

Quotes About Injustice

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If you are neutral in situations of injustice, you have chosen the side of the oppressor. If an elephant has its foot on the tail of a mouse and you say that you are neutral, the mouse will not appreciate your neutrality. [Desmond Tutu](#)

There may be times when we are powerless to prevent injustice, but there must never be a time when we fail to protest. [Elie Wiesel](#)

Where you see wrong or inequality or injustice, speak out, because this is your country. This is your democracy. Make it. Protect it. Pass it on. [Thurgood Marshall](#)

When you believe in something, fight for it. And when you see injustice, fight harder than you've ever fought before. [Brad Meltzer](#)

Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance. [Robert Kennedy](#)

Man's capacity for justice makes democracy possible, but man's inclination to injustice makes democracy necessary. [Reinhold Niebuhr](#)

I see that the path of progress has never taken a straight line, but has always been a zigzag course amid the conflicting forces of right and wrong, truth and error, justice and injustice, cruelty and mercy. [Kelly Miller](#)

All History is current; all injustice continues on some level, somewhere in the world.

[Alice Walker](#)

Legal aid is central to righting wrongs and rectifying justice. [Sadiq Khan](#)

The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men.

[Lyndon B. Johnson](#)

If you tremble with indignation at every injustice, then you are a comrade of mine.

[Che Guevara](#)

If the machine of government is of such a nature that it requires you to be the agent of injustice to another, then, I say, break the law. [Henry David Thoreau](#)

The mark of your ignorance is the depth of your belief in injustice and tragedy. What the caterpillar calls the end of the world, the Master calls the butterfly. [Richard Bach](#)

It is often easier to become outraged by injustice half a world away than by oppression and discrimination half a block from home. [Carl T. Rowan](#)

Every person remembers some moment in their life where they witnessed some injustice, big or small, and looked away because the consequences of intervening seemed too intimidating. But there's a limit to the amount of incivility and inequality and inhumanity that each individual can tolerate. I crossed that line. And I'm no longer alone. [Edward Snowden](#)

Greed is the inventor of injustice as well as the current enforcer. [Julian Casablancas](#)

I believe in honesty and integrity, having a belief system that you've thought through and then stick to. I believe in being creative and contributing, and I believe in taking a stand against injustice that you encounter in everyday life and not being idle in that respect.

[Talulah Riley](#)

Sacrifice is putting country before party and principles before politics. It is not defending the indefensible, protecting the powerful, or staying silent in the face of injustice just because you'd like to keep your job. [S.E. Cupp](#)

Peace does not mean just to stop wars, but also to stop oppression and injustice.

[Tawakkol Karman](#)

As long as poverty, injustice and gross inequality persist in our world, none of us can truly rest.

[Nelson Mandela](#)

Find out just what any people will quietly submit to and you have the exact measure of the injustice and wrong which will be imposed on them. [Frederick Douglass](#)

Delay in justice is injustice. [Walter Savage Landor](#)

When you see corruption, when you see injustice, you speak up. You don't just shut up and say it's none of my business. [Manal al-Sharif](#)

The strictest law sometimes becomes the severest injustice. [Benjamin Franklin](#)

You can't promulgate injustice without consequences. [Rand Paul](#)

I submit that an individual who breaks a law that conscience tells him is unjust, and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for law.

[Martin Luther King, Jr.](#)

If an injustice requires you to be the agent of injustice to another, then, I say, break the law. Let your life be a counter-friction to stop the government machine. [Henry David Thoreau](#)

He who commits injustice is ever made more wretched than he who suffers it. [Plato](#)

Injustice anywhere is a threat to justice everywhere. [Martin Luther King, Jr.](#)

Knowledge without education is but armed injustice. [Horace](#)

The apology, that is constantly put forth for the injustice of government, viz., that a man must consent to give up some of his rights, in order to have his other rights protected - involves a palpable absurdity, both legally and politically. [Lysander Spooner](#)

The glaring injustice is there for all who are not blinded by prejudice to see. [Bram Fischer](#)

People ask me if I have some kind of death wish, to keep saying the things I do. The answer is no: I would like to keep living. However, some things must be said, and there are times when silence becomes an accomplice to injustice. [Ayaan Hirsi Ali](#)

Extreme law is often extreme injustice. [Terence](#)

Passivity is the same as defending injustice. [Deepak Chopra](#)

Government was intended to suppress injustice, but its effect has been to embody and perpetuate it. [William Godwin](#)

Continue to speak out against all forms of injustice to yourselves and others, and you will set a mighty example for your children and for future generations. [Bernice King](#)

I have always admired the courage of ordinary individuals to step up and speak out against injustice and tyranny. [Pritam Singh](#)

It is shameful that millions of Americans are suffering the economic injustice of working a full-time job and earning a wage that leaves them below the poverty line. [Bill Pascrell](#)

I grew up thinking the most decent job to do was to fight injustice. [Winnie Byanyima](#)

Today, most Americans are too cynical, or tired, or both, to even approximate our Founders' courageous repudiation of injustice. [Marianne Williamson](#)

What matters is that the majority of American people have become complacent in a senseless injustice that occurs all around them. What matters is that most American politicians have become more easily swayed by money than by the people who voted them into office.

Emma Gonzalez

I think it is incumbent on all human beings to oppose injustice in every form. **Hugh Masekela**

What irritates me is the bland way people go around saying, 'Oh, our attitude has changed. We don't dislike these people any more.' But by the strangest coincidence, they haven't taken away the injustice; the laws are still on the books. **Christopher Isherwood**

The moment that justice must be paid for by the victim of injustice it becomes itself injustice.

Benjamin Tucker

Well you know, all law is about injustice. **Alan Dershowitz**

Fighting injustice keeps you young. **Gloria Allred**

Injustice can never be stood for. **Amber Heard**

There can be no criminal intent in resisting injustice. **Lysander Spooner**

Fight injustice, that our children might be blessed. **Rick Perlstein**

Poverty is rooted in injustice. **Winnie Byanyima**

“Those who can make you believe absurdities, can make you commit atrocities.” — **Voltaire**

“Injustice anywhere is a threat to justice everywhere.” **Martin Luther King Jr.**

“Man cannot be freed by the same injustice that enslaved it.” — **Pierce Brown, Red Rising**

“I guess the only time most people think about injustice is when it happens to them.”

— **Charles Bukowski, Ham on Rye**

“Laws are spider webs through which the big flies pass and the little ones get caught.”

— **Honore de Balzac**

“There is no greater tyranny than that which is perpetrated under the shield of the law and in the name of justice.” — **Charles-Louis de Secondat, baron de la Brède et de Montesquieu**, [The Spirit of the Laws](#)

“Do not make the mistake of thinking that you have to agree with people and their beliefs to defend them from injustice.” — **Bryant McGill**, [Voice of Reason](#)

“It’s not unpatriotic to denounce an injustice committed on our behalf, perhaps it’s the most patriotic thing we can do.” — **E.A. Bucchianeri**, [Brushstrokes of a Gadfly](#),

“Rather than justice for all, we are evolving into a system of justice for those who can afford it. We have banks that are not only too big to fail, but too big to be held accountable.”
— **Joseph E. Stiglitz**

“When injustice becomes law, resistance becomes duty.” — **Thomas Jefferson**

“It takes great courage to open one's heart and mind to the tremendous injustice and suffering in our world.” — **Vincent A. Gallagher**

“Yes the truth is that men's ambition and their desire to make money are among the most frequent causes of deliberate acts of injustice.” — **Aristotle**, [Politics](#)

“Our freedoms are vanishing. If you do not get active to take a stand now against all that is wrong while we still can, then maybe one of your children may elect to do so in the future, when it will be far more riskier — and much, much harder.”

— **Suzy Kassem**, [Rise Up and Salute the Sun: The Writings of Suzy Kassem](#)

“Our procedure has been always haunted by the ghost of the innocent man convicted. It is an unreal dream.” Judge Learned Hand, *United States v. Garsson*, 291 F. 646, 649 (S.D.N.Y. 1923)

Nearly a century after Judge Hand dismissed it as an impossibility, we know that wrongful convictions are not “ghost[s]” at all. [Movies](#), [podcasts](#), and [books](#) all show that our criminal justice system can lead to the unjust incarceration of an innocent person.

It’s easy to dismiss these cases — the President of the United States [certainly does](#) — but they are not isolated incidents. The National Registry of Exonerations has documented [more than 2,100 wrongful convictions](#). Each case hides a massive human toll: Even when uncovered, wrongful convictions take years or decades to correct.

How do these injustices happen in the first place? And how do they go uncorrected?

Anatomy of a Wrongful Conviction

According to the Innocence Project, mistaken identification is a [major contributing factor](#) to wrongful convictions. Cross-racial identifications [are especially problematic](#). Witnesses often

miss subtle factors that distinguish between members of another race. For the wrongfully accused, those missed subtleties can be the difference between guilt and innocence. Prosecutorial misconduct is another factor. A 1963 Supreme Court case, *Brady v. Maryland*, requires prosecutors to share with defense attorneys any evidence that undermines their case. Failing to do so is a serious ethical breach. But [not all lawyers comply](#), and [misconduct by police](#) makes it even harder.

Problems can also happen on the defense side. Public defenders, who represent people who can't afford to hire their own attorney, [suffer from crippling caseloads and chronic underfunding](#). That can make them less effective. The result is that lower-income people often don't receive the vigorous defense they deserve. In a very real sense, these people cannot afford justice.

Policies that trap people in jail — like money bail — also contribute to wrongful convictions. Some people have also been known to [plead guilty to a crime they did not commit](#) rather than wait in jail for their day in court.

Righting the Wrongs

Once a wrongful conviction has occurred, it can be surprisingly difficult to fix. Anyone convicted of a crime can appeal — that is, ask another judge to take a second look at their case. But most judges will only intervene if specific constitutional rights were violated during trial. And surprisingly, the conviction of an innocent man through an otherwise “fair” trial does not violate the U.S. Constitution. As the Supreme Court wrote in a 1993 case, *Herrera v. Collins*, once someone “has been afforded a fair trial and convicted . . . the constitutional presumption of innocence disappears.” Some states offer greater protection to their citizens: In 2014, a New York court allowed people convicted under its laws to protest their innocence in court. But this right to protest someone's “actual innocence” remains revolutionary and rare.

Another recent innovation is the “Conviction Integrity Unit” (“CRU”): a team of prosecutors set up inside a district attorney's office, tasked with re-investigating their colleagues' cases. These units hear claims of innocence from incarcerated people, review them in depth, and, where warranted, use the DA's authority to correct injustices. CRUs [gained popularity](#) thanks to Barry Scheck of the Innocence Project and were pioneered in [Brooklyn](#), [Dallas](#), and [Manhattan](#). Brooklyn's CRU helped [uncover wrongdoing](#) by a key detective, [inspiring a \(short-lived\) TV show](#). CRUs don't always help the defendant, though — sometimes they conclude that [the conviction should stand](#).

Even when someone is found innocent, it's [not always easy to put your life back together](#) after years in prison. The best way to correct wrongful convictions is to build a system that prevents them altogether.

Executive Summary

The past decade has seen a troubling and well-documented increase in fees and fines imposed on defendants by criminal courts. Today, many states and localities rely on these fees and fines to fund their court systems or even basic government operations.

A wealth of evidence has already shown that this system works against the goal of rehabilitation and creates a major barrier to people reentering society after a conviction. They are often unable to pay hundreds or thousands of dollars in accumulated court debt. When debt leads to incarceration or license suspension, it becomes even harder to find a job or housing or to pay child support. There's also little evidence that imposing onerous fees and fines improves public safety.

Now, this first-of-its-kind analysis shows that in addition to thwarting rehabilitation and failing to improve public safety, criminal-court fees and fines also fail at efficiently raising revenue. The high costs of collection and enforcement are excluded from most assessments, meaning that actual revenues from fees and fines are far lower than what legislators expect. And because fees and fines are typically imposed without regard to a defendant's ability to pay, jurisdictions have billions of dollars in unpaid court debt on the books that they are unlikely to ever collect. This debt hangs over the heads of defendants and grows every year.

This study examines 10 counties across Texas, Florida, and New Mexico, as well as statewide data for those three states. The counties vary in their geographic, economic, political, and ethnic profiles, as well as in their practices for collecting and enforcing fees and fines.

Key Findings

- Fees and fines are an inefficient source of government revenue. The Texas and New Mexico counties studied here effectively spend more than 41 cents of every dollar of revenue they raise from fees and fines on in-court hearings and jail costs alone. That's 121 times what the Internal Revenue Service spends to collect taxes and many times what the states themselves spend to collect taxes. One New Mexico county spends at least \$1.17 to collect every dollar of revenue it raises through fees and fines, meaning that it loses money through this system.
- Resources devoted to collecting and enforcing fees and fines could be better spent on efforts that actually improve public safety. Collection and enforcement efforts divert police, sheriff's deputies, and courts from their core responsibilities.
- Judges rarely hold hearings to establish defendants' ability to pay. As a result, the burden of fees and fines falls largely on the poor, much like a regressive tax, and billions of dollars go unpaid each year. These mounting balances underscore our finding that fees and fines are an unreliable source of government revenue.
- Jailing those unable to pay fees and fines is especially costly — sometimes as much as 115 percent of the amount collected — and generates no revenue.

- The true costs are likely even higher than the estimates presented here, because many of the costs of imposing, collecting, and enforcing criminal fees and fines could not be ascertained. No one fully tracks these costs, a task complicated by the fact that they are spread across agencies and levels of government. Among the costs that often go unmeasured are those of jailing, time spent by police and sheriffs on warrant enforcement or driver's license suspensions, and probation and parole resources devoted to fee and fine enforcement. This makes it all but impossible for policymakers and the public to evaluate these systems as sources of revenue.

Recommendations

- States and localities should pass legislation to eliminate court-imposed fees. Courts should be funded primarily by taxpayers, all of whom are served by the justice system.
- States should institute a sliding scale for assessing fines based on individuals' ability to pay. The purpose of fines is to punish those who violate the law and deter those who might otherwise do so. A \$200 fine that is a minor inconvenience to one person may be an insurmountable debt to another.
- Courts should stop the practice of jailing for failure to pay, which harms rehabilitation efforts and makes little fiscal sense.
- States should eliminate driver's license suspension for nonpayment of criminal fees and fines. The practice makes it harder for poor people to pay their debts and harms individuals and their families. Lawmakers should follow the approach taken by Texas, where recent legislation will reinstate hundreds of thousands of licenses.
- Courts and agencies should improve data automation practices so that affected individuals understand their outstanding court debts and policymakers can more thoroughly evaluate the efficacy of fees and fines as a source of revenue.
- States should pass laws purging old balances that are unlikely to be paid but continue to complicate the lives of millions, as some jurisdictions, including San Francisco, have done. This would also ensure that individuals who have been free and clear of the criminal justice system for many years are not pulled back in simply on the basis of inability to pay.

What's the Difference Between Fees and Fines?

Fines, imposed upon conviction, are intended as both deterrence and punishment. In Texas, for example, a fine of up to \$500 may be imposed for a low-level offense, such as a traffic violation; a fine of up to \$2,000 may be imposed for more serious misdemeanors, such as harassment or minor drug possession; and a fine of up to \$4,000 may be imposed for the most serious misdemeanors, such as unlawful carrying of a weapon and assault with injury.

Fees, by contrast, are intended to raise revenue. Often they are automatically imposed and bear no relation to the offense committed. In most cases, fees are intended to shift the costs of the criminal justice system from taxpayers to defendants, who are seen as the “users” of the courts. They cover almost every part of the criminal justice process and can include court-appointed attorney fees, court clerk fees, filing clerk fees, DNA database fees, jury fees, crime lab analysis fees, late fees, installment fees, and various other surcharges.

The Growing Use of Fees and Fines — and the Damage They’ve Done

Since 2008, almost every state has increased criminal and civil court fees or added new ones, and the categories of offenses that trigger fines have been expanded. Our justice system increasingly relies on fees and fines charged to defendants in criminal cases to fund basic operations. [footnote7_1q6hw27](#)

For example, North Carolina collects 52 separate fees, disbursing them to four state agencies and 611 counties and municipalities. It uses fees to fund half of the state’s judicial budget as well as jails, law enforcement, counties, and schools. [footnote8_tw4qrnz](#) Using fee and fine revenues to fund the judiciary can create perverse incentives with the potential to distort the fair administration of justice. When criminal courts become responsible for their own financing, they may prioritize the imposition of significant fee and fine amounts and dedicate substantial staff to collecting these sums.

In Florida, a significant portion of the funds raised through fees and fines is allocated to the state’s general coffers. [footnote9_qfe3fwl](#) Colorado has used increased court fees to replace and update public buildings, including a judicial complex and a museum. [footnote10_9pp7bze](#) Florida and Kentucky increased court fees as a way to address state fiscal crises. [footnote11_nhrqz3l](#) In Oklahoma, where a 1992 referendum made it nearly impossible for legislators to raise taxes, lawmakers have increasingly come to rely on fees and fines to fund the state budget. [footnote12_0hltwk6](#) Some fee and fine revenue has even been used for personal perks: fees and surcharges allocated to a judicial expense fund in Louisiana were found to have been spent on luxury goods, including supplemental health insurance for judges, two Ford Expeditions, a leather upholstery upgrade for a take-home vehicle, and a full-time private chef. [footnote13_9aabjpt](#)

This increase in fees and fines has exacted a steep human cost. Individual amounts may be small, but they can quickly add up, meaning indigent people may face hundreds or thousands of dollars in accumulated debt that they’re unable to pay. While “debtors’ prisons” have been declared unconstitutional, many states still incarcerate people for failure to pay criminal justice debt. And

even when failure to pay is not an explicit charge, jail sentences are handed down for failure to appear or failure to comply — infractions that often stem from failure to pay. In Socorro County, New Mexico, for example, one magistrate judge has adopted a “three strikes” policy. For each missed payment of outstanding court costs, the court’s enforcement response progresses from a bench warrant, to a bench warrant with a bond, to a charge of failure to comply that carries a three-day jail sentence. Each day spent in jail may then be credited against the defendant’s outstanding debts. [footnote14_u6e1ia8](#) Under the guise of different charges, such a policy perpetuates the function of a debtors’ prison. In this way, criminal justice debt represents a significant barrier to a person’s chances of successfully reentering society following a conviction. It also hurts the families of those who are incarcerated, depriving them of a wage earner while adding new court costs to the defendant’s criminal debts. One study found that about half of families with convicted members cannot afford to pay fees and fines. Moreover, nearly two in three families who had a family member incarcerated were unable to meet their households’ basic needs, such as food and housing. [footnote15_aegqnr7](#) States such as Florida that suspend driver’s licenses for unpaid fees and fines only exacerbate this economic distress, as those who lose their license may then lose their job as well as their ability to take family members to school or medical appointments and to drive themselves to court.

There is also evidence that fees and fines are assessed in a racially discriminatory way. A 2017 report by the U.S. Commission on Civil Rights found that municipalities that rely heavily on revenue from fees and fines have a higher than average share of African American and Latino residents. [footnote16_xgcex73](#) By now, these harms have been well documented. But there has been much less research conducted on the fiscal costs of fees and fines. This report aims to start filling that gap. Without an understanding of how much governments are spending to administer fees and fines, and how much in fees and fines is never collected, decision-makers can’t accurately gauge the efficacy of these programs.

Assessment. As used in this report, assessment refers to the amount of the fee or fine imposed by a judge on a criminal defendant at sentencing. For many minor offenses, assessments are made at the conclusion of a simple hearing before a judge or magistrate in which the defendant makes a plea, the evidence is reviewed, and a decision is made by the judge or magistrate. More complex and serious criminal cases may involve separate appearances in court, including an arraignment in which the charges are read and a defendant’s plea is accepted by the judge, a

trial before the judge (and possibly a jury), and a sentencing hearing, at which point fees and fines may be imposed by the judge.

Criminal justice debt. Criminal justice debt is composed of legally binding financial obligations imposed on those convicted by criminal courts. While such debt may comprise fees, fines, and victim restitution — payments ordered to victims as compensation — this report deals only with fees and fines (see below), which are recognized as revenue on the balance sheets of courts and other public agencies. In contrast to private and many civil debts, criminal justice debt is enforced by the criminal justice system and can result in the issuance of arrest warrants for nonpayment, criminal court hearings, additional fines and court surcharges, detention in jail, inclusion on criminal records, and — in some states — loss of voting privileges.

Fines. Criminal fines are penalties imposed on defendants after conviction, intended as both deterrence and punishment. The amount of a fine is set by statute and based on the severity of the crime. For misdemeanors, fines may be relatively small. For felonies, fines are typically larger. Fines vary by jurisdiction and may be enhanced for repeat offenses. For example, each of the three states included in this study imposes fines as a penalty for drunk driving. For a first offense, New Mexico assesses a \$300 fine, Florida assesses a \$500 fine, and Texas may assess up to \$2,000. In all three states, drunk driving is an enhanceable offense, meaning that the penalties, including fines, escalate depending on the number of prior offenses.

Fees. Criminal fees, unlike fines, are intended to raise revenue. Often they are automatically imposed and bear no relation to the offense committed. In most cases, fees are intended to shift the costs of the criminal justice system from taxpayers to defendants, who are seen as the “users” of the courts. Cash-strapped state and local governments rely on criminal fees to raise revenue for other purposes as well, thereby avoiding the politically unpopular step of raising taxes. Most jurisdictions impose certain fees on every defendant convicted, regardless of the nature of the offense. For example, one convicted of a misdemeanor in Florida is charged a \$20 court cost fee, a \$3 Court Cost Clearing Trust Fund fee, a \$60 Fine and Forfeiture Fund fee, a \$20 Crime Stoppers Program fee, a \$50 prosecution fee, a \$50 crime compensation fee, and a \$20 Crime Prevention Fund fee, and potentially others. Other fees are offense-specific and imposed only on defendants convicted of certain offenses. For example, in New Mexico there are fees for defendants convicted of driving under the influence (DUI) or drug offenses. While fees may be imposed by courts, parole and probation departments, and jails and prisons, this report focuses on fees imposed by criminal courts following conviction. In some jurisdictions, fees may be referred to by another name. For example, some of the fees imposed by courts in Texas are called “court costs.”

Revenue. Fees and fines both serve as sources of revenue for state and local governments. The permissible uses for this revenue are typically set by statute. Many fees are earmarked for specific purposes, such as programs that divert defendants from prison, courthouse maintenance, or traffic safety education. Much of the revenue from criminal justice fees and fines is used to fund the judiciary or routed to law enforcement. In some cases it goes to a state

or locality's general fund, where it may be used for purposes wholly unrelated to law enforcement or the courts. Fine revenue is disbursed according to statute in each of the three states studied. In each state, most fine revenue goes into a general fund at the state or municipal level, though some is directed toward particular programs, such as road maintenance or schools. While state statutes prescribe the distribution of funds collected through the criminal justice system, the allocation of revenue varies. For example, in New Orleans, the \$11.5 million in criminal justice fees and fines collected in 2015 was distributed among eight agencies, providing funding for the municipal court, district court, public defenders, and traffic court. In Allegan County, Michigan, half of court-imposed fees went toward running the county courthouse, paying employee salaries, heating the court building, purchasing copy machines, and underwriting the cost of the county employee gym.

Waivers. In some courts, judges have authority to reduce the amount of certain fees and fines imposed at conviction. Amounts reduced without a quid pro quo (such as the performance of community service in lieu of payment or time spent in jail) often are referred to as waivers. This is the meaning of the term as employed in this report. The issuance of waivers varies considerably among jurisdictions and states.

Jail credits. Some states waive fees and fines in exchange for jail time, which are referred to as jail credits and are distinct from the kinds of credits through which people earn reductions to sentences. Though this alternative might be pitched as a benefit to those who want to discharge their debt in this manner, no one who has a choice and can make other payment arrangements would choose jail. Further, many defendants have no say in the matter. For example, one magistrate judge in Socorro County, New Mexico, jails individuals for missing three payments without making a court appearance, regardless of ability to pay. Perversely, people can accumulate additional fees during their stay in jail, leaving them with more debt than when they entered. In some states, including Alabama, Michigan, and Texas, when people are picked up on a warrant for a failure to pay traffic tickets or fines, they may be jailed involuntarily to pay off delinquent criminal justice debt through credits issued for each day spent in jail. These credits do not generate actual revenue but simply exchange jail time for debt reduction at a great cost to the government. Jailing also comes at great cost to the people affected and their families. The U.S. Supreme Court has held that imprisonment for unpaid fines or fees without a hearing to determine ability to pay is unconstitutional. If courts find that a defendant is unable to pay, they are required to consider alternatives, such as deferrals, payment plans, community service, and waivers. Unfortunately, in practice, many courts fail to make these financial determinations.

Community service credits. Most states offer some type of community service option as an alternative to payment, though these practices vary significantly within and across states. Some states offer programs assigning people to pick up trash or maintain parks in lieu of a jail sentence or fine, while other states allow people to meet educational requirements to pay off their debt. Some types of community service require classes for certification (e.g., controlling traffic for the Department of Transportation), which can lead to employment opportunities after the debt is paid. In some states, community service is seldom available to defendants because judges feel pressure to raise revenue for their city or county. For those who get the opportunity,

community service hours are often paid at the federal minimum wage, only \$7.25 an hour, making it unrealistic for people to devote the time necessary to work down their debt. This is even harder if they have jobs or are caring for family members.

Key Findings

A. Fees and Fines Are Inefficient for Raising Revenue

The costs of fee and fine enforcement are huge. For example, in 2017 misdemeanor and traffic courts in Travis County, Texas, spent nearly \$4.8 million on in-court proceedings and staff costs related to fee and fine compliance. In addition, the county spent more than \$4.6 million on jailing those who failed to pay fees and fines and those allowed to earn jail credit against amounts owed.

On average, the jurisdictions in this report spent more than \$0.41 for every dollar they collected over the period studied. Because of a lack of available data, this figure counts only in-court and jail costs. If all costs were measured — including the sizable cost to law enforcement for warrant enforcement and arrests, the cost to Department of Motor Vehicles (DMV) offices for processing suspended licenses, and the cost to parole and probation officers for fee and fine compliance — it would be even higher.

Compare these collection costs to the cost of raising revenue through taxation. The Internal Revenue Service spends just \$0.34 for every hundred dollars in taxes collected. In other words, it costs jurisdictions, on average, 121 times more to collect criminal fees and fines even without including some of those costs — than it costs the IRS to gather taxes. Meanwhile, Texas spends around \$0.31 for every hundred dollars in taxes collected. New Mexico spends roughly \$0.95. It's clear that general taxation is significantly more cost effective than criminal fees and fines at raising revenue.

B. Collecting Fees and Fines Detracts from Public Safety Efforts

Fees and fines are most often evaluated by courts and criminal justice agencies, legislators, and policymakers on the basis of the revenue they generate, but they come at a great cost to the criminal justice system. When criminal courts impose fees and fines and then spend much of their resources collecting them, this leaves less to spend on true public safety needs. For example:

- When police and sheriff’s deputies are serving warrants for failure to pay fees and fines, they are less readily available to respond to 911 calls.
- When courts schedule appearances for failure to pay, proceedings for more serious crimes can be delayed or rushed.
- When community corrections officers spend much of their time reminding their clients to pay unaffordable fees and fines, they have less time to work with people to help them break the cycle of repeated contact with the criminal justice system.

These are just a few examples; there are many more ways in which criminal justice agency efforts to coerce payment translates into less time spent on more valuable criminal justice work.

Put concretely and in dollar terms, almost every cent spent on fee and fine collection is wasted as compared to collecting tax revenue. This is a fundamentally inefficient way to collect revenue to support courts and other criminal justice agencies, and it does not make fiscal or economic sense.

C. Almost No Time Is Spent in Court Determining Whether People Can Afford to Pay Fees and Fines

One reason that fees and fines are so inefficient as a revenue raiser is that each year millions of people are given sentences that include fines and fees they are simply unable to pay. From watching more than 1,000 court proceedings in seven jurisdictions, the authors found that judges rarely hold ability-to-pay hearings. While there are plainly up-front costs associated with such hearings, in the long run, jurisdictions would spend less money by holding them rather than trying to chase down debts that cannot be paid.

D. Jailing for Nonpayment Is Costly and Irrational

The Supreme Court has held that “punishing a person for his poverty” is unconstitutional. Still, states and localities continue to jail large numbers of indigent defendants as a sanction for unpaid criminal justice debt. Jailing people for nonpayment is by far the most expensive method of enforcing collections and generates little to no revenue making it highly uneconomical. In counties where courts incarcerate for failure to pay, the authors found that the cost of incarceration dwarfs other collections costs. For example, in Bernalillo County, New Mexico, jail costs represent as much as 98 percent of the collection costs documented by the authors. Further, while the full costs are unknown, they are considerable — with many jails in Texas and New Mexico reporting costs per inmate per day clustering around \$55 to \$65 or higher — and the costs negate or reduce much of the revenue that city, county, and state officials believe that criminal fees and fines produce.

Often when someone is unable or unwilling to pay a fee or fine, the court issues a warrant. Frequently, indigent people do not appear on their court date, due to a transportation issue (they may have had their license suspended), or because they have to work, or because they fear arrest for nonpayment. In these instances, courts often issue a warrant for failure to appear, resulting in additional debt for the defendant and, in some jurisdictions, jail time. Some defendants receive credit toward their debt at a state-determined per diem rate for the time they spend in custody; others incur additional debt in the form of jail fees; and some are released still owing the amount they owed before the warrant was issued. Jailing is particularly counterproductive not only because incarceration is extremely costly to jurisdictions but also because it diminishes a person's ability to pay outstanding fees.

E. The Amount of Uncollected Debt Continues to Grow

A substantial portion of fees and fines is never collected and is likely uncollectable, meaning that these assessments are an unreliable source of government revenue that will always come up short.

No one knows how much is owed in total because few states and courts track this information — which is itself a problem requiring attention. But from 2012 to 2018, the states of Florida, New Mexico, and Texas amassed a total of almost \$1.9 billion in uncollected debt. And in each of the jurisdictions studied here, the amount of unpaid debt grew significantly over the period examined. Much of this debt is unlikely to ever be collected, as those with low incomes lack resources to draw on for payment.

This high level of uncollected debt demonstrates why fees and fines are such an unreliable way to raise revenue. It also hurts those who can't pay, putting them at risk of incarceration, loss of their ability to legally drive, voter disenfranchisement, and increased difficulty in getting a job. And courts keep track of debts in perpetuity, making it all but impossible for defendants to get out from under them.

F. Jurisdictions Do Not Track Costs Related to Collecting Fees and Fines

For the most part, jurisdictions do not know how much it costs them to collect fees and fines. Of the three states studied, only Texas systematically tracks some of the costs for court collection units. But even there, the picture is incomplete. No jurisdiction tracks any of the following: the court costs for fee and fine administration, the cost to public defender systems for dealing with their clients' fees and fines, the cost to parole and probation systems for fee and fine enforcement (whether they engage in collections or simply remind their charges constantly to pay their court debts), the cost to DMV offices processing license suspensions or state tax

agencies processing offsets, and the cost to law enforcement for warrant enforcement or arrests for failure to pay or suspended driver's licenses.

Though Texas collects some data on the costs of jailing people who fail to pay fees and fines or are allowed to earn jail credit against amounts owed, most courts and other criminal justice agencies do not track and report such costs.

G. Fees and Fines Are a Regressive Tax on the Poor

Revelations that cities like Ferguson, Missouri, collect millions in fees from poor citizens sparked a national debate in 2014 about predatory and regressive policies targeting vulnerable communities. The city relied on rising municipal court fines to make up 20 percent of its \$12 million operating budget in fiscal year 2013. But Ferguson is not alone. As detailed below, fee and fine assessments in each of the states studied amount to significant costs for the people who pass through the criminal justice system, many of whom are poor. Across the three states, billions of dollars are charged without regard to ability to pay. According to the Federal Reserve, many Americans are unable to pay an unexpected bill of \$400. The fees and fines charged in these three states may well be more than what the average defendant can afford (and the noticeable growth of unpaid fee and fine debt bears this out). This is particularly so where evidence exists that policing frequently has a disproportionate impact on marginalized communities.

Recommendations

Courts rely excessively on criminal fee and fine practices that are costly and inefficient, unfairly burden the poor, and do little to deter crime or improve public safety. Reforms are urgently needed.

A. States and Localities Should Eliminate Court-Imposed Fees

Courts need to be funded adequately. But even under a conservative estimate of the costs of collection, fees are an inefficient source of revenue. In addition, they fall disproportionately on the poor and create perverse incentives. And they transfer the obligation of taxpayers to fund courts to defendants in the justice system, even though the system serves society as a whole. State legislators should allocate appropriate funding to courts from their general funds and repeal legislation requiring courts to raise their own revenue by imposing fees.

B. States Should Require Courts to Assess Fines Based on Ability to Pay

The purpose of fines is to deter people from violating the law and punish those who do. But a \$200 fine may represent an insurmountable obstacle to one person and a minor inconvenience to another. Charging people amounts they cannot pay is draconian. State legislatures should statutorily scale fines according to a defendant's wealth and how much he or she earns in a day, adjusted for essential expenses and obligations such as child support. In addition to ending the disproportionate punishments given to the poor, sliding-scale fines would more effectively incentivize the wealthy to obey the law. Studies show that sliding-scale fines can increase both collection rates and total fine revenue. Mandating that fines are calibrated according to ability to pay would also drastically reduce the resources allocated to collections — since fines that are manageable are more likely to be paid — and reduce the burden on indigent defendants, creating a more efficient and just system.

C. Courts Should Stop the Practice of Jailing for Failure to Pay

In the three states studied here, 46 percent of fees and fines were not paid. Sometimes courts waive fees and fines for those unable to pay, and sometimes they offer credit for court-ordered community service. Too frequently, however, they jail people for nonpayment. Incarceration as a penalty for unpaid debt not only is unconstitutional but, as a practical matter, makes little economic sense. It provides no revenue benefit and is costlier for courts and taxpayers than simply forgiving the debt.

D. States Should Eliminate Driver's License Suspension for Nonpayment of Criminal Fees and Fines

This punishment, too, is counterproductive. As with incarceration, suspending someone's driver's license makes it less likely that he or she will be able to pay the debt, as it is difficult to hold a job in most parts of the United States without access to a car. License suspension also hurts families that depend on their cars to buy groceries, transport their children to school, get medical care, and provide for other needs. Suspended license enforcement becomes a needless, costly priority for law enforcement personnel who could be deployed more effectively to prevent or respond to serious crime.

E. Courts and Agencies Should Improve Data Automation Practices

As the authors learned, many states and local jurisdictions are in the dark about the amount of criminal fees and fines that are unpaid and outstanding. In part this is the result of well-

intentioned automation efforts that prioritize more recent and critical case data over older data. In other cases, as the authors found in some local courts, basic operating records and ledgers remain unautomated, making it hard to quickly collect information on caseloads, amounts owed, and amounts paid. Given the risk of arrest and other consequences for nonpayment of criminal fees and fines, courts are under an obligation to ensure that relevant data is easily retrievable and regularly updated to reflect actual amounts waived, credited, paid, and owed. Such efforts would serve policymakers as well, allowing them to more systematically assess the inefficiency of relying on fees and fines as a revenue stream.

F. States Should Pass Laws Requiring Purging of Old Balances That Are Unlikely to Be Paid

As detailed in this report, tremendous amounts of old fee and fine debt will never be collected but continue to burden millions of people. Jurisdictions are unlikely to receive revenue from arrears of any kind that go back many years, especially from those least able to pay. Financial professionals have long employed accounting methods such as “allowances for doubtful accounts” to identify uncollectible debts and assign them a value of zero for purposes of preparing financial statements. Some jurisdictions, such as San Francisco, have adopted this kind of financial practice and wiped millions of dollars in uncollected debt off the books. Courts should more widely adopt these practices in tracking and reporting outstanding balances of criminal fees and fines, recognizing that older debts have little prospect of ever being paid. States should require courts to report on uncollected fees and fines and issue periodic waivers or adjustments in cases where significant additional payment is unlikely. In addition to providing relief to the least well-off defendants, it would free public agencies from expending resources trying to chase down uncollectible debts.