

Navigating the Decriminalization Trend

Sharon DiRe August 3, 2023



Government

How government agencies can help citizens and staff

A legislative movement known as decriminalization is popping up throughout the country. The essence of this trend is replacing jail time with hefty fines for smaller infractions. This change will result in fewer individuals spending time in already-overcrowded jails. But it also means an explosion of payments that small and local government agencies must now collect. Yet, the decriminalization trend has also affected agencies' abilities to impose penalties for non-compliance, hampering their ability to collect these fines.

Is your staff ready to handle these collections? What about your current systems? Let's look at what small and local governments will need to make the collections process easier for constituents and staff.

Decriminalization explained

Despite how it sounds, decriminalization does not mean the elimination of punishment for breaking laws. Instead, it is a way of repackaging punishment for minor offenses. Generally, it means citizens will no longer be arrested for minor offenses. These include such infractions as loitering, parking tickets, and minor traffic offenses. Instead, the offender will be ticketed and required to pay a fine.

The decriminalization trend isn't an isolated event. Numerous states are choosing civil infraction citations over jail time. But why? Largely, it is because the costs associated with incarceration have increased significantly during the past decade. Also, the cost of court proceedings and jail time for those who don't pay creates shortfalls in general operating revenue.

Civil infraction citations

The state of Missouri spends approximately 8% of its budget on public safety and corrections. Certain counties in Texas and New Mexico spend 41 cents for every dollar of revenue on in-court hearings and jail costs.

Currently, 22 states and Washington D.C. have passed decriminalization laws to decrease the associated costs related to court appearances, jail operation, and probation supervision. In the past year, 10 states (Arkansas, Arizona, Colorado, Illinois, Indiana, Michigan, Minnesota, Nevada, Utah, and Washington) have passed reform legislation on the severity of traffic violations. Other states, such as Georgia, New Jersey, and Pennsylvania, have explored how criminal offenses and definitions can be improved to match the severity of the crime.

And in November 2020, Oregon passed [Measure 110](#), which makes possession of small amounts of cocaine, heroin, LSD, and methamphetamine, among other drugs, punishable by a civil citation instead of jail time. That fee can get waived if you get a health screening from a recovery hotline.

Debt-based driving restrictions

During the past five years, more than 20 states, as well as Washington D.C., have passed reforms to help curb the practice known as debt-based driving restrictions. In short, this means no longer suspending a citizen's driver's license for failing to pay a fine. In fact, the governors of 10 states (Arkansas, Arizona, Colorado, Illinois, Indiana, Michigan, Minnesota, Nevada, Utah, and Washington) all signed these legislative reforms in 2021.

For citizens, these reforms can be a blessing, as 86% of Americans drive to work. And since many jobs require a driver's license, driver's license suspensions can cost people their livelihoods. It also limits a parent's ability to get their children to school. This is a problem considering that school busing budgets have taken a hit.

This also hurts the economy, as citizens who can't work or who lose income have less money to contribute to the economy. These citizens also have less money to pay off their initial fines and fees, leaving them saddled with court debt for years.

However, some of these new laws are having an unforeseen negative effect. For many state and local government agencies, their only previous recourse to collect fines was the threat of suspending a citizen's driver's license.

Personalize the process

The decriminalization movement will result in a host of citizens trying to navigate through the sometimes-complicated process of paying their fines. Many don't even know where to begin. In addition, agencies also face the prospect of trying to collect fines with no way to compel citizens to comply.

How can agencies manage both?

It starts with **communication**. Agencies must reach out to these citizens, providing them with details on the process. This must also include any potential ways for the fine to be lowered or even waived. Yet these citizens are likely still upset at receiving the citation. This could make them resentful at receiving any communication about the fine. Communicating with a potentially antagonistic audience is never easy. But, as with any communication, constituents – even annoyed ones – are more likely to respond if contacted by their favorite channel. Contacting citizens through their preferred method also increases the likelihood that these individuals will read the information and understand the process. It also increased the chances that constituents will reach out if they have questions or concerns.

Next is **flexible payment options**. Any communication strategy must help citizens understand their various payment options. And your agency must be able to offer modern payment options that meet your constituents' requirements. Representatives must be able to re-schedule the payment due date or create a payment schedule that best fits a citizen's needs. This makes it easier for constituents to meet their financial obligations.

Finally, agencies need an **integrated system** that provides staff with automated communication workflows and near-real-time data about each individual and specific case. This system must also have the tools necessary to analyze this data so it can be used to create the most effective communication strategy.

Adapting to change

When laws do change, it is up to state and local government agencies to deal with the consequences. That usually includes communicating these changes and the potential results to its constituents. Agencies that use innovative solutions are best positioned to handle these changes. They can also get the best results for their citizens, even those who occasionally run afoul of the law.

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