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# Implications of Fines & Fees in the Criminal Justice System:

Summary of Key Findings from The Anat Project

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## Introduction

Moss Justice Partners (MJP) is a nonprofit organization committed to advancing transformative justice solutions and supporting innovative research that centers community well-being over punishment. A primary initiative at MJP is **The Anat Project**, created to honor the legacy of Dr. Anat Kimchi\*, which addresses critical issues in the justice system and seeks to ignite dialogue and create educational opportunities on topics affecting justice outcomes and systemic disparities. This paper examines the critical issue of court-ordered legal financial obligations (LFOs), commonly referred to as fines and fees, and their profound impact on probation, parole, and reintegration efforts.

\*The Anat Project was created to honor the legacy of Dr. Anat Kimchi, a doctoral candidate in Criminology and Criminal Justice at the University of Maryland, who was tragically murdered in June 2021. Dr. Kimchi, whose work was dedicated to creating meaningful change in the justice system, was awarded her doctorate posthumously. More Information can be found here: <https://rememberinganat.wixsite.com/home>

# Key Issues

03

## 1. The Purpose of LFOs versus Reality

Legal financial obligations (LFOs) reform efforts beginning in the early 2000s include reducing indiscriminate use of supervision, revising probation conditions, promoting early release, and expanding alternative sanctions for technical violations (Phelps, 2020). These reforms were originally intended to promote accountability and offset costs; which suggests there may be a policy disconnect. However, research highlights a concerning trend: rather than enhancing public safety, LFOs often exacerbate economic hardship, trapping individuals in cycles of debt and recidivism (U.S. Department of Justice, 2023; The Pew Charitable Trusts, 2020a).

### CONSIDERATIONS:

- **Potential Policy Disconnect:** Judicial discretion is often limited by statutory mandates, preventing courts from tailoring penalties based on individual circumstances (Phelps, 2020).
- **Outcome Disparities:** Instead of supporting rehabilitation, these financial obligations create barriers to successful completion of supervision (The Pew Charitable Trusts, 2020a).

## 2. Discretion in Responses to Technical Violations

Probation officers have considerable discretion in addressing technical violations (e.g., missed check-ins rather than new crimes), but this flexibility introduces the risk of reinforcing conscious or unconscious biases that lead to inconsistent practices (Russo et al., 2023). Punitive responses, like additional fines or extended supervision, often increase financial strain and re-offending risk by deepening economic instability\*, adding more barriers to successful supervision completion and making it even more difficult for individuals to satisfy their LFOs (The Pew Charitable Trusts, 2020b).

\*Technical violations are the main driver of incarceration (The Pew Charitable Trusts, 2020a).

### CONSIDERATIONS:

- **Potential for Bias:** Discretion can lead to inequitable outcomes, reinforcing socioeconomic and racial disparities (Russo et al., 2023).
- **Punitive Measures:** Responses such as additional fines often worsen economic instability, making compliance even more difficult (Ruhland & Scheibler, 2022).

# Key Issues

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## 3. LFOs as a Funding Mechanism

Over the last four decades, governments have increasingly relied on fines and fees for revenue (Jeffrey, 2023). This dependence on LFOs distorts the justice system's mission, prioritizing debt collection over public safety and encouraging excessive assessments as LFOs become essential sources of public revenue (Ruhland et al., 2020; Menedez et al., 2019).

### CONSIDERATIONS:

- **Fiscal Dependence:** Some states rely heavily on fines and fees for their budgets, as seen in Texas where 30% of state revenue is derived from LFOs.
- **Costly Collection:** Paradoxically, enforcement often costs more than the revenue collected, diverting probation officers from their primary role of public safety enforcement.

## 4. Disproportionate Impact of LFOs

Community supervision conditions are diverse and often require supervisees to be current on LFO payments. Those with limited resources face additional penalties for nonpayment, including supervision revocation and incarceration (Fines and Fees Justice Center, 2022). Ironically, LFO conditions appear to have a minimal impact on community supervision completion and may pose barriers\* to successfully completing supervision, particularly for individuals from low-income communities and communities of color (Russo et al., 2023). Moreover, LFO requirements often make it difficult to maintain employment, stable housing, and treatment program participation as those who cannot immediately satisfy their LFOs may be subjected to extended periods of supervision despite fulfilling all other conditions and may face additional fees, driver's license suspension, and supervision revocation (Ruhland, et al., 2020; Link et al., 2020; The Pew Charitable Trusts, 2020b).

The disproportionate impact of satisfying LFOs becomes more apparent when accounting for individuals on supervision, who, on average, earn one-third of the annual salary as persons who were never incarcerated (Holzer, 2022).

\*Including limited access to resources, unreliable transportation, and employment instability (The Pew Charitable Trusts, 2020).

### CONSIDERATIONS:

- **Barriers to Reintegration:** LFOs can lead to prolonged supervision, loss of housing, and unemployment, contributing to cycles of poverty (The Pew Charitable Trusts, 2020b).
- **Driver's License Suspensions:** For many, license suspensions for unpaid fines further limit mobility, jeopardizing employment and healthcare access (Fines and Fees Justice Center, 2022).

# Recommendations

## For Reform

The current reliance on LFOs as punitive and revenue-generating tools undermines rehabilitation and widens socioeconomic disparities. A justice system that prioritizes equity and reintegration must reevaluate its approach to fines and fees. By adopting evidence-based reforms, stakeholders can foster a system centered on public safety and opportunity rather than economic exploitation.

Evidence\* suggests that financial penalties do not effectively encourage compliance or reduce recidivism (Critelli & Crawford, 1980). Instead, they reinforce economic disparities and undermine rehabilitation efforts (Friedman et al., 2023). Reform requires adopting more equitable approaches.

\* U.S. Department of Justice, 2023; Friedman et al., 2023; Menendez et al., 2019; The Pew Charitable Trusts, 2020b, 2022b; Reason Foundation, 2023; Ruhland, 2020; National Center for Access to Justice, 2020; Russo et al., 2023.



1. **Economic Assessment**: Courts should evaluate individual financial circumstances before imposing LFOs and consider waivers or reductions where appropriate.



2. **Flexible Payment Plans**: Establishing realistic payment schedules can improve compliance and reduce financial pressure.



3. **End Driver's License Suspensions**: Alternative measures should replace license suspensions to avoid disproportionate penalties that hinder reintegration.



4. **Provide Support Services**: Investing in essential services such as transportation assistance and job placement can help individuals meet supervision requirements without further financial strain.

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