

Decriminalizing poverty is a necessary step toward building a world in which we invest in low-income communities and invest in ensuring that every community has the tools it needs to thrive.

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State Policy Priorities

Use social supports, not incarceration, to address root needs

- Create a county-based grant program that requires applicant jurisdictions to survey their jail populations, evaluate the root causes of people's criminal-legal involvement, and propose action plans that offer upfront, non-carceral, non-coercive programs and services (e.g., transitional housing and expanded access to behavioral health care) that address the major needs identified. Financial incentives should be provided to jurisdictions that dramatically reduce criminal-legal involvement.
- Require jurisdictions to offer non-carceral responses, such as free, need-based, non-coercive social supports for behaviors caused in part by poverty, mental health disabilities, trauma, or substance use. Set a goal that no one identified as having a disability-, mental health-, poverty-, substance use-, or housing-related need will be incarcerated or entangled with the criminal-legal system. Achieving this goal may require interventions at various stages, including access to health care, upfront treatment, [non-police options](#) for addressing mental health- and disability-related crises, and universal screenings before jail booking takes place.
- Authorize and fund non-carceral mechanisms that link people involved in the criminal-legal system who are uninsured (including individuals who are not eligible for Medicaid) to community health centers, and programs that provide health care services, mental health and substance use disorder services, harm reduction services, and linkage to social support (i.e., job training programs, housing assistance, and voluntary mental health services).
- Pass legislation to expand and strengthen safety net programming, including Medicaid, SNAP, TANF, SSI, SSDI, housing assistance, and grant programs provided by HHS and other federal agencies, and ensure that people involved in the criminal-legal system have non-discriminatory, equitable access to these programs, benefits, and services.
- Significantly expand grant programs that increase access to health care, behavioral health, substance use, homelessness prevention, and related services that help prevent unnecessary criminal-legal involvement, particularly for people with disabilities. Such grants may be used to, among other things, fund housing programs and implement [sequential intercept models](#) that prioritize interventions before criminal-legal involvement occurs.

End the imposition of burdensome fees and fines

- Abolish fees and costs from the juvenile and adult criminal-legal processes. Fees are itemized payments for court activities, supervision, diversion, or any aspect of incarceration that are charged to the individuals being pushed through the criminal-legal system and are generally designed to recoup money. Fines are monetary punishments for infractions, misdemeanors, or felonies. The process of abolishing fees and costs from juvenile and legal processes may include abolishing:
 - Fees that are part of the pretrial process;
 - Incarceration-related fees, including fees for jail stays, prison stays, and medical co-pays;
 - Public defender and counsel fees;
 - Probation and parole fees; and
 - All other fees and poverty penalties, including fees to be on a payment plan, fees to cover the cost of collection, and interest on fines and fees.
- Abolishing fees should include ending the charging of fees, ending the collection of new fees, and writing off old debt — [most of which is uncollectable anyway](#).
- Require that assessments of fines reflect people's incomes, such as by using the “day fine” system that ties fine amounts to daily income levels, while working to minimize the use of fines overall.
- Wherever any financial obligations remain, institute clear criteria for the court or locality to show that an individual has the ability to pay, as well as an automatic process for requesting payment plans, waiving financial obligations, or reducing financial obligations — including protections for youth, so that they are not tied to their parents' incomes. (See ***Plank 3: Ensure a right to effective counsel for all.***)

Prevent coercive and poverty-enhancing debt repayment tactics

- Eliminate the suspension of driver's licenses for any reason that isn't immediately connected to dangerous operation of a motor vehicle. This must include, at minimum, an end to suspending licenses for failure to pay fees or fines, as well as failing to answer or appear in court. Create funding opportunities so that traffic enforcement based on broken taillights or other minor repairs can be addressed through financial assistance for the repair, rather than punitive fines or fees.
- End [debt as a barrier to voting](#). (Also end all criminal-legal involvement as a barrier to voting, as specified in ***Plank 16: Reimagine reentry to promote dignity and safety for all.***) In some [states](#), this means repealing laws that explicitly link debt repayment and voting. In many others, this means amending probation and parole laws that require debt repayment to be considered as having “completed” a sentence, or reforming clemency policies that require debt repayment before a person may apply.

- Prohibit incarceration, or the extension of probation terms, for unpaid debt.
- Ensure that courts provide meaningful notice and, in appropriate cases, access to counsel when individuals face any form of sanction as the result of unpaid fines and fees.
- Prohibit arrest as a means of coercing government-related debt payments.
- Prohibit body attachments for unpaid fees and consumer debt owed to private actors, including bail bond agents and private actors within the jail, prison, and probation systems.

End practices that punish low-income people

- Repeal all statutes and ordinances criminalizing homelessness, including anti-camping, -sleeping, -sitting, -lying, -vehicle residency, -panhandling, and similar laws, and pass homeless bills of rights consistent with the [Martin v. Boise decision](#). Prohibit enforcement against persons experiencing homelessness of laws used to criminalize homelessness, including trespass or disorderly conduct, unless adequate alternative housing is available, and provide affirmative defenses to such conduct in court if alternative housing is not available.
- End civil asset forfeiture.



Federal Policy Priorities

Encourage and require states to stop criminalizing poverty

- Condition federal grants on certification that the state doesn't [restrict voting](#), suspend driver's or other licenses, jail people, or extend probation terms based on unpaid debt.
- Condition federal grants on certification that police will not enforce laws criminalizing life-sustaining behavior, such as sleeping or sheltering oneself in the absence of adequate alternative housing.
- End federal incentives that coerce people into paying child support and end the practice of using licenses as leverage to collect back child support, including by removing the federal mandate that states maintain discretion over whether they can suspend driver's licenses for unpaid child support. Additionally, pass legislation to expressly prohibit states from incarcerating people for nonpayment of child support, and provide greater support for noncustodial parent employment programs.
- Expressly prohibit states from incarcerating people for failure to pay child support. Allow Section 5 civil legal lawsuits to hold states accountable if they engage in the unconstitutional act of incarcerating people for failure to pay child support.
- The Department of Justice should require federal, state, and local data collection and disaggregation of arrest, incarceration, and use of force statistics by housing status.

End the imposition of burdensome fees and fines

- Fund pilot programs that set and adjust fines based on income levels.
- Bar the Bureau of Prisons from penalizing incarcerated people who are unable to make payments towards restitution, fines, or fees.
- Repeal the Bureau of Prisons' requirement that Residential Reentry Management Centers collect subsistence fees from individuals returning from incarceration.
- Pass legislation to ensure that all basic necessities, including hygiene products, are provided free of charge, and end prison commissary mark-ups; ensure no additional funding to carceral institutions when implementing this policy.

Help states address root needs, not incarcerate people based on poverty

- Pass legislation to ban “source of income” discrimination and expand anti-discrimination protections for individuals involved in the criminal-legal system. Housing vouchers play a vital role in helping people afford safe, decent, accessible housing, but landlords can refuse to rent to voucher holders and may impose screening processes that create a *de facto* ban on people involved in the criminal-legal system. These allowances pose additional barriers to housing access and contribute to racial and economic segregation.
- Create a federal grant through the U.S. Department of Health and Human Services (HHS) that requires applicant localities to survey their jail populations, evaluate the root causes of individuals’ criminal-legal involvement, and propose action plans that offer upfront, non-carceral programs and services (e.g., transitional housing and expanded access to behavioral health care) that address the major needs identified. Financial incentives should be provided to jurisdictions that dramatically reduce criminal-legal involvement.
- Elevate Centers for Disease Control and Prevention guidance against evictions, especially of unhoused people, during public health crises (e.g., the COVID-19 pandemic) unless individual housing units are available and accessible.
- Issue guidance from the Department of Labor, Department of Health and Human Services, and other federal agencies to require existing workforce development programs to prioritize services for youth and adults impacted by the criminal-legal system, and provide support for transitional jobs programs and other supportive services, including cash assistance, food and nutrition supports, housing, child care, transportation, and health and behavioral health care.
- Increase the federal investment to build the infrastructure of culturally competent and effective community-based health and MH/SUD services so that there is capacity in every community, particularly in underserved, low-income communities. Such infrastructure will help reduce and prevent entry into the criminal-legal system.