

Fines and Fees: Impact on Women

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Fines and Fees Impacts on Justice Involved Women and their Families

By: Joanna Weiss, Co-Executive Director, Fines and Fees Justice Center



A CLOSER LOOK:

Ferguson, MO

- Police, City Hall and Court coordination to raise revenue through the justice system
- Plan to collect over 20% of city revenue through fines and fees
- 2014 – 2.2 arrest warrants issued for every adult in Ferguson
- Police engaged in racially discriminatory policing to increase revenue through fines and fees.

What's the difference between a *fine* and a *fee*?

FINES

Monetary sanctions imposed as punishment for violating the law – either criminal or civil.

Examples:

Fines exist for parking violations, littering, traffic offenses, truancy, sleeping on a park bench, walking dog without a license, cracked windshield etc.,

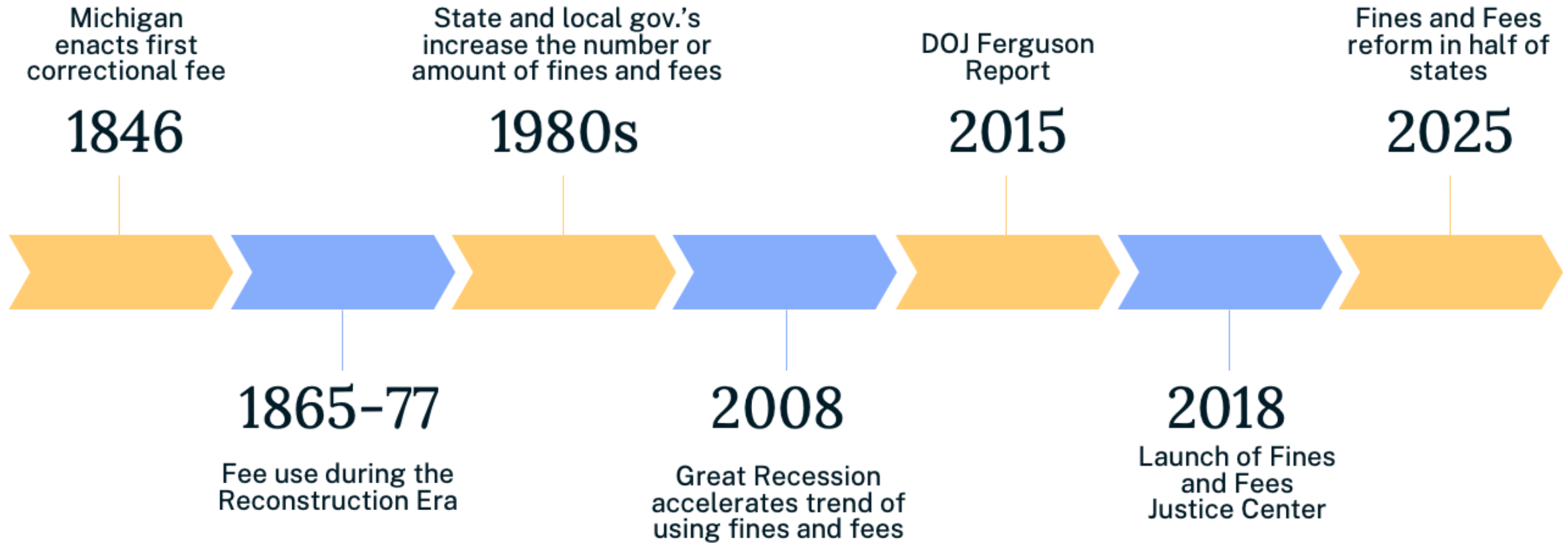
FEES

Costs, assessments, and/or surcharge imposed to access services or fund the justice system or other government services.

Examples:

Probation Fees, Programming Fees, Counsel Fees, Drug Testing Fees, Civil Assessment Fees, Electronic Monitoring Fees, Warrant Fees, Phone Call Fees etc.,

Brief History of Fines and Fees



Where are fees imposed?

MULTIPLE TOUCH POINTS →

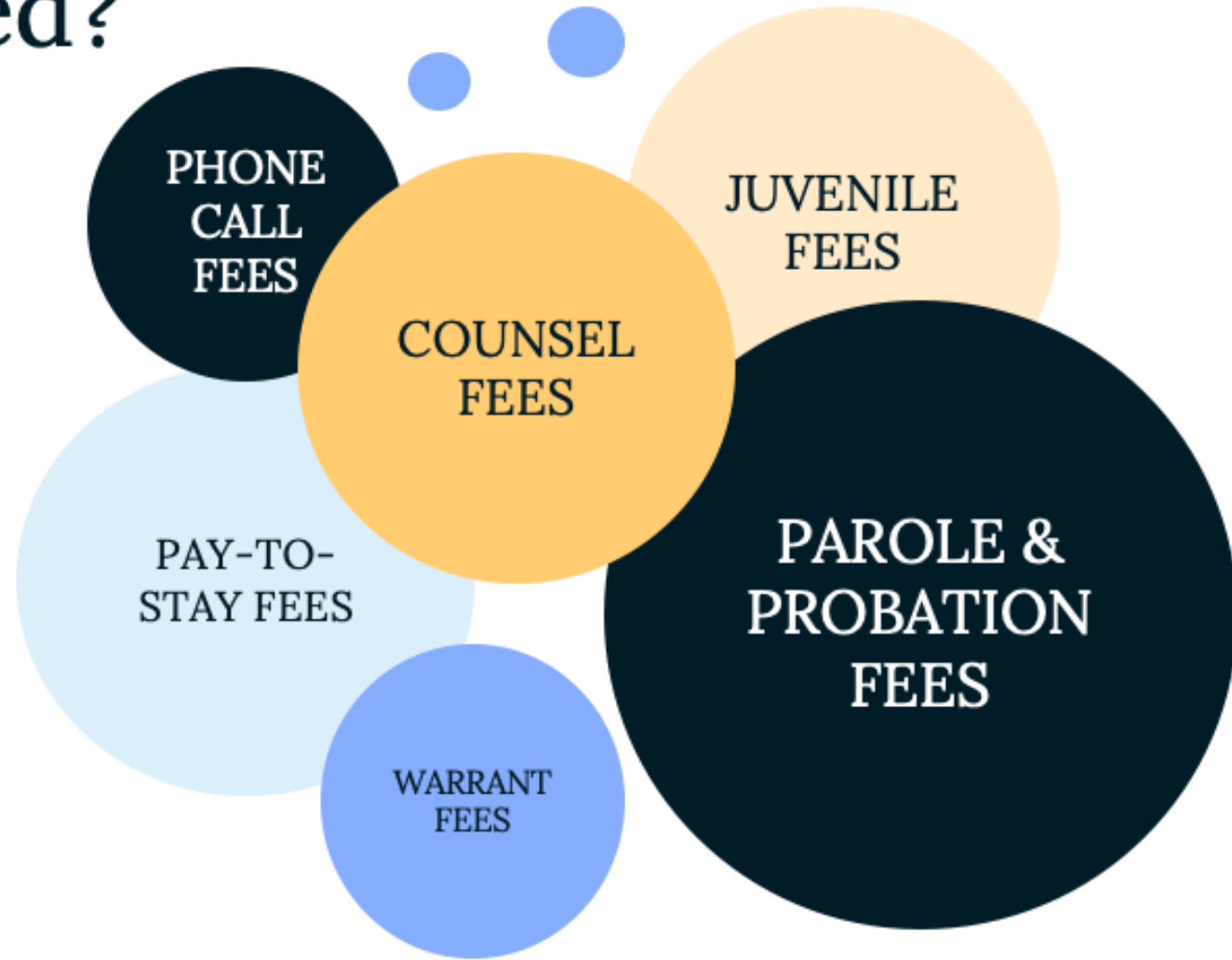
Added at every stage of the justice system

WITH OR WITHOUT CONVICTION →

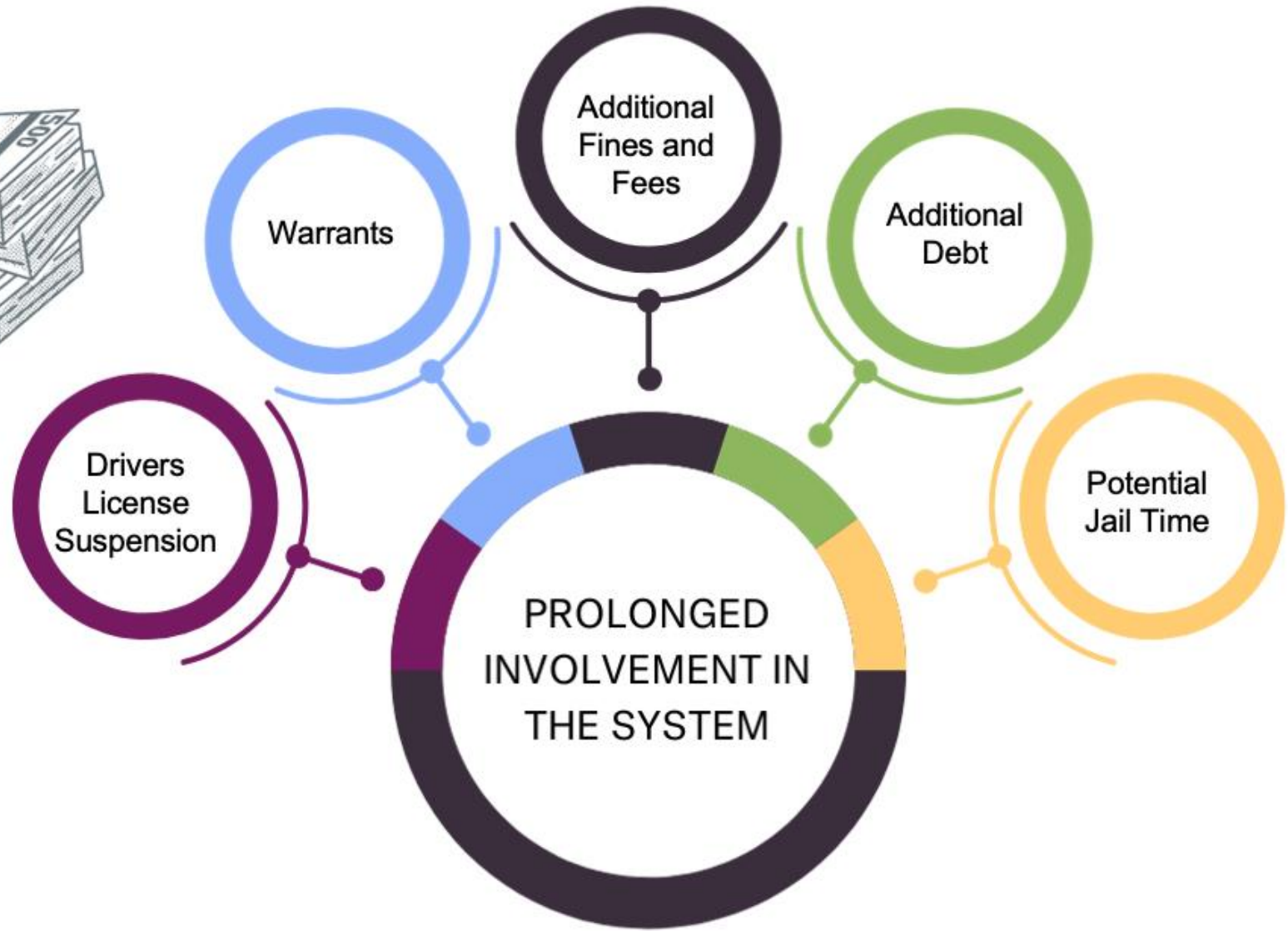
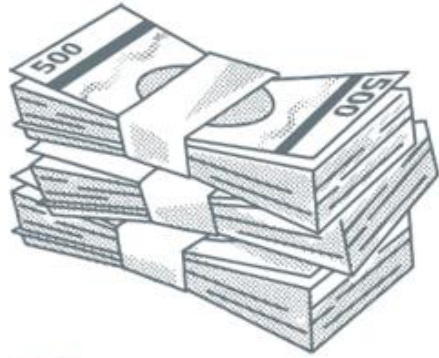
Imposed regardless of guilt or innocence

STATE AND LOCAL →

Types and amounts vary by state and locality



What happens when you can't pay up?



Feed your family or fund the courts?

- More than 8 in 10 people with court debt gave up necessities like rent, food, medical bills, car payments, and child support to pay their court debt.
- Approx. 45% lost their licenses because they were unable to pay their court debt.
- Nearly 50% said they had been jailed for failure to pay court debt.
- 38% of people who owe debt admit to committing crime to pay.

Source: Report: Under Pressure, Alabama Appleseed, 2018



The policy subconsciously hopes for more crime. A good year in raising administrative assessment fees is a year when the crime rate goes up; a bad year is when the crime rate goes down.

Success in raising administrative assessment fees depends in large part on our failure to prevent crime.

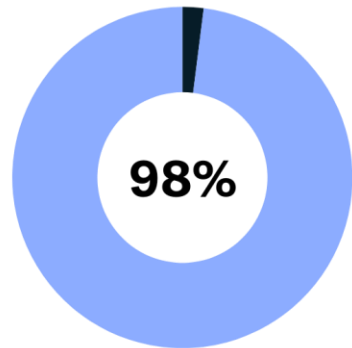
Nevada Judges Association President, Stephen Dahl

The Impacts of fines and fees are felt nationwide

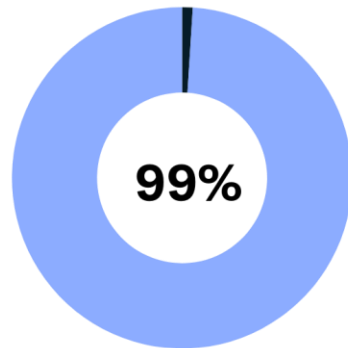
1 in 3 Americans have been directly impacted by fines or fees related to traffic, criminal, juvenile, or municipal court in the past 10 years



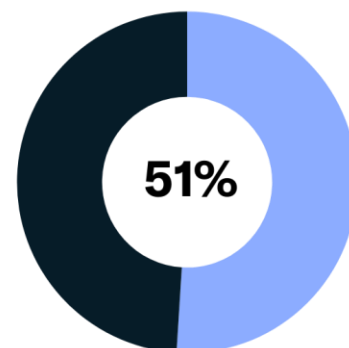
People ordered to pay fines and fees experience severe, destabilizing impacts:



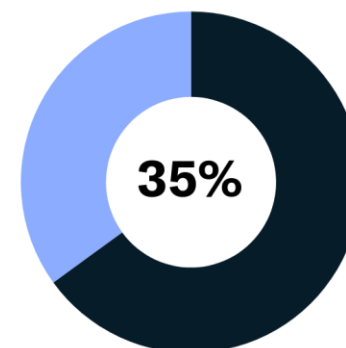
Reported that court debt affected their daily lives



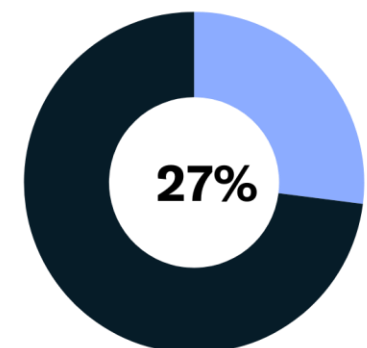
Of parents needed to cut back on at least one essential daily need



Of impacted people had to cut back on two or more essentials



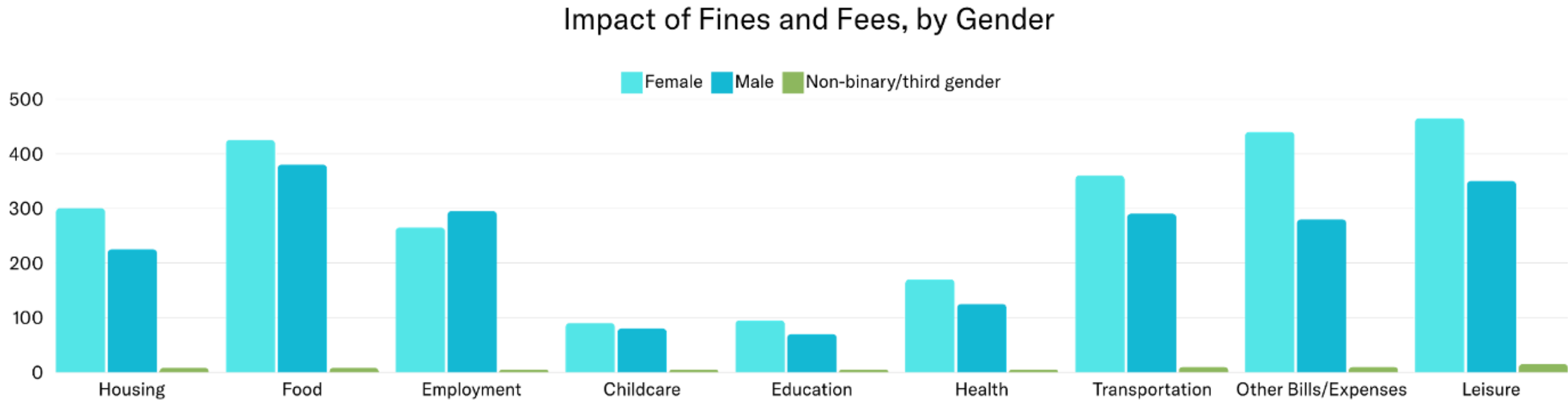
Of impacted people had challenges simply obtaining food



Reported housing hardship

Source: Debt Sentence: How Fines and Fees Hurt Working Families, 2023

Impact of Fines and Fees, by Gender



Evidence from *The Wilson Center for Science and Justice* and *FFJC's national survey*



ESTIMATED

17M

Number of households with children that likely experienced shortfalls in food, housing, healthcare, or other essentials because a parent was saddled with court debt.

Source: Debt Sentence: How Fines and Fees Hurt Working Families, 2023

Impact of Fines and Fees on families and health



24% of adults who report court or incarceration-related fines and fees had their driver's license suspended



55 percent of adults who incurred court or incarceration-related costs were charged \$500 or more



Black and Latine adults reported being charged or owing money for fines and fees at higher rates (20 percent and 22 percent, respectively) than white adults (15 percent)



People with court or incarceration-related costs were most likely to experience difficulty affording health care (58 percent)

Source: *How Fines and Fees Impact Family Well-Being*: Tax Policy Center, Urban Institute & Brookings Institution (August 2024)

Fines and fees — counterproductive economic policy

- Unreliable and inequitable funding source
- Cost of collection can outweigh the revenue generated
- Significant lack of data and transparency

**In New Mexico, counties spent at least 41 cents just to collect a single dollar of fine and fee revenue — that's 115 times more than the IRS spends to collect a dollar of income tax. Bernalillo County fairs worst of all, spending a whopping \$1.17 to collect a dollar.*

Fines and fees: Negative impacts on public safety

Source: "Criminalizing Poverty: The Consequences of Court Fees in a Randomized Experiment" *American Sociological Review*, Sage Journals (February 2022)

→ **Fines and fees have no deterrent effect** (Source: ["Criminalizing Poverty: The Consequences of Court Fees in a Randomized Experiment"](#) *American Sociological Review*, Sage Journals (February 2022))

→ **Fines and fees prolong system involvement and are correlated with increased recidivism**
(Source: Ostermann, Michael, Nathan Link, & Jordan Hyatt. ["Reframing the debate on legal financial obligations and crime: How accruing monetary sanctions impacts recidivism,"](#) *Criminology*, Vol. 62, Issue 2, 331-363 (May 2024))

→ **Fines and fees imposed on low-income individuals increase recidivism** (Source: *The Impact of Criminal Financial Sanctions: A Multi-State Analysis of Survey and Administrative Data*, Keith Finlay, Matthew Gross, Carl Lieberman, Elizabeth Luhand, and Michael Mueller-Smith, Aug 10th, 2023, National Bureau of Economic Research)

→ **Higher fines and fees imposed on youth correlate with higher recidivism** (Source: Alex Piquero, [Juvenile Justice Research to Policy and the Case of Fines](#))

A 1 percent increase in the share of revenues from fees, fines, and forfeitures collected by a municipality is associated with a **6.1 percentage point decrease in the violent crime clearance rate.**



Source: Exploitative Revenues, Law Enforcement, and the Quality of Government Service; Author(s): Rebecca Goldstein, Michael W. Sances, Hye Young You; Research institution(s): Urban Affairs Review

Fines and Fees make it more likely that women will plead guilty



Female incarceration sentencing rates →

Are positively associated with county dependence on monetary sanctions

A 1% increase in residents in poverty →

Is associated with a .10% increase in county dependence on monetary sanctions

A 1% increase in the percentage of county revenue derived from monetary sanctions →

Is associated with a 23% increase women sentenced to incarceration rates

County rurality →

Is associated with a 23 - 27% increase in women sentenced to incarceration

Counties that contain Indian Country →

Have higher sentencing rates than those without Indian Country

Source: County Dependence on Monetary Sanctions: Implications for Women's Incarceration: Ability to Pay, Collateral Consequences, Conflicts of Interest, Courts as Revenue Centers, Policing-for-profit | Washington (January 1, 2022)

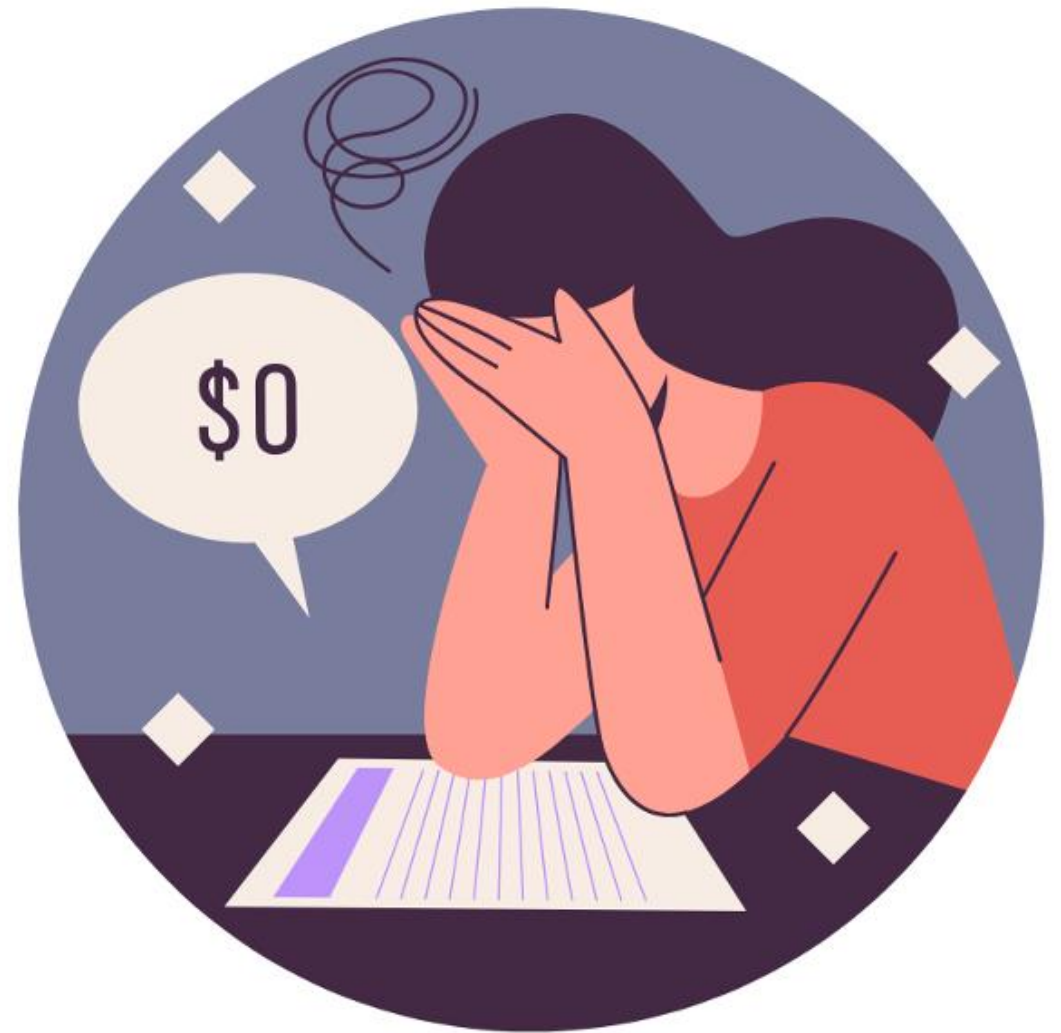
Impact of Fees on Women

- Many women leaving Oklahoma jails face burdensome “jail stay fees”, medical expenses, and court costs, such as supervision fees making reentry difficult.
- Without reliable public transit in Oklahoma, license suspensions for nonpayment prevent mothers from reaching work, school, and other essential services.



Women charged with more fines and fees

Women tend to be charged with lower-level offenses, often those that are predominately punished through financial sanctions



*Source: County Dependence on Monetary Sanctions: Implications for Women's Incarceration
Kate K. O'Neill, Tyler Smith, Ian Kennedy, RSF: The Russell Sage Foundation Journal of the Social Sciences January 2022*

Restitution Imposed Disproportionately on Women

Data Findings by Berkeley Policy Advocacy Clinic, 2021

Women charged 2.5-2.7 times as much restitution as men



What do people owe and who pays??

- Across respondents of all income brackets, the average debt incurred for court-related fines and fees was \$13,607
- In 63% of cases, family members on the outside were primarily responsible for court-related costs associated with conviction. Of the family members primarily responsible for these costs, 83% were women
- Nearly 2 in 3 families (65%) with an incarcerated member were unable to meet their family's basic needs. More than 1 in 3 families went into debt to pay off fines and fees.

Source: deVuono-powell et al., 2015



DISPROPORTIONATE IMPACTS

WOMEN OVERREPRESENTED AMONG AMERICANS LIVING IN POVERTY

and those who are poor make up a disproportionate number of people in the criminal legal system



WOMEN EARN LESS MONEY AFTER JUSTICE INVOLVEMENT



making it harder for them to pay outstanding debt

INCARCERATED WOMEN FACE CHALLENGES ACCESSING HEALTH CARE

which they tend to need more of than men

> Access Denied

DISPROPORTIONATE IMPACTS

WOMEN HAVE GREATER CAREGIVING RESPONSIBILITIES

requiring more of their existing funds to support children and families



WOMEN DISPROPORTIONATELY PAY FINES AND FEES, OFTEN FOR MEN WHO ARE INCARCERATED

Given that women are the ones to pay, they have fewer resources for get financial support for their own fines and fee debts



FINES AND FEES
JUSTICE CENTER





Reforms to support Justice Involved Women

End debt-based drivers license suspensions



Eliminate fees in the justice system





Thank You