

LEGAL FINANCIAL OBLIGATIONS AND INEQUALITY

BY MARC MEREDITH, CLAIRE GREENBERG, AND MICHAEL MORSE

The recent focus on Ferguson, Missouri has generated a welcome national dialogue about criminal justice policy in the United States and the rampant use of legal financial obligations, such as fines and court fees, to fund government services. In a report analyzing all that went wrong in Ferguson, the Department of Justice highlighted costly penalties for municipal violations, which saddle the poor with a sizable amount of debt to the courts. Ferguson assessed these penalties regardless of an individual's ability to pay, and then put individuals who could not afford to pay their debt on payment plans that carry high fees. Every missed or partial payment was treated as a "failure to appear" offense, which may then result in an arrest warrant. While in some ways the case of Ferguson is an outlier, less extreme versions of this same

story could be documented across the United States.

We have spent the past year researching the role of criminal debt in Alabama. One of the major issues we have identified in carrying out this research is that while individual fines and fees might not seem overly burdensome, they accumulate to form a substantial amount of debt. When considered in isolation, it seems quite reasonable to charge someone convicted of a crime \$30 for the investigation of their criminal history and \$21 to help fund the Alabama Solicitor General's Office. Yet it isn't unusual to find that all of the fines and fees associated with a single conviction, felony, or misdemeanor add up to \$2,000 or more. If a conviction involves restitution, the total cost can be substantially more.

Another reason fines and fees accumulate is that

different levels of government all want their share of the revenue. Consider docket fees, which are the price of a case being placed on a court's calendar and are present in every case the court hears. Docket fees, like every other type of fee, are not part of the punishment, but rather

be even worse. A municipal ordinance violation docket fee can range from \$144 to \$374. The docket fee for a traffic infraction can be \$111 to \$199.

Our research shows that the median amount of fines, fees, and restitution associated with a felony conviction in Alabama in

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reflect the cost of using the courts. In Alabama, the statewide felony docket fee is \$247, but counties can tack on their own fees too. So Coosa County, for example, adds an additional \$58 to the docket fee. Surprisingly, municipal violations can

2005 was about \$2,000. The median annual income reported in a 2014 survey of Alabama ex-felons by Foster Cook was less than \$10,000. Cook's study found that 60 percent of individuals in Alabama paying court costs had to choose between paying

off their debt and buying essentials. In the same study, 17 percent of individuals admitted to committing crimes to pay court costs. Given this, we were not surprised to find that the median balance owed today on a 2005 felony conviction is about \$1,000.

Despite this, our research documents a general increase in court costs over time, leaving more and more individuals with outstanding criminal debt. Not only is it common for courts to charge fees for payment plans as in Ferguson, but courts may also charge fees for debt collection. Alabama imposes a fee of 30% after 90 days. Failure to pay this criminal justice debt may result in an individual having his or her driver's license suspended or even spending time in jail. In some states, including Alabama but also Arizona, Arkansas, Florida, Iowa, Kentucky, and Tennessee, restoration of voting rights are conditioned on the payment of these legal financial obligations.

More work on this topic is needed. The extent of criminal justice debt—and the broad inability to pay it off—suggests that legal financial obligations themselves could play an important, though under-theorized, role in structuring inequality and mediating citizens' relationship with the state.

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