

## West Coast Poverty Center

UNIVERSITY OF WASHINGTON

A Partnership of the SCHOOL OF SOCIAL WORK,

the DANIEL J. EVANS SCHOOL OF PUBLIC AFFAIRS and the COLLEGE OF ARTS AND SCIENCES

## Poverty Research Flash

**Highlighting New  
Poverty Research**

Alexes Harris, "A Pound of  
Flesh: Monetary Sanctions as  
Punishment for the Poor"

Alexes Harris is a Professor  
of Sociology at the University  
of Washington. Her research  
interests focus on social  
stratification processes and  
racial and ethnic disparities.  
She investigates how contact  
with varying institutions  
(educational, juvenile  
and criminal justice, and  
economic) impact individuals'  
life chances. Her aim is to  
produce research that is  
theoretically informed and  
empirically rich, and research  
that is of value in local, state,  
and national policy arenas.

The West Coast Poverty  
Center's **POVERTY  
RESEARCH FLASH**  
highlights new research by  
faculty affiliates and others on  
causes, consequences, and  
effective policy responses to  
poverty, with an emphasis  
on changing labor markets,  
demographic shifts, family  
structure, and social and  
economic inequality.

**The West Coast Poverty  
Center** (WCPC) at the University  
of Washington serves as a hub  
for research, education, and  
policy analysis leading to greater  
understanding of the causes and  
consequences of poverty and  
effective approaches to reducing  
it in the west coast states. WCPC  
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information about the West  
Coast Poverty Center, visit our  
website:  
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**A Pound of Flesh: Monetary Sanctions as Punishment for the Poor**

Over the past two decades, states have been charging those convicted of felonies a growing list of fines, user fees, and restitution to victims as part of their sentences. Even after they serve their time in prison, individuals remain under court supervision until these legal debts are paid in full. In *A Pound of Flesh: Monetary Sanctions as Punishment for the Poor*, WCPC Affiliate and Professor of Sociology Alexes Harris explores the increasing prevalence, application, and implications of court-ordered monetary sanctions for felony convictions in state courts. Drawing on state statutes; administrative data; case studies; interviews; and observations of sentencing and sanctioning hearings, Harris argues that these legal financial obligations (LFOs) deepen economic and racial inequities and make it difficult for the poor to exit the criminal justice system and fully re-enter society.

All fifty states and the District of Columbia impose fines in addition to jail time and other forms of court supervision, and many also charge fees for the use of the justice system, such as the cost of a public defender or a jury or for costs related to incarceration. Many states also impose interest on unpaid legal debt, surcharges to fund court functions, restitution for victims, and collection fees to cover the costs of tracking and collecting debts. For example, in Washington State, in addition to any fines for their offense, convicted felons may be charged \$200 for court costs and \$450 for the services of a public defender, as well as 12 percent interest on their LFOs beginning on the day of their sentencing, a \$100 per year collection fee, and the cost of any private debt collection services. The specific rules vary across the states, but it is common for states to impose a set fine for a specific crime; other types of LFOs are often not mandatory, but many judges have come to view them as such and regularly impose them.

*A Pound of Flesh* illustrates how the use of monetary sanctions in the criminal justice system has a differential impact on the poor. Individuals with the means to pay can do so and move on with their lives; for those who cannot pay, the consequences of that initial contact can spiral out of control. Former felons can have a difficult time finding work and housing, which can make paying LFOs more difficult. Failure to pay results in increasing debt as interest and collections costs grow; individuals may also be required to attend court hearings to determine whether their nonpayment is "willful," in which case they may face re-incarceration and a new round of LFOs. In interviews, Harris's respondents noted consequences from LFOs ranging from stress and anxiety to burdening family members and friends to an inability of those saddled with this debt to move forward in their lives.

Based on her field work in Washington State, Harris finds that clerks, prosecutors, and judges exercise a great deal of discretion in imposing sanctions and in determining how to handle non-payment. Harris finds that local cultures and individual ideas about punishment; the need to fund the criminal justice system and the collections system itself; and personal biases are a few of the factors that contribute to the difference in the application and enforcement of monetary sanctions. Harris observed that prosecutors and judges vary greatly in how they assess whether or not defendants have the means to pay, with some interrogating individuals about their spending habits and attempts to earn income. In one case Harris witnessed, a judge questioned a defendant's ability to pay for manicures or grooming but not their LFOs. Harris also cited an example in which a prosecutor suggested that a homeless man was willfully not paying his LFOs because he could have picked up soda cans to earn money to meet those obligations.

While the book focuses specifically on felony convictions in state courts, Harris notes that similar systems of legal financial obligations operate at other levels of the justice system. In some cases, even defendants who are not convicted of a crime and juveniles incur fees for their involvement with the court system. Given the over-representation of people of color in the criminal justice system, LFOs add another source of racial inequality. Harris asserts that this two-tiered system of justice and the quest for "accountability" function to perpetually punish already marginalized individuals and asks whether this is truly a system that Americans want to support. She offers suggestions for reforming the system, including clearer guidelines for assessing a defendant's ability to pay fees and fines and restrictions on charging defendants interest or the costs of collecting unpaid debts.