

Multi State Study Report #2

November 8, 2017

United States Systems of Justice, Poverty and the Consequences of Non-Payment of Monetary Sanctions: Interviews from California, Georgia, Illinois, Minnesota, Missouri, Texas, New York, and Washington

A Research Report Prepared for the Laura and John Arnold Foundation

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EXECUTIVE SUMMARY

The issue of legal financial obligations (LFOs) or monetary sanctions has gained a great deal of public attention over the past two years. One of the first academic analyses of the subject from a sociological perspective was published in 2010 and highlighted the imposition of fines and fees to defendants by criminal courts and outlined their social and legal consequences.¹ In November 2014, the first report of its kind about municipal fines and fees in St. Louis County, Missouri, was released by the Arch City public defenders. This report highlighted the large amounts of the LFOs that were assessed to residents by cities in St. Louis County.² Following the killing of Michael Brown, an unarmed African American man who was accosted by police for jaywalking in Ferguson, Missouri, the United States Department of Justice (DOJ) issued a similar report outlining the city's use of fines and fees. In part, the study found that the Ferguson municipal court imposes "substantial and unnecessary barriers to the challenge or resolution to municipal court violations" and "imposed unduly harsh penalties for missed payments or appearances."³

The DOJ, along with the White House, held a joint convening in December 2015 titled "A Cycle of Incarceration: Prison, Debt and Bail Practices" in light of reports that highlighted the difficulty poor people experienced as a result of fines and fees.⁴ Following these meetings, in March 2016 the DOJ issued a "Dear Colleague" letter to judges across the nation. The letter outlined seven principles relating to the sentencing of fines and fees. Key points reminded judges that they should not incarcerate people for nonpayment of LFOs before determining whether they have the ability to make payments, that they should consider alternatives to incarceration for nonpayment, and that they must safeguard against unconstitutional practices by all court officials.⁵ Furthermore, the DOJ, under the Office of Justice Program's Bureau of Justice Administration (BJA), issued a call for the "Price of Justice Grants" in which five states were selected to study their practices around LFOs. The states include California, Louisiana, Missouri, Texas, and Washington.⁶ In 2016, the BJA also created and sponsored the National Taskforce on Fines and Fees, composed of the Conference of Chief Justices and the Conference of State Court Administrators. The aim of the taskforce is to assess the impact of fines and fees on people who are indigent and draft model statutes and court rules guiding the use of this sentencing option.⁷

¹ Harris, Alexes, Heather Evans and Katherine Beckett. 2010. "Drawing Blood from Stones: Legal Debt and Social Inequality in the Contemporary United States. *American Journal of Sociology*. 115 (6): 1753-1799.

² <http://03a5010.netsolhost.com/WordPress/wp-content/uploads/2014/11/ArchCity-Defenders-Municipal-Courts-Whitepaper.pdf>

³ https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf

⁴ <https://www.justice.gov/opa/pr/fact-sheet-white-house-and-justice-department-convening-cycle-incarceration-prison-debt-and>

⁵ <https://www.justice.gov/crt/file/832461/download>

⁶ <https://www.bja.gov/funding/JRlpriceofjustice.pdf>

⁷ <http://www.ncsc.org/Topics/Financial/Fines-Costs-and-Fees/Fines-and-Fees-Resource-Guide.aspx>

In this context of raising national awareness of the practice of sentencing fines and fees, the Laura and John Arnold Foundation in 2015 funded this eight-state multi-method study to better understand the policy, practice, and consequence of legal financial obligations. This is the second report we have prepared based on our collaborative research across eight states.

This past year we conducted 380 interviews with people who have been sentenced to legal financial obligations. A number of interesting themes emerging from our interviews that paralleled our initial policy findings. This report presents our preliminary analysis of the ongoing interviews.

- Many people who have been assessed LFOs described a great deal of **difficulty navigating the legal process**. People were cynical about the legal system, did not understand the amounts they owed, and experienced a host of procedural hassles.
- In part, due to a lack of a coherent set of laws, policies, or principles governing the imposition and enforcement of legal financial obligations, our interview respondents faced **varying experiences** with monetary sanctions across and within the jurisdictions studied. Our respondents, even in the same state, had different experiences in the imposition of fine and fee amounts and faced dissimilarities in enforcement strategies for the collection of LFOs and for nonpayment.
- A **range of ability to pay** characterized our respondents. Some, commonly with family support, had the ability to completely pay off their court-ordered debt. Others faced challenges paying off debt while balancing the demands of stable housing and employment.
- Many people sentenced to court debt experienced a number of **consequences related to their indigence**, particularly for those who were already living in precarious financial situations prior to being sentenced to legal debt. Respondents said that fines and fees affected their physical health, mental health, family relationships, and long-term financial situations and led to further legal consequences.

I. INTRODUCTION

This report is a culmination of a year of research that involved interviews conducted with 380 people who made contact with systems of justice in eight states and were assessed legal financial obligations. The states include California, Georgia, Illinois, Minnesota, Missouri, Texas, New York and Washington. Legal financial obligations (LFOs) comprise fines, restitution, fees, costs, and surcharges imposed on people who have made contact with systems of justice. Our 380 interview respondents faced LFOs for issues ranging from municipal parking tickets to felony convictions for assault. They shared their experiences with researchers so we could examine how legal debt affects the lives of those who carry it.

In our interviews, we asked a series of open- and closed-ended questions. The aim of the closed ended questions was to get a sense of the social and legal background characteristics of those with whom we talked. The open-ended questions aimed to better understand the scope of legal and financial obligations among people we interviewed, how people pay off their debt, and their experiences when they are unable to do so. Below we describe our research methods, including our selection of jurisdictions across the eight states of study, our recruitment strategy, and how we selected interview participants. We then present selected characteristics of the people we interviewed. In the findings section we outline the emergent themes from our interview transcripts and highlight them with illustrative excerpts from the interviews. We then briefly outline a set of additional emerging themes: concepts and processes that were not consistently identified across all state interviews but that piqued our interest and that we will continue to analyze and pursue with subsequent interviews and court observations. We conclude the report with a summary of our findings thus far and brief policy suggestions related to our findings.

II. METHODS

i. Selection of Jurisdictions

To focus our interviews and observations, in each state we sampled a set of jurisdictions that included a combination or subset of municipalities and counties. We chose to sample interviewees from the selected jurisdictions because they give a picture of how defendants' experiences might vary across urbanized, suburbanized, and rural regions of each state.

California Site Selection:

Proposition 220 provided for the voluntary unification of the superior and municipal courts in California counties, where a majority of the superior and municipal court judges approved the creation of a unified superior court. By January 2001, all 58 California counties unified their municipal and superior court operations, thereby abolishing municipal trial courts throughout the state. We used stratified random sampling to select six superior courts for ethnographic courtroom observations and people with criminal justice debt. Selected jurisdictions capture regional and demographic variation across the state, as well as variation in the number and prevalence of criminal case filings, while at the same time representing the sanctions imposed for the majority of defendants in

California. We calculated the Composite Filing Rate (CFR)⁸ for all 58 counties and selected one county from the lowest tercile (**Fresno County**, CFR = .57), three counties from the middle tercile (**Los Angeles County**, CFR = 1.02; **San Diego County**, CFR = 1.03; and **Orange County**, CFR = 1.10), and two counties from the upper tercile (**Alameda County**, CFR = 1.47 and **Mono County**, CFR = 4.87). More than half (50.3%) of California criminal filings occur in six counties, and these six counties account for 49.3% of California residents. The selected superior courts fall within five of six California Appellate Districts.

Georgia Site Selection:

In Georgia we selected three counties and three cities within those counties for observations and interviews: **Fulton County** and the **City of Atlanta**, **Whitfield County** and the **City of Dalton**, and **Dooly County** and the **City of Vienna**. Each city has a municipal court that handles traffic offenses, misdemeanor offenses, and city ordinance violations that occur within its jurisdiction. In each county, the court system is composed of a Superior Court (felonies), a Magistrate Court (arraignments), and a Probate Court (traffic/some misdemeanors). The largest county (**Fulton**) has an additional court called State Court, which handles traffic and misdemeanor offenses at the county level (instead of the Probate Court, which handles only civil matters in this county).

New York Site Selection:

In New York we selected the following jurisdictions:

1. **City of Elmira, Chemung County** (Town of Elmira, Village of Elmira Heights)
2. **City of Buffalo, Erie County** (Town of Colden, Town of Orchard Park)
3. **The Bronx (Borough of New York City)**, Bronx County
4. **Manhattan (Borough of New York City)**, New York County

New York courts are organized on the basis of geography, case type (e.g., housing, families, etc.), and whether an offense is a felony, misdemeanor, or violation. Courts in New York City are organized differently from those in the rest of the state. The Criminal Court of the City of New York handles misdemeanors and lesser offenses, while the Supreme Criminal court handles all felonies in the City of Manhattan. The Criminal Term of the Bronx Supreme Court handles both felonies and misdemeanors. Outside New York City, District Courts (six), City Courts, Town and Village Justice Courts, and County Courts are the only courts where felony trials take place. Town and Village Justice Courts hear both civil matters (small claims, landlord/tenant) and criminal matters (misdemeanors and violations). They exist everywhere in the state except New York City and are typically run by part-time judges and clerks. In addition to conducting observations in each jurisdiction's city, county, and/or Supreme Court, we also observed two Town and Village Justice Courts in each of the five upstate counties.

Illinois Site Selection:

Matters of criminal justice in Illinois are handled at the Circuit Court level. There are twenty-four judicial circuits in the Illinois. Most courts are multicounty circuits, but there

⁸ The CFR is calculated as the number of filings per percentage point of poverty per ten thousand residents in county (c) during year (t). It is a standardized, per capita measure of county punitiveness.

are also six single-county circuits, all located in the **Chicago metropolitan area (Cook, DuPage, Kane, Lake, McHenry, and Will Counties)**. It is the county-level Circuit Court that orders fines, fees, and other costs and disburses them to the appropriate state, county, and local funds and agencies. All the interviews for this report were conducted in Cook County, which is the second largest unified court system in the United States, behind only the Superior Court of Los Angeles County. Cook County is the largest county in Illinois, home to Chicago and many suburbs, and houses roughly 40 percent of the state’s population—more than five million residents. Cook County has the largest African American population and the fourth largest Latino population of any U.S. county and a poverty rate (17.7 percent) higher than the Illinois state poverty rate (14.4 percent).

In Cook County we selected the **Chicago and Skokie Courthouses** and four districts outside Skokie and Chicago: Rolling Meadows, Maywood, Bridgeview, and Markham. The **Skokie** Courthouse processes cases from the following municipalities in the northern suburbs of Cook County: Deerfield, Des Plaines, Evanston, Glencoe, Glenview, Golf, Kenilworth, Lincolnwood, Maine, Morton Grove, Niles, Northbrook, Northfield, Park Ridge, Skokie, Wilmette, and Winnetka. Case types range from misdemeanor and petty traffic to criminal and civil. Respondents whose cases originated at the Skokie Courthouse were categorized as Skokie. The City of **Chicago** includes fourteen misdemeanor and felony branch locations along with civil, collection, eviction, housing, mandatory arbitration, marriage, pro se small claims, and traffic court sections. Respondents whose cases originated at Chicago branches and sections were categorized as Chicago. Cases in locations other than Chicago and Skokie were categorized as Cook County.

Washington Site Selection:

We selected three counties, including one city within each county, for observations and interviews in Washington State: Snohomish County (City of Everett), King County (City of Seattle), and Adams County (City of Othello). **King County** has three layers of courts: two Superior Courts, which manage felonies and gross misdemeanors; several District Courts that oversee such cases as misdemeanors, traffic, domestic violence, and search warrants; and the **Seattle** municipal court, which primarily processes traffic violations, theft, domestic violence, and driving under the influence misdemeanors. There are two Superior Courthouses in King County, one in the City of Seattle and one in the City of Kent, in which there are a total of fifty elected judges. King County’s District Courts are located in three divisions—South, East, and West—and are managed by a total of twenty-four judges. **Snohomish County** has a Superior Court with fifteen judges located in one courthouse in the **City of Everett**. There is also a Municipal Court in the City of Everett that has two judges. **Adams County** has a Superior Court with one judge, and there is also an Adams District Court with one judge.

Missouri Site Selection:

The Missouri court system consists of two broad layers. First, the circuit courts equate to county-level courts (although a handful of counties share circuit courts). In addition to trials, scheduled court sessions in circuit courts include a wide range of activities. This is important to note because court observations capture more than sentencing hearings. For example, within one circuit court session, a judge may decide on nonpayment cases, parole revocation cases, and bail reduction. Thus, our sample of court observations at a

site represents the diversity of court events that may or may not be related to fines and fees.

The general and criminal divisions of circuit courts adjudicate misdemeanor and felony cases. We selected **St. Louis City** (22nd Circuit Court) to serve as our metropolitan jurisdiction. Its circuit court houses a number of general trial divisions that adjudicate felony criminal cases. Two other divisions (associate circuit) preside over preliminary hearings and misdemeanor cases, and a separate division handles misdemeanor jury trials. The other two selected sites represent more rural counties and have fewer divisions and judges. In the circuit court of **Pettis County** (18th Circuit Court), one division (and one judge) handles felony cases, and two associate judges preside over misdemeanors. We selected **Cape Girardeau County** to serve as our third jurisdiction. Felony and some misdemeanor cases originating in this county are heard in the 32nd Circuit Court, which serves Cape Girardeau and two other surrounding counties. The criminal courthouse is located in Jackson, Missouri. Like Pettis County, Cape Girardeau has a small circuit court with two general-division judges and an associate judge. Beyond their general and criminal divisions, each set of courts has an array of specialty courts (drug and veteran courts) that may also impose fines and fees.

Municipal courts in Missouri are specialized divisions of the circuit court, although they operate independently. Municipal courts make up the second layer of courts and adjudicate on less serious offenses (low-level drug and misdemeanor charges, as well as traffic and ordinance infractions). Of all our jurisdictions, the municipal division of the St. Louis City circuit was the most complex municipal court system. The city holds court for eleven specialized dockets, including an alcohol/marijuana case docket and specialized payment dockets that allow people to make regular small payments on court debt. St. Louis municipal court holds regular business hours 8:00 a.m.–5:00 p.m.). We contacted most St. Louis interviewees through probation and parole, so most had cases stemming from the circuit courts, but many had also interacted with the municipal court. In addition, some alluded to having cases in nearby municipalities. Because such municipalities have been implicated in the overuse of fines and fees in Missouri (and have been subject to new legislation designed to stem this practice), we conducted additional court observations and recruited for interviews in municipalities near St. Louis. These courts are usually limited to one or two sessions per month take place in the evenings.

Finally, we collected data in municipalities in our other two jurisdictions. The **City of Sedalia's** municipal court holds sessions on Wednesday mornings and largely adjudicates traffic violations and ordinance violations. The court also occasionally hears alcohol/drug traffic cases, sometimes such cases are charged as felonies. We also examine two municipalities in Cape Girardeau County: **Jackson** and **Cape Girardeau City**. Jackson's municipal court generally has two sessions per month. The court disposes of a large docket on the third Wednesday of the month, and sessions last the full day. A second docket the following Wednesday includes an attorney's docket and any trials. For the most part, cases are disposed of through guilty pleas, and a fine is the most common sentence. We also include the city of Cape Girardeau. This court operates on Tuesdays and Thursdays. Many municipal court cases can be disposed of without a court hearing: prosecutors tell us that defendants can pay the city directly if they plan to plead guilty.

Thus, our court observations and some interview samples may not represent the full range of cases filed in our Missouri jurisdictions.

Minnesota Site Selection:

Minnesota has a unified court system featuring one judicial district with district courts in each county. District courts hear all civil (ordinance violation and petty misdemeanor) and criminal (misdemeanor, gross misdemeanor, and felony) cases in Minnesota. We selected six counties: Hennepin, Ramsey, Anoka, Dakota, Beltrami, and Steele.

Hennepin County is the most populous Minnesota county and includes the state's largest city, Minneapolis, and economically diverse suburbs, such as Edina and Brooklyn Park.

Ramsey County includes the state's second largest city and state capital, St. Paul. **Anoka County**, which includes the suburban cities of Anoka, Blaine, and Coon Rapids, is a populous suburban county north of the Twin Cities and is in the busiest judicial district in the state. Just south of the Twin Cities is **Dakota County**, which includes a mix of suburban and exurban cities, including Apple Valley, Burnsville, and Hastings. **Beltrami County** in northern Minnesota has a large American Indian population and includes the city of Bemidji and parts of the Leech Lake and Red Lake Indian Reservations. **Steele County**, a predominantly White, rural county in southern Minnesota, includes the city of Owatonna and features relatively high fine amounts compared with the rest of the state.

Texas Site Selection:

In Texas, we targeted three key geographical areas.⁹ One is located in central Texas, another in West Texas, and a third in East Texas. In each area, we reached out to re-entry organizations and posted flyers in high-traffic public spaces. We also handed out recruitment cards and engaged potential respondents outside courts and payment centers. As a consequence, we interviewed a high proportion of respondents who had misdemeanor-only encounters with the state's criminal justice system. We also interviewed many respondents who had never been convicted of a criminal offense yet were assessed legal financial obligations for pretrial supervision, deferred disposition, or a plea agreement that otherwise led to a dismissal.

ii. Recruitment

We have used several different recruitment strategies to date: posting fliers outside the local public defender's offices, municipal courthouses, public libraries, YMCAs, circuit courthouses and branches, state probation and parole offices and legal clinics, and service providers and advocacy groups; advertising on the selected counties' Craigslist pages; and recruiting directly through the county offices of the state's Department of Community Supervision (DCS). The fliers and Craigslist ads have generated various degrees of success at attracting potential respondents: many people responded by e-mail and telephone, but few of these contacts lead to interviews; some respondents did not meet study criteria; and others failed to attend their interview appointment. To increase our pool of potential respondents, our collaborators reached out to heads of various offices, such as probation and public defender's offices, and discussed the goals of the project and the qualifications for interviewees. This method of obtaining survey respondents provided a convenient mode of access to people who had been convicted of

⁹ To access potential interviewees in Texas, we agreed to keep the locations of our field sites confidential.

more serious offenses or involved in other forms of supervision. As a result, many of our interviewees were on probation or parole at the time of their interview, and many have felony convictions, although many also have misdemeanor convictions on their records. We limited the number of participants who had finished paying LFOs to a maximum of five per state.

iii. Selecting Interviewees

In selecting interviewees, we targeted people convicted of a range of offenses from traffic tickets, DUI, violent, and drug offenses to ensure that we recruited people who had varied experiences with debt and overall ability to make payments. Many interviewees had a mixture of both felony and misdemeanor convictions. In each jurisdiction within the eight states, we attempted to interview at least five people with a felony conviction. We also recruited at least five people in each jurisdiction with misdemeanor convictions, including at least two with traffic offenses and one with a drug misdemeanor offense.

Researchers conducted interviews in respondents' homes, coffee shops, at bus stands, public parks, and probation offices. Interviews lasted between fifteen and ninety minutes¹⁰ and most were between forty-five and sixty minutes. Interviewers used a standardized survey instrument, but the order of the questions and wording varied substantially, and interviewers had varying success in establishing rapport with respondents. After the completion of an interview, the interviewer entered responses to the closed-ended survey questions into online, password-protected, Qualtrics survey software. Interview audio was uploaded to the research team's central server. We had the interviews professionally transcribed. When the interview transcriptions were returned, interviewers checked to assess completeness and quality and made any necessary revisions.

iv. Analysis

The aim of our interviews is to better understand the perspectives of people who have made contact with systems of justice and learn about their experiences with court-imposed debt. To this end, this report describes the emergent themes from our interviews. Once we had the transcripts, we read and reread them to open code for major themes. Collaborators and their research assistants combed the transcripts for sets of ideas that emerged from the dialogues. From these readings, researchers in each state created a set of memos that identified, described, and illustrated the themes they found in their transcripts. All collaborators read all state memos and had a group conversation to identify the most consistent and clear themes across all states. Below we have grouped together preliminary findings and describe four sets of emergent themes: varying experiences with systems of justice, a continuum of ability to pay, consequences of LFO debt, and difficulty navigating the court system.

III. CHARACTERISTICS OF INTERVIEW RESPONDENTS

This section briefly describes the characteristics of our interview respondents. We did not aim to recruit a representative sample. Instead, our goal was to talk with people who had experienced legal financial obligations in the states we studied. We do not imply that any

¹⁰ One interview lasted three hours and another two hours, but these were definite outliers.

differences between our interview populations in different states are significant or even meaningful. Instead, we simply aim to describe who we talked with and how they experienced LFOs.

We conducted 380 interviews. Table 1 details the number of interviews per state, we averaged just over 47 per state. Table 2 outlines our interviewees’ legal financial obligations.¹¹ More than a quarter of our respondents had been sentenced to less than \$1,000 and \$1,000-\$3,000, respectively. Fully 18 percent had at one point owed more than \$10,000 in LFOs. More than 70 percent of our respondents were making or had at one point made payments toward their legal financial obligations. But few respondents in any state (12 percent) had payments automatically deducted from their bank accounts. Only four states had at least five people with automatic payments. Automatic deductions from income tax returns was relatively common in Minnesota with 62 percent of interviewees reporting their tax returns or pay checks were automatically deducted for outstanding LFOs. Auto-deductions were also reported by 30 percent of interviewees from New York who reported deductions for LFOs from paychecks and prison/jail commissary accounts. Despite this practice being unusual, of those who reported the practice, 80 percent of the interviewees described the practice as negatively affecting their ability to pay other bills, over 80 percent of respondents in three of those states declared that the payments affected their ability to pay other bills. Across all states, at the time of our interviews, the mean amount respondents had paid at any time towards their legal financial obligations was \$1,893, while the median was \$300. As such, most of the people we interviewed described bleak financial situations, ones where they could not afford their legal financial obligations and when they made payments they had to make difficult family choices.

State	Count
California	37
Georgia	46
Illinois	59
Minnesota	38
Missouri	81
New York	37
Texas	65
Washington	17
Total	380

¹¹ These data represent all data, as entered, as of 9/26/2017. Additional interviews have been conducted since that time and additional people have been interviewed. These summaries, thus, should be considered provisional and will be updated and revised when all interviews are completed.

Table 2 LFO Assessments and Payments of Interview Sample										
		States								
		California	Georgia	Illinois	Minnesota	Missouri	New York	Texas	Washington	Total
LFO Amounts Assessed										
	\$0-\$500	6%	4%	8%	3%	17%	49%	17%	6%	14%
	\$501-\$1000	3%	15%	14%	5%	11%	11%	20%	0%	12%
	\$1001-\$3000	28%	30%	39%	3%	32%	16%	25%	24%	26%
	\$3001-\$5000	0%	17%	7%	13%	11%	11%	14%	0%	10%
	\$5001-\$8000	14%	9%	8%	29%	14%	0%	5%	6%	11%
	\$8001-\$10000	19%	4%	8%	8%	5%	0%	6%	0%	7%
	\$10000+	31%	17%	10%	39%	10%	5%	11%	65%	18%
	Declined to answer	0%	2%	5%	0%	0%	8%	3%	0%	2%
Automatic payments deducted										
	Yes	14%	4%	2%	62% ¹²	0%	30% ¹³	9%	0%	12%
Automatic payments affect other bills										
	Yes	80%	50%	100%	87%	NA	56%	100%	NA	78%
Payments made towards LFOs										
	Yes	78%	91%	51%	76%	71%	75%	66%	71%	71%
Amount paid										
	Mean	\$ 3,409	\$ 2,061	\$ 671	\$ 2,171	\$ 3,355	\$ 468	\$ 979	\$ 4,289	\$ 1,893
	Median	\$ 990	\$ 550	\$ -	\$ 2,000	\$ 120	\$ 225	\$ 275	\$ 900	\$ 300

¹² Deductions made from tax returns.

¹³ Deductions made from commissary accounts.

Table 3 shows demographic characteristics of interviewees, including race, ethnicity, gender, and age. The largest racial group in our interview sample was White (44 percent). Black people were overrepresented (41 percent) relative to their proportion of the U.S. population, consistent with their overrepresentation in the criminal justice system. The racial distribution varied across the states. There is some variability across states that likely reflects population composition and interviewer effects. Minnesota had the largest percentage of White respondents (82 percent) and the lowest percentage of Black respondents (8 percent). Georgia had the largest percentage of Black respondents (59 percent). Just over 13 percent of the sample identified as Hispanic or Latinx; California (23 percent) and Texas (33 percent) had the largest fraction of respondents from this group, and Missouri had the fewest (2 percent). Over half (58 percent) of our interviewees were under 40. In sum, our interview respondents are disproportionately Black, Latinx, Male, and young relative to the general population. However, we interviewed more Whites, women, and older people than is customary in studies of more intensive criminal justice contact based on time spent in prisons and jails.

In total, 65 Percent self-identified as male, 34 percent of respondents identified as female, and 1 percent identified as transgender. Almost one-third of our respondents were under the age of 30, over a quarter were 30-39 years of age, and the remaining 42 percent were over 40 years of age. This is a relatively young sample of interviewees and consistent with criminal justice contact as a feature of youth. We did not interview anyone younger than 18, although some respondents did provide accounts of their interactions with the criminal justice system as juveniles.

Table 3 Demographic Characteristics of Interview Sample

		States								
		California	Georgia	Illinois	Minnesota	Missouri	New York	Texas	Washington	Total
Race										
	White	47%	33%	41%	82%	43%	27%	36%	59%	44%
	Black	26%	59%	51%	8%	47%	54%	39%	12%	41%
	Other	26%	8%	8%	11%	10%	19%	25%	29%	15%
Ethnicity										
	Hispanic/Latinx	23%	5%	7%	11%	2%	17%	33%	18%	13%
Gender										
	Male	69%	59%	54%	55%	70%	76%	68%	71%	65%
	Female	31%	39%	44%	45%	30%	24%	31%	24%	34%
	Transgender	0%	2%	2%	0%	0%	0%	2%	6%	1%
Age										
	18-29	31%	17%	27%	29%	41%	14%	49%	18%	31%
	30-39	14%	22%	22%	50%	30%	22%	26%	41%	27%
	40-49	28%	37%	20%	5%	14%	27%	15%	24%	20%
	50-59	19%	22%	19%	16%	15%	30%	8%	12%	17%
	60+	8%	2%	12%	0%	1%	8%	2%	6%	5%

Table 4 summarizes the education and family life of our interviewees. In Illinois, a majority of respondents had attended some college (59 percent), while Missouri had the fewest respondents in this category (31 percent). The majority of respondents (89 percent) were not attending school in any capacity at the time of the interview. Alternatively, 11 percent were currently enrolled in an academic program. Across the sample, 17 percent did not finish high school; twenty-seven percent completed high school only; 45 percent had some college; and 11 percent had some college or more.

Twenty-one percent of respondents were married or living with a partner; 22 percent were separated/divorced/widowed; 57 percent were never married, had no partner, or living alone. Just under half (44 percent) of respondents were currently supporting children. A larger fraction of respondents reported having children who were older or not in their custody, but we were primarily interested in interviewees who were financially supporting children under the age of 18 in some capacity, including child support.

Table 4 Education and Demographic Characteristics of Interview Sample

		States								
		California	Georgia	Illinois	Minnesota	Missouri	New York	Texas	Washington	Total
Education										
	Less than High School	11%	15%	8%	11%	27%	24%	16%	12%	17%
	High School Graduate/GED	17%	35%	22%	34%	36%	22%	23%	12%	27%
	Some College	47%	46%	59%	47%	31%	38%	50%	59%	45%
	College or More	25%	4%	10%	8%	6%	16%	11%	18%	11%
In School										
	Yes	19%	4%	14%	5%	10%	8%	8%	41%	11%
Relationship Status										
	Married/Living with a Partner	8%	43%	34%	8%	15%	24%	11%	6%	21%
	Separated/Divorced/Widowed	39%	17%	27%	18%	20%	22%	16%	29%	22%
	Never Married/No Partner/Alone	53%	39%	39%	74%	65%	54%	69%	65%	57%
Supporting Children										
	Yes	25%	54%	51%	37%	51%	31%	45%	41%	44%

Table 5 highlights the economic status of our interviewee sample. Across the states, 48 percent of the sample was employed and 54 percent received some form of public assistance.¹⁴

Household income, from all sources, was relatively low among our sample. Twenty percent of people we interviewed reported a household income of less than \$500 per month. Over one-third had household incomes of less than \$1,000 per month and over two-thirds had combined household income of less than \$2,500 a month, or less than \$30,000 per year. The people in our sample were trying to pay their LFOs. Seventy-one percent had made payments, some had paid substantial amounts, and most had paid something. But, interviews revealed a big gap between amounts owed and capacity to pay.

¹⁴ Because of timing of interviews, not all respondents in California and Georgia were asked about public assistance and health care. These results should be considered provisional because they are based on a small sample who were asked these questions.

Table 5 Economic Characteristics of Interview Sample										
		States								
		California	Georgia	Illinois	Minnesota	Missouri	New York	Texas	Washington	Total
Employment										
	Employed	44%	48%	46%	66%	37%	53%	51%	47%	48%
	Unemployed but looking	39%	22%	25%	21%	22%	19%	35%	18%	26%
	Unemployed and not looking	17%	30%	29%	13%	41%	28%	14%	35%	26%
Household Monthly Income										
	\$0-\$500	14%	28%	18%	9%	20%	28%	14%	41%	20%
	\$501-\$1000	0%	12%	11%	6%	30%	24%	23%	24%	16%
	\$1001-\$2500	37%	35%	38%	38%	35%	28%	34%	12%	34%
	\$2501-\$5000	23%	19%	25%	22%	12%	17%	25%	18%	20%
	\$5001+	26%	7%	9%	25%	3%	3%	5%	6%	10%
Public Assistance										
	Yes	100%	52%	60%	57%	67%	53%	32%	53%	54%

Table 6 summarizes our interviewees' housing and health care status. Although 55 percent of respondents owned or rented their own homes or apartments, there was great variation across the states. Nearly 90 percent of Minnesota respondents owned or rented, while only 35 percent of Washington respondents owned or rented a home or apartment. Among those who were asked about health insurance, close to 70 percent had some form of insurance, most of these via state funded programs such as Medicare and Medicaid.

In terms of housing, 55 percent of our respondents lived in their own home/apartment. Of those, only 5 percent were homeowners. Housing costs varied across states with the average monthly rent payment of \$658, just slightly higher than the median of \$600.

Table 6 Legal Characteristics of Interview Sample

		States								
		California	Georgia	Illinois	Minnesota	Missouri	New York	Texas	Washington	Total
Conviction										
	Ever convicted of a felony	74%	85%	83%	84%	91%	57%	31%	100%	74%
	Ever convicted of a misdemeanor	83%	73%	74%	92%	60%	85%	75%	82%	75%
Incarceration										
	Ever incarcerated	97%	87%	90%	95%	88%	90%	43%	100%	83%
Legal Counsel										
	Had legal counsel	100%	86%	93%	94%	95%	95%	81%	93%	90%
	Public Defender	100%	75%	56%	65%	48%	89%	72%	94%	67%
	Private Attorney	0%	25%	28%	35%	53%	9%	26%	7%	28%
	Other	0%	0%	17%	9%	0%	3%	2%	0%	4%

Table 7 summarizes our sample's disclosed legal history. The majority of respondents had convictions for both felonies and misdemeanors, except Texas. The types of offenses varied significantly across the states in both the felony and misdemeanor categories. The vast majority of our interviewees reported prior incarceration. Most were incarcerated as a consequence of a felony conviction but in some states, notably in Missouri and Texas, incarceration was also common among those charged with misdemeanors held in pre-trial detention. The majority of people who were represented by an attorney were represented by public defenders (67 percent) during their felony cases. Missouri was the only state with less than a majority in this category (48 percent).

Table 7 Legal Characteristics of Interview Sample										
		States								
		California	Georgia	Illinois	Minnesota	Missouri	New York	Texas	Washington	Total
Conviction										
	Ever convicted of a felony	74%	85%	83%	84%	91%	57%	31%	100%	74%
	Ever convicted of a misdemeanor	83%	73%	74%	92%	60%	85%	75%	82%	75%
Incarceration										
	Ever incarcerated	97%	87%	90%	95%	88% ¹⁵	90%	43%	100%	83%
Legal Counsel										
	Had legal counsel	100%	86%	93%	94%	95%	95%	81%	93%	90%
	Public Defender	100%	75%	56%	65%	48%	89%	72%	94%	67%
	Private Attorney	0%	25%	28%	35%	53%	9%	26%	7%	28%
	Other	0%	0%	17%	9%	0%	3%	2%	0%	4%

¹⁵ This response for both Missouri and Texas includes people detained in jail prior to adjudication.

IV. FINDINGS FROM INTERVIEWS

i. Varying Experiences Across and Within Jurisdictions

The types and amounts of fines and fees, as well as the enforcement mechanisms used to collect this money, varied both across states and within jurisdictions. The amounts of fines and fees individuals reported having been assessed at the time of their contact with the courts seemed to depend on where the individual was convicted and, in some cases, who was the presiding judge. Even the manner in which different court actors considered indigence, mental health, and other factors when assessing defendants' ability to pay varied by jurisdiction. Furthermore, we found variation in the reported enforcement strategies employed by different court actors to collect outstanding LFOs.

Within-State Variation in Imposition of Fines and Fees

The fines and fees charged to defendants as they moved through the criminal justice system varied by state and jurisdiction. During sentencing, the types of fees and the amounts of fines respondents reported being assessed varied depending on which jurisdiction and court system the individual was involved with. After justice contact, intrastate variation in added costs was common; such added costs included interest charges and additional fines and fees levied while the convicted person was incarcerated. Those on community supervision also reported a wide range of experiences that in some cases were reportedly shaped by the individual's parole or probation officer rather than the jurisdiction.

In Missouri, there was substantial variation in the imposition of monetary sanctions across sites within the state and even within courts and probation and parole offices. Unlike defendants in other states, people convicted of felonies in Missouri did not report having been assessed any fines. However, they often reported owing court costs, restitution fees, and public defender fees that ranged between \$300 and \$1000 depending on whether the defendant took the case to trial. Those who spent time in jail sometimes received boarding fees, which appear to be unevenly applied. For example, in the St. Louis City sample, individuals were not charged for jail time if they were arrested in the city, but several counties and municipalities outside the metro region charged boarding fees for pretrial and post-conviction housing. Less serious convictions were associated with fines (particularly traffic fines), court costs, and license reinstatement fees. Those under community supervision often reported having to pay intervention fees, and some said they were required to pay programming fees (e.g., Missouri Sex Offender Program).

Community supervision fees were also a consistent theme across interviews in some states. Individuals on probation or parole in Missouri are required to pay a \$30 per month intervention fee, but several respondents had costs waived because of indigence or disability. Nevertheless, there does not appear to be a system in Missouri for determining indigence: staff members assess it on a case-by-case basis. Although Georgia charges a community supervision fee for individuals on felony-level probation and parole, many

respondents said their probation officer had waived this fee. Most people on misdemeanor probation in Georgia are supervised by private companies, and those we spoke with did not report having their fees waived. Georgia, Texas and Washington law also allows for judges to convert defendants' fines and fees into community service, which is not something reported in most other states, though LFOs are also converted to community service in Minnesota. In addition, one man in California reported having converted his fines and fees into jail time.

Interviewees in Missouri, New York, and Washington reported incurring a range of added costs and fees while they were incarcerated. Like Missouri, Washington sometimes charged boarding costs. Respondents who had participated in Washington's work-release programs explained they had been charged \$13.50 a day for boarding costs, although none reported being charged for their incarceration in prison or jail. However, almost all respondents in Washington who had been incarcerated in prison said that the court had imposed a 12 percent interest rate that increased their original debt while they were incarcerated, causing the debt to double or triple by the time they were released. In New York, one person reported having debt from "write-ups" while incarcerated. The interviewee said that when an inmate in New York had an encounter with a correctional officer, the officer had the discretion to charge the inmate between \$5 and \$15. This sanction was added to the inmate's debt; commissary funds were used to pay this debt, which persisted upon release.

As our interviewees described their varying experiences in different counties and jurisdictions, it appears that they had internalized this variation and used it to frame their views of and interactions with the criminal justice system. In Minnesota, Missouri, New York, and Washington, respondents seemed keenly aware of which counties and jurisdictions assessed the worst fines and fees, citing their harsh financial penalties and their aggressive pursuit of payments on LFOs from defendants. In Washington, respondents who had convictions in multiple jurisdictions often compared their experiences of being assessed LFOs in different jurisdictions. A Latino man in his early thirties said that the judge who had presided over his first felony conviction in King County had deferred interest on his LFO until after he served a thirteen-year sentence in state prison. However, when he was charged with an additional felony while incarcerated in Walla Walla, the presiding judge did not take the same action, and interest began accruing while he still had six years left on his prison term. He reported that, due to the different approaches of presiding judges, his Walla Walla debt had more than doubled by the time he was released. As a result, he had perceived his King County debt as more manageable and had decided to only make payments toward that LFO.

Respondents from New York and Missouri described police as regularly issuing citations carrying large fines and fees. Two respondents described this practice as highly problematic and indicated that it had affected their perceptions of police officers' motivations.

In New York, respondents describe the role of police as follows:

Respondent 1: I think police officers are out just for the money. They don't care about anybody other than—arresting people, that's all they want to do.

Respondent 2: All they do is sit around waiting for people to break the law to catch 'em so they can get fined. That's all they do.

Variation in Collection and Enforcement Strategies

Both the strategies used to collect LFO payments and the people responsible for collection varied across states and jurisdictions and sometimes on a case-by-case basis.

In California, Washington, and Missouri, some people who had been incarcerated as a result of their conviction seemed not to have had a choice about whether they made payments: if they worked while incarcerated, a percentage of their wages was garnished and redirected to their outstanding legal debt. One respondent from California reported that 55 percent of their prison wages were garnished for payment toward their LFOs. California respondents also reported that any cash they had on their person when incarcerated was confiscated. While this cannot be substantiated, some interviewees said that their money had been either "pocketed" by guards, while others said that it had been funneled toward their debt. Another tactic employed by California, Washington, Texas and Missouri criminal justice officials to obtain payment from those unwilling or unable to pay legal debt is the garnishment of a portion of money put "on the books" for an incarcerated person, often by family members, which had been intended for the prisoner to use to purchase commissary items such as food and hygiene products.

In Georgia, Minnesota, and Washington, respondents reported having been threatened with incarceration if they failed to make payments toward their LFOs. In Georgia, a majority of respondents said that their community supervision officers had threatened them with incarceration if they did not make satisfactory payments toward their LFOs. One woman in Fulton County said that her community supervision officer had told her, "Either you gonna pay the money or you're going to jail. One of the two."

While few in Georgia reported that they had actually been incarcerated for nonpayment, most claimed to have been told that they could be if they did not pay or had heard stories of others being incarcerated for nonpayment. Such stories were not widespread in Minnesota, but one Minnesota man discussed similar threats made by community corrections officers:

Interviewer: So really it's just the money holding you back from freedom?
How would you say the stress affects you?

Respondent: Just [I] worry that it, I'll just end up in jail again, because I've maybe didn't pay it in time or that kind of thing. You know?

Interviewer: Mm-hmm (affirmative). Has your probation officer told you like if you don't pay it in time is there a chance that you'd go to jail?

Respondent: Yeah. She has.

Many respondents in Washington explained that various types of threats were printed on the LFO billing statements they received in the mail, but the extent to which respondents took threats seriously varied by county. Respondents owing money in King County often dismissed threats, reporting they were not making ongoing payments on their King County LFOs because they lacked the mental, emotional, and fiscal capacity to take on

such a large financial burden at that time. Some respondents in other states also reported putting their LFO payments on the back burner as they dealt with competing priorities in their attempt to get their life back on track post-conviction. For example, when asked about the stress of court debt, a woman in Minnesota said, “You know what, with all the other problems I have going on in my life, money is the last thing I really try to think about.” Similarly, a White, 36-year-old man with convictions from Hennepin and Dakota counties in Minnesota said:

Trying to pay them off while trying to support the children and set up stability in living, it gets kind of tough. It’s basically, I don’t think about paying until all the other stuff is in order. The last thing on my mind is to pay the courts off, unless it’s my restitution, which I know I will have to take care of to get off probation. But I haven’t heard what the amount is that I owe on that yet.

Although many Minnesota defendants prioritized other financial burdens over their LFOs, the small subset of Minnesotans who were threatened with incarceration for not paying their fines took those threats seriously. Several Minnesota defendants also reported prioritizing certain types of fines over other LFOs or other important financial obligations. For instance, one White man with convictions in Dakota and Hennepin counties described prioritizing LFOs over rent:

When I had them, like when I was on a fee schedule, especially back then because I was really broke, I worried about it quite a bit, because if I couldn’t make the payment, it would throw me into violation of my probation, which at that point, what would you do? ...If I had just enough money to cover my rent, my rent would be short, because I take the money to pay them before.

Respondents who had been charged in Washington, as well as some who had been charged in New York, also perceived threats as real. Two respondents who owed money in Snohomish County, Washington, reported having spent a few days in jail after a warrant had been issued as a result of nonpayment; the jail time caused one of the men to lose his job. The practice of issuing warrants due to nonpayment was reportedly employed in some areas of Washington, Texas and New York. In Illinois, almost all respondents were told that if they didn’t pay their LFOs by the time they finished probation, either their community supervision would be extended or their official record would say that they had unsatisfactorily completed their probation, despite their having fulfilled all other requirements. A middle-aged woman dealing with occasional homelessness in Chicago was listed as having unsatisfactorily completed probation because she still owed fees and fines:

[My probation officer] said I satisfactorily completed the probation but because of not having money, it’s unsatisfactory...He says, they’re going to go before the judge and I’m going to write down the unsatisfactorily completed the probation because you don’t have the money for the court costs...I felt bad, and I felt angry.

Another woman worried about a similar fate:

Oh, I worry about it, because months keep going by. Like I said, I'm due to finish my probation in May, but if I have not paid, I'm sure they're not going to let me graduate; they're going to extend it till next November, which was the original date.

In terms of garnishing wages, some respondents in Washington, Missouri, New York, and Minnesota reported that the state had the power to take money directly from tax refunds or directly from their wages. In Minnesota, one respondent explained the financial burden of having her tax refund garnished for LFOs:

There's just so much stuff going on that it's not like a huge thing for me. It really sucks that I don't get my taxes back, because that's something that like last year and the year before I counted on, not realizing that they were going to take it, the state, from me. The federal gets taken from my student loans, so it's like I don't generally get any taxes back.

The wide variation between and within counties suggests that statutory enforcement is not uniform and could contribute to peoples' difficulties managing the repayment process. The variability in imposition of fines and fees and in collection and enforcement within and across states may also contribute to interviewees' cynicism about the legal system.

ii. **Continuum of Ability to Pay**

Many of our respondents talked about poverty. Although some participants in every state were dealing with poverty, they ranged in their ability to pay court-imposed monetary sanctions. Some were able to pay not because they had more money than others, but because they had stronger and more supportive family and friendship networks. For some, informal sources of support were crucial to their ability to pay their monetary sanctions and meet basic necessities.

Many of our interviewees did not have the ability to pay, and their stories highlight how living in poverty affects experience of the criminal justice system. For example, a 29-year-old Black man with convictions in Ramsey County, Minnesota, explained that he could not afford his LFOs:

I haven't ... I feel like ... I mean, I won't be able to feed myself if I paid them, and my child. I've been completely honest. The cost of living is pretty high, food and ... and it's not enough money to give them fifty or twenty-five dollars even a month. Day care is this much or gas is this much, bus fare, rent. Cost of living is pretty high.

Similarly, in Washington, a respondent who had inherited his home and owned his own business admitted to having advantages because of his class background while comparing his experience with LFOs to a friend's:

I think you might talk to people who didn't have the advantages that I have had. It probably destroyed them. I have a friend who told me it destroyed him. He had lost his legal practice, very lucrative legal practice. He lost his wife. He lost his children; they divorced him; they left him. It was horrific. It was horrific. That could have been me very easily. It just ... It could have

been so much uglier. I'm just lucky I had people to help me, people who loved me when I didn't love myself. It could have been ... I'm just so thankful it didn't destroy me.

Participants in all states frequently described having to choose between paying their monetary sanctions or their other bills, such as credit card debt, medical bills, child support, childcare, rent, and even food. Over 50 percent of respondents said that they received some form of public assistance. In Missouri, multiple respondents indicated that they had extensive medical bills. One interviewee said, "Before I got insurance, so any [bill] after the insurance, I'm covered, but before I got insurance, [any medical bill] I owed before then, it's all on [my bill]." In California, a participant with convictions in Los Angeles County described the tradeoff between paying bills and paying outstanding legal debt. He said that fines and fees "were taking food out of our mouths, you know?... Every month. It was stressful; I had to hustle."

Similarly, in Georgia, a woman from Whitfield County, who owed a substantial amount of restitution and paid \$500 toward it a month, described not being able to afford food:

It just makes it very difficult on me. I mean, I can't even go out and buy a Coke if I want it. I mean, you're talking, you make a house payment, \$464. You pay \$500 to that. Then you got a power bill, water bill, and groceries. I'm lucky if I make it every month... then that way it puts me in a bind, so I have to take and go to churches sometimes to have food, to get food.

In Illinois, a middle-aged woman from the north suburbs of Chicago explained that she weighed the pros and cons of paying LFOs or household bills every month: "It depends on what was more important at the time: if I needed to keep the lights on or if I believed it was to pay the fine. I don't want to go to jail; that scares me."

For many participants, family was a crucial resource for paying off monetary sanctions—one that could make the difference between being free of court debt and prolonged involvement with the criminal justice system. For example, a woman from Fulton County, Georgia, said, "My daughter paid it for me. She came to court and made an agreement with the judge that she would pay it off, and they let me out on probation... \$1,000 for ten months. \$100 a month."

In Illinois, some respondents recounted rallying their entire immediate family to give them significant sums of money to pay their LFOs and attorney fees. In many of cases, their relatives' credit and the financial stability of the entire family became jeopardized. A middle-aged White woman living in the Chicago suburbs described how her family had pooled all their resources together, at great cost to their financial and physical stability, because they believed that she was innocent of her felony charges. Her restitution alone totaled nearly \$63,000, not including fines and fees. Almost in tears, she and her elderly mother spoke of the family's generosity and the consequences their family members faced as a result of helping pay off her outstanding LFOs:

Mother: We're doing it. My son has cashed out his entire 401K to pay for the retainers. He's getting it up.

Respondent: No more retirement savings, no more life savings, no more nothing. My dad's...

Mother: My husband's retirement is all gone.

Respondent: Everything is gone.

Mother: Everything is gone. Our house is falling apart, and we can't fix it. We're living from social security payment to social security payment, because we don't have anything left. I have bills up the kazoo, and now my son does too because [of his health].

Participants also relied on their families for emotional support. In Illinois, a middle-aged husband and father of two from the west suburbs of Chicago praised his wife for emotional support, saying, "It does make a big difference, because if I was doing this alone I would be lot more stressed. You know, because that burden would totally fall on me."

There was a diversity of experiences in defendants' ability to pay their fines and fees as a result of their pre-existing assets and informal sources of support. For some, the sheer amount that they owed generated responses of hopelessness and disengagement. More than 50 percent earned less than \$500 per month, and more than 18 percent owed in excess of \$10,000; such figures easily made the possibilities for repayment seem remote. For some, this despair resulted in nonpayment. As one Washington respondent said:

Well, I think that the amount is ridiculous. I think that they ... it's too hard for anybody to get back on top. Basically, all those funds do is keep everybody from bettering themselves, because they're sent to pay all those back, and then in order to get all the stuff off your record, you have to have all this stuff paid off, so it's like you can't ... you're never—I'll never pay that off, what I owe. Ever, unless I like win the lottery, I'm never going to pay that off. So it's like I'll never have that stuff off my record, so I'll never be able to, you know, get a job without having to put all that stuff down, and so, I mean ... it kinda sucks. The amounts are too high to pay.

Housing Instability

A lack of stable housing was a theme that emerged in our interviews in all states. In total, 3 percent of respondents said that they were currently without a place to live, but over 43 percent had experienced being unhoused at some point after their release. It is important to note that the definition of homelessness varied across the people we interviewed. Participants listed several reasons for not being housed in addition to not being able to make rent, such as bad credit and having a felony conviction that posed barriers to obtaining stable housing. Furthermore, some participants in almost all states (with the exception of New York) said that they were living with family and friends without paying rent—another example of how crucial informal sources of support were for those with limited means, beyond their help with direct payment of monetary sanctions.

In California, a 44-year-old Operation Desert Storm veteran in San Diego County who was struggling with mental health issues while trying to attend college classes spoke of sleeping in his car in a lot near his campus:

Respondent: I live in my car...I was living in a shelter, but I started messing around with this veterans group. Since they both get federal funding, I can't do both at the same time... I'd consider [my living situation] living on the street. It's funny too because the cops, they'd rather see you sleeping on— next to your car. They won't do nothing, but they see you sleeping in your car, it's inhabitation.

Interviewer: ...how long have you been in this living situation?

Respondent: Uh, about five months. Well, since I got out of jail the last time. I got out October of last year...four months...Right now, I'm in this parking lot right down the street, but normally I stay by City College. They got a non-metered street right there. It's the only non-metered street, you know, downtown.

In Illinois, a young single mother with six children described her neighborhood and her efforts to support her family while her husband was incarcerated. She was underemployed and described her recent felony conviction as the reason she had been unable to find full-time employment and was constantly denied housing. When asked about housing after her conviction, she lamented:

Housing is ridiculous. I can't get approved anywhere, because I have a felony...Some don't accept it at all, period. So I'm like abandoned from all housing help, anything. And that sucks. I'm stressing about that, because I got six kids. Where are me and my six kids supposed to live? [My current neighborhood] it's terrible. My kids were scared to get in the car. They be in the car down on the floor every time they ride in the car...seems like I can't get out. I can't find nowhere to take my kids, so we survive.

In Minnesota, a 37-year-old White woman with monetary sanctions in Hennepin and Ramsey counties described the issues she faced getting housing due to her credit:

My credit's shot. It's just shot, because they do a credit check to see, and a lot of times... okay, I had been approved, by the Christ of God, I got approved for a section eight [housing voucher] two years ago. It was a special program that was taking people like me who were felons and were having a hard time. Every place I went to, even though I had a section eight voucher, would not do it. They would not do it because of my credit. I didn't even get it, so I lost out on being able to financially afford a place and get back on my feet and get my kids back into my care, because of my credit.

In Washington, a participant described putting together multiple ways to deal with housing issues:

In the time I've been paying this debt off, I have gone from friend's couch to friend's couch. I've stayed at my dad's place. I have rode around on buses all night long. Thankfully Seattle has 24-hour bus service, essentially 24-hour bus service. I have stayed in different shelters. During the summer I even found it was warm enough, saw a park bench, laid down, slept. So, I mean, I've had a rough go of things paying off this debt.

It is difficult to parse the effects of a felony conviction from the effects of the resulting court-imposed fines and fees. This said, it is clear that the financial burden of court-imposed debt, coupled with legal convictions and precarious employment, add to the

difficulty of finding and maintaining stable housing. Our interviewees managed to “survive” by couch surfing, living in their cars or on the streets, and relying on help from their family members.

Public Benefits

Many participants in California, Illinois, New York, and Washington discussed receiving public benefits, and those in New York described the difficulty of maintaining benefits. Participants in California mentioned public benefits most commonly and in some cases said that they received multiple forms of assistance.

Interviewer:do you receive public assistance?

Respondent: Um, yes. It's called GA. It's called general assistance.

Interviewer: Oh, okay. And, Medi-Cal? You mentioned Medi-Cal.

Respondent: Right. Medi-Cal is health insurance.

Another respondent from California had a similar response:

Interviewer: Okay. Do you receive any public assistance?

Respondent: Um, yeah, I get, uh, social security.

Interviewer: You receive social security income?

Respondent: Yeah. Yeah, both SSI and SSD.

A 40-year-old woman in California said that she qualified for Section 8 housing assistance but was able to find an apartment manager who would rent to her because of her legal history:

They approved me [for Section 8]. They gave me my papers stating you have sixty days; go find a place. I couldn't. In the first sixty days, I did an extra sixty. I could never find a place, due to my eviction played a big, big part, and the fact that, um, 95 percent of these apartments that I went to stated, “Can you pass a criminal background check?”... “We will do a credit score,” but the criminal and credit score on you? Okay, as soon as the first one came up criminal—you know? It hinders you finding a place to live. You usually end up having to live with somebody else.

In Georgia, disability benefits (SSI and SSDI) and food stamps (SNAP) were the most commonly reported public benefit programs. In one case, a Black man on probation in Whitfield County had been offered a hardship waiver by his probation office due to being on a fixed income from SSI. This respondent refused to accept the hardship waiver, however, because, “I want to let them know I’m manning up. Try to at least pay what I can, because when an individual done wrong and broke the law...the first thing they want

to do is make the wrong right...I want to at least try to man up and try to pay what I can.” In another case, a Black man in Fulton County noted that signing up for food stamps had led him into trouble with his legal case. He said, “Make a long story short, when you get an EBT card, they do a background check. To see if there’s any charges. I mean, I guess that’s state law, they just do that. Well, I got snagged up that I owed some arrears and child support up in Kentucky...”

A respondent in New York described how the caps on public benefits constrained the ability to work:

Respondent: You know, I’m looking for work ’cause I’ve always worked, and I told my mom—you know, my parents really want me to get back to work—and I understand. And I’m like, but I lose—you have to understand, by me not working I’m making \$1,700 a month in my rent [through a housing voucher] right there... It’s really like, but I don’t see that. It’s not income to me. But that would be what I would be taking out of my pocket if I was working because I have paid that in the past.

Interviewer: So if you get a job, then?

Respondent: We would lose the voucher... You can work ten hours a week, or it has to be under fifteen, because I’ve asked. I’d basically make what I make on public assistance... Like, that’s why I can’t... And right now, with the court stuff I got going on, like, it pays for me to unfortunately stay. They want to like, keep you down when you’re down too. You know, like, I don’t understand this. It’s really, like, backwards to me... And with the baby I didn’t even want to risk losing the roof over our head... But it sucks being broke. I want to work.

Our respondents described precarious financial situations that depended on federal or state assistance programs. Despite being eligible for subsidies, they still faced court imposed debt and had to find ways to make payments. Many respondents found that their legal records affected their ability to maintain their benefits.

Employment

Barriers to employment emerged as a consistent theme across all interviews. Participants cited lack of transportation, failing background or credit checks, and mental health issues as primary challenges to obtaining employment. In several states, participants said that they had turned to under-the-table work to pay their monetary sanctions or avoid wage garnishment. For example, a participant in New York said, “[I] doubled up on my hustle.”

It is difficult to parse the effects of criminal conviction from those of sentenced financial penalties. However, it is clear that several interviewees had problems securing employment because of their convictions and that problems led to precarious financial circumstances. The LFOs became an additional burden for people living in such

situations. For example, participants in California and Illinois said that their convictions impeded employment opportunities by blocking them from obtaining professional licenses and internships. In California, a man from Los Angeles County said he had faced significant hardship and blocks to any type of employment, making it difficult to survive:

Interviewer: Uh, more generally, how has uh, uh, your record affected you financially? So you mentioned that you can't get a teaching job.

Respondent: Um, yeah, um, you know. I was a professor for seventeen years. And I taught high school before that. And, um, I got, I got out of, uh ... got out of jail and, um, I've been looking for a place to work, right? Because I need to make some money. And I tried tutoring jobs at some tutoring companies, and four of them rejected me after ... they wanted to hire me, they told me at the time because my credentials are so good. Um, but they, um, they uh, rejected me based on the criminal background check. After, after I had gone through the application process. Um, and another place just rejected me.

The STEM, uh, science, technology, engineering, and math teachers that they're recruiting for, that they need real badly, they said, "We can't hire you, because you can't get a California Teaching Credential." Not even an emergency credential, which I've, I've had California Teaching credentials before.

Bad credit due to monetary sanctions also made it difficult for participants in Minnesota and Washington to obtain jobs. In Minnesota, Erin, a 48-year-old White man with convictions in Ramsey, Dakota, Hennepin, and Anoka Counties, explained:

I went to Texas, and I was offered a job at a Chrysler dealership, and as soon as they did my credit report, they ... I got hired at the job pending background check, and then as soon as ... It wasn't the felonies that had it so I couldn't get the job. They started asking if I ever had bounced the check. It got so involved with just the telephone interview I just declined the job, because I could tell by what they were asking there was no way to pass, you know?

Finally, participants in Illinois and Missouri said that their mental health issues made it difficult to work. One described how his mental health issues made employment problematic:

I'm seeing a counselor at Pathways and over at Vocational Rehabilitation, and I go to a [sex offender program] and, I mean, all of this is when I first got out it was extremely stressful. Because I had to pay \$100 up front at [the program] and it was like thirty bucks a week, then it's like thirty bucks for parole, and then I had to figure out how to get a job, and when I went to Vocational Rehabilitation they finally said, "We're not gonna allow you to get a job right now because of your anxiety, because you could end up hurting yourself or somebody else." Because a lot of jobs require me to be around people, and I'm ... After my sentence in prison made my anxiety worse...

The interaction between existing poverty and monetary sanctions shaped the experience of navigating the criminal justice system. While not every participant dealt with this

issue, the contrast between experiences of those who were relatively well off and those who were financially disadvantaged is stark, not only in their ability to pay monetary sanctions, but also in their access to housing, public benefits, and employment.

iii. **Consequences of Inability to Pay**

As described in Section 2, people living in poverty already faced great difficulties accessing housing, public benefits, and employment. Poverty and contact with the justice system exacerbated difficulties, particularly for those without family support. Furthermore, even relatively “minor” LFOs posed a multitude of consequences for those unable to immediately pay their entire debt. Participants told us that their inability to pay had affected their health, especially their mental health; imposed high levels of stress and strain; disrupted family relationships; posed legal consequences; and affected their long-term financial well-being.

Health

Respondents in every state said that their inability to pay for their monetary sanctions had exacerbated existing health issues and introduced stress and strain directly related to not being able to get out of debt.

In all states, respondents frequently used the terms “stress,” “anxiety,” and “fear,” and in other ways conveyed a feeling of being burdened by monetary sanctions they were unable to pay. Some participants in California, Georgia, Illinois, and Missouri said that the feeling of stress was a constant, everyday phenomenon. For example, an interviewee in Missouri said:

It’s a constant worry. I’m a worry wart. I worry about everything... I have so much burden on my chest right now that the only thing keeping me alive is my daughter. Without her, I don’t know where I would be, because she’s the only thing that I have hope for.

In California, a respondent with convictions in Los Angeles County said this when asked about the effects of legal debt: “Oh, it was like so stressful, um I don’t know, it was just like every day and night I thought about it. It was something that I was fearing, like that they had my account number, so I was like, ‘Oh, my God...’”

Several respondents mentioned the fear of going to jail if they did not pay. For example, in Georgia, an interviewee in Fulton County said, “I’m on eggshells every month. Praying, like, ‘Oh I hope nothing don’t go wrong.’ You know? For her to not be able to make that payment, because I’m going back in. I already know... You’re going into jail, if you don’t pay the probation, you’re going to jail.”

Some respondents mentioned that this stress had aggravated existing chemical dependency issues. In Minnesota, a biracial 57-year-old man with monetary sanctions from Hennepin County explained how the debt had affected his addiction:

Respondent: It’s affected me financially. It’s affected me mentally. I know

that's general. It's affected my credit rating. It's affected my housing. I think it has exacerbated my addiction, my alcoholic ...

Interviewer: Can you talk just a little bit more about that? That's really interesting.

Respondent: About...?

Interviewer: About how it's exacerbated your addiction.

Respondent: I think it lowered my self-esteem to be stuck in a position that I was in. I succumb to drinking more and more. I think it put me in a hopeless state of mind that I had never been in before.

Similarly, in Illinois, a middle-aged combat veteran who had served multiple tours said that finding out about his LFOs was "overwhelming" because "[I've] battled with alcoholism since I was young, 15, and I was a combat veteran, so I fought with PTSD for years."

In Minnesota and Missouri, some interviewees said that although they were unable to pay their monetary sanctions, other concerns were more important and took priority or that they would worry about their monetary sanctions later. Thus, while they did not say that their debt significantly added to their stress currently, they were aware that it would become a problem in the future. For example, when asked about the stress of court debt, one interviewee in Missouri noted, "You know what, with all the other problems I have going on in my life, money is the last thing I really try to think about." Similarly, in Minnesota, a 33-year-old White man with convictions from Anoka and Hennepin counties said that, at the moment, he was not worried about his debt: "Right now, not especially too much, but I know as I get closer to the end of this program it's gonna start weighing more, so..."

Family Relationships

As noted in Section 2, many participants relied on friends and family members to pay their monetary sanctions or for emotional support. For many, however, this help was accompanied by strained family relationships. In some cases in California, Illinois, and Washington, interviewees talked about a general feeling of "shame" or "guilt" for having to ask for support, whether or not their families had actually expressed disappointment with them. Other respondents in California, Illinois, and Minnesota recounted more specific examples of how their family relationships had suffered.

In California, a 25-year-old participant with a conviction in Orange County said that he had experienced significant stress in the form of depression. Although much of the stress was due to the shame he felt as a result of his actions and their consequences for his family, a significant portion of it was due to his monetary sanctions and the criminal justice process as a whole. Though he said he was lucky because his family was relatively well-off and was able to pay his debt, the stress was still severe:

I didn't sleep very well for a very long time. Um, it was certainly on my mind multiple times a day. I would wake up, for at least a couple of months, it was the

first thought I would have when I would wake up. Um, and I'm sure it impacted my life in various ways, just constantly thinking about it...constantly thinking about the next hearing, that kind of thing... Oh, I was devastated. I was ashamed. Um, I felt like I had ruined my life. I felt like I had destroyed my relationships with my family members. So for a very long time, um, I was depressed. I don't know if it's, you know, clinical depression or just I did something really bad and I felt bad about it. But, yeah, I'd say I didn't feel normal again for about six months to a year.

In Illinois, a middle-aged man from Chicago said that his uncle had agreed to pay a portion of his LFOs monthly in addition to helping him with his health insurance. Yet, like other respondents in this situation, he described feeling ashamed having to ask his family for help because he felt that he was letting them down. When asked about his family helping him, he replied quietly that "in a way [they are] kind of disappointed because I got myself in this situation."

A 58-year-old White woman with monetary sanctions in Ramsey County, Minnesota, said that her father had helped her to pay the money she owed and described a similar emotional reaction: "He was not happy at all. But he wasn't ready to give up on me altogether, so he did it, and I did pay him back. I think I probably was about four months behind on the final payment, but I got it paid, you know?"

In addition to the family strain that accompanied asking for resources, some respondents in California, Illinois, Minnesota, New York, and Washington talked about the added problems that monetary sanctions posed for those who were raising children or other dependents, especially for single parents, such as Sherry in Illinois who was raising six children alone. In Minnesota, a 36-year-old White woman with convictions in Ramsey, Hennepin, Anoka, and Dakota counties explained how the debt affected her family:

'Cause it's discouraging. It's like, okay, if I go get a minimum wage job, they're gonna take some of my money, which I have three kids to support. Let's say I make, whatever, \$1,000 a month and my rent's like six, seven hundred dollars, I gotta worry about that, and then I only have \$300 more to take care of my kids, you know what I mean?

Long-term Financial Consequences

Respondents in almost all states described negative long-term consequences to their financial status resulting from their inability to pay for their monetary sanctions. Among the multitude of problems, interviewees most commonly mentioned bad credit but also listed barriers to savings and checking accounts, loan denials, bankruptcy, fear of filing taxes, and insurance denials. However, in many states, respondents were not sure whether their poor credit scores had resulted from nonpayment of their monetary sanctions or from their conviction.

In Washington, many reported that their monetary sanctions had severely damaged their credit scores, which then negatively affected their ability to find housing, apply for a credit card or bank account, and secure student loans. A 35-year-old Black male who owed \$75,000 in Snohomish County described the ways that monetary sanctions had prevented him from securing housing and a bank account:

My credit score because of this, it's down to a 560... my name can't go on anything. I don't even rent out of my own name. My car is not in my name. I have bank cards, but they're entrusted family members who open up the account for me. The first red flag is how much money I owe. All right. Then the second red flag is how much I let go into collections because I wasn't able to pay. And the third ... Yes. The third, and the most blatant red flag is the actual crime itself. It starts from the money first. That's always the issue, the money. Then it's the action that came before owing the money. That's a triple threat in itself.

In Minnesota, a White 31-year-old woman with convictions from Hennepin and Ramsey counties explained:

When I come down to making decisions, and stuff like I have a hard time filing for taxes when I was having jobs, or even till this day I still don't want to file taxes just in case they do end up taking, you know just that fear of filing for taxes really.

Defendants who were unable to pay their monetary sanctions faced negative consequences in many areas of life. Their inability to pay affected their mental health, particularly by presenting high levels of stress and strain; jeopardized their family relationships; and threatened their long-term financial well-being.

Legal Consequences

The key legal consequence that respondents talked about during the interviews was the loss of their driver's licenses. Discussion of driver's license suspension was common in almost all the states.

For example, a 43-year-old man interviewed in Orange County, California, had his license suspended for outstanding parking and speeding tickets. He subsequently received a citation and additional monetary sanctions for driving with a suspended license:

Respondent: Yeah, at the time of the accident [my driver's license was suspended]. Later on it was reinstated, but at the time of the accident ... Which it is now, but at the time of the accident it was, um, suspended.

Interviewer: And did you owe fines and fees for the speeding ticket that you hadn't paid?

Respondent: Yeah. I don't exactly know what the suspension there, there's, there's, that was one of the reasons for the suspension, but the parking tickets were the other reason.

Participants in California, Georgia, Missouri, and Minnesota noted that driver's license suspension or lack of money to own a car impeded their ability to make it to work. In Whitfield County, Georgia, a woman said that she often got up at 2:00 in the morning to walk the eight miles to her job as a server when she couldn't borrow a car or find a coworker to drive her. She had given up her vehicle so that she could continue to make her monthly restitution payments of \$500. Sometimes she hitchhiked and found herself in scary situations with strangers.

...it was raining one day and I thought, "Well, I'm just going to get in the

vehicle with this man.” I kind of felt leery when I did, and I wish I hadn’t...Well he got off on the exit before mine and he takes me on all these crazy back roads and went to somebody’s house...when he went in the house I took off through the woods.

In the example below from Minnesota, a 33-year-old White man with convictions in Anoka and Hennepin counties explains how severely the loss of his driver’s license due to monetary sanctions has affected his life:

Respondent: It has a pretty major part. With all the debt and stuff that I have, I can’t afford to pay my fees for my license, get my license back. They pretty much have pulled my license anyways for the debt I owe. So, it’s hindering me greatly. I can’t get work at that point either, so ...

Interviewer: Yeah, ’cause you need the license to be able to get—

Respondent: To be able to go to work, right, and I can’t get a temporary license, because it’s not a DWI or anything like that, so, I’m just SOL on that, you know.

Interviewer: Is it just unpaid speeding tickets and that kind of thing that’s ...

Respondent: DARs, driving after revocation, driving after suspensions, and even with my restitution and stuff, probation even made that a thing, where I have to pay that back before I can get my license back as well.

Another respondent, interviewed in Alameda County, California, described the consequences of having his license suspended for back child support in this manner:

I had never had any problems with the law...and I begged and pleaded with them, you know. I said, “Okay, so you want me to pay back the child support. You want me to pay child support. Taking my license, you’ve taken my car...How am I supposed to make the money to pay it back?” You know? And I said, “If you give me a felony, I mean, that’s just gonna be, that’s just gonna be an anchor around my neck, I mean I– I’ll never be able to pay it, you know?” And I begged and pleaded with them, and they said, you know, “F*** you.”... You know? Um, and so I have– came back here. I couldn’t get a job. I couldn’t get a job, you know, I mean I’m fifty-some years old. You know, and don’t, and I don’t have a license, I still don’t have a license, you know?

A Fulton County, Georgia, woman whose license had been suspended paid someone to pick up her son from school every day for a year.

He goes to school on the other side of town, and getting back and forth to work was hard. I had to pay somebody to come and get him, take him to school, pick him up and bring him back home...I need to drive, because I need to get my child instead of having somebody else come and take him back for \$50.

An interviewee in Illinois said that every time she drove her car, she was afraid she would go to jail because her license had been suspended as a result of the conviction.

When asked why she still drove, she explained that she does not have the money to renew her license and pay for the proper classes but that she needed to drive to work and run errands for her children. She explained, “I have kids. Gotta go to the doctor. Gotta go to the school. I gotta do so much, and I told them this same thing too, but I gotta go through these processes just to get them back.”

A 34-year-old White woman with convictions in Dakota County, Minnesota, told us:

Just with the driving and, you know, you have to drive, and then when you feel like you're on guard and have to sneak around or constantly watch for a police officer because you're, you know. I mean, it just makes it difficult. It's a pain. You know, in places like this, I can't just drive, go get my car and drive, you know? So, I don't know. Just, it's just frustrating.

Finally, a 36-year-old White man with convictions from Ramsey and Dakota counties in Minnesota said:

Well, it's a stressful thing and one more thing you have to worry about. In some cases, like for my license, I didn't have my license for a few years because of the amount of the tickets that they put on me. Like it was an unachievable goal. I just so happened to come across somebody that was going to pay it for me, but, yeah, just without a license nowadays you really can't do nothing. You can get on the bus and this and that and the other, but they're just, yeah.

As examples illustrate, the loss of the ability to drive as a result of nonpayment of traffic tickets created and exacerbated legal problems for our respondents and hindered their ability to maintain employment and care for their children.

iv. Navigating the Legal Process

Confusing and Unclear Systems

Respondents in all sites indicated a lack of knowledge about the legal system in general and the processes of assessing and paying legal financial obligations in particular. While some respondents knew exactly what they owed, many interviewees did not seem to know how much money they owed, how they could find out how much they owed, how the payment process worked, what they could do if they were indigent, and what the different fine and fee categories represented. People with felony convictions in Georgia could easily access information about how much they owed using an online payment system, most did not know what portions of that total they owed for what purposes (e.g., fines vs. restitution). They found this ambiguity and lack of knowledge both frustrating and stressful.

Several respondents in Washington and California said that during their sentencing, they had been focused on so many other things, such as the length of time they were going to be incarcerated, that they didn't fully comprehend the burden of the fines and fees being imposed until after they were released and had to start making payments. When asked,

“What would have been useful to you?” a 25-year-old man convicted of a DUI in Orange County, California, replied:

So, it would have been nice to have some kind of resource center, with a person to talk to just describing these fees... Because you are told about them in court, but you are thinking about a thousand things. You're thinking about what is the judge thinking right now? Am I being respectful? What's my family doing back there? Um, so I wasn't really paying that close attention... and even the forms that they gave me didn't really have that much information. So, yes, having someone to talk to in more detail about what the specific fees were, when I would have to pay them, would be useful.

Participants said that they had been processing so much information while they were being sentenced that at times it was difficult to fully comprehend the assessment of their fines and fees. There was also variation in the extent to which interviewees were informed of what they owed and whether they were informed at all. For instance, in Illinois and Missouri, respondents commonly reported that the first time they learned about their LFOs was not at sentencing, but instead the first time they reported to their probation officer. Further, most were told that they had to pay their LFOs by the time they finish probation. A middle-aged man from the west side of Chicago described his experience finding out how much he owed:

My probation officer told me I have until I get off probation, which is twenty-four months, to pay it...When they gave me the probation, they gave me a bunch of papers. They broke it down, the court fees and what I'm supposed to pay.

Georgia's Department of Community Supervision had automated LFO information so that individuals with felony convictions could make payments and view their account balances online at any time. People with misdemeanor convictions in Georgia, however, had less consistent access to such information but reported being informed by their probation officers about what they owed and how much each payment should be. Factors combined seemed to increase the awareness of most respondents in Georgia regarding how much they owed, although they did not necessarily know how much they owed per conviction. In Minnesota, participants described confusion about the total amount they owed, since they owed different amounts to different counties and different agencies within each county. Many Minnesota participants thought it would be easier to keep track of and pay off their LFOs if they were consolidated. For instance, when asked what type of service would be the most useful as she tried to get her life in order, a White woman with convictions in Ramsey, Dakota, and Hennepin counties, Minnesota, replied, “Just a payment plan for these counties. Maybe if they could pool them all into one bill, that would help, too, instead of making four different payments a month, to make one lump sum and then divide it out that way.”

Respondents in California, Illinois, Minnesota, Missouri, New York, Washington, and Texas rarely had a firm grasp on the total dollar amounts they owed to various aspects of the system. For example, in Missouri, several respondents reported not

knowing how to find out the current total of their LFOs. In Texas, some respondents said they would make a “down payment” to decrease their minimum payment totals, but this was not universally applied to outstanding accounts by court clerks. Furthermore, many respondents in California who had paid off their LFOs were very confused about certificates of discharge. Some thought they received some kind of receipt, possibly from the Probation Department, but could not be sure. The existence of certificates of discharge was largely unknown to the participants. Among Californians who were still paying their LFOs, few had set up payment plans with the court, and even fewer had sought help from an attorney or legal aid agency to navigate the monetary sanction payment process. In Washington, most respondents had been given a payment plan at the time of their sentencing, but those who had been called into court for an administrative hearing after failing to make continuous payments did not seem to think they had a right to legal counsel during hearings. Respondents in several states reported being confused about and frustrated by the assessment process. Respondents in Washington and Georgia were perplexed at how the court had calculated their total fine. A woman on probation in Dooly County in Georgia questioned the fairness of her LFOs, saying, “I don’t even know how they came to the number that they came to...Half of that stuff doesn’t pertain to me...”

Similarly, a man on probation in Whitfield County, Georgia wondered, “What are the fines for? Nobody ever told me what they were for. They just said court fines... We did a plea bargain. I only spent fifteen minutes in court. I’m charged \$3,600. I’m like, what’s the fine for?” Participants also described their frustration at not knowing what the different court fees were and where their payments were going. In Washington, a middle-aged White man described his experience learning about additional charges added to his original LFO balance after he lost his job and was unable to make the minimum payments for a few months:

When she [court clerk staff] said how much it was that I owed, I’m like, that doesn’t sound right. I knew it was like right around \$4,000, no more than a hundred or two hundred dollars either way, but the amount she told me that I owed, still owed, was over \$5,000. I’m like, “That’s not right,” and I showed her the statement, and she goes, “Oh that’s because there’s been interest added to your ... because you’re taking so long to pay it off.” I’m like, “Oh, okay?” ... She says, “Well, we noticed that you hadn’t made any payments in a month or two,” which was true, ’cause I had lost my job, so I really couldn’t afford the minimum payment they wanted me to make, so I just kinda didn’t pay for a little bit, which I’m regretting now, but she said, “Yeah, because you didn’t pay for a couple months, interest was added to the debt.” ... she showed what the amount was and how much interest was added, and it was like seven or eight hundred dollars interest that was added, which I’m like, that’s about... I guess the interest added was about ... they’re basically adding back a payment that I’d made, ’cause I mean I was paying about seven or eight hundred dollars a month.

This frustration was commonly coupled with uncertainty about both the original LFO and unexpected additional charges tacked on to the original LFO. This confusion led to a

palpable sense of defeat and cynicism about the legal system among those we interviewed.

Legal Cynicism

A common theme across all states was a deep cynicism toward the system of monetary sanctions and the criminal justice system more generally. Many interviewees expressed frustration with and distrust of representatives of the criminal justice system. In particular, they said that much of their financial sentence (save for restitution) was illegitimate and unfair. Many of the people we interviewed had been sentenced to what they called “insurmountable debt” and had limited resources to repay it. They described the fines and fees charged to them as unjust, especially if they had also been sentenced to serve time in prison or jail or to spend time under community supervision, been assigned other court-ordered punishments, or been required to pay for enrollment in rehabilitative programs or classes.

A respondent from Buffalo, New York, explained this sentiment:

Interviewer: So talk to me about the fairness of the system of, like, surcharges, misbehavior tickets, and parole fees. How would you describe the fairness?

Respondent: Extremely unfair. For—once upon a time when they put the law in, they said it was to improve the, um, facilities and for the prisoners. But, you know, it’s for their priorities, their retirement. They started seeing they were making millions...they’re making millions of dollars.

...Off tickets alone...inside, specifically... Clinton [Correctional Facility] was leading... You know, two thousand tickets a month, something like that, at \$5 a pop. You know, so, and this is over the course of years, so—it was supposed to be for ILC and, you know, just helping them improve. And they did none of that. They did none of that.

This respondent articulated a common sense that many of their fines and fees were not only capricious but were also being unfairly funneled into the pockets of court officials throughout the criminal justice system.

Many respondents expressed a belief that they should be held accountable for their actions via monetary sanctions but described the amounts of their fines and as problematic and unjust. Many agreed that restitution was a positive way to restore the damage done to an identifiable victim. However, some noted that even these charges were out of proportion to what they could actually pay, and those charged with crimes without a clear victim said that they should not be made to pay into a general victims fund.

Characterizations of the criminal justice system as a profit-driven institution were pervasive across multiple sites. Respondents regularly said that they found their fines and fees disproportionate to the crimes they committed. They also said that judges failed to take their circumstances into account when assessing fines and fees and took this as evidence that the criminal justice system was corrupt and bent on generating profit. A respondent in California explicitly referred to the court system as profit driven:

...the criminal justice system is a cash cow for the government. Um ... it’s profit; they’re profiting off of their citizens, and that’s where I feel like there’s a

disconnect and distrust created between, uh, anywhere from, you know, the streets to the police. Um ... It, it, it, it, it ... Keeps pushing the gap wider... when you start punishing lower-level, not lower-level but financially lower-level citizens, and you hold them to the same standards as someone whose parents drive a Porsche.

In Georgia, respondents said the use of monetary sanctions to hold them accountable for their actions was reasonable but that the amounts of their of fines highlighted the courts' failure to take into consideration their individual circumstances, such as mental and physical health or poverty status, which they saw as deeply problematic. A woman in Dooly County stated:

...the fine being so high. Let's say I stole \$50,000 worth of stuff and my fine was \$200,000. That's not fair. I feel like whatever you've done wrong, you should be able to pay for it, and if you're put on probation, yeah, you have to pay that fee every month. I understand that, but anything other than that is just cruel punishment.

In Minnesota, a woman questioned where the paid fines and fees went.

No, it's not [fair]. I don't know where these fines and fees goes now. Maybe if they went to like, okay so I know public defender. I know that they're only getting paid a certain amount by the state, I believe. Now does it go towards paying them, or is it just because I don't know why? I don't really know where the money goes. I mean I kind of understand processing fees and stuff like that, but come on. It does not cost \$50 to print out 20 pieces of paper... Yeah, like court costs. What is that for? For the clean air that we breathe? I don't really know. Like for the judge to get in his chair? I don't know. I mean, what is it for, you know? 'Cause are there volunteers there? I doubt. I don't think anybody's volunteering at the courthouse. I mean, I don't know. In New York, respondents interpreted harsh punishments for actions such as turnstile jumping, courts charging more in surcharges than in fines, and the loss of voting rights as evidence that the system's logic was uncaring. As one interviewee put it, “[The system] can be really coldhearted.”

Whether they were describing the courts, probation, or incarceration, Georgia respondents reported believing that they were paying monetary sanctions to support the state and private enterprise. For example, one man who was on felony probation in Fulton County at the time of the interview described Georgia's well-known private probation industry like this: “Georgia is notorious. Georgia's got a cottage industry of putting people on probation because of the fees. That's how they generate a lot of their money.”

Respondents in New York similarly characterized the criminal justice system as a money-making machine. A respondent in New York City stated his belief that monetary sanctions were used to pay court officials: “The city's broke—you know that, right? How do you think they payin' all these pensions?” Another respondent who was incarcerated in New York drew a similar conclusion, arguing that \$5 “write-up” fees for minor behavioral infractions in prison administered at the discretion of correctional officers were making the system millions of dollars and paying for the correctional staff's incomes and pensions.

Participants also reported being trapped and feeling helpless, furthering their view of the criminal justice system as corrupt and predatory. A 47-year-old male with convictions in Los Angeles likened his experience of being under supervision while he paid off his LFOs to being kept in “invisible gates”:

Respondent: So it's like they're forcing us to make money to pay them, not even take care of ourselves, like we don't even have time to take care of ourselves, and all our money is going to the courts, at a limited amount of time, or we're gonna get locked up again. So it's like, okay, so now we're slaves to the courts, so we gotta work, make this money for them ...

Interviewer: So do you feel like you're still incarcerated?

Respondent: ... Yeah, I don't feel completely free ... I feel like I'm...in invisible gates, because I'm still on parole and ... They got a leash. (Laughs)

A 53-year-old man in California put his beliefs about court fees and the criminal justice system this way:

The justice system is crooked. It's crooked, though, because it's just like to hear, how you gonna pay for use of a courtroom, and you got to go see a judge? I got to pay ... for use of the courtroom... He's the public defender. He's supposed to take care of me, but I got to pay that fee too? Why? It's crooked.

One respondent who had been convicted and sent to prison in Buffalo, New York, shared a similar view that the criminal justice system was being used to generate revenue: “The thing is, the prison system to me is just that, they don't want to rehabilitate nothing, you know. They want to keep you coming in so they can keep this money flowing, you know?”

Some respondents in New York attributed negative motives to the criminal justice system. For example, some saw the courts' failure to contact people about what they owed as an effort to collect more interest, and some interpreted friendliness between court actors as evidence that they were colluding against defendants. One respondent summed it up simply: “The city is a pimp,” he said, implying that the city takes money from people working hard to make ends meet.

However, not all respondents stated that all fines and fees were unjust. One 24-year old White male from a Minnesota suburb told us he thought his monetary sanctions were fair, “'cause I mean, it costs money to put police officers on the road, it costs money to house people in jail, it costs money for roads, and they gotta pay for it some way. Not only that, I did break the law.”

A handful of other Minnesota respondents saw some types of LFOs as warranted (e.g., restitution) but others as unjust. For instance, one told us:

I've definitely had to face a penalty [for my drug conviction] the way it is, and then a \$300 fine? You know what I mean? I just don't feel that it would be necessary, like, where does that come into play on all these? ... I understand the \$75 public defender fee, but all these other court fines and surcharges and, you've seen it, \$300 fines? ... I mean, it just adds up. How is a guy ever supposed to pay it off?

Other Minnesota respondents explained that while being fined was a fair penalty, the excessive amounts were not fair. For example, a biracial man with convictions in Anoka and Hennepin counties, Minnesota, explained during an interview:

Yeah, I believe that there should be some sort of costs, it would be kind of silly to be able to mess up and there's no financial consequence, but like in the case especially of DWIs and stuff, it is ridiculously expensive to just get your license back. Then without a license, it's ridiculously difficult to find a job. It's like this kind of snowball effect that happens.

It appears that there may be a threshold before which fines and fees are acceptable, but that past this point people began to become highly suspicious and distrustful of the criminal justice system as a whole.

In addition to feeling like the system was stacked against them, some respondents in several states reported that monetary sanctions were like a double punishment. In Illinois, a common sentiment was that serving time in jail or prison was sufficient punishment without the additional LFOs. As one woman put it, "I'm the one that's got to do the jail time, and why should I have to pay?" She expressed this point of view early in her interview when discussing the extreme stress levels that come with raising six children alone. Another woman voiced a similar opinion about serving time in Cook County jail and then unsatisfactorily completing her probation simply because she couldn't pay her LFOs. She said, "Well, first of all, you serve time in jail, so I don't think they should have court costs. I mean, it's bad enough doing the time." Another Illinois respondent explicitly referred to the combination of jail and LFOs as "double punishment" because she believed that neither her jail time nor her low income status had been taken into consideration at sentencing.

Minnesota defendants similarly experienced monetary sanctions as a double punishment on top of their incarceration. One White man with convictions in Dakota, Ramsey, and Hennepin counties explained:

Because I was sentenced to do jail time and serving jail time pending the outcome of a court case, which in turn was my obligation as a person to pretty much pay back my wrongs to society and the community. On top of that they want me to pay \$30 a day to stay in their facility. It baffles me. I don't understand it, because you're not getting fed like you're supposed to in there. You're not free, able to move around, and you don't have really ... If you gave me \$30 a day, I could live better out here than I would in there. You see what I'm saying. I feel like they're in the wrong for that for sure.

Distrust of and resentment toward the criminal justice system were prevalent, as were disillusionment and expressions of powerlessness related to respondents' experiences. "Crooked," "scam," and "railroaded" were some words participants used to describe the system. Frequently, participants were highly suspicious of the motivations of the criminal justice system, and some even said they were being punished twice by having to serve time on top of paying surmountable fines and fees.

V. EMERGING THEMES FOR STUDY

Thus far we have presented a preliminary analysis of our interviews and outlined the clearest themes in our study. However, during the course of data collection our team has documented a range of emergent themes that serve as potential topics for future analyses. In our next set of interviews and court observations we plan to spend more time analyzing the following themes.

- One theme we noted from a few sets of state interviews was the **notion of accountability**. Respondents had varying definitions of what accountability meant to them. Some described a great deal of self-blame and internalized their inability to make payments. They said that they could not be fully accountable for their crime because they could not pay their financial obligations to the court. Others discussed notions of “redemption” and “rehabilitation” and said that the ability to make payments would enable them to be fully accountable and punished for their crimes.
- Some respondents’ views centered on notions about appropriate **gender roles**. For example, male respondents talked about their inability to make payments and described themselves as needing to be the family “provider.” Others described themselves in an infantilized way, saying that they couldn’t be an “adult” or be “what a man is supposed to be” if they could not pay and had to carry debt.
- In two states respondents said that being in debt and the related consequences had encouraged them to resort to lives of crime, essentially **going “underground” or “off the books.”** Two respondents talked about working in underground economies to raise money to pay their fines, fees, and restitution.
- The theme of **system avoidance** emerged from a couple of interviews. Respondents indicated avoiding traditional supportive institutions to evade detection by criminal justice agents. People with outstanding warrants associated with LFOs and court appearances would not attend church or school and would avoid using official channels to seek employment to avoid detection by police and probation or court officials.
- Some interviewees described situations of **asset forfeiture** where their assets had been seized. They noted their frustration that their property and money had been forfeited to law enforcement, yet their assets had not been applied to their sentenced debt.
- In three states people said that debt sentenced when they had been **juveniles** was following them as adults and negatively affecting their lives. Thus, even though they may have served time in juvenile hall as a punishment and had become adults and were now employed and housed, they still had juvenile debt that inhibited their lives.

VI. SUMMARY

Our interviewees gave several suggestions for improving the system of fines and fees. Ideas ranged from assessing defendants' abilities to pay at the time of sentencing and tailoring the amount of the fine to the person's income, allowing for community service in lieu of financial penalties, and the state creating and using a computer application that would help people track the amounts they owe and their payments. Others said that a more clear identification of what they owed, the amount of their debt, and how their debt might interact with bankruptcy would be helpful. Many interviewees said that assistance with payment plans, financial planning, applying for licenses and social security benefits, addressing credit problems, and accessing employment and education opportunities would also help them navigate their lives after contact with systems of justice.

It is important to note that others interviewed said that they had already been sentenced to community service as part of their original sentence and that converting fines and fees to community service had thus dramatically increased the hours of service required of them, which made completion increasingly difficult for those already working and those with childcare responsibilities. Empowering probation officers to waive service hours or supervision fees would be helpful for low-income people and a way to alleviate the undue hardships.

CONCLUSION

There was a great deal of consistency in our respondents' ideas and concerns about monetary sanctions. Across the eight states of study, our respondents had a wide range of experiences with legal financial obligations. We found a range of ability to pay that was related to respondents' housing instability, receipt of public benefits, and employment status. Among those who were in precarious financial situations and were unable to fully pay their LFOs, many experienced health problems, stress on their family relationships, and legal consequences. Furthermore, many respondents had difficulties navigating the legal process, which led to confusion and legal cynicism.

The interviewees' perspectives suggest that policy makers should create procedures that clearly outline how and why monetary sanctions are imposed and what will happen when someone is unable to make payments. In attempts to be more transparent and consistent, at least within states, jurisdictions should work together to create common financial sentencing schema and make publicly available the various allowable amounts imposed on people at sentencing. Practices should also be outlined to explain whether or not ability to pay is a mitigating factor in sentencing LFOs and, if it is, what the standard is for indigence and what types of evidence defendants could bring to court to demonstrate their inability to make sentenced payment amounts. If courts must impose financial sentences, even on people who are poor, services could be provided to help people find and maintain housing and employment, support their mental health, and address the long-term financial and legal consequences monetary sentences bring.