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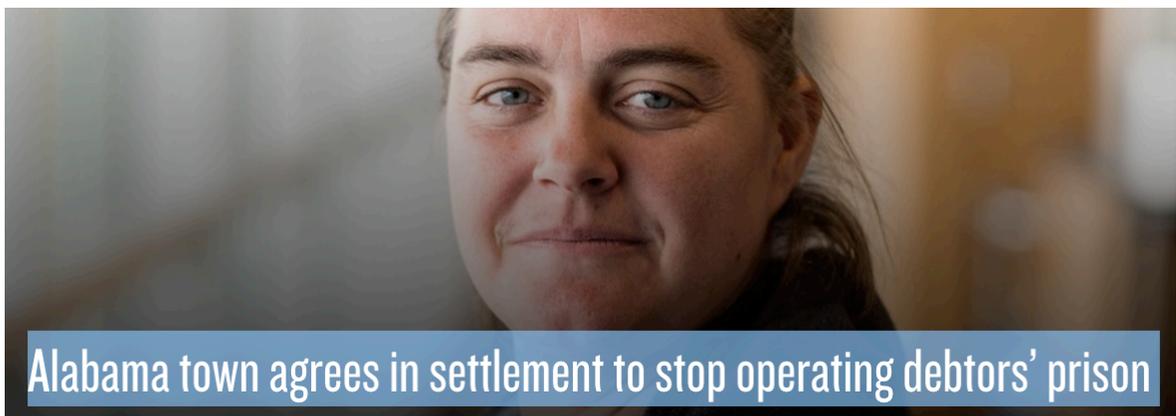


Alabama Town Agrees in Settlement To Stop Operating Debtors Prison

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<https://www.splcenter.org/news/2017/03/14/alabama-town-agrees-settlement-stop-operating-debtors%E2%80%99-prison>

The SPLC has reached a settlement with Alexander City, Alabama, and its police chief to resolve a federal class action lawsuit over the operation of a modern-day debtors’ prison in which people were jailed for being too poor to pay fines and court fees for traffic tickets and misdemeanors.



The settlement has been preliminarily approved by the U.S. District Court in Montgomery. The court will hold a final hearing in August to decide whether to formally approve the agreement.

In a town where almost 30 percent of the population lives below the poverty line, at least 190 impoverished people were jailed for nonpayment within a two-year period. The SPLC, with co-counsel Patterson Belknap Webb & Tyler, filed [suit](#) to stop the abuse in September 2015. The lawsuit described multiple violations of the U.S. Constitution and Alabama law.

“Hundreds of impoverished residents have faced unconstitutional and unjust treatment in Alexander City simply because they were too poor to pay fines and fees,” said Sam Brooke, SPLC deputy legal director. “The shuttering of this modern-day debtors’ prison, along with the monetary award, brings justice to many of the people who were unfairly targeted for being poor.”

Under terms of the settlement, the city and its insurer will pay \$680,000. The class members – 190 people who were jailed for nonpayment between September 8, 2013, and September 8, 2015 – will be compensated at least \$500 for each day they were illegally jailed.

When a person appeared in municipal court, the judge did not ask if they could pay the fines and costs. There was generally no discussion about the right to a lawyer, and they were not appointed in cases involving fines and costs – depriving defendants of their right to counsel. People who could not pay in full were directed to a back hallway and arrested, even when they could make a partial payment and needed time to come up with the rest.

Rather than be offered community service or a payment plan, indigent defendants were held at the city jail until someone paid the fine or until they “sat out” their time at a rate of \$20 per day – or \$40 if they performed jobs such as laundry, cleaning or washing police cars.

By jailing people for their inability to pay, the city violated their 14th Amendment right to due process and equal protection under the law. The arrests also violated Alabama law and the Fourth Amendment protection against unreasonable

searches and seizures, as well as the Sixth Amendment, which protects individuals' right to counsel.

Plaintiff Amanda Underwood was jailed twice for fines she could not pay. She appeared in the Alexander City Municipal Court without counsel on April 24, 2014, her son's birthday, and pleaded guilty to a traffic violation. The judge ordered her to pay a \$205 fine, which she could not afford while earning \$8 an hour and taking care of her children.

Unable to pay, Underwood was booked into the jail, along with five other people, including the father of her two youngest children. Because she was desperate to be released and be with her son on his birthday, Underwood was forced to call her ex-boyfriend to borrow the money.

In June 2015, Underwood appeared in court again without counsel and was fined \$250 after pleading guilty to driving without a license. Unemployed at the time and receiving limited Social Security benefits, she was again unable to pay and was immediately arrested and booked into the city jail. She spent five days in jail, washing laundry to secure an early release.

"I am glad the city is going to pay everyone who they jailed, to try to undo some of the harm they caused," Underwood said. "I am so proud that this lawsuit has made a difference. I hope it will help many others, especially those like me who have been unfairly punished for being poor."

The debtors' prison practice is particularly widespread in the Deep South.

Last June, the SPLC [sued](#) to stop the same kind of operation in Bogalusa, Louisiana. The city court, which has suspended its practices under a temporary agreement, was funding its operations on the backs of the poor, relying on court costs and fees to help fund its operations. This created a conflict of interest – an incentive for the judge to find individuals guilty and to coerce payment by threatening jail.

In Alabama, substantial progress has been made toward eliminating these practices.

In November 2016, Montgomery Municipal Judge Lester Hayes was suspended without pay for his role in jailing the poor for nonpayment, and Perry County Circuit Judge Marvin Wiggins was censured in January 2016 for forcing the indigent to choose between jail and donating blood.

“Courts are being sued and forced to change their procedures, and judges have been censured and suspended,” Brooke said. “And now a municipality has been forced to pay those it illegally jailed. We hope and believe all courts are now getting the message: It is unacceptable to punish the poor just because of their poverty.”