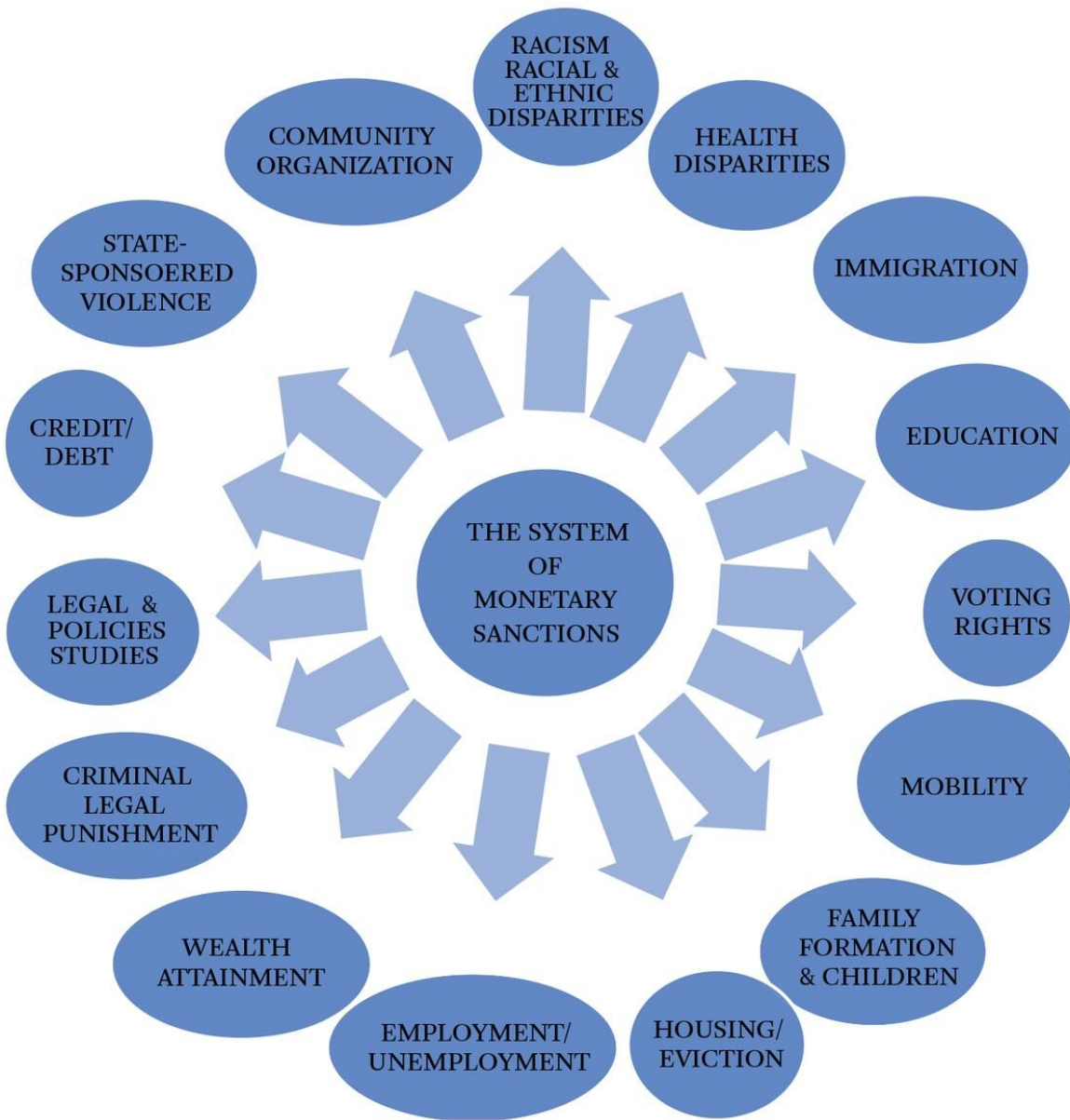


# **Multi-state study of monetary sanctions finds widespread inequities, far-reaching consequences**

March 3 2022, by Kim Eckart

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**Figure 1.** The Extensive Reach of Monetary Sanctions' Tentacles in the Sociological World



Source: Authors' framing.

The extensive reach of monetary sanctions' tentacles in the sociological world.  
Credit: *The Russell Sage Foundation Journal of the Social Sciences* (2022). DOI: 10.7758/RSF.2022.8.2.01

A five-year, eight-state study of monetary sanctions—the fines and fees people are sentenced to for everything from a traffic citation to court costs following a felony conviction—reveals the devastating consequences for the people involved, within a system that perpetuates racial and social injustice.

The study, led by Alexes Harris, professor of sociology at the University of Washington, involved a team of student and faculty researchers from around the country, including Karin Martin, assistant professor of public policy at the UW Evans School. The work was published online in January as a [double volume of related articles](#) in *The Russell Sage Foundation Journal of the Social Sciences*.

The project, Harris said, taught the research team and potentially, decision-makers and the general public, a lot about monetary sanctions. Legal fines and fees, or LFOs, have vast ramifications for people's lives, from their ability to attain and build wealth, to their employment and housing stability, their health and wellness, even their ability to participate in public life through driving and voting. These prohibitions and limitations, then, can impact people's families, and even entire neighborhoods.

Harris sat down with UW News to discuss the scope of the project, and what comes next.

## **What do people generally get wrong, or simply not understand, about this issue?**

Many people think, "They did the crime, they have to do the time," and see fines and fees as a way to "hold people accountable." However, what many people do not realize is that most people convicted of offending are sentenced to an array of punishments. Upon conviction, people are

regularly sentenced to jail or prison and typically receive community supervision (probation) after their release. They also may have mandated community service hours, classes and treatment; they may lose the right to drive and vote; and they have convictions on their records that impact housing, education loans and access, and employment prospects.

On top of all of these serious consequences, people receive monetary sanctions. Across the nation, people who are convicted in municipal and felony courts are getting plenty of punishment and are being held accountable. The added punishment of monetary sanctions serves as a disparate punishment for people who are poor—the penal debt creates a longer period of punishment and a more intense strain on their lives and that of their children and families.

**Describe how this work seemed to open up new lines of research, such as on the emotional impacts of legal financial obligations, and the impacts of LFOs on specific populations, such as women and Native Americans.**

Our five years of data collection and analysis gave us further insight into the nuanced ways the punishment of monetary sanctions affects people. In our interview data we examined how the punishment of fines and fees, and the related tethering to the criminal legal system (via warrants, mandated court appearances and re-incarceration), created health stressors. People palpably described how their inability to pay off fines and fees generated chronic and acute moments of anxiety, stress and even depression.

We also examined how fines and fees might go beyond just individuals and their families. Using court data from Washington state, we were able to map out the amount of fiscal penalties sentenced per person within a

given census tract (neighborhood). We were able to identify, in one of the articles in the new volume, what we term as "debtors' blocks," neighborhoods that carry a high monetary sanction debt burden per capita. These debtors' blocks tended to be non-white neighborhoods and those with higher poverty, and had an average higher rate of monetary sanctions than communities that were more affluent and those with larger numbers of white residents. This analysis also found a longitudinal association between a neighborhood's increase in poverty and the amount of fiscal penalties to which the residents had been sentenced. That is, it appears that monetary sanctions exacerbate a community's poverty level, and this was especially true for communities of color.

In a related analysis, one that focused on court sentencing data from Minnesota, the authors found that Native Americans were subject to among the largest overall legal financial obligations in criminal court and carried the largest average LFO debt loads relative to other racial and ethnic groups in Minnesota, particularly when residing close to tribal lands. They also found that monetary sanctions exacerbated existing poverty and spatial isolation in rural areas.

Moving forward I am interested in better understanding the outcome from policy reform. We have seen a national movement that attempts to assuage the harms related to monetary sanctions. I have a new study where I am examining how policy reforms have impacted individuals sentenced to fines and fees—both in the amounts of relief they have been given across counties and also in regaining their right to drive.

## **How did this study provide new opportunities for collaboration and student scholarship?**

This five-year study and funding from Arnold Ventures was an amazing opportunity to invite senior and junior academics to develop a multi-

state research team. I call it my Dream Team. It was also a great way to have graduate and undergraduate students join the team, engage in research development, data collection and analysis. One of my aims with this project was to increase the number of scholars interested in researching the system of monetary sanctions. Another goal was to create a team environment for younger scholars (both scholars without tenure and graduate students) to have the opportunity to conduct research on a large team, gain hands-on experience, and publish with senior academics. At the end of five years, we had over 50 scholars engage in data collection, analysis and write-up. To date, we have over 36 peer-reviewed publications and reports from our project, with more under review and in development. Almost all of these papers involved a mix of graduate students and professors, or were solely graduate student partnerships created within our team.

## **Your research points to the way LFOs perpetuate racial and social injustice, through governments that have come to depend on the revenue. What are some possible solutions?**

Our research over the past five years suggests several policy changes that would help ensure that people convicted of violating the law are held accountable to a reasonable punishment without excessive penalties.

First, we suggest that state legislators should reduce the scope of monetary sanctions by reducing or eliminating jurisdictional reliance on the funding from those sanctions. States should also eliminate the use of private agencies for debt collection, surveillance and data management.

Second, we argue that state legislatures, through policy and courts in practice, should eliminate arbitrary and excessive monetary sanctions. To do so, judges should be mandated to evaluate, at sentencing, current

ability to pay, with clear guidelines. Courts should also evaluate the definition and guidelines used to assess behavior constituting "willful nonpayment."

Third, states should enact legislation that would decouple unpaid fines and fees from other institutions. For example, states should eliminate the practice of suspending driver's licenses of people who are unable to pay their fines and fees. Similarly, states should allow people to exercise their right to vote even if they still owe monetary sanctions.

Finally, state courts should mandate that jurisdictions make data accessible and transparent on monetary sanctions to the public, defendants, and policymakers.

These reforms—tangible changes state legislatures and state courts could impose—would provide better protections for people who are poor from the system of monetary sanctions. I think it is important to outline incremental policy reform that would give relief to people who are currently entangled in the criminal legal system. That said, I do argue, based on 14 years of research on this topic, that a system of monetary sanctions can never be "just" within a society with so much racial and economic inequality. To begin to address the injustice of the criminal legal system in America, the system of monetary sanctions should be abolished.

Provided by University of Washington

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