

# How to Use Budgets to Understand Criminal Justice Fines and Fees

Local and state governments charge people caught in the criminal legal system a range of fines and fees. These include conviction fines, a daily jail-bed fee, a fee for law enforcement to collect their DNA, drug test fees, and fees that are solely designed to raise revenue to fund basic government services like courthouse maintenance. These costs can easily add up to thousands of dollars for people stuck in the system, creating a major financial burden for households that are often already cash-strapped. In many states, advocates are working to change these policies by pushing to end court costs for people with low incomes and by advocating to abolish fees.

But it's hard to find out who is paying fines and fees and who is collecting them. Many agencies, including jails, probation departments, and courts, assess fines and fees, and the money often supports dozens of different agencies. This means that fines and fees can often be hidden in plain sight. But because fines and fees ultimately become revenue for governments, they are usually reported in budget documents—sometimes in great detail.

**Depending on the level of detail available in budgets in your jurisdiction, you may be able to understand:**

**How much does your community collect in fines and fees?** How does this revenue compare to other revenue sources, such as local taxes and federal aid?

**How many people pay fines and fees?** How much money do people in your community lose through fines and fees?

**What kinds of fines and fees are collected?** And which create the most financial harm?

**Which agencies rely the most on fines and fees?**

*What can you do to learn more and influence your jurisdiction's policies? Use this toolkit to understand how fines and fees impact your community, as well as what areas most need reform.*

## Search for Fines and Fees in the Budget

Budgets are usually available on county, city, or town websites. Look first for the “adopted” or “final” budget, which the local legislature has approved. The “proposed” or “draft” budget can substitute if the budget has not yet been passed. If you cannot find the budget online, a staff person in the finance division of your municipal government will be able to send you a copy. Budgets detail a government’s spending plan (expenditures) and the financial resources it will use to pay for those expenditures (revenues). The budget can help you to understand how much money cities collect from fines and fees and how they use it.

Toward the beginning of the budget, you will usually find a summary table of all revenues. In addition to common sources of revenue like property taxes, this table will often list revenues from “fines and forfeitures” or “fines and fees.” The table may provide detail on a range of different fines and fees, or these may be listed elsewhere in the document. If the budget document is a searchable PDF, you can create a list of search terms to find the data you’re looking for in the budget. (See “What should you search for?” below.) Communities also collect revenue from fines and fees outside of the criminal legal system—like library late fines and utility service fees—so you’ll need to exclude those. The more the budget breaks these line items down, the more you’ll be able to answer detailed questions about criminal justice fines and fees in your community.



## WHAT SHOULD YOU SEARCH FOR?

To identify criminal justice fines and fees in your community’s budget, you’ll want to search for terms like fines, fees, forfeitures, surcharge, cost, forfeit, inmate, commissary, probation, monitoring, restitution, telephone, penalty, and traffic. Keyword searching is just a start. Even for documents that are searchable, you’ll still want to scan the budget manually to find all fines and fees, because some will use acronyms or shortened versions of these words, for example “srchrg” for surcharge.

## Answer Four Questions About Fines and Fees

**How much does your community collect in fines and fees?** Budgets often provide revenue data for multiple years. “Actual” revenue represents the money that was actually received by the government in prior years. “Budgeted” amounts are funds that the government anticipates receiving the next year. Once you’ve identified all fines and fees in the budget, total the revenue from them. This represents that amount of money the jurisdiction has extracted from community residents using fines and fees. Note that people in the community likely have paid more than this amount, because a portion of fines and fees paid locally could have been sent to the state, other local governments, or private companies such as private probation agencies. But the number you calculate will represent a conservative estimate of the amount of wealth extracted from the community. By comparing this figure to the overall size of the budget (total revenues) you can demonstrate how much money the jurisdiction receives from fines and fees. In the thousands of places that the Vera Institute of Justice has surveyed across five states, jurisdictions most commonly receive less than 1 percent of their total revenues from fines and fees. This means that while fines and fees can be very harmful to the people who pay them, they typically make up only a drop in the bucket compared to other sources of government revenue.

**How many people pay fines and fees?** If the budget provides data separated out by specific fines or fees, you can conduct more analysis. If you know that a fine or fee is always charged at a flat rate, for example, you can use the total to calculate how many people paid that fee. But although budget data can tell you how much money a jurisdiction collected, it can’t tell how many people were charged a fee but couldn’t pay it—and thus how many people have this debt hanging over their heads. And there are consequences for not paying. Some communities suspend driver’s licenses, issue warrants, and even send people to jail if they fail to pay fines and fees. For further research, you can investigate whether your state provides data that compares fine and fee assessments to collections.

For example, Florida produces a report that details how much it assesses in fines and fees in each fiscal year across each type of court versus how much it actually collects.<sup>1</sup>

**What kinds of fines and fees are collected?** If the data is separated out, you can use it to understand what types of fines and fees create the most financial harm. Flat fees create disproportionate harm for people with low incomes compared to people with more ability to pay. Although budgets don’t show the incomes of or other demographic information about the people who pay fines and fees, you can begin to explore this in a few ways. Some jurisdictions collect fees from people who are incarcerated in jails or prisons, where they are either unable to earn money or are paid very low wages (for example, an average of \$0.63 per hour in state prisons).<sup>2</sup> These costs create a major financial burden for these people and their families.<sup>3</sup> Other fees may hint at people’s inability to pay them—for example, a fee to access a public defender is likely collected nearly entirely from people living below or near the poverty line who would qualify for a public defender. And other fees, such as late fees, interest on debt, or bad check fees are also likely primarily drawn from people who struggle to pay the entire amount up front.

**Which agencies rely the most on fines and fees?** Budgets can also provide information on which agencies rely on funding from fines and fees. Courts and court clerks, probation departments, jails, and prisons commonly receive funding from fines and fees, but sometimes unexpected government entities like schools receive fines and fees money too. Knowing which entities receive this money can expose what incentives might exist to collect it. For example, in order to have a consistent stream of revenue, police, courts, and other actors may need to arrest and convict consistent numbers of people year after year rather than working to shrink the system.

# WHAT YOU CAN DO WITH THIS INFORMATION



## Share what you learn.

Write letters to the local newspaper. Share your analysis on community message boards and social media. Connect with local advocacy groups that are interested in reducing the reach of the criminal legal system.



## Connect with policymakers.

Let local elected officials and others responsible for running the local criminal legal system know this is an issue that matters to your community.



## Push for greater budget transparency.

Are there key questions that you can't answer for your community with the data available? Let your elected officials know that more data is needed to truly understand and address the problem.

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### Endnotes

- 1 Florida Court Clerks and Comptrollers, 2019 Annual Assessments and Collections Survey (Tallahassee, FL: Florida Court Clerks & Comptrollers, 2019), <https://perma.cc/Z94R-4BAA>.
- 2 Wendy Sawyer, "How Much Do Incarcerated People Earn in Each State?" Prison Policy Initiative, April 10, 2017, <https://perma.cc/44TW-XPSJ>.
- 3 For example see Saneta deVuono-powell, Chris Schweidler, Alicia Walters, and Azadeh Zohrabi, Who Pays? The True Cost of Incarceration on Families (Oakland, CA: Ella Baker Center, Forward Together, Research Action Design, 2015), <https://perma.cc/Q5XW-XXSB>.

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### For more information

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