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Monetary Sanctions and the Criminal Legal System: Punishment and Revenue

Introduction

page 2

Criminal justice as racialized resource extraction

Joshua Page and Joe Soss

page 3

Monetary sanctions and acquaintanceship density in rural court systems

*Gabriela Kirk, Kristina J. Thompson, Beth M. Huebner,
Christopher Uggen, and Sarah K. S. Shannon*

page 9

Long harm of the law: Monetary sanctions and their symbiotic harms

*Daniel J. Boches, Brittany Martin, Andrea Giuffre, Amairini
Sanchez, Aubrienne L. Sutherland, and Sarah K. S. Shannon*

page 15

Court fees criminalize low-income defendants

Devah Pager, Rebecca Goldstein, Helen Ho, and Bruce Western

page 21

Introduction

Monetary sanctions, also known as legal financial obligations, are state-imposed fines and fees associated with court involvement. These are the financial aspects of the criminal justice system serving variously as punishment for defendants and revenue generation for court jurisdictions. In terms of both frequency and breadth, the rise of court-based fines and fees is largely invisible to most people but has far-reaching—and long-lasting—effects for court-involved individuals and their kin. The authors contributing to this issue of *Focus on Poverty* draw on a growing body of scholarship to explore and explain some of the many nuances of monetary sanctions and their effects.

We start with Joshua Page and Joe Soss presenting their view on criminal legal systems as mechanisms for racialized resource extraction. Standard practices in court systems throughout the United States act to routinely extract resources from low-income and communities of color in order to generate revenue for local governments and affiliated private interests.

The next two articles both draw from a comprehensive examination of monetary sanctions featured in an edition of *The Russell Sage Foundation Journal of the Social Sciences*, published in January 2022. The research of Alexis Harris—e.g., *A Pound of Flesh: Monetary Sanctions as Punishment for the Poor* (Russell Sage Foundation, 2016)—has been a catalyst for much of this work. Both Kirk et al. and Boches et al. draw on data procured through the Harris-led Multi-State Study of Monetary Sanctions project (see www.monetarysanctions.org).

Gabriela Kirk, Kristina Thompson, Beth Huebner, Christopher Uggen, and Sarah Shannon explore the construct of acquaintanceship density in rural court systems. They use ethnographic data drawn from interviews of court personnel and courtroom observations in Georgia, Illinois, Minnesota, and Missouri. Similarly, Daniel Boches and co-authors Brittany Martin, Andrea Giuffre, Amairini Sanches, Aubrienne Sutherland, and Sarah Shannon examine the extensive impacts—called symbiotic harms—of legal fines and fees on friends and family of system-involved individuals.

Rebecca Goldstein, Helen Ho, and Bruce Western continue the collaborative work started with their late colleague Devah Pager by looking at how court fees criminalize low-income defendants when they are unable to pay. The study profiled here is particularly strong in its assertions about causal relationships due to the nature of its experimental design, a randomized controlled trial.

Two “Research to Watch” items are also included in this issue. Joshua Page and Joe Soss highlight their upcoming book, *Preying on the Poor: Criminal Justice as Revenue Racket*, as an examination of predatory governance in the United States and various forms of resistance emerging from low-income communities. Daniel Boches and colleagues, Timothy Edgemon and Brittany Martin, also provide a prelude to their anticipated work regarding the stressors of legal debt and how it intersects with, and amplifies, racial health disparities.

Thank you for reading *Focus on Poverty*. Please send any questions or comments to IRP Director of Communications Judith Siers-Poisson at sierspoisson@wisc.edu. A note to educators: If you use *Focus on Poverty* in the classroom, we would especially love to hear from you!

Criminal justice as racialized resource extraction

Joshua Page and Joe Soss

TAKEAWAYS

Criminal justice institutions have become sites for an intricate web of extractive financial practices in recent decades, where powerful actors work to extract resources from vulnerable communities.

Predatory law enforcement and punishment schemes (1) are based on a subordinated group's oppression and marginalization and (2) leverage group vulnerabilities and needs to pursue projects of expropriation, extreme exploitation, and/or dispossession.

We see criminal justice predation as an unacceptable injustice, unnecessary for public safety or democratic rule of law.

Grassroots organizations, policymakers, and broad-based coalitions are making progress in disrupting or ending predatory practices in state and local jurisdictions nationwide.



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Criminal justice practices in the United States are routinely used to strip resources from poor communities and turn them into revenue for governments and corporations. Since the 1980s, such practices have increasingly become a source of financial hardship in race-class subjugated (RCS) communities.¹ Yet such practices have received limited attention in mainstream poverty studies, where leading explanations continue to focus on topics like low levels of human capital, lack of access to good jobs, personal or cultural deficiencies, and the inadequacies of anti-poverty programs.²

Against this backdrop, the study of criminal justice predation serves as a reminder that in an affluent society, people endure poverty, in part, because powerful actors work to extract resources from vulnerable communities.³ U.S. American criminal legal institutions mirror (and operate in tandem with) predatory lenders and other businesses working to turn social disadvantages into profits. Law and law enforcement have become, in this guise, tools for stripping assets and imposing debts. Projects that criminalize and punish the poor lead a second life as a source of revenues that subsidize dominant groups and institutions.

Law enforcement and punishment have long been entwined with predatory projects in the United States. Policing and patrol operations sustained chattel slavery and Native dispossession in ways that helped to underwrite the political economy of the early Republic. Prison labor exploitation has been an abiding theme in American penal history, pursued in various forms by controlling public and private interests (e.g., chain gangs, convict-leasing agreements, prison industries).

In a recent paper published in the journal *Science*,⁴ we employ the concept of *predation* to connect such historical practices to the present. The term “predatory,” however, does not serve as a label for particular group of actors or their motives. It refers to social relations and practices that (1) are based on a subordinated group’s oppression and marginalization and (2) leverage the group’s vulnerabilities and needs to pursue projects of expropriation, extreme exploitation, and/or dispossession.

The concept of predation draws diverse criminal legal practices into a common frame of analysis that begins with dominant-subordinate relations and focuses on questions of power and wealth. In the past, predatory criminal justice projects in the

Predatory law enforcement and punishment schemes are court-sanctioned social relations and practices that:

- Are based on a subordinated group's oppression and marginalization and
- Leverage group vulnerabilities and needs to pursue projects of expropriation, exploitation, and/or dispossession.

Predatory practices have shifted from labor to finance in recent decades; these include charging fees, creating debts, and pursuing collections, often from the most heavily policed communities.

United States focused mostly on labor exploitation. Over the past four decades, however, predation schemes have shifted from labor to finance. Throughout U.S. American criminal legal institutions, procedures and practices have been redesigned to charge fees, create debts, and pursue collections disproportionately from the most heavily policed and punished communities.⁵

The study of criminal justice predation serves as a reminder that in an affluent society, people endure poverty, in part, because powerful actors work to extract resources from vulnerable communities.

For people in RCS communities, criminal legal involvement has become a common barrier to securing stable housing, decent jobs, education, and social welfare supports; such exclusions represent just one side of a larger inequality-generating dynamic. Through a process that scholars such as Keeanga-Yamahtta Taylor theorize as “predatory inclusion,”⁶ these practices create needs and vulnerabilities that more advantaged actors can leverage to generate revenue. (The unbanked, for example, become ripe targets for usury by payday lenders.) In the criminal justice context, practices that divide and exclude—for example, through criminalization, imprisonment, and the policing of social and residential boundaries—work to produce and position targets for resource extraction.

These pursuits of revenue have not driven the rise of mass policing and punishment in the United States over the past half century. In most respects, the relationship ran in the opposite direction: As policing, judicial, and penal operations grew, they created new opportunities and tools for extractive practices, rising costs that pushed officials to search for new revenue streams, and attractive openings for private investment that drew numerous corporations into the criminal legal field.

Today, revenues generated by criminal legal practices help to fund public services, pay for middle-class jobs in businesses and governments, and reduce the tax obligations of relatively advantaged citizens. They also contribute to corporate profits, CEO salaries, and the wealth accumulated by Wall Street banks, private equity firms, and investors. Criminal justice predation, in this sense, affects life conditions not only in RCS communities but throughout the political economy as a whole.

In 2015, the U.S. Department of Justice (DOJ) investigated the policing and court systems of Ferguson, Missouri, after police there killed an unarmed Black man, Michael Brown.⁷ The DOJ found that city officials counted on revenues from fines and fees, budgeted for increases, and used them to finance a range of municipal services and projects. These fine-and-fee revenues became the second-largest income stream for the city and were used to pay for a new fire hall (\$8 million), renovations of the police station (\$3.7 million), an 8% raise for all municipal employees, and a variety of public services.⁸

Chicago provides another example. Several independent investigations have found that Chicago authorities largely target people from race-class subjugated communities for fines and fees—including dramatic disparities for costly citations imposed on pedestrians, bicyclists, or drivers (who also disproportionately have their cars impounded). In 2016, Chicago brought in \$264 million in revenue—7% of the city’s operating budget—from transportation-related charges alone.

Philando Castile was sitting in his car when he was killed by a police officer in Minnesota. In the 14 years prior, Castile had been stopped by law enforcement nearly 50 times, resulting in 82 citations for minor infractions that totaled more than \$7,000.* At a memorial for her son held in 2020, Valerie Castile said, “I told my son once before he had got murdered, ‘These people ain’t even looking at you like a man, they looking at you as revenue... Because every time they stop you, they are going to give you a ticket, they are going to tow your car, so that ain’t nothing but money.’”**

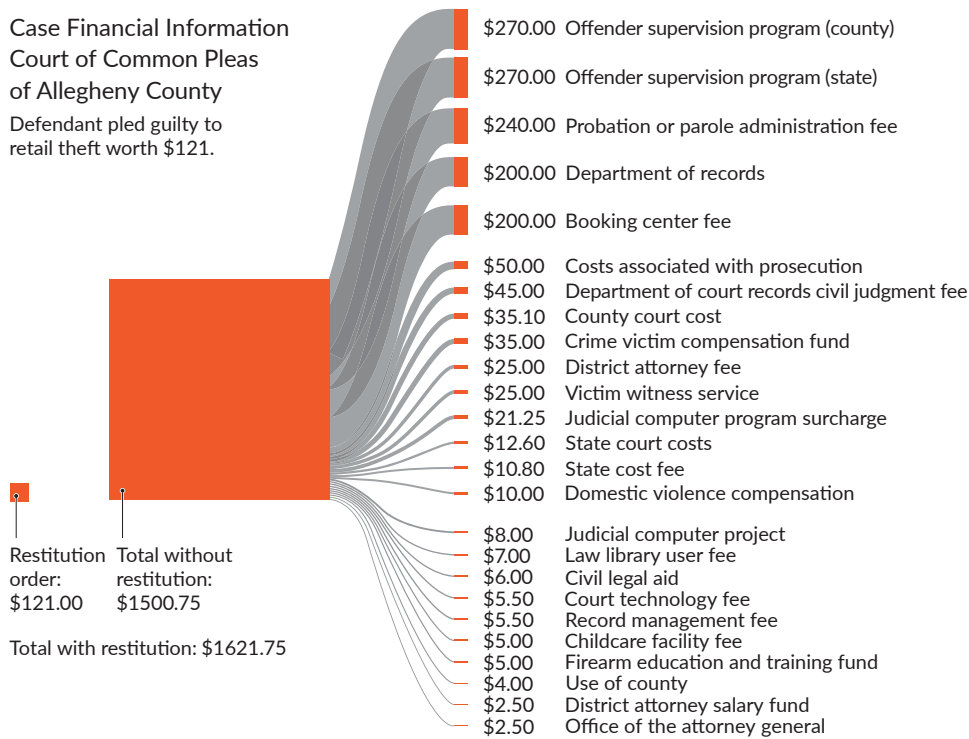
*B. Stahl, (2016, July 17) Philando Castile was caught up in a cycle of traffic stops, fines, *Minneapolis Star-Tribune*. <https://www.startribune.com/castile-lived-in-a-cycle-of-traffic-stops-fines/387046341/>

***News on Purpose, Remembrance of Philando Castile Rally*, Facebook video, 6 July 2020. <https://www.facebook.com/newsonpurpose/videos/remembrance-of-philando-castile-rally/3031165067002164/>

Forfeiture serves a further tool of legal resource extraction from heavily policed communities. Money and property can be seized based solely on an allegation of being related to a crime. The value of seized assets is immense: Between 2000 and 2019, state and federal governments confiscated at least \$68.8 billion.⁹ In 2014, for the first time, the national sum of forfeited assets exceeded the total value of reported burglaries in the United States: More than \$5 billion in assets were deposited by the Treasury and Justice Departments compared to an FBI estimate of \$3.5 billion in burglary losses.¹⁰

The web of financial practices tied to arrest, detention, trial, and incarceration is often invisible to people who have no direct involvement with criminal legal institutions. For system-involved individuals and their family members, friends, and communities, however, such practices operate as a substantial resource drain, exacerbating precarious living conditions and social and economic hardships. The case of one individual in Allegheny County, PA, illustrates how a defendant may be obligated to pay much more than the amount of the basic judgement to settle their case (see Figure 1). In this case, the individual pled guilty to theft of retail goods worth \$121 and was sentenced to pay \$121 in restitution plus an additional \$1500.75 in fees, mostly unrelated to the crime.

Figure 1. Revenue production has become a key responsibility of criminal courts.



Source: Stark, A. B. & Walsh, G. (2020). Clearing a path to a new beginning: A guide to discharging criminal justice debt in bankruptcy. Report. National Consumer Law Center. <https://www.nclc.org/resources/clearing-the-path-to-a-new-beginning/>

Throughout the United States, carceral facilities depend on unpaid or underpaid labor by imprisoned individuals for their daily operations. In some places, people sentenced to prisons and community supervision programs also provide labor for for-profit companies—and receive wages far below prevailing market rates. Such arrangements are profitable not

only for businesses but also for the government agencies that charge for access to a captive labor pool. Similar arrangements—predatory public-private partnerships—organize a host of prison operations, from telecom services to healthcare, commissary sales, and beyond.

Jail and prison populations in the United States are disproportionately made up of men and people of color who have very few resources. The financial burdens associated with incarceration, however, tend to fall most heavily on women from RCS communities. These women often pay the costs of bail in order to sustain a family for their children or so that a son, partner, or nephew can continue to work and fulfill other social obligations. By cosigning for bail or taking out a high-interest loan (e.g., to secure release or obtain legal counsel), such women frequently put themselves in financial jeopardy.

The web of financial practices tied to arrest, detention, trial, and incarceration is often invisible to people who have no direct involvement with criminal legal institutions.

Women in the community also tend to pay the high costs of phone calls, visits, and care packages needed to stay connected with incarcerated individuals—and provide the most reliable source of funds for imprisoned people to buy items from the commissary, pay for medical care, and so on. For spouses and other partners, these responsibilities can mean working more hours (if possible), draining any savings they may have, and juggling the costs of housing, feeding, and caring for a family while also providing for their incarcerated loved one. [For more on symbiotic harms, see Boches et al., in this issue.]

When imprisoned people return to the community, they often carry significant debts created by fees, fines, and restitution orders—including charges for their own custody and supervision; these debts become the basis for continued surveillance and control, aggressive collections efforts, and mandatory appearances in courts and public agencies. Such conditions often intersect with and compound challenges arising from lack of access to stable housing, sufficient income, and/or reliable transportation. Amid these sources of instability and stress, says scholar Alexes Harris, people released with criminal legal debts become “perpetual subjects of the criminal justice system who at any time can be called to answer for their nonpayment and may even be incarcerated.”¹¹ Other repercussions for nonpayment can include driver’s license suspension, loss of eligibility for public programs, revocation of parole or probation, and loss of voting rights.

The stressors affecting both those involved with the criminal justice and carceral systems and their kin also impact their larger communities. When households in an extended family or community are burdened with the ongoing costs of incarceration and supervision, vital mutual-aid networks are at risk of disruption. Fraying relationships between couples can affect parental relations with their children and potentially expose young people to volatile situations. And communities with a significant number of residents who may not have the right to vote—or don’t believe that they do—can be underrepresented in local and state elections.

“[Legal debt] is overwhelming, [it] causes anxiety. I go to therapy because you are always scared they will be knocking at your door. I have started using [drugs] because of the anxiety.”

Cook, F. (2014). The burden of criminal justice debt in Alabama. University of Alabama Birmingham. https://www.prisonpolicy.org/scans/uabtasc/the_burden_of_criminal_justice_debt_in_alabama-part_1_main_report.pdf

In our upcoming book, we argue that criminal justice predation is an unacceptable injustice, unnecessary for public safety or democratic rule of law [see Page and Soss *Research to Watch*, in this issue]. Efforts to end predation can include a range of criminal justice reforms and abolition agendas.¹² Grassroots organizations, policymakers, and broad-based coalitions are making impressive gains in state and local jurisdictions nationwide. San Francisco offers a leading example. In 2020, advocates moved the Board of Supervisors to unanimously pass the “People Over Profits” ordinance, making San Francisco the first U.S. county to “permanently stop generating revenue from incarcerated people and their families through phone calls, commissary markups, or other services.”¹³ (Earlier, the county had stopped charging fees to people in jails or on community supervision.) Notably, the measure identified its target broadly as revenue generation pursued by public and private actors at the expense of incarcerated people and their families—as opposed to isolating particular modes of predation (e.g., phone call charges) or focusing on a narrower subset of the relevant actors (e.g., corporations).

Credit for this encompassing approach largely belongs to a collaboration between the San Francisco Jail Justice Coalition—a mix of advocacy groups that includes several with strong contingents of presently or formerly incarcerated people (e.g., All of Us or None of Us, Berkeley Underground Scholars, and Young Women’s Freedom Center)¹⁴—and The Financial Justice Project (FJP), a unique governmental entity housed in San Francisco’s Office of the Treasurer and Tax Collector. As best we know, the FJP is the only government body in the country specifically dedicated to investigating and reporting predatory practices and connecting grassroots community organizations to the halls of government. It is both a government office and an active member of advocacy and activist coalitions in California.

Across the United States, campaigns organized by community activists and bottom-up advocacy networks (e.g., Free to Drive, Debt Free Justice, Care First Coalition, the Participatory Defense Network, #ConnectFamiliesNow, and Abolish Slavery National Network) have won impressive state and local victories. In a growing number of regional jurisdictions, new limits are being imposed on specific modes of predation (e.g., exorbitant phone charges, bail profiteering) and their harmful consequences (e.g., driver’s license suspensions). In such campaigns, small community groups often receive support from larger justice-advocacy organizations (e.g., the ACLU, Color of Change, Worth Rises, NAACP, and Vera Institute of Justice), foundations (e.g., Arnold Ventures) and research entities (e.g., the Justice Collaboratory at Yale and The Brennan Center for Justice). Such collaborations will likely play a critical role in the future, building national infrastructures to connect, inform, and assist state and local campaigns.

Over roughly the past four decades, U.S. American criminal justice institutions have become sites for an intricate web of extractive financial practices that now far exceeds the scale of these institutions’ predatory labor practices. Laws and policies designed to combat these forms of predation can make significant contributions to reducing poverty and inequality—and will be essential for building a more just and democratic society. ■

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¹²On RCS communities, see Soss, J. & Weaver, V. (2017). Police are our government: Politics, political science, and the policing of race-class subjugated communities. *Annual Review of Political Science*, 20(1), 565–591. <https://www.annualreviews.org/doi/abs/10.1146/annurev-polisci-060415-093825>

¹³Cancian, M. & Danziger, S. (2009). *Changing Poverty, Changing Policies*. New York: Russell Sage Foundation; Brady, D. (2019). Theories of the Causes of Poverty, *Annual Review of Sociology*, 45(1), 155–175. <https://www.annualreviews.org/doi/abs/10.1146/annurev-soc-073018-022550>

³For related arguments in the context of predatory housing and eviction practices, see Desmond, M. (2017). *Evicted: Poverty and Profit in the American City*. New York: BDWY, Broadway Books.; Taylor, K-Y. (2019). *Race for Profit: How Banks and the Real Estate Industry Undermined Black Homeownership*. Chapel Hill: University of North Carolina Press.

⁴Page, J., & Soss, J. (2021). The predatory dimensions of criminal justice. *Science*, 374(6565), 291–294. <https://doi.org/10.1126/science.abj7782>

⁵Soss, J. & Weaver, V. (2017, May). Police are our Government: Politics, political science, and the policing of race-class subjugated communities. *Annual Review of Political Science*, 20, 565–591. <https://doi.org/10.1146/annurev-polisci-060415-093825>

⁶Taylor, K-Y. (2019). *Race for Profit: How Banks and the Real Estate Industry Undermined Black Homeownership*. Chapel Hill: University of North Carolina Press.

⁷Shaw, T. M. (2015). *The Ferguson Report: Department of Justice Investigation of the Ferguson Police Department*. The New Press. <https://thenewpress.com/books/ferguson-report>

⁸Henricks, K., & Harvey, D. C. (2017, December). Not one but many: Monetary punishment and the Fergusons of America. *Sociological Forum*, 32, 930–951. <https://doi.org/10.1111/socf.12360>

⁹Knepper, L., McDonald, J., Sanchez, K., & Pohl, E. S. (2020). *Policing for profit: The abuse of civil asset forfeiture* (3rd edition). Institute for Justice. <https://ij.org/report/policing-for-profit-3/>

¹⁰Ingraham, C. (2015, November 23). Law enforcement took more stuff from people than burglars did last year. *Washington Post*. <https://www.washingtonpost.com/news/wonk/wp/2015/11/23/cops-took-more-stuff-from-people-than-burglars-did-last-year/>

¹¹Harris, A. (2016). *A Pound of Flesh: Monetary Sanctions as Punishment for the Poor*. New York: Russell Sage Foundation.

¹²For a range of abolitionist perspectives, see Davis, A. Y. (2003). *Are Prisons Obsolete?* New York: Seven Stories Press; Vitale, A. S. (2017). *The End of Policing*. Brooklyn, NY: Verso Books; Abolition Collective (2018). *Abolishing Carceral Society*. Brooklyn, NY: Common Notions; Roberts, D. E. (2019, Nov. 8). Abolition Constitutionalism. *Harvard Law Review*, 133(1), 1–122; Cullors, P. (2019, April 10). Abolition and Reparations: Histories of Resistance, Transformative Justice, and Accountability. *Harvard Law Review*, 132, 1684–1728.

¹³San Francisco Office of the Mayor. (2020, August 10). *San Francisco announces all phone calls from county jails are now free*. Press release. <https://sfmayor.org/article/san-francisco-announces-all-phone-calls-county-jails-are-now-free>

¹⁴The Financial Justice Project. (2020, June 3). *San Francisco introduces people over profits ordinance*. Press release. <https://sfgov.org/financialjustice/whats-new/san-francisco-introduces-people-over-profits-ordinance>

Research to Watch

Court Fines and Fees as Predatory Governance

Our book in progress, *Preying on the Poor: Criminal Justice as Revenue Racket*, details the origins, operations, and consequences of the myriad criminal justice practices that extract resources from communities positioned in the lower reaches of the American social order. We explain how and why such revenue-centered practices have grown so dramatically since the early 1990s, resulting in a system of government and market actors innovating revenue streams through fine-centered policing, court fees, bail systems, prison and community supervision charges, civil asset forfeiture, and more. These and related practices have a long pre-history in earlier uses of predatory governance to advance American state- and nation-building, order the political economy, and manage race, class, and gender inequalities. Connecting this history to the present, we explain *why* current predation has taken specific forms, *how* these practices function within the broader political economy of racial capitalism, and *what* they reveal about the shifting relationships between citizenship and governance. Finally, we analyze the politics of criminal justice predation, concentrating on the contentious forms of resistance that arise from targeted communities, and the dynamics of political struggle that emerge and take different forms across varied political institutions. We ask what can be learned from studying this politics that might be useful for taking action. How can we best challenge these practices and abolish their injustices?

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Monetary sanctions and acquaintanceship density in rural court systems

Gabriela Kirk, Kristina J. Thompson, Beth M. Huebner, Christopher Uggen, and Sarah K. S. Shannon

TAKEAWAYS

Monetary sanctions are a ubiquitous aspect of courts throughout the nation, by turns serving as both a form of punishment and revenue generation.

The application of monetary sanctions can vary across the spectrum of population density from urban, suburban, small town, and rural jurisdictions.

Acquaintanceship density is a key variable influencing how court fines and fees are determined and applied within local court systems.

Urban courts are more likely to employ routine decision-making and demonstrate less individualization in the sentencing of monetary sanctions whereas rural courts tend to allow for greater flexibility, though often within a more constrained set of choices regarding alternatives to legal financial obligations.



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Monetary sanctions are a feature of all court systems, yet the application and enforcement of punitive fines and fees can vary widely across places and populations.¹ Most research on monetary sanctions, also called legal financial obligations (LFOs), has drawn data from urban court systems. Here, we highlight court structures and organizational dynamics within systems situated in less population-dense regions in four states: Georgia, Illinois, Minnesota, and Missouri.

Monetary sanctions include many different fees, fines, assessments, and other financial charges imposed on court-involved individuals. We investigated local factors shaping variability in how sanctions are determined and imposed since such fines and fees act as both mechanisms of punishment and revenue production for court systems. Court systems, as we describe them here, are “inhabited institutions,”² or entities comprised of individuals (i.e., court actors) carrying out established norms, practices, and expectations within local communities. Local communities themselves impose a range of constraints on justice-seeking processes. One area of variation in how sanctions are determined and applied within localized court systems is acquaintanceship density.³ We consider acquaintanceship density as the proportion of community residents known to one another or the degree of familiarity between people working within court systems. Interpersonal dynamics in court systems are influenced by the motivations of individuals as well as the shared goals and norms of court workgroups, which are court members tasked with fulfilling court processes.⁴

Communities and their criminal justice systems differ by size, structure, density, and resources relative to their urban, suburban, small town, or rural community contexts. In smaller jurisdictions, often found on the town-to-rural end of the spectrum, court actors such as judges and attorneys tend to have tighter networks of acquaintance⁵ resulting in the potential for outsized influence in setting court-related fine and fee amounts, determining lengths of time allowed for repayment, and reinforcing various norms related to collections.

When opportunities for municipal revenue generation are absent or precarious, using fines and fees to generate revenue has become increasingly common for local governments via their court systems. When revenue generation becomes a priority over broader community needs and goals, however, a monetary myopia can emerge.

Reliance on fines and fees to generate revenue can result in systemic mechanisms for extracting resources from marginalized communities. Court-involved individuals are often the theoretical policy target but, in practice, payments are commonly made by defendants' kin who otherwise have no substantive link to the criminal legal system.

(Also see Boches et al., this issue).

The dynamics of acquaintanceship density within a given court system rely on community expectations and can influence whether cases enter the system, the handling of cases by court workgroups within the system, and system adaptations in response to budgetary constraints. Evaluating the role of acquaintanceship across multiple community networks—here across four states with comparable characteristics—helps provide a more holistic understanding of fines and fees as both punishment and revenue generation.

Acquaintanceship density can be defined as the proportion of community residents known to one another or the degree of familiarity between people working within court systems.

Drawing on a subset of data from the Multi-State Study of Monetary Sanctions,⁶ we focus on qualitative insights drawn from data within four states: Georgia, Illinois, Minnesota, and Missouri. These states share general traits such as sizeable rural areas and a politically powerful major city (i.e., Atlanta, Chicago, Minneapolis, St. Louis) with associated metro areas of more than one million residents. Jurisdictions in our analysis also vary by geographic region, court organization, and historical contexts. For example, while Georgia and Missouri have decentralized court systems, Illinois has a unified state court system; Minnesota has tribal lands spanning several central and northern rural counties but with significant differences in how those counties apply monetary sanctions.⁷ Below, we examine acquaintanceship density as one of several potentially influential characteristics of courtroom dynamics to better understand how monetary sanctions are used and understood among court participants. We focus on urban and rural contexts though many nuances also exist within the spectrum between these areas.

Table 1: Georgia county and community characteristics at the time of survey data collection

Georgia	Population Category	% Poverty	% Black	% Latino
Urban county	>1,000,000	18	44	8
Urban city	200,000–499,999	25	52	6
Suburban county	100,000–249,999	20	4	33
Suburban-urban city	25,000–49,999	27	8	46
Rural county	10,000–24,999	28	50	7
Rural small town	<10,000	36	36	9

Source: U.S. Census Bureau. (2014). 2010–2014 American Community Survey 5-Year Public Use Microdata Samples, <https://data.census.gov/cedsci/>.

Note: 2014 American Community Survey five-year averages.

We find that urban courts, with their high-volume caseloads, are more likely to employ routine decision-making mechanisms coupled with relatively anonymous social ties and less individualization in the sentencing of monetary sanctions. Smaller-community courts differ in important ways. Relationships in rural court systems—those in small town and rural areas—draw from communities with more tightly-knit social ties and a smaller pool of potential court workers. Based on our interviews and observations, personal familiarity between court actors matters in these decision-making contexts. One defense attorney in Georgia put it this way:

I feel like when you're in smaller jurisdictions like that, your relationships are very important. I think it makes you have more options. I know lady justice

is blind, but we all know that who you know sometimes helps your clients. I do think that, from what I hear from many other people, attorneys don't like taking cases here because they feel like their options are limited. I've not really had that experience there. I think I've been treated very fairly, and maybe it is because I was in that community for so long.

Table 2: Illinois county and community characteristics at the time of survey data collection

Illinois	Population Category	% Poverty	% Black	% Latino
Urban city	>1,000,000	23	32	29
Urban-suburban county	500,000–999,999	17	24	25
Urban-suburban county	100,000–249,999	5	7	17
Rural-suburban county	100,000–249,999	15	19	5
Urban-suburban city	50,000–99,999	12	6	11
Rural county	10,000–24,999	6	<1	2
Rural county	10,000–24,999	21	6	3
Rural county	<10,000	36	37	2
Rural county	<10,000	23	32	2

Source: U.S. Census Bureau. (2014). 2010–2014 American Community Survey 5-Year Public Use Microdata Samples, <https://data.census.gov/cedsci/>.

Note: 2014 American Community Survey five-year averages.

Familiarity within court systems can be characterized as a form of relational “stickiness” regarding personnel and, by extension, court practices related to monetary sanctions. Court actors, we find, often cycle through—or stick with—a court or jurisdiction through varied roles. In Illinois and Missouri, for example, it is not uncommon for a public defender to become a prosecutor and later a judge within the same court or jurisdiction. Or, as in the case of a rural Georgia jurisdiction, a public defender in one traffic court was also a municipal court judge in a neighboring jurisdiction. Such familiarity within jurisdictions can translate to greater potential for familiarity regarding the economic position of defendants and their families.

While familiarity in rural jurisdictions was not necessarily a gateway to leniency, in our observations, neither was anonymity. Non-resident defendants are often seen as sources of revenue, particularly in rural counties looking to shift the burden of revenue generation away from community members.

In rural courts, judges and attorneys tend to have more nuanced knowledge about individual defendants' financial well-being, which we observed as translating to assumptions about their ability to pay based on such familiarity. In contrast, courts in urban areas tend to apply more consistent or standardized processes related to monetary sanctions. While such familiarity—sometimes across generations within a family—can influence decision-making among court actors, it isn't necessarily towards leniency. Throughout our interviews, we found some judges taking a more patronizing approach towards defendants with whom they were familiar, resulting in higher expectations and less empathetic attitudes. Limited options for alternatives to fines and fees in rural jurisdictions, such as community service options, also often left rural defendants with debts incurred beyond their reasonable ability to pay.

Table 3: Minnesota county and community characteristics at the time of survey data collection

Minnesota	Population Category	% Poverty	% Black	% Latino
Urban county	>1,000,000	13	13	7
Urban county	500,000–999,999	17	12	7
Suburban county	100,000–249,999	7	5	4
Suburban county	100,000–249,999	8	6	7
Rural county	25,000–49,999	22	1	2
Rural county	25,000–49,999	10	3	8

Source: U.S. Census Bureau. (2014). 2010–2014 American Community Survey 5-Year Public Use Microdata Samples, <https://data.census.gov/cedsci/>.

Note: 2014 American Community Survey five-year averages.

While familiarity in rural jurisdictions was not necessarily a gateway to leniency, in our observations, neither was anonymity. Non-resident defendants are often seen as sources of revenue, particularly in rural counties looking to shift the burden of revenue generation away from community members.⁸ We find that locales along interstate highway routes, and those hosting large events such as music festivals, offer conditions where non-locals might be subject to less leniency by traffic court judges assessing fines and pay-only probation. The dual purpose of monetary sanctions, as both punishment and revenue generation, emerged in observations of Georgia courts, too, where opportunities to convert fines to community service for out-of-towners were limited or nonexistent.

One purpose of monetary sanctions is providing revenue “to help the government function,” said a rural court clerk in Illinois. While the system may not be perfect according to this clerk, “it’s the best we got right now, and until somebody comes by with a better improvement on it, it’s the best show in town.”

Acquaintanceship density exists within networks of professional and community ties, where conditions reflect the nature of a given court and the social-political structures within the broader community or jurisdiction.

Pursuing individuals who have not paid off prior sanctions is another avenue for court-based revenue generation. It is also a fateful route to prolonged court-involvement for defendants facing preexisting financial precarity. While data on how much courts collect through monetary sanctions are often unavailable or inconsistent, the general perception among participants in our research was that such revenue streams were locally significant and influenced how sanctions were considered, imposed, and collected. Attempting to balance revenue generation with enacting justice and punishment was a consistent theme in our interviews. “We try to be reasonable but we gotta pay bills too,” said one rural prosecutor in Illinois, “...we try to make our money that we’ve got to make, but [it’s] a fine balance between the two.”

We find both real and perceived incentives exist to fund portions of local court systems through monetary sanctions, and that such pressures can affect subsequent charges, amounts imposed, alternatives to payment, and collections attempts. In communities of looser acquaintanceship ties, such as urban jurisdictions, court actors often saw their jobs as distinctly separate from revenue generation—monetary sanctions were also often lower, and the consequences for nonpayment less severe—in these locales of higher population density but greater social distance.

Table 4: Missouri county and community characteristics at the time of survey data collection

Missouri	Population Category	% Poverty	% Black	% Latino
Urban-suburban county	500,000–999,999	9	25	3
Urban city	250,000–499,999	25	50	4
Suburban-rural county	50,000–99,999	17	8	2
Rural small town	25,000–49,999	19	4	8
Suburban-rural community	25,000–49,999	25	14	2
Rural small town	10,000–24,999	25	6	11

Source: U.S. Census Bureau. (2014). 2010–2014 American Community Survey 5-Year Public Use Microdata Samples, <https://data.census.gov/cedsci/>.

Note: 2014 American Community Survey five-year averages.

The legislative landscapes related to monetary sanctions shift regularly—often to the skepticism and frustration of rural and suburban court actors who see urban jurisdictions as the typical reference point for state legislature decision-making. Such urban-normative statutory changes are often seen by rural court actors as limiting their discretion while diverting resources from outlying communities to the state’s general-fund coffers. Indeed, legislative changes regarding monetary sanctions have not been implemented uniformly across jurisdictions.⁹ Court actors in rural areas see mandatory fees and surcharges, for example, as inflexible and tending to create undue burdens for residents with limited means. Fines, on the other hand—often seen as the punitive part of financial sentencing—may be more discretionary but, because of mandated fees, can frustrate efforts to impose penalties proportional to a crime.

In summary, acquaintanceship density exists within networks of professional and community ties, where conditions reflect the nature of a given court and the social-political structures within the broader community or jurisdiction. We find acquaintanceship density influential in shaping the views of court actors such as judges and attorneys relative to monetary sanctions as a municipal funding source. This work expands beyond a typical urban-centric focus on monetary sanctions, seeing courts as inhabited institutions with degrees of social ties being stronger or weaker depending on density ratios. Looking ahead, legislative changes that mandate blanket policy changes across the rural, suburban, and urban continuum may not be flexible or responsive enough for court actors to address the multiplicity of community needs, particularly when employing sensitivity to court-involved persons already facing chronic economic hardship. ■

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Type of analysis: Qualitative

Data source: Sub-set of data from the Multi-State Study of Monetary Sanctions*

Type of data: Ethnographic observations (~910 hours) and qualitative interviews (N = 248) drawing on thematic codes from master codebooks of the larger Multi-State project.

Sample definition: The four states examined here Georgia, Illinois, Minnesota, and Missouri were chosen because of similar dynamics and differences; in general, these states contain sizeable rural areas and a politically powerful major city with associated metro areas of 1,000,000 residents or more. Sampling strategies across states varied due to differences in how the courts operate.

Time frame: Interviews and observations conducted between 2016–2018.

Limitations: Future work in this area must contend with the racialized dimensions that often accompany acquaintanceship density patterns, resource constraints, and monetary sanctions.

*Harris, A., Pattillo, M. & Sykes, B. L. (2022).

Long harm of the law: Monetary sanctions and their symbiotic harms

Daniel J. Boches, Brittany Martin, Andrea Giuffre, Amairini Sanchez, Aubrienne L. Sutherland, and Sarah K.S. Shannon

TAKEAWAYS

Monetary sanctions include a wide array of fines and fees associated with legal-system involvement, the negative financial implications of which easily spread through broader social networks.

Family members often pay for system-involved individuals' legal fines and fees, stretching already-thin household budgets to do so.

Court actors such as probation officers are known to use coercive tactics to pressure family members to pay legal fines and fees, amounting to state-sanctioned extortion.



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The United States is often considered an individualistic society.¹

This generalization overlooks the ways that individuals are deeply embedded within social networks and often rely on those networks to move through the challenges life presents. The criminal justice system also tends to view justice-involved individuals as singular, or atomistic, disconnected from networks of family and friends.² However, stressors experienced by system-involved individuals—including financial stressors—are often shared by family members. Negative financial impacts from system involvement radiate through kinship networks, affecting family and friends “who have no warrant out for their own arrest, face no criminal charges, and receive no sentence for confinement,” yet are subject to “conditions very similar to those of people charged with or convicted of a criminal offense.”³

Symbiotic harms are the unintended negative effects of legal-system involvement on extended family.⁴ We focus here on the effects of monetary sanctions—also called legal financial obligations (LFOs)—and how friends and family of system-involved individuals are burdened by the financial stress of various legal-system fines and fees. Though we use the word family, it is important to recognize the broad nature of kinship ties as including siblings, parents, in-laws, spouses, grandparents, children, close friends, and nonmarried partners.

“Alone among modern punishments,” legal-system fines and fees “effectively dispense with the requirement that the offender bear the burden of the penalty,” write researchers Julia Quilter and Russell Hogg.⁵ As a sort of transferrable reprimand, LFOs are unique in that the criminal legal system is generally unconcerned about who endures the punishment of accrued fines and fees.⁶ For example, people convicted of criminal offenses—but not their family members—can be electronically surveilled, perform community service, attend driving courses, and serve jail or probation time. Yet family members can and do often pay the legal debts of system-involved individuals. This effectively shifts the financial burden within families, many of which already face significant economic hardships.⁷

Drawing on evidence from a series of semi-structured interviews conducted between 2016 and 2018 at multiple sites across Georgia and Missouri, we find that family members are often coerced into paying their relatives' court-related fines and fees. Monetary sanctions act as both direct and indirect punishment for justice-involved individuals and their families, tending to increase economic hardship, social-emotional distress, and interpersonal conflict within family networks. Below, we focus on how families pay, how court actors (e.g., probation officers, attorneys, etc.) leverage social networks to extract LFO payments, and how these dynamics contribute to interpersonal and familial conflict.

How families pay

Families provide support to system-involved relatives in many ways. Direct financial support involves money given by friends or relatives to pay fines and fees. Indirect support may include help

with housing, child care, transportation, or help paying other bills. Mothers, grandmothers, sisters, and partners often provide significant support for their (mostly) male court-involved kin.⁸ Women tend to also provide the most financial support to formerly incarcerated people during reentry.⁹

Mothers, grandmothers, sisters, and partners often provide significant support for their (mostly) male court-involved kin. Women tend to also provide the most financial support to formerly incarcerated people during reentry.

Paying a relative's monetary sanctions can add further distress to families facing financial precarity. Strategies for acquiring money can be complex and burdensome. These strategies involve various degrees of risk and might include pawning material possessions or car titles, using retirement funds and tax refunds, or creating repayment plans in the hopes of future remuneration.¹⁰ Borrowing money from others or relying on credit cards to manage LFO payments essentially "converts the public obligation into a private contractual one, a private debt."¹¹ Using credit cards may solve a short-term problem but high interest rates, among other risks, can create a spiral of long-term challenges, including problems with housing or auto loans and other financial concerns.

Leveraging social networks to extract payment

Family members often pay their relatives' fines and fees under pressure from court actors such as probation officers.¹² Interviews with probation officers demonstrate the frequent use of pressure, direct or implied, to leverage the resources of family members in collecting legal debts. Family members feel pressured to pay under threats of force (such as incarceration of the system-involved individual), and often face significant power imbalances in their dealings with probation officers or others.

One probation officer, a White male, explained in our interviews how he placed people under arrest when they could not pay their LFOs as a way to pressure family members into paying up:

I think if anything... back when I started, we were a little more harsh on fee payments and fine payments and other payments, and in fact, very quickly to get yourself into some trouble as an offender would be to get 90 days or more behind, so I think about \$90 at that time . . . and we'll occasionally have little pushes from parole folks, you know, 'Let's get all these people that are behind on fees, and lock them up and let the family come and pay that fee off and that can be their money to get out of jail.'

Such coercion amounts to little more than state-sanctioned extortion, as researchers Mary Pattillo and Gabriela Kirk argue,¹³ and act as an enduring feature—not simply a past practice—of fine and fee collection strategies. While Pattillo and Kirk have discussed how court actors apply pressure directly to people assessed with legal debts, we find it commonplace for family members to also be deliberately targeted by parole and probation officers to recoup monetary sanctions. For example, one probation officer described using the threat of incarceration when calling family members: "...listen, Jane here is telling me she can't make these payments, I'm very concerned 'cause I'm [going to] take her back before the court and [if] she don't comply, I don't know what the court's gonna do here."

Leveraging kinship networks to collect fines and fees creates and exacerbates many harms against families. Aside from amplifying economic hardship, coercion can also intensify emotional distress and add strain to often tenuous or fractured social relationships. Specifically, we find that monetary sanctions harm families by causing interpersonal conflict and that collections officials leverage such conflict in seeking payments.

Instigating conflict

Some evidence suggests that pursuing collections for legal fines and fees sometimes relies on generating or exacerbating preexisting conflict between family members. Young men “on the run” may be pursued through contact with family members, making partners and mothers prime targets of coercion by law enforcement.¹⁴ Conflict within a family or kinship network can often increase when limited household funds are reallocated to pay bail bonds or other fines and fees. Ripple effects of both social strain and economic precarity result.

Through direct and indirect contact with the criminal legal system, families are often harmed, facing financial precarity, decreased mental and physical health, and strained personal relationships.

According to one prosecutor, “It’s not uncommon for family members to be involved in the payment of fines It wouldn’t surprise me if there’s some intrafamily conflict that results from a family member lending . . . money.” This can be especially true in cases of posting bond, a form of support that can avert a jail stay with the promise of payment if the defendant does not show up for a court date. Those who abscond from their court appearance leave family members on the hook, often incurring more debt and fracturing social ties. Despite the power that probation officers wield, we find family members trying to exert some degree of agency, a form of protection against the damaging effects of monetary sanctions.¹⁵

Paths forward

Explosive growth in mass incarceration over the second half of the 20th century, and a distinct decline in state and federal prison populations in the past decade—a 28% drop, from about 500 inmates per 100,000 U.S. residents in 2010 to 358 per 100,000 U.S. residents in 2020¹⁶— gets a lot of attention. But legal fines and fees, sometimes used as an alternative to incarceration, have received relatively less consideration. The symbiotic harms of legal financial obligations permeate social structures far beyond prison systems and can result from, among other things, arrest, trial, and community sanctions.¹⁷ We add monetary sanctions to this list.

Drawing on nearly 250 semi-structured interviews in Georgia and Missouri (see Table 1 for demographic characteristics), we find evidence that family members—particularly women—are routinely coerced by officers of the court to pay their relatives’ legal debts. When families cannot pay, system-involved persons are often threatened with force, such as incarceration. Pressures to find the money to pay legal debts can result in dubious or risky methods for generating quick cash, as well as deep distress and fractured social ties within kinship networks. When limited household resources are used to make court payments, other bills may go unpaid. This creates ripple effects of economic hardship that can take years to stabilize, if ever, and perpetuate and amplify systemic racial and economic inequalities in the United States.

Table 1. Interview sample of people with debt and court actors in Georgia and Missouri, by demographic characteristics

Demographic Characteristics	People with Debt (N = 140)	Percentage of People with Debt	Court Actors (N = 96)	Percentage of Court Actors
State				
Georgia	60	42.86	50	52.08
Missouri	80	57.14	46	47.92
Age				
18–29	46	32.86	3	3.13
30–39	40	28.57	22	22.92
40–49	29	20.71	11	11.46
50–59	23	16.43	28	29.17
60–69	1	0.71	9	9.38
70–79	1	0.71	3	3.13
No response	0	0.00	20	20.83
Race				
White	60	42.86	81	84.38
Black	66	47.14	11	11.46
Bi- or multiracial	5	3.57	1	1.04
Other	9	6.43	2	2.08
No response	0	0.00	1	1.04
Gender				
Man	92	65.71	45	46.88
Woman	47	33.57	40	41.67
Transgender	1	0.71	0	0.00
No response	0	0	11	11.46
Marital status				
Never married	74	52.86	–	–
Living with partner	17	12.14	–	–
Married	22	15.71	–	–
Separated-divorced	23	16.43	–	–
Widowed	4	2.86	–	–
Employment status				
Employed	59	42.14	–	–
Unemployed	81	57.86	–	–
Conviction type				
Felony	40	28.57	–	–
Misdemeanor	22	15.71	–	–
Both	70	50.00	–	–
No response	8	5.71	–	–
Job title				
Judge	–	–	30	31.25
Prosecutor	–	–	10	10.42
Defense attorney	–	–	18	18.75
Court clerk	–	–	15	15.63
Probation officer	–	–	23	23.96

Source: Authors' calculations.

To curb the real and existing harm of legal debt on family networks, we first suggest eliminating legal penalties for nonpayment. This would reduce coercive tactics used by court actors against family members and reduce the significant distress such tactics cause. We also recommend devising clear guidelines for assessing defendants' ability to pay (decoupled from the financial information of family members) and eliminating the garnishment of commissary accounts and prison wages. More ambitiously, we suggest

substantially reducing, if not entirely eliminating, the scope of fines and fees, especially for traffic violations. Ideally, this would be accompanied by a reduction in the use of LFOs to raise revenue and reduced reliance on private, profit-motivated agencies for debt collection.¹⁸ ■

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Type of analysis: Qualitative

Data source: Sub-set of data from the Multi-State Study of Monetary Sanctions*

Type of data: Semi-structured interviews

Sample definition: Interview subjects included 140 people with legal debt and 96 court actors (i.e., judges, attorneys, clerks, and probation officers) in Georgia and Missouri.

Time frame: 2016 to 2018

Limitations: No family members of justice-involved individuals were interviewed. Sample focused on cases where justice-involved individuals had trouble paying their legal debt. As such, sample does not capture those who could afford to pay debts and thus avoid future court involvement. Data from court actors is limited due to some prosecutors' reluctance to participate.

*Harris, A., Pattillo, M. & Sykes, B. L. (2022). Studying the system of monetary sanctions. *RSF: The Russell Sage Foundation Journal of the Social Sciences*, 8(2), 1–33. <https://doi.org/10.7758/RSF.2022.8.2.01>

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Research to Watch

Racial Health Disparities and Managing the Stress of Legal Debt

Being assessed monetary sanctions (i.e., criminal justice fines and fees) is stressful for justice-involved individuals. Legal debt exacerbates family conflict, makes it difficult to secure stable housing, and hinders people’s ability to find and keep work. Not surprisingly, the stress associated with fines and fees can negatively impact health, such as anxiety and depression. With that said, access to certain psychosocial resources, such as family support and a perception of control over one’s life, can buffer the negative health consequences of legal debt. These resources, however, are not evenly distributed across social groups. As a result, in future research, we anticipate exploring the psychosocial resources that people rely on when managing the stress associated with being assessed court-ordered fines and fees, and whether there are any racial differences in the use of these resources. Our data come from 54 semi-structured interviews with Black and White people in Georgia who were assessed criminal legal debt. This research is important as it will provide better understandings of how contact with the criminal justice system contributes to racial health disparities.

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Court fees criminalize low-income defendants

Devah Pager, Rebecca Goldstein, Helen Ho, and Bruce Western

TAKEAWAYS

Fines and fees associated with legal-system involvement are common and often applied to defendants who have no reasonable ability to pay, extending legal-system involvement by criminalizing poverty.

In a randomized controlled trial of court-related fee relief for misdemeanor charges in Oklahoma County, Oklahoma, fee relief is not associated with new criminal charges, convictions, or jail bookings within 12 months.

Levying court-related debts on low-income defendants appeared to neither cause nor reduce new crime, with little financial benefit obtained by local government seeking collections.



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Court-related fines and fees often penalize low-income

defendants beyond their reasonable ability to pay.¹ Unpaid fines and fees accrue penalties which can extend court-system involvement—not for new crimes but simply for nonpayment. We see the extent to which low-income communities are surveilled and controlled as indicators of criminalized socio-economic inequality, where economically disadvantaged people are relegated to greater oversight and a lower status of citizenship, similar in many ways to people on probation and parole.² Court-related monetary sanctions create several types of burdens that amplify inequality within criminal justice systems. Extracting financial resources from low-income communities extends the reach of law enforcement in ways that have been characterized by legal-system researchers as exploitative and predatory,³ akin to “drawing blood from stones”⁴ (also see Page & Soss, this issue). In short, people facing chronic economic hardship are regularly penalized for their inability to pay criminal justice system fines and fees.

While a large body of research has examined the effects of prison incarceration on poverty and inequality,⁵ looking beyond imprisonment allows researchers to focus on aspects of the criminal justice system such as misdemeanor court processing and jail incarceration.⁶ Legal fines and fees have proliferated in both type and typical amounts since the 1980s.⁷ They can include punitive charges imposed for low-level offenses; fees charged for court costs, incarceration, and drug tests; and surcharges and penalties associated with unpaid legal debt.

Randomized controlled trial: Oklahoma County, Oklahoma

If legal financial obligations criminalize poverty, what would happen to criminal justice involvement if misdemeanor criminal defendants were relieved of legal debt? To answer this question, we developed a randomized controlled experiment where a group of misdemeanor court defendants in Oklahoma County, Oklahoma, were relieved of their legal debt and compared to a control group who faced the usual array of fines and fees.

A misdemeanor conviction in Oklahoma County can regularly involve over \$1,000 in court-related fees, often adding to previous legal debt for defendants. Individuals in our experimental treatment group (295 people) were relieved of all current and prior fines and court costs (relative to Oklahoma

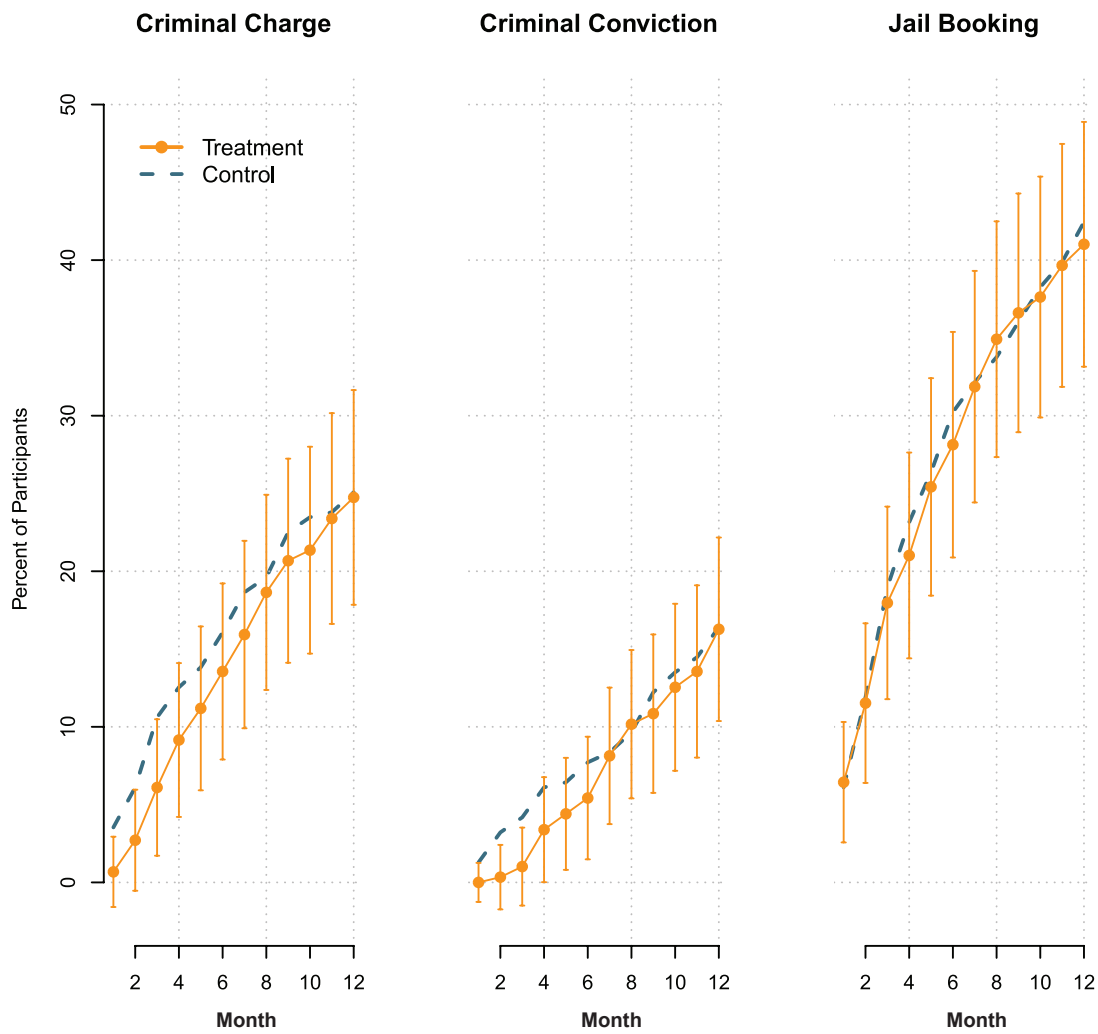
The growth of fines and fees widens the net of criminalization, a social phenomenon where elements of social life are defined as criminal through state-sponsored enforcement, surveillance, labeling, and punishment.

Jenness, V. (2004). Explaining criminalization: From demography and status politics to globalization and modernization. *Annual Review of Sociology*, 30, 147–171.

County only, not other jurisdictions), including probation and prosecution fees for current cases. With their permission, we tracked this group of study participants for twelve months and tallied all new criminal charges and convictions, new court actions, and debt payments.

The element of randomization increases our confidence in claims regarding the causal effects of fee relief on later criminal justice system involvement. If the accumulation of fines and fees generates ongoing contact with the criminal justice system, then we would expect to find fee relief associated with reduced police contact, court monitoring, and incarceration. Among participants in this study, those who experienced fee relief were significantly less likely to experience new criminal charges, and had a lower rate of new criminal convictions, in the subsequent three months after fees were paid; these participants were also no more likely than the control group (311 people) to have new legal system involvement after twelve months, as seen in Figure 1. Results suggest that fee relief can reduce crime among participants for several months but, after about 12 months, fee relief neither contributes to new crime nor does it appear to have a deterrent effect.

Figure 1. Mean levels of new criminal justice contact for treatment and control groups in the 12 months after randomization, Oklahoma County.

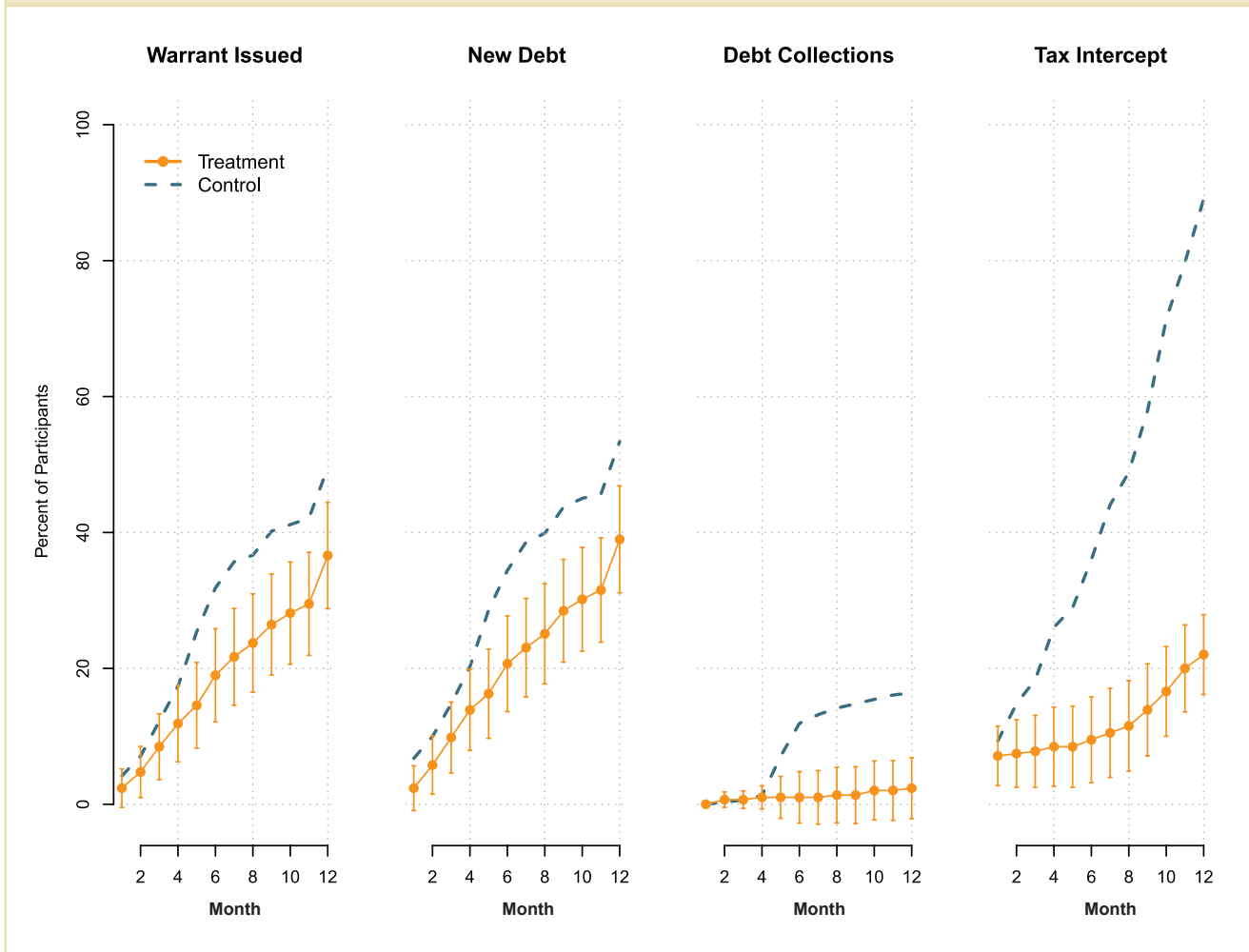


Source: Pager, D., Goldstein, R., Ho, H., & Western, B. (2022). Criminalizing poverty: The consequences of court fees in a randomized experiment. *American Sociological Review*, 87(3), 1-25. <https://doi.org/10.1177/00031224221075783>

Note: Ninety-five percent confidence intervals are indicated for the treatment group.

Fee relief did significantly reduce ongoing court involvement by generally eliminating court efforts to collect outstanding debt. Overall, the treatment group was much less likely than the control group to receive new warrants, be assessed new legal debt, have state tax refunds withheld, or see their cases referred to private debt collectors, as seen in Figure 2. On the other hand, individuals in the control group were more likely to make payments on their court fees but, because of the financial constraints most participants face, legal fee payments constituted only a small fraction of total debts owed. This suggests that extensive efforts at debt collection are largely ineffective in the court’s pursuit of recovering legal fees as a revenue stream for the court.

Figure 2. Mean levels of new court actions for treatment and control groups in the 12 months after randomization, Oklahoma County.



Source: Pager, D., Goldstein, R., Ho, H., & Western, B. (2022). Criminalizing poverty: The consequences of court fees in a randomized experiment. *American Sociological Review*, 87(3), 1-25. <https://doi.org/10.1177/00031224221075783>

Note: Ninety-five percent confidence intervals are indicated for the treatment group.

Defendants facing onerous legal fines and fees tend to also be enmeshed in financial and personal health challenges—criminal justice debt being just one potential source of social and financial stress. By pursuing debt collections among people unable to make payments, court systems can exacerbate rather than alleviate the conditions of systemic inequality. Unmet legal financial obligations can trigger further court actions including increased surveillance and interaction with court-related actors (e.g., probation officers). Poverty, housing instability, employment status, untreated mental illness, and substance abuse disorders can all disrupt regular payments for prior court debt. When legal debt accrues, courts can issue warrants, create payment plans, or initiate collections attempts through private

debt collectors.⁸ Efforts by courts to maintain oversight and extract payments can prolong system involvement, often surpassing a defendant's original sentence;⁹ for relatively low-level offenses (i.e., misdemeanors), coercive tactics can be proportionately large and extend system involvement for years.

Some limitations of this experiment include a relatively limited sample size of about 300 participants each in the treatment and control groups. As such, the statistical power of our analysis allowed us to detect relatively large effects, yet with a larger sample, more nuanced evidence may have emerged. Also, we were only able to alleviate fines and fees relative to Oklahoma County, not the local municipality (Oklahoma City) or other jurisdictions. Relief of all legal debts for participants may have produced stronger effects. Last, given our use of court administrative records, direct observation of participant behavior was not possible; while court records offer reliable measures in many respects, we do not consider aspects of fee relief on participants' sense of economic security or subjective well-being.

If legal financial obligations criminalize poverty, what would happen to criminal justice involvement if misdemeanor criminal defendants were relieved of legal debt?

Policy implications

Three potential routes for policy innovation emerged through this study. First, courts could significantly reduce debt collections efforts by court clerks through private debt collectors. The financial gain for courts is very low and aggressive debt collection efforts tend to do more harm than good in these circumstances.

Second, our evidence suggests that overall forgiveness of outstanding criminal justice fees (e.g., in California [CA AB-1869] and San Francisco [SF Ord. 131-18]) would have little to no effect—positive or negative—on recidivism or court finances. Fee forgiveness would, however, limit court supervision rooted in poverty and represent an effort to repair the negative effects of prior policy regarding monetary sanctions.

Third, abolishing user fees in criminal courts would have negligible effects on crime but would limit or eliminate expensive and ineffective cost-recovery efforts. Monetary sanctions are a complex system but there's little evidence they effectively reduce criminal justice involvement. Abolishing excessive court-related fines and fees would de-link criminalization and poverty in at least one sector of the U.S. criminal justice bureaucracy. ■

Devah Pager was the Peter and Isabel Malkin Professor of Public Policy and Professor of Sociology at Harvard University. Devah passed away before this research could be completed and this work is dedicated in her memory.

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⁸Based on Pager, D., Goldstein, R., Ho, H., & Western, B. (2022). Criminalizing poverty: The consequences of court fees in a randomized experiment. *American Sociological Review*, 87(3), 1–25. <https://doi.org/10.1177/00031224221075783>

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Type of analysis: Quantitative, randomized experiment

Data sources: Baseline survey, administrative court records, and county jail records in Oklahoma County, Oklahoma.

Sample definition: Individuals charged with a misdemeanor offense and represented by the Oklahoma County Public Defender's Office (excluding cases involving driving-under-the-influence and domestic violence, per DA's request).

Time frame: Study respondents recruited between September 2017 and January 2019, randomized through March 2019.

Limitations: Results are likely generalizable to other jurisdictions but may underestimate effects on criminal justice involvement for more punitive court systems.

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