

Court Fines, Fees ‘Perpetuate’ Poverty: Expert

By [TCR Staff](#) | January 9, 2019



Photo courtesy Fines and Fees Justice Center

Financial penalties assessed by civil and criminal courts on poor defendants are now a leading source of revenue for municipalities around the country and are “perpetuating poverty,” according to an expert with Harvard’s National Criminal Justice Debt Initiative, [reports the New York Times Magazine](#).

Experts estimate that criminal-justice debt owed by poor defendants totals tens of billions of dollars, and that number is likely to grow. National Public Radio, in a survey with the Brennan Center for Justice and the National Center for State Courts, found that 48 states increased civil and criminal court fees from 2010 to 2014.

“The courts are actually aggravating and perpetuating poverty,” said Mitali Nagrecha of the Harvard group.

Why they do so is a matter of economic reality: In areas hit by recession or falling tax revenue, fines and fees help pay the bills. Many counties engage in civil forfeiture, the seizure of vehicles and cash from people suspected (but not necessarily proved in court) of having broken the law.

Joanna Weiss of the [Fines and Fees Justice Center](#) says counties “use the justice system to wring revenue out of the poorest Americans — the people who can afford it the least.”

Aside from taxes, she says, “criminal-justice debt is now a de facto way of funding a lot of American cities.”

The jailing of poor defendants who cannot pay fines has been ruled unconstitutional in Supreme Court cases spanning the 1970s and early 1980s. Decades after those cases were decided, the practice of jailing people who cannot pay persists.

In 2010, the American Civil Liberties Union detailed evidence of “modern-day ‘debtors’ prisons’ ” in Georgia, Michigan, Louisiana, Ohio and Washington State.

Last August, an American Bar Association (ABA) working group recommended a set of [10 guidelines](#) aimed at reducing court fines and fees with the aim of “building trust in the criminal justice system.”