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The High Price of Using Justice Fines and Fees to Fund Government in Virginia

Chris Mai

Summary

In Virginia, a person caught in the criminal legal system can quickly face a set of expensive costs. A traffic or criminal conviction can easily cost hundreds or even thousands, of dollars. The Virginia state government and local governments collected at least \$409 million in criminal justice fines and fees in 2019, including \$47 million from people incarcerated in jails throughout the state. Much of the immense burden of these fines and fees falls squarely on Black people and people with low incomes, who are more likely to experience criminal legal system involvement and to be assessed fines and fees. Yet for all of this harm to communities, there is little real benefit to government: revenues from fines and fees are modest compared to other revenue sources, like property taxes, typically making up far less than 1 percent of total revenues.

Virginia has taken some steps to limit the collateral harm from fines and fees. In 2020, the state ceased suspending the driver's licenses of people who cannot pay criminal legal fines and fees, a practice that kept nearly one million Virginians from driving legally.¹ This legislation ensures that safe drivers can continue to drive legally, even if they still owe court debt. In 2021, the state made other changes to help people who struggle to pay fines and fees, such as extending the period before interest is charged on unpaid debt. But these improvements, though valuable, do not change the financial burden of fines and fees, which continues to affect hundreds of thousands of Virginians each year.

Introduction

Virginia statutes and court rules list dozens of fines and fees assessed when people are arrested and convicted in the criminal legal system.² These range from fixed fees on misdemeanor and felony convictions to fees for DNA tests or electronic home monitoring, and even to a daily fee charged to people for being incarcerated. The net result is that at the conclusion of a criminal case—or when someone returns home from prison or jail—they often owe hundreds of dollars, if not more. Because people impacted by the criminal legal system often have very low incomes to start with, this debt is another major barrier to ever achieving financial stability.

Fines are intended to serve as punishment, whereas fees and surcharges are explicitly designed to raise revenue for the government. But both fines and fees bring governments revenue as if they were taxes, and this method of funding government inflicts considerable harm on already impoverished communities. This research brief explores the use of fines and fees in Virginia and seeks to answer two questions: How do fines and fees harm Virginians, and how much do governments in the state receive from fines and fees?

Vera's Findings

To understand the impact of fines and fees in the State of Virginia, Vera researchers examined audit reports and budget data from the state auditor.

How are Virginians harmed by fines and fees?

People in Virginia who are caught in the criminal legal system face a range of fines and fees. These can include:

- **Court costs:** Virginia courts assess a fixed fee of \$375 for every felony, \$296.50 for every drug misdemeanor, \$80 for non-drug misdemeanors, and \$51 for all traffic infractions.³ The revenue from these fees is distributed to the state general fund, the court clerks, and a number of state funds that pay for services for law enforcement training, drug treatment programs, and other government services. In addition to the fixed fees, multiple other fees are levied on anyone caught in the criminal legal system, regardless of the nature of their case.⁴ For example, anyone convicted of a felony or misdemeanor is charged a \$15 fee per conviction that is sent to the state’s Internet Crimes Against Children Fund.⁵ Besides this fee, other fees continue to pile on depending on the nature of the offense. Every person convicted of any felony or certain misdemeanors must submit to DNA sampling—and pay \$53.⁶ A person convicted of the offense of driving under the influence (DUI) incurs an additional \$100 fee.⁷ In addition, people who are assigned a court-appointed attorney because they cannot afford a private attorney may still have to pay some of the costs for their own representation.⁸ Other state statutes allow localities to elect to charge certain fees. For example, localities can impose a fee of up to five dollars per case, including traffic and local ordinance cases, to pay for courthouse maintenance, and up to \$20 per traffic or criminal conviction to pay for courtroom security.⁹ Finally, courts also charge people a fee to access a jury trial: at least \$30 per juror per day, summing to \$360 per day in felony cases and \$210 in misdemeanor cases.¹⁰
- **Incarceration costs:** Counties and cities can impose costs on people to enter and stay in jail, including a “processing” fee of up to \$25 for admission to the jail and a fee of up to \$3 per day simply for being confined in the jail.¹¹ Jails also collect revenue from incarcerated people from commissary purchases of items like supplemental food and hygiene supplies and from phone calls.¹² Jails can also charge co-pays on medical services received within the jail. For example, at the Western Tidewater Regional Jail, these fees can be as high as \$20 for over-the-counter medicine and \$100 for a visit to the emergency room.¹³

Many Virginians Struggle to Afford Fines and Fees

Although Virginia does not report the total number of people who paid some amount of fines and fees, revenue data makes some estimates possible. The state reports revenue of \$8 million in 2019 from the Internet Crimes Against Children fee.¹⁴ This fee is assessed at a flat \$15 on every felony or misdemeanor conviction, meaning that the fee was charged 533,000 times in that year.¹⁵ The state also collected roughly \$8 million in fee revenue from the \$35 fee for failing to appear at a court date, meaning that the cost was charged 227,000 times.¹⁶ Total costs from

finances and fees can easily add up to hundreds of dollars if not more, even for a single conviction. A person charged with a first-time DUI, even if found to be indigent, can be charged nearly \$600 in fines and fees, including \$120 for a court-appointed attorney.¹⁷ For a person working full time at the state minimum wage, this cost would eat up one-third of their monthly income.¹⁸ Even a minor incident—like a ticket for an improper U-turn, which has only a \$30 fine—can escalate into more than \$200 in debt with fees and late costs.¹⁹

For people who cannot pay right away, the costs grow. Court costs that are unpaid after 180 days begin to accrue 6 percent interest.²⁰ Once a person fails to pay mandated costs, the court can also issue a summons. If the court then deems that the person has not paid because of “intentional refusal” or that the person has failed “to make a good faith effort to obtain the necessary funds for payment,” the court can order a jail sentence of up to 60 days and an *additional* fine of up to \$500.²¹ These subjective tests, dependent on the discretion of judges or other criminal legal system actors, can place people in impossible situations, in which they must prove the unprovable or go to jail—and accrue more fines, fees, and costs. One vaguely worded statute states that a court “may require as a condition that the defendant be of peace and good behavior until the fine and costs are paid.”²²

In Virginia, clerks of court are responsible for collecting fines and fees. If payments are not made on fines, costs, or forfeitures for 180 days, the accounts become the responsibility of the Commonwealth’s Attorney of the county or city to collect.²³ The Commonwealth’s Attorney can pursue unpaid debt directly, or may contract with the county or city treasurer, the state Department of Taxation, or even a private collection agency, which can charge markups of as much as 35 percent.²⁴ Paying with a credit card adds a fee of the larger of \$2 or 4 percent to the debt, and writing a bad check results in a fee of \$50 or 10 percent, whichever is greater.²⁵ Though community service is an option in some cases, there are no statewide standards for the rate at which people can use their hours of community service to “pay down” their court debt, with some jurisdictions setting it as low as the state minimum wage.²⁶ Paying off \$500 of court debt at this rate would require more than a week of full-time community service, a burden that can be incompatible with maintaining full-time employment.

The Virginia Compensation Board reported that in fiscal year 2019, court clerks assessed \$469 million in fines and fees and collected \$296 million.²⁷ These figures are not directly comparable, because the amount collected in 2019 includes both amounts that were assessed in 2019 and amounts assessed in previous years, but they can still be useful to understand the scale of collections compared to how much the state assesses. In 2019, the state collected 63 percent of the amount it assessed that year, a figure that drops to less than 50 percent in the circuit courts, which handle felony cases, and just 39 percent in juvenile and domestic relations courts.²⁸ Delinquent debt is sent to Commonwealth’s Attorneys for collection. In 2019, Commonwealth’s Attorneys were responsible for collecting \$116 million and actually collected \$64 million.²⁹

It is not uncommon for courts to improperly overcharge people fines and fees that should not be legally assessed. In 34 of 227 audit reports available for the Virginia circuit and district courts in 2019, the auditor reported a finding that in a sample of test cases, the court did

not properly bill for or collect fines and fees.³⁰ Some of these errors involve failing to assess fines and fees or improperly coding which revenue should be sent to the state.³¹ But in 26 of the courts, the audits found that the people accused of crimes had been overcharged. All told, in the 26 courts in which the audit found overcharging, more than one in 10 of the sampled cases had been overcharged, totaling \$43,400 in extra charges levied against just 115 people. The rate of overcharging was as high as one in three of the test cases in some cities and counties. These included three cases in Henrico County that were overcharged a total of \$10,085 and one case in Giles County that was overcharged by \$1,335.³²

Fines and Fees Pose Racially Unequal Burdens on Virginians

Virginia's criminal legal system—like that of all the states—has deep roots in systemic racism, historically disenfranchising Black people through social control and exclusion, even subjecting them to harsher conditions of confinement in segregated prisons.³³ The Virginia State Penitentiary housed Black and non-Black people separately until the 1970s, exploiting incarcerated Black people for state labor during their incarceration, often in dangerous and physically demanding situations.³⁴ The practice of capitalizing on Black lives for government gain is part of not only the Virginia criminal legal system's history, but also its current operations.

Black people in Virginia continue to bear a disproportionate burden of the system, in terms of both criminal legal system contact and the cascade of consequences it ignites. For example, Black people make up 20 percent of the state population but 45 percent of all people who are arrested and more than 50 percent of the people who were in prison in 2018.³⁵ Virginians of color are also more likely to live in poverty. Whereas 8 percent of white Virginians live below the poverty line, the rate jumps to 16 percent for Black Virginians and 13 percent for Hispanic or Latinx Virginians of any race.³⁶

This wealth gap means that people of color are more likely to be financially harmed by fines and fees. Although Virginia ended the practice of suspending driver's licenses for unpaid court debt in 2020, in 2016 nearly one million people in the state—which has 8.5 million total residents—had their licenses suspended for failing to pay court debt.³⁷ Black people made up 50 percent of the suspensions for court debt, and 60 percent of convictions for driving with a suspended license in which the cause of the suspension was unpaid debt.³⁸ Moreover, research has shown that jurisdictions with the largest proportion of Black residents and the largest share of residents living in poverty assess fines and fees above the state average.³⁹ Analysis of court microdata from a majority of jurisdictions in the state showed that of the hundreds of millions of dollars assessed, one-third was levied against Black Virginians, vastly misaligned with their portion of the state population.⁴⁰

How much do governments receive from fine and fee collections?

Vera identified at least \$409 million in 2019 fines and fees revenue in the budgets of Virginia's state government, cities, counties, and towns.

Virginia has 95 counties and 38 independent cities.⁴¹ Each county and city has a district court that hears misdemeanor, traffic, and ordinance violation cases, and most have a circuit court that hears felony cases as well as appeals.⁴² The state’s 190 incorporated towns collect money from parking fines and receive some revenues passed through from the courts.⁴³

Figure 1

Revenue collected by Virginia governments and criminal legal system entities

Entity	Revenue amount
State	\$265 million
Jails (both county- and state-run)	\$47 million
Counties and cities	\$94 million (\$35M cities, \$59M counties)
Towns	\$3.7 million (towns above 3,500 people only)
Total	\$409 million

State Government

The state received \$265 million in criminal fines and fees revenues in 2019.⁴⁴ A substantial portion of these revenues are derived from people who struggle to afford these costs. For example, this amount includes \$15 million in fees for state-appointed attorneys and public defenders. It also includes \$3.3 million in credit card fees and \$100,000 in bad check fees.

In 2019, the state collected at least \$122 million in the fixed fees assessed on every traffic infraction, misdemeanor, and felony offense. This revenue is disbursed to the state’s general fund, around a dozen state funds, and local clerks of court. These revenues fund various parts of the legal system, some with no direct connection to the nature of the criminal case. \$46 million was sent to the state’s general fund, \$5 million to the Intensified Drug Enforcement Jurisdiction Fund, and \$1.2 million to the Regional Criminal Justice Academy Training Fund. The state also collected \$2.4 million in fees from people convicted of drug misdemeanors and in civil penalties on people charged with a violation of marijuana possession for the Drug Offender Assessment and Treatment Fund, extracting wealth from the same people the fund purports to help, in a self-perpetuating cycle.

County, City, and Town Governments

In 2019, Virginia’s cities reported \$35 million in revenue from “fines and forfeitures,” a category that includes court fines and forfeitures and parking fines.⁴⁵ Counties received \$59 million.⁴⁶ As

shown in Figure 2, fines and fees revenues make up only a tiny share of municipality budgets. In the vast majority of counties and cities, these revenues are very modest, making up less than one-quarter of a percent of the budget in the typical county and city. The few exceptions are all smaller jurisdictions in the south central region of the state: Brunswick, Greensville, and Sussex counties and the city of Emporia, which are the only places in the state where fines and forfeitures revenue exceeds 2 percent of total revenues.⁴⁷ Many of these fees are used to fund core government services, such as courthouse maintenance, but are paid for only by people caught in the criminal legal system, an inappropriate and highly inefficient way to fund basic services.

The 38 towns with a population above 3,500 reported revenues of \$3.7 million.⁴⁸ These revenues, many of which are parking and traffic fines, also tend to be modest at the local level, making up only 0.6 percent of total revenues in the typical town.

Figure 2

Contributions of fines and fees revenue to municipality budgets in Virginia



Virginia’s jails collect money from fees from the 28,500 people they hold behind bars.⁴⁹ In 2019, jails reported \$21 million in canteen revenue; \$15 million in telephone fee revenue; \$10 million in work release fees, booking fees, and per diem fees; \$1 million in medical co-pays; and \$39,000 in interest revenue. This amounts to a total of \$47 million in revenue collected from incarcerated people—5 percent of the operating budgets for jails in the state.⁵⁰ This means that a person incarcerated in a Virginia jail for a year would pay an average of almost \$1,700 in fees to call loved ones, participate in a job program, see a medical professional, or access food, toiletries, or other basic goods, an extraordinary burden for people who are not able to earn money. Research has shown that many of the costs that incarcerated people face are ultimately paid by their family members—if they can afford it.⁵¹

\$47 Million

The amount of fines and fees that Virginia's jails collected from incarcerated people in 2019

That's the equivalent of charging each person in the jail

\$1,700

Conclusion

Despite recent progress in ending unnecessary driver's license suspensions and giving people more time to pay debts before they start accruing interest, Virginia still overburdens people with criminal legal fines and fees. For the people who are charged these costs, bills can total many hundreds or even thousands of dollars, impeding financial stability and creating the risk of a vicious cycle that will force them back into the criminal legal system.

Principles for change

To address the harms of fines and fees, many governments around the country are reconsidering their use of these revenues. Vera suggests several principles for reform as more governments take on the necessary work to undo the harms of these practices:

- People who already struggle to afford meeting their basic needs should not be made financially worse off by defending a case in the criminal legal system. Governments should eliminate all criminal legal fees and proactively ensure that all people with incomes below a threshold, such as the local living wage, are not financially harmed by fines. These changes should be made retroactive to apply to people currently struggling to afford criminal justice debt.
- Until the state eliminates these harmful fines and fees, money collected from them should be used in ways that serve the people most negatively impacted by the criminal legal system. At a minimum, this money should be returned to the general fund, instead of to the budgets of the entities responsible for collecting the funds.

- Governments should provide clear and transparent data on the amounts of fines and fees assessed and collected and aggregated data on the demographics of the people who are charged fines and fees.

Methods

There is no single data source that compiles revenue from fines and fees for all governments in the state. To develop a comprehensive portrait of fines and fees that benefit government budgets, this brief relied on several data sources.

County, city, and town data: The state Auditor of Public Accounts (APA) produces a report of local government expenditures and revenues for all counties and cities and the 38 towns with populations above 3,500. This source reports that local revenue from “fines and forfeitures” was \$35 million in Virginia’s cities, \$59 million in the counties, and \$3.7 million in the larger towns in fiscal year 2019. APA states that this revenue includes “revenue received by the local government from court fines and forfeitures and parking fines.”⁵² This source also provides jurisdiction population and total revenue data. Data is unavailable for three counties (Lee, Prince Edward, and Wise) and three cities (Hopewell, Norton, and Petersburg). Vera also examined county and city budget documents to better understand the specific kinds of fines and fees that bring in revenue at the local level.

State data: APA operates the Commonwealth Data Point tool, which collects information on statewide revenues and expenditures. This source reports \$380.5 million in fines and fees revenue to the state for fiscal year 2019, but some of that revenue was for civil court processing fees and penalties for late tax payments. Vera determined that \$265 million of this revenue is associated with criminal justice fines and fees.⁵³

Jail data: The state Compensation Board produces an annual report on jail revenues and expenditures. This report states that in fiscal year 2019, jails collected \$47 million in revenue from incarcerated people, including fees from canteen purchases, telephone calls, work release payments, booking and per diem fees, medical-co-pays, and interest.⁵⁴

Endnotes

1 In 2016, 914,000 people in the state lacked a driver's license due to unpaid fines and fees. *Stinnie v. Holcomb*, Civ. No. 3:16-cv-44 (W.D. Va.) (Brief Of Amicus Curiae Virginia State Conference Of The NAACP Opposing Defendant's Motion To Dismiss, filed November 4, 2016), 2, <https://perma.cc/7LFL-WY8U>. The commonwealth suspended the licenses of 281,000 people in FY2016. Steven L. Dalle Mura, *Briefing on the Collection of Court Costs and Fines*, (Richmond, VA: Virginia House Appropriations Committee, 2017), 8, <https://perma.cc/5CYH-MVSD>.

2 For a full list of fines and fees charged by the district courts, see Virginia Department of Judicial Services (Virginia DJS), Office of the Executive Secretary, *General District Court Manual* (Richmond, VA: Virginia DJS, 2021), Appendix B: Criminal & Traffic Fines and Fees, <https://perma.cc/L545-AYA6>; and for the circuit courts, see: Virginia DJS, Office of the Executive Secretary, *Circuit Court Clerks' Manual – Criminal* (Richmond, VA: Virginia DJS, 2021), Appendix B - Criminal Fees and Cost Schedule, <https://perma.cc/78LQ-HB92>.

3 Va. Code § 17.1-275.1 (2021) *Fixed felony fee*; Va. Code § 17.1-275.8 (2021) *Fixed drug misdemeanor fee*; Va. Code § 17.1-275.7 (2021) *Fixed misdemeanor fee*; Va. Code § 16.1-69.48:1 (2021) *Fixed fee for misdemeanors, traffic infractions and other violations in district court; additional fees to be added*.

4 For lists of these additional fees see *General District Court Manual*, 2021, Appendix B; and Virginia DJS, *Circuit Court Clerks' Manual – Criminal*, 2021, Appendix B.

5 Va. Code. § 17.1-275.12 (2021) *Additional fee for Internet Crimes Against Children Fund*.

6 \$15 of the fee is paid into the general fund of the locality where the sample was taken, and \$38 is paid into the state's general fund. Va. Code § 19.2-310.2 (2021) *Blood, saliva, or tissue sample required for DNA analysis upon conviction of certain crimes; fee*.

7 Va. Code § 16.1-69.48:1.01 (2021) *Additional fee assessed for conviction of certain offenses*. This fee also applies to people who refuse to take a breathalyzer test or submit to blood sampling after being arrested on a charge of DUI. *Ibid*; and Va. Code § 18.2-268.3 (2021) *Refusal of tests; penalties; procedures*.

8 Va. Code § 19.2-163 (2021) *Compensation of court-appointed counsel*. (“If the defendant is convicted, the amount allowed by the court to the attorney appointed to defend him shall be taxed against the defendant as a part of the costs of prosecution. . . . In the event that counsel for the defendant requests a waiver of the limitations on compensation, the court shall assess against the defendant an amount equal to the pre-waiver compensation limit . . . for each charge for which the defendant was convicted.”) These fees can be as high as \$1,235 for some felonies and \$120 for misdemeanor and juvenile cases. See Virginia Department of Judicial Services, Office of the Executive Secretary, *Court-Appointed Counsel Procedures and Guidelines Manual* (Richmond, VA: Virginia Department of Judicial Services, 2021), Chapter 5, 5-4, <https://perma.cc/8XWZ-HX2Z>.

9 Va. Code § 17.1-281 (2021) *Assessment for courthouse construction, renovation or maintenance*. Cities and counties can impose a \$2 fee for every criminal or traffic case to pay for maintenance, construction, or renovation of the courthouse or jail facilities. Cities and counties with a courthouse out of compliance with the Virginia Courthouse Facility Guidelines can impose an additional \$3 fee for each criminal or traffic case. Va. Code § 53.1-120 (2021) *Sheriff to provide for courthouse and courtroom security; designation of deputies for such purpose; assessment*.

10 Virginia DJS, *Circuit Court Clerks’ Manual – Criminal*, 2021, Appendix B.

11 Va. Code § 15.2-1613.1 (2021) *Processing fee may be imposed on certain individuals*; and Va. Code § 53.1-131.3 (2021) *Payment of costs associated with prisoners’ keep*. Virginia also permits people convicted of certain crimes to serve nonconsecutive sentences, often staying in jail over the weekend but returning home to work during the week. In this case, facilities are authorized to charge a higher per diem fee for jail stays. See Va. Code § 53.1-131.1 (2021) *Provision for sentencing of person to nonconsecutive days in jail; payment to defray costs; penalty*. For example, Western Tidewater Regional Jail charges \$8 per day for nonconsecutive “weekender” stays. See Western Tidewater Regional Jail, “Fees and Rules,” <https://perma.cc/6BD8-RFBN>.

12 Commonwealth of Virginia Compensation Board, *FY 2019 Jail Cost Report* (Richmond, VA: Virginia General Assembly, 2020), V, <https://perma.cc/FG8Q-8X5P>.

13 Western Tidewater Regional Jail, “Fees & Rules,” <https://perma.cc/6BD8-RFBN>.

14 Commonwealth of Virginia, Auditor of Public Accounts, "Data Point," database (Richmond, VA: Virginia Auditor of Public Accounts), Search string: Revenue: Fines, Forfeitures, Court Fees, Costs, Penalties, and Escheats, 2019, <https://www.datapoint.apa.virginia.gov/dashboard.php?Page=Revenue&FiscalYear=2019&Category=08R&Name=Fines,%20Forfeitures,%20Court%20Fees,%20Costs,%20Penalties,%20And%20Escheats>.

15 This does not mean that 533,000 individual people paid the fee, because people with multiple convictions pay the fee for each conviction.

16 Commonwealth of Virginia, Auditor of Public Accounts, "Data Point," database. The fee is authorized under Va. Code § 16.1-69.48:1 (2021), *Fixed fee for misdemeanors, traffic infractions and other violations in district court; additional fees to be added*.

17 Steven L. Dalle Mura, *Briefing on the Collection of Court Costs and Fines* (Richmond, VA: Virginia House Appropriations Committee, 2017), 9, <https://perma.cc/H5A5-YH5G>.

18 Assumes a 40-hour workweek, 52 weeks per year, at the 2021 state minimum wage of \$9.50, or annual earnings of \$19,760. Va. Code § 40.1-28.10 (2021) *Minimum wages*. Nationwide, around 12 percent of men and 22 percent of women are employed part time. U.S. Department of Labor, "Full-Time/Part-Time Employment," <https://perma.cc/5A8K-YLCS>.

19 Phil Hernandez, Laura Goren, and Chris Wodicka, *Set Up to Fail: How Court Fines & Fees Punish Poverty and Harm Black Communities in Virginia* (Richmond, VA: The Commonwealth Institute, 2021), 2, <https://perma.cc/N9SY-46C2>.

20 Va. Code § 19.2-353.5 (2021) *Interest on fines and costs*. Virginia HB 1895 (2021), effective on July 1, 2021, extends the period before interest begins accruing from 40 days to 180 days. Virginia HB 1895 (2021), <https://perma.cc/9HSR-6UER>.

21 Virginia DJS, *General District Court Manual*, 2021, Chapter 3, <https://perma.cc/D7W2-SUXG>.

22 Va. Code § 19.2-357 (2021) *Requiring that defendant be of peace and good behavior until fine and costs are paid*.

23 Va. Code § 19.2-349 (2021) *Responsibility for collections; clerks to report unsatisfied fines, etc.; duty of attorneys for Commonwealth; duties of Department of Taxation*. See also

Commonwealth of Virginia Compensation Board, *FY 2019 Fines and Fees Report* (Richmond, VA: Commonwealth of Virginia Compensation Board, 2019), 4, <https://perma.cc/BFE4-AXXE>. An unpaid fine becomes delinquent 90 days after it is assessed. After an additional 90 days for an appeals process, the delinquent account becomes the responsibility of the Commonwealth's Attorney. For more on the collection process, see Commonwealth of Virginia Compensation Board, *Master Guidelines Governing Collection of Unpaid Delinquent Court-Ordered Fines and Costs Pursuant to Virginia Code § 19.2-349* (Richmond, VA: Commonwealth of Virginia Compensation Board, 2020), <https://perma.cc/99VN-E9AP>.

24 Compensation Board, *FY19 Fines and Fees Report*, 2019, 3.

25 Va. Code § 19.2-353.3 (2021) *Acceptance of checks and credit or debit cards in lieu of money; additional fee.*

26 Other counties offer a higher rate. For example, Fairfax County offers \$15 per hour, but people must be able to work an 8-hour shift on any day from Wednesday to Sunday. Fairfax County, "General District Court: Fines Option Program," <https://perma.cc/QK4J-8XJ8>.

27 Compensation Board, *FY19 Fines and Fees Report*, 2019, 2.

28 Compensation Board, *FY19 Fines and Fees Report*, 2019, 9.

29 Compensation Board, *FY19 Fines and Fees Report*, 2019, 8. This amount is exclusive of any collection fees for private collectors. Compensation Board, *FY19 Fines and Fees Report*, 2019, 6.

30 This figure is derived from Vera's analysis of the 245 audit documents for 2019 for circuit, district, and combined courts. Some courts had more than one audit that year—a total of 227 court jurisdictions are represented in the database. Auditor of Public Accounts, "Report Finder," database (Richmond, VA: Auditor of Public Accounts), http://www.apa.virginia.gov/apa_reports/reports.aspx.

31 See, for example, Letter from Martha S. Mavredes, Auditor of Public Accounts, to The Honorable Bruce A. Clark, Jr. and The Honorable Jacqueline R. Waymack, dated July 15, 2020, <https://perma.cc/MJ3E-M7J6>.

32 Letter from Martha S. Mavredes, Auditor of Public Accounts, to Heidi S. Barshinger, dated November 20, 2019, <https://perma.cc/FG28-M6GZ>; Letter from Martha S. Mavredes,

Auditor of Public Accounts, to The Honorable Sherry E. Gautier, dated June 14, 2019, <https://perma.cc/RGW5-N8Q9>.

33 The Commission to Examine Racial Inequity in Virginia Law. *Identifying and addressing the vestiges of inequity and inequality in Virginia's laws* (Richmond, VA: The Commission to Examine Racial Inequity in Virginia Law, 2020), <https://perma.cc/YN2E-5SMW>.

34 *Ibid.*, 46.

35 *Ibid.*, 47.

36 U.S. Census Bureau, American Community Survey, "Poverty Status in the Past 12 Months: Table S1701," 2019, <https://data.census.gov/cedsci/table?q=ACSST1Y2019.S1701&tid=ACSST1Y2019.S1701>.

37 *Stinnie v. Holcomb*, Civ. No. 3:16-cv-44 (W.D. Va.) (Brief Of Amicus Curiae Virginia State Conference Of The NAACP Opposing Defendant's Motion To Dismiss, filed November 4, 2016).

38 Angela Ciolfi, "Legal Aid and the Driver's License Suspension Trap," *Virginia Lawyer*, August 2019, 14, <https://perma.cc/NQE8-F82J>.

39 Hernandez, Goren, and Wodicka, *Set Up to Fail*, 2021, 3.

40 Hernandez, Goren, and Wodicka. *Set Up to Fail*, 2021, 4.

41 Virginia Association of Counties, "Virginia Counties," <https://perma.cc/9CU2-DXXX>.

42 Office of the Executive Secretary, Supreme Court of Virginia, *Virginia's Judicial System: Virginia Courts in Brief* (Richmond, VA: Office of the Executive Secretary, Supreme Court of Virginia, 2019), <https://perma.cc/6QAA-ZS6V>.

43 For a list of incorporated towns, see Virginia Department of Housing and Community Development, *Virginia Towns and their Parent Counties* (Richmond, VA: Virginia Department of Housing and Community Development, 2012), <https://perma.cc/Y5BG-JA9N>.

44 To reach this figure, Vera analysts reviewed and compiled information from the state auditor's 2019 reports and database. Auditor of Public Accounts, "Data Point," database.

45 To reach this figure, Vera analysts reviewed and compiled information from the state auditor's 2019 reports and database. Auditor of Public Accounts, "Data Point," database.

Auditor of Public Accounts for the Commonwealth of Virginia, *Comparative Report of Local Government Revenues and Expenditures* (Richmond, VA: Auditor of Public Accounts, 2019), 10, <https://perma.cc/MUC2-5D3T>. For details of what is included in the revenue categories, see Auditor of Public Accounts for the Commonwealth of Virginia, *Notes to Comparative Report of Local Government Revenues and Expenditures* (Richmond, VA: Auditor of Public Accounts, 2019), <https://perma.cc/YPG9-YK9R>. Fees in the court system may be in addition to these amounts.

46 Auditor of Public Accounts, *Comparative Report of Local Government Revenues and Expenditures*, 2019, 8.

47 To reach this figure, Vera analysts reviewed and compiled information from the state auditor's 2019 reports and database. Auditor of Public Accounts, "Data Point," database.

48 Ibid., 11; Va. Code § 15.2-2510 (2010) states that all towns with a population above 3,500 are subject to annual reporting to the Auditor of Public Accounts.

49 Commonwealth of Virginia Compensation Board, *FY 2019 Jail Cost Report: Annual Jail Revenues And Expenditures Report (Including Canteen & Other Auxiliary Funds)* (Richmond, VA: Commonwealth of Virginia Compensation Board, 2020), 2, <https://perma.cc/NZ9D-VAU9>.

50 Ibid., 1 and V and 117 (totals).

51 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), 13, <https://perma.cc/YPR4-FN4K>.

52 Auditor of Public Accounts for the Commonwealth of Virginia, *Notes to Comparative Report of Local Government Revenues and Expenditures* (Richmond, VA: Auditor of Public Accounts, 2019).

53 Auditor of Public Accounts, "Data Point," database.

54 Commonwealth of Virginia Compensation Board, *FY 2019 Jail Cost Report* (Richmond, VA: Virginia General Assembly, 2020), <https://perma.cc/FG8Q-8X5P>.

Credits

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For more information about this report, contact Chris Mai, senior research associate, at cmai@vera.org.