

Monetary Sanctions as a Permanent Punishment

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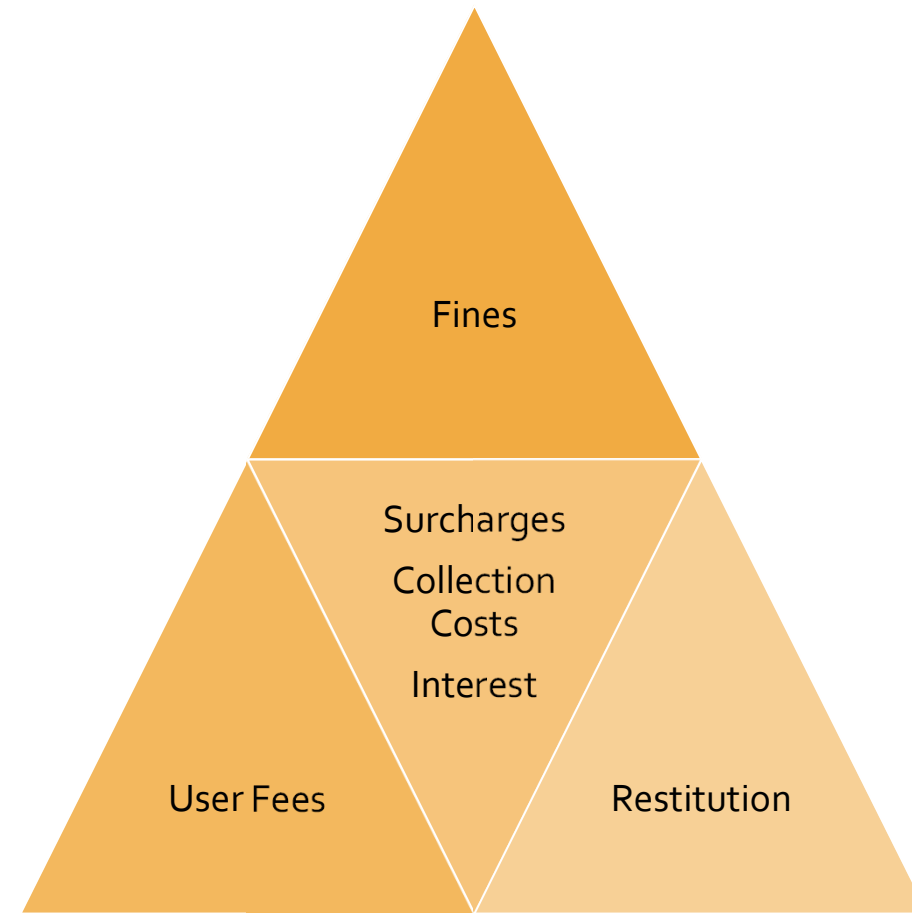
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A Purposeful Consequence: Monetary Sanctions

- **Restitution** - “make victim whole”
- **Fines** - “punishment”
- **Fee** — CJ user fees
- **Surcharges** — CJ and unrelated charges
- **Interest** — additional non-payment fees
- **Costs** — payment related charges



#1 *A Two-Tiered System of Justice*

- **Distinct population** – disadvantaged pre- and post-conviction and incarceration
- The process “perfectly” sorts, labels, stigmatizes, **financially burdens** and imposes further legal consequences to poor people
- Allows perpetual state **surveillance, intervention** and **control** of poor people and disproportionately **people of color**



#2 Example: Disparities and Traffic Citations

(Seattle Municipal Court Report -Edwards & Harris, 2020)

1. People sentenced to **criminal traffic cases** tended to have LFO accounts open for longer periods of time
2. Black men and women are significantly more likely to be sentenced to **incarceration** through a WA Sup Ct following a PAID and UNPAID SMC LFO
3. People of color have a higher likelihood to be charged with a **DWLS₃** following a SMC LFO sentence

Side note: State Sponsored Violence



**Pretext Traffic
Stops**

**Monetary
Sanctions**

**"Policing for
profit"**

**Negative
Encounters**

#3 “Debt Blocks”

O’Neill, Kennedy, Harris (under review)

- Observed LFOs per capita are spatially concentrated
- Higher poverty neighborhoods also tend to have higher per capita LFO burdens
- LFOs are associated with increases in future poverty rates, and this association is stronger in non-White neighborhoods

Consequences:
Legal, social,
economic

- Increased nationally since 1990s
- Leads to penal debt
 - Poor credit scores
 - Loss of right to vote
 - Loss of driver's licenses (DWLS₃)
 - Constant court surveillance
 - Stress and anxiety
 - Cumulative disadvantage
- Juvenile fines and fees
- Disproportionately affect communities of color and poor communities

Policy & Practice Reforms

Incremental

- Mandate ability to pay hearings for ALL financial penalties
- Provide post-sentencing relief
 - “Reconsideration Days”
- Decouple loss of driver’s license from unpaid court debt
- Develop day fine system
- Discontinue pretext traffic stops



Policy & Practice Reforms

Abolition

- Elimination of juvenile/adult fines, fees, costs
 - Felony convictions
 - Juvenile
 - In lieu of incarceration, but based on ability to pay
 - Stop pretext economic related traffic stops
- Redefine what “Restitution” means
 - Develop restorative options for direct victims
 - Private companies are not victims



Barriers to reform

Creating coalitions that work well together

Receiving local technical support & financial resources

Data Availability

Court funding structures and limitations

Finding the *will* for substantive structural changes

Thank you

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