

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/guest-blogger-rebekah-diller-on-criminal-justice-debt>

Public Facing Advocacy Writing

Editors note: Rebekah Diller is deputy director of the Justice Program at the NYU School of Law's [Brennan Center for Justice](#). She responds here to [The Unintended Sentence of Criminal Justice Debt](#), an article in the October issue of Federal Sentencing Reporter.

As states struggle to close persistent budget gaps, they are casting about for ways to raise revenue. One of the more penny-wise, pound-foolish schemes is to levy more fees on a group least able to pay: people involved in the criminal justice system. Just this year, Arizona instituted a [\\$25 background check](#) fee for any family member who wants to visit an inmate in state prison, a move made despite significant [evidence](#) that involvement with family is key for preventing recidivism.

Arizona is not alone. In [Criminal Justice Debt: A Barrier to Reentry](#), a report published last year by the Brennan Center for Justice, we surveyed recent fee practices in 15 states and found a disturbing uptick in both the dollar amount and the number of fees imposed on criminal defendants. These fees kick in at almost all stages throughout the process: Fees may be charged for one's public defender and prosecution, for court costs upon conviction, each day in jail or prison, and for each month of parole or probation supervision.

These fees may seem small in isolation—\$25 here, \$50 there—but as [The Unintended Sentence of Criminal Justice Debt](#) demonstrates, they can have harmful and lasting consequences. The amounts add up quickly, often totaling hundreds or thousands of dollars. Collections efforts take an added toll, generating additional fees and interest, often leading to driver's license suspensions and wrecked credit histories. At its worst, inability to pay criminal fees paves the path back to prison by prompting violations of parole or probation, arrests for failure to appear at fee-related hearings, or other new offenses.

As the human costs mount, there is scant information about the repercussions of imposing these financial costs. Jurisdictions have looked at only one side of the ledger—the amount of money they expect to generate—without thinking through what happens when significant numbers of individuals cannot pay.

It is time to rethink the problem. First, states should exempt up front those who lack the means to pay. This is not only the just thing to do, it's the smart thing. Jurisdictions would then stop spending scarce resources to chase down debt that is, in many cases, simply not payable.

Second, as *The Unintended Sentence* suggests, evidence-based analysis and programming are desperately needed. For individuals who cannot pay debts such as restitution and fines that are part of their sentence, credit for well-designed community service and other programming could offer a way out of the vicious debt cycle. The rigorous study associated with a demonstration project can help other jurisdictions reform their criminal debt practices too.

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