

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/criminal-justice-debt-and-collateral-consequences-issues-and-innovations>

Public Facing Advocacy Writing

Financial penalties are often imposed as a result of a criminal conviction. These court-imposed fees and fines have been proliferating as jurisdictions facing budget deficits have turned to them as a source of revenue, raising important questions of fairness, constitutionality, and the future of our criminal justice system.

A recent [article](#) and [editorial](#) in the *New York Times* have highlighted how this practice has placed a particularly heavy burden on the poor who disproportionately come in contact with the criminal justice system. Although the ramifications for nonpayment vary dramatically across the country, people have had wages garnished, liens put on homes, and, in the most extreme cases, served jail time to pay off their debts to the system.

Many judges, attorneys, and defendants lack a nuanced understanding of financial sanctions. One study indicates that debtors in general do not understand how court costs, supervision fees, other costs and fees, fines, and restitution are determined or where they are directed.¹ For defendants without the knowledge or proper assistance to navigate the system, financial sanctions can push them into insurmountable debt.

Within the past year, several resources have been developed to improve stakeholder understanding of the system, including [a toolkit for advocates](#) by the Brennan Center for Justice. However, there remains a need to develop a comprehensive analysis of the collections processes as multiple agencies assign, collect, and receive payments and support.

When used as a sanction in addition to a criminal conviction, fines, fees, and surcharges function as collateral consequences which can hinder successful reentry and create additional barriers to reengaging in society. The issue of collateral consequences has also been garnering attention in the media as more criminal justice practitioners and policymakers focus on the reentry challenges that these consequences entail. As discussed in a recent Vera [blog post](#), Ohio has passed legislation that aims at reducing the collateral consequences that often accompany criminal convictions.

The American Bar Association and the U.S. Department of Justice recently launched a new [website](#) that will make it possible to determine which collateral consequences are triggered by particular categories of offenses. The new website lists state and federal rules and statutes that apply to people convicted of crimes. This interactive site allows the user to insert a crime to gain a better sense of what the impact may be on public housing, food stamps, employment, voting rights and other consequences after conviction. This new resource will provide critical information to criminal justice practitioners.

While headway is being made, there is still a critical need for policy makers and criminal justice practitioners to consider the impact of fines and fees in addition to myriad other collateral consequences that affect those who come into contact with the criminal justice system.

¹R. Barry Ruback et al., "Perception and Payment of Economic Sanctions: A Survey of Offenders," *Federal Probation* 70, no. 3 (December 2006): 28.

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