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**LDF Applauds Restoration of Guidance from U.S. Department of Justice
Regarding Fines and Fees**

On Thursday, the United States Department of Justice (DOJ) updated its guidance for state and local courts and juvenile justice agencies regarding the imposition and enforcement of fines and fees against youth and adults. The guidance came in a Dear Colleague [letter](#) from the Civil Rights Division, Office of the Assistant Attorney General, Office of Justice Programs, and Office for Access to Justice. DOJ had previously issued guidance in 2016 that was rescinded during the Trump administration. The seven constitutional principles outlined in the letter from DOJ serve as a road map highlighting the dangers of a criminal legal system that relies on fines and fees – and that such reliance can frequently violate the U.S. Constitution and federal law.

Today, in response to the DOJ letter, [Legal Defense Fund \(LDF\)](#) President and Director Counsel Janai S. Nelson issued the following statement:

“We applaud the Department of Justice for issuing guidance that emphasizes the potential constitutional harms of jurisdictions levying fines and fees against children and adults. Fines and fees disproportionately harm Black people and other people of color, who are overrepresented in the criminal legal system and may already face economic obstacles arising from discrimination and systemic inequities. In practice, fines and fees act as another form of wealth extraction from communities of color. When these penalties are levied on people who are too poor to pay, they can also trigger severe consequences, including additional incarceration. These fines and fees are particularly unjust when applied to youth, burdening their families and often triggering escalating consequences that follow them into adulthood. We are pleased to see the DOJ reiterate its commitment to combatting unlawful fines and fees and acknowledge that the system of fines and fees often discriminates against people of color.

“While this letter is an encouraging step in the right direction, more work remains. We must ensure that fines and fees are never a barrier to returning citizens’ right to vote or a second chance at success. No one should be denied the right to vote due to nonpayment of fines and fees. No one should have to pay to practice their constitutional rights. Additionally, it is essential to move towards a policy that prohibits the assessment of fees and fines on children. Finally, we call on the DOJ to actively enforce the constitutional and statutory protections against unjust fines and fees it highlights in the letter, and we encourage states and localities to revisit their policies and practices in light of the updated guidance.”

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Founded in 1940, the Legal Defense Fund (LDF) is the nation's first civil rights law organization. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the Legal Defense Fund or LDF. Please note that LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights.

the courts should determine whether someone has the ability to pay before imposing any fine or fee. Even if a court can later relieve an individual of that burden at a later date, the unpaid fine or fee could trigger a warrant, arrest, and incarceration, creating significant harm.