

ROGERS & HARDIN ASSISTS IN THE SETTLEMENT OF ACLU LAWSUIT ALLEGING IMPROPER JAILING FOR INABILITY TO PAY TRAFFIC FINES

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The American Civil Liberties Union and DeKalb County, Georgia, announced a settlement in a federal lawsuit that alleged that probation practices resulted in the jailing of people unable to pay court-ordered fines in traffic cases. The agreement includes policy changes that could serve as a model in Georgia and across the country.

The case, *Thompson v. DeKalb County*, was filed in U.S. District Court in Atlanta. The lawsuit was filed in January on behalf of Kevin Thompson, a teenager who claims he was jailed in DeKalb County because he could not afford to pay court fines and probation fees stemming from a traffic ticket. The ACLU charged that Thompson's constitutional rights to counsel and an indigency hearing were violated. Rogers & Hardin LLP, the ACLU of Georgia, and Southern Center for Human Rights were co-counsel for the plaintiff.

Under the settlement, DeKalb County and the other defendants denied liability to Thompson, but the Chief Judge of the DeKalb County Recorder's Court agreed to take measures to protect the rights of people who cannot afford to make fine and fee payments required as a condition of probation for traffic and other misdemeanor offenses. The measures include:

- Adoption of a "bench card" that provides judges instructions to avoid sending people to jail because they owe court fines and are unable to pay. The card lists the legal alternatives to jail and outlines the procedure for determining someone's ability to pay. It also instructs judges on how to protect people's right to counsel in probation revocation proceedings.
- Training and guidance to Recorder's Court personnel involved in misdemeanor probation on probationers' right to counsel in revocation proceedings and right to an indigency hearing before jailing for failure to pay fines and fees.
- Revision of forms to let people charged with probation violation know of their right to court-appointed counsel in probation revocation proceedings, and their right to request a waiver of any public defender fees they cannot afford.

The settlement also provides for a monetary payment to Mr. Thompson and his legal counsel.

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