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An Examination of the Impact of Court-Appointed Fines and Fees: How Governmental
Reliance on These Expenses is Harming Vulnerable Communities

by

Rachel Elizabeth Couche

A thesis submitted in partial fulfillment of the
requirements for the degree of

Master of Science
in
Criminology and Criminal Justice

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Abstract

Fines and fees are commonplace in the United States criminal justice system as a form of punishment for both minor and severe offenses. While substantial research has demonstrated that these financial consequences disproportionately affect certain communities, studies that depict a narrative of these impacts are vastly underrepresented in the field. This project expands upon past literature by delving into the effects of these practices on individuals and their families. The current study outlines the findings from a content analysis of twelve semi-structured interviews on the impacts of fines and fees in Oregon. The findings create a deeper understanding of how these financial penalties have affected individuals and why certain people are more likely to receive them.

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Introduction and Review of Literature

In jurisdictions across the United States, fines and fees are common practice in addition to prison or jail time. In recent years, the use of court-ordered fines and fees has increased. These monetary penalties are regularly imposed for minor infractions, misdemeanors, and even felonies and are meant to punish the offender while deterring others from committing similar offenses (Teigen, 2020). Although these fines and fees may be helpful in supporting operational costs within the justice system, they create unnecessary and unequal hardship for numerous populations. Research to date has primarily utilized quantitative data that does not capture the lives and stories of these individuals (Bing et al., 2022; Hunt & Nichol, 2017; Shapiro, 2014). The present study builds upon previous research by providing an in-depth look at fines and fees and their effects on the offender and their families.

Overview of Fines & Fees

Fines and fees are imposed on criminal defendants as a form of punishment for breaking the law. In many jurisdictions, they are also used as a tool to generate revenue (Hunt & Nichol, 2017). These fines and fees are imposed at nearly every step of the criminal justice system, from the courtroom to jail to probation, and can add up to hundreds or thousands of dollars per person. Failure to pay can result in additional fines, further exacerbating the amount the individual owes. Although fines and fees are regularly discussed together, their definitions and purposes differ considerably (Nastasi & Greer, 2023). Fines are monetary punishments for both criminal and civil offenses and are meant to punish the offender as well as discourage others from committing similar crimes. While the amount owed varies depending on the offense committed, fines are

most often imposed in addition to incarceration rather than as an alternative punishment (Teigen, 2020). Fees, on the other hand, are defined as “itemized payments for court activities, supervision, or incarceration” (Teigen, 2020, p. 1) and are levied on the defendant to pay promptly. Common fees include application fees to obtain a public defender, room and board in prisons and jails, drug testing fees, and rental fees for electronic monitoring devices (Shapiro, 2014). In addition to fines and fees, some courts may require defendants to pay restitution to the victim to reimburse the victim for any financial losses incurred due to the defendant’s crime (Hunt & Nichol, 2017).

The criminal justice system can issue a wide array of fines and fees to a defendant. To demonstrate the escalation that can occur with these expenses, driving under the influence of intoxicants (DUI) offenses and the penalties that can result will be examined. According to ORS 813.010, an Oregon motorist can be convicted of a DUI if they drive with a blood alcohol content (BAC) of .08% or higher; if they drive under the influence of alcohol, cannabis, controlled substances, psilocybin, or inhalants; or if they drive while under the influence of any combination of these intoxicants (Bieber, 2024). After arrest, Oregon law requires drivers to submit to breath, blood, or urine testing to determine BAC levels. If the driver refuses, an automatic suspension of their license will occur, with varying lengths of suspension depending on the driver’s driving record. For those who fail the BAC test and are convicted of a DUI, various penalties are issued by the court, with severity increasing as the number of convictions and the BAC levels themselves increase. These penalties can also increase if there is a passenger under 18 in the vehicle who is at least three years younger than the driver, with a fine of up to

\$10,000. Table 1 below details the minimum and maximum penalties for first, second, and third DUI convictions (Bieber, 2024).

Table 1.

Minimum to Maximum Penalties for DUI Offenses in Oregon (ORS.813.010)

	Incarceration	Fines	License Suspension
1st Offense	48 hours (or 80 hours of community service) to 1 year	\$1,000 (\$2,000 if BAC is .15% or higher) to \$6,250	1 year
2nd Offense	48 hours (or 80 hours of community service) to 1 year	\$1,500 (\$2,000 if BAC is .15% or higher) to \$6,250	3 years
3rd offense	90 days (if convicted at least 2 times in the past 10 years) to 5 years	\$2,000 (if person is not sentenced to imprisonment) to \$125,000	Permanent (may petition for restoration after 10 years)

In addition to fines and other penalties imposed on a defendant, fees related to DUI offenses can also be issued. Most of these fees arise from diversion programs, which can be completed by those charged with a DUI to allow for no conviction or resulting penalties (Romano Law, 2022). Diversion program expenses can include a diversion fee (\$500), an evaluation fee (\$150), victim impact panel fees (\$40-50), drug and alcohol treatment fees (\$500-750), a SR-22 insurance application fee (\$220), Ignition Interlock Device (IID) fees (\$900), and legal fees (\$2,000 or more). These fees can be even greater when it is the driver's second or third DUI offense. Additionally, the expenses described above do not account for tow or impound fees, missed days at work, bus or cab fare, or other related expenses (Romano Law, 2022). The above examination exemplifies just

how quickly these expenses can accumulate and result in overwhelming amounts for the individual.

In the United States, legal fines and fees are more widespread than any other form of punishment. A recent investigation in Texas found that “approximately 6.7 million fine-only misdemeanor charges are filed each year” (Bing et al., 2022, p. 119). Today, fines and fees are more common than ever. A recent survey by NPR and the National Center for State Courts discovered that 48 states have increased or added additional criminal and civil court fees over the past ten years. Another United States Department of Justice survey found that the number of individuals who owe court-imposed monetary sanctions has increased substantially. In 1991, 25% of incarcerated persons powered court-imposed fines and fees. By 2004, that number had climbed to nearly 70% (Shapiro, 2014). However, not only has the number of fines and fees being administered increased, but the amount that governments are collecting has also grown, reaching astonishing heights in recent years. According to a 2021 report by the United States Census Bureau, during the fiscal year 2019, state and local governments collected a total of \$16 billion from fines and fees. Nearly two-thirds (\$10.2 billion) of this amount was collected by local governments, with one-third (\$5.8 billion) being collected by state governments (Boddupalli & Mucciolo, 2022).

Fines and Fees in Oregon

The number and amount of financial obligations a defendant may be required to pay depends on the type of crime committed and the jurisdiction where the crime was committed (Menendez et al., 2019). For the purpose of this research study, both misdemeanor and felony offenses in Oregon were assessed. Misdemeanors are the least

serious offense type. While misdemeanors carry lesser penalties than felonies, these crimes can still significantly affect a person's future (Romano Law, 2020). According to ORS 161.635, misdemeanors are ranked by the seriousness of the offense, with each category carrying a different level of penalties. Class A misdemeanors are the most serious type of misdemeanor and are penalized with a maximum fine of \$6,250 and/or up to one year in jail. Examples of a Class A misdemeanor include first-degree assault, reckless driving, credit card fraud, and prostitution (Romano Law, 2020). Class B misdemeanors are punishable by a maximum fine of \$2,500 and/or up to six months in jail and include harassment, carrying a concealed weapon, and purchasing alcohol as a minor. Class C is the least serious misdemeanor in Oregon and is punishable by a maximum fine of \$1,250, up to 30 days in jail, or both. Examples of this level of misdemeanor include driving without a license, theft of property less than \$100, and third-degree criminal mischief (Romano Law, 2020).

Table 2.

Penalties for Misdemeanor Offenses in Oregon (ORS.161.635)

Class	Maximum Potential Prison Term	Maximum Potential Penalty	Example Offenses
Class A Misdemeanor	1 year	\$6,250	First-degree assault, reckless driving, credit card fraud, prostitution
Class B Misdemeanor	6 months	\$2,500	Harassment, carrying a concealed weapon, purchasing alcohol as a minor

Class C Misdemeanor	30 days	\$1,250	Driving without a license, theft of property less than \$100, third-degree criminal mischief
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Felony offenses are the most consequential offense type. The penalties for felonies are detailed in ORS.161.625, ranked by the seriousness of the offense with different degrees of penalties for each category. The most serious type of felony in Oregon is Class A felonies, penalized with a maximum fine of \$375,000 and/or up to twenty years in jail. Examples of this type of felony include first-degree assault, first-degree arson, and first-degree rape (Oregon Criminal Defense Lawyers, 2024). A conviction of a Class B felony in Oregon can result in a maximum fine of \$250,000 and/or a maximum prison term of 10 years and includes second-degree manslaughter, aggravated theft, extortion, and possession of child pornography. In Oregon, Class C felonies are the least serious and are punishable with a maximum fine of \$125,000, a maximum of five years in prison, or both. Examples of this level of felony include third-degree assault, first-degree theft, and aggravated harassment (Oregon Criminal Defense Lawyers, 2024).

Table 3.

Penalties for Felony Offenses in Oregon (ORS.161.625)

Class	Maximum Potential Prison Term	Maximum Potential Penalty	Example Offenses
Class A Felony	20 years	\$375,000	First-degree assault, first- degree arson, first-degree rape

Class B Felony	10 years	\$250,000	Second-degree manslaughter, aggravated theft, extortion, possession of child pornography
Class C Felony	5 years	\$125,000	Third-degree assault, first- degree theft, aggravated harassment

Consequences of Fines and Fees

While fines and fees can result from either criminal or civil violations, negative repercussions can result in both instances. Neither fines nor fees are scaled to account for an individual's ability to pay, making it difficult for individuals, especially those in low-income households, to pay these expenses on time. Individuals unable to pay these financial obligations may face additional fees and penalties (Nastasi & Greer, 2023). In many states, failure to appear in court or pay the associated fines and fees can result in the mandatory revocation of the individual's driver's license. With over 85% of individuals driving to work and many jobs requiring a valid driver's license, these additional sanctions can often make it difficult to maintain a job and fulfill their financial obligations (Teigen, 2020). In a study conducted in New Jersey, researchers found that nearly half of drivers who had their licenses suspended lost their jobs, and approximately half of this group could not find new employment. For those who did find subsequent employment, 88% reported a decrease in pay (Hunt & Nichol, 2017). The individual's license remains revoked until they satisfy the reinstatement conditions, including providing payment for all prevailing court costs, often resulting in late fees and interest. Additionally, if the defendant continues to drive with a revoked license, they risk incurring further fines and criminal sanctions (Teigen, 2020). According to data collected

by the National Highway Traffic Safety Administration, at least 75% of individuals with suspended licenses continue to drive (Nastasi & Greer, 2023), demonstrating that driver's license suspensions do little to deter individuals from driving and instead create additional barriers that they must overcome.

The non-payment of these financial obligations can also affect a person's credit score, leading to higher interest rates and fewer loan options, and disqualify them from participation in federal assistance programs, including Temporary Assistance to Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), housing assistance, and Supplemental Security Income (SSI). Failure to pay these fines and fees can also impact one's ability to participate in voting at the state and federal levels. For instance, thirty states disenfranchise individuals who have a felony conviction and unpaid expenses, while sixteen states may delay one's voting rights but do not deny their civic participation permanently. Furthermore, although the 1983 ruling in *Bearden v. Georgia* held that a defendant cannot be incarcerated for non-payment unless a judge finds that the defendant "willfully refused to pay or failed to make sufficient bona fide efforts" (Hunt & Nichol, 2017, p. 10), judges routinely ignore this law. As a result, thousands of individuals each year end up imprisoned for their failure to pay these fines and fees, with one study in Ohio finding that 20% of the jail population in Huron County was retained due to their inability to pay (Teigen, 2020). Payment of fines and fees can also be a condition of parole or probation, such that a failure to pay these expenses can result in revocation. A research study conducted in Texas found that 26% of the participants had their probation revoked for several technical violations, including failure to pay (Nastasi & Greer, 2023).

In addition to the negative consequences, criminal debt can create significant distress for the individual and their family. Prior research has discovered that debt accumulated from unpaid fines and fees often results in feelings of shame and emotional distress that can immensely impact one's self-worth and self-respect (Upadhyay, 2022). In one study, which explored the experiences of individuals with criminal debt across eight U.S. states, the researchers uncovered feelings of anxiety and mental exhaustion, as well as minimal hope for the future, in their respondents (Harris & Smith, 2022). Fines and fees can also affect a person's familial and other relationships. Many individuals turn to their loved ones for help in times of need. Suppose a person asks for help from a family member or friend to cover their remaining expenses. In that case, it ultimately expands the circle of people impacted by the consequences of fines and fees. Impact on family can present as one's inability to access essential resources, such as food, housing, and healthcare, as most of the household income is going towards paying these financial obligations (Upadhyay, 2022). Additionally, seeing a family member or friend go through these hardships can result in poor mental and physical health for the individual witnessing these afflictions. The burdens of criminal debt can also strain one's relationships with family and friends, making it difficult to maintain sufficient support through these troubling times (Nastasi & Greer, 2023).

Furthermore, the collateral consequences of having a criminal record and lingering debt from fines and fees can affect nearly every aspect of an individual's life. Individuals with criminal records face many obstacles in returning to society even after completing their sentence and supervision. Current statistics estimate that one in three individuals in the United States has a criminal record. These individuals face significant

barriers to housing, job access, education, assistance programs, and numerous other resources necessary to maintain stability for themselves and their families and successfully reintegrate into society (Tupper et al., 2021). One study found that 4 in 5 landlords utilize criminal background checks on prospective tenants, with many denying the rent or sale of a home, denying constitutional fair housing law protections, or even evicting an individual due to their criminal record. Another study examined how one's criminal record affects one's access to employment, finding that 9 in 10 employers use background checks in hiring and will justify not hiring an individual solely based on their record without thoroughly evaluating their qualifications for the role. Yet another study looked into the use of background checks in admissions decisions by colleges and universities. The researchers found that 3 in 5 schools require the disclosure of one's criminal history during the application process, making it incredibly difficult to access higher education if a person has a prior criminal record. Unfortunately, those who try to clear their criminal records often face additional challenges due to significant financial strain on the applicant (Tupper et al., 2021).

Disproportionate Impact on Vulnerable Communities

Low-Income Communities

A growing body of literature has highlighted the detrimental effects that these financial obligations have on those living in poverty. Low-income individuals and their families are overly burdened by fines and fees imposed for legal violations and often find themselves sacrificing their basic needs to ensure payment (Boddupalli & Maag, 2023). In a survey of 1,000 Alabama residents, over 80% of respondents claimed to have given up basic necessities, including rent, food, medical bills, car payments, and child support,

to pay their outstanding legal expenses (Nastasi & Greer, 2023). Additionally, because fines and fees are imposed without meaningful consideration of the individual's ability to pay, it can disproportionately impact low-income defendants compared to their higher-income counterparts, such that even relatively small legal expenses can weigh more heavily on those with limited financial resources and create cycles of debt for generations to come (Upadhyay, 2022). For example, one study found that in 2019, 40% of American households did not have the financial resources to pay an unexpected \$400 expense (Nastasi & Greer, 2023). Another study conducted in Washington state found that a typical bill of \$2,540 for a felony conviction can easily overwhelm an individual whose approximate monthly income earning minimum wage is just \$1,993 (Rafael, 2021). This demonstrates just how detrimental fines and fees can be for individuals already making far below the amount they need for their basic necessities.

Racial Minority Groups

A more limited collection of research studies has focused on the harm of fines and fees for racial minorities specifically. Fines and fees can disproportionately impact families of color due to discriminatory practices used when issuing these fines and fees (Sobol, 2017). Racial disparities permeate every phase of the system, from arrest to sentencing to post-prison life (The Sentencing Project, 2018). In Ferguson, Missouri, for example, an investigation by the Department of Justice revealed that Black individuals account for 85% of traffic stops, 90% of citations, and 93% of arrests, despite comprising only 67% of the city's population (Upadhyay, 2022). Additionally, the widening income inequalities in minority communities can make it especially difficult for these families to pay court-ordered expenses (Bing et al., 2022). Although exposure to charges is

widespread, the burden of debt and financial strain that these charges create disproportionately falls on racial minorities' shoulders. A 2013 report found that the median net worth of white households (\$141,900) was thirteen times that of black households (\$11,000) and more than ten times that of Latino households (\$13,700). Furthermore, evidence suggests that areas with greater populations of color, especially Black residents, rely more heavily on fines and fees as a source of revenue for their governmental agencies. In an examination of over 9,000 cities, the collections of fines and fees increased from \$8.00 per person to as high as \$20.00 per person in the cities with the highest Black populations, even after controlling for differences in crime rates and population sizes (Upadhyay, 2022). These numbers demonstrate the increased financial vulnerability that minorities face, which is only exacerbated when they are issued extensive legal fines and fees.

Theoretical Framework

Although prior research has generally not been grounded in theory, many consequences arising from these legal expenses are implicitly associated with components within various criminology and criminal justice theories. As such, it is important to discuss relevant theories that may be useful in analyzing the experiences of study participants. In the following section, the researcher provides an overview of three relevant theories: procedural justice, labeling theory, and critical theory.

Procedural Justice

The first important theory to discuss is procedural justice. Procedural justice refers to the way that police and other authority figures interact with the public and how these interactions shape public perceptions of the criminal justice system, as well as

citizen willingness to comply and cooperate. One operational definition of this concept stems from Tyler's (1990) theory of procedural justice (Nagin & Telep, 2020). Tyler explains that procedural justice is based on four main principles: 1) dignity, 2) trustworthiness, 3) neutrality, and 4) voice. In this theory, Tyler describes a causal chain of events that begins with the procedurally just treatment of a citizen by an actor of the criminal justice system. The author argues that when a criminal justice actor treats citizens with dignity and respect, acts in a trustworthy and neutral manner, and provides the citizen with the opportunity to ask questions and voice concerns, perceptions of the justice system will improve, ultimately increasing cooperation with the system and compliance with the law (Nagin & Telep, 2020). When applying this theoretical model to the imposition of fines and fees, one would hope that public defenders, judges, and other important criminal justice actors implement all four pillars of procedural justice in their work. If not, the imposition of fines and fees may appear unfair or unwarranted, ultimately undermining public trust in the criminal justice system.

Labeling Theory

Another essential theory to discuss is labeling theory, which posits that individuals will come to identify and behave in ways that reflect the labels that others place upon them. Established in the 1960s by sociologist Howard Becker, this theory is most often applied to deviant and criminal behavior (Crossman, 2020). The theory assumes that no act is intrinsically criminal, but rather, definitions of criminality are established through the creation and interpretation of laws by police, judges, and others in the criminal justice system. These individuals are thus tasked with enforcing societal standards of normalcy and labeling certain actions as criminal. Applying such labels to

criminal behavior inherently reinforces the power structure of society, making it extremely difficult for a person labeled as a criminal to be free of that label and move forward with their lives (Crossman, 2020). This theory is critical to consider when examining the collateral consequences of fines and fees, as many individuals with a criminal record cannot escape the negative repercussions that accompany this label.

Critical Theory

The third and final theory of importance for this research study is critical theory, which encapsulates several theories, all examining systems that have historically targeted marginalized communities. For example, critical race theorists focus on the stark racial disparities that exist in the criminal justice system in the United States, believing that racism is inherent in the legal institutions of this country as they exist to “create and maintain social, economic, and political inequalities” (Fair Fight Initiative, 2024) between the majority (whites) and the minority (nonwhites). This theory views racism as something that is implicitly woven into the policies and practices of the criminal justice system rather than a product of individual bias and prejudice (Fair Fight Initiative, 2024). Another sub-sector of critical theory is Marxism, which focuses on the struggle between social classes. This theory suggests that the criminal justice system is controlled by the “bourgeoisie” (upper-class citizens) and meant to police and punish the “proletariats” (working-class citizens). This practice of “selective law enforcement,” wherein lower- and working-class individuals are targeted more by police and other criminal justice actors compared to upper-class individuals, ultimately serves to reinforce social class hierarchies in society and disadvantage those at the bottom of the hierarchy (Thompson, 2023). Critical theory helps to provide meaning for why lower-income communities and

racial minority groups may be impacted more by fines and fees, suggesting that it is not always the police, prosecutors, and judges who are to blame but the system as a whole which is embedded with biases towards minority groups in society.

Present Study

The present research study builds upon and expands existing literature on the impact of fines and fees, with a new focus on gathering firsthand narratives of those who have experienced these hardships. The aforementioned research on the consequences of fines and fees has been primarily quantitative in nature (e.g., Hunt & Nichol, 2017; Nagin & Telep, 2020; Sobol, 2017; Upadhyay, 2022), demonstrating a need for additional qualitative studies that provide insights quantitative data may not capture. Thus, to complement prior research on the subject, this researcher opted to use a qualitative approach, providing participants with the opportunity to share their experiences with fines and fees in the criminal justice system.

Qualitative research can be quite advantageous, allowing for flexibility and in-depth exploration and leading to an improved comprehension of the desired topic that numbers alone often cannot allow for. This work is important as it helps capture complex dynamics that may be undetectable in prior quantitative studies, ultimately aiding in exploring human experiences in the justice system. Utilizing data from semi-structured interviews with six male and six female individuals living in Oregon, theme analyses will attempt to answer the following research questions: “What are the impacts of mandatory fines and fees?” and “Are certain individuals more likely to be burdened by these fines and fees?”

Methods

Study Design and Procedures

The research team enlisted the help of a public defender's office in a large urban county in Oregon to help recruit potential participants. In June 2023, an email was sent to all individuals who took part or were actively engaged in a legal assistance program in the county of interest. The email included a link to a virtual form where they could learn more about the research study and elect to participate if interested. Those interested in participating were emailed in November 2023 to schedule interviews using an online scheduling software. Of the 24 individuals who demonstrated an initial interest in the project, twelve signed up to participate in interviews.

In December 2023, the researcher conducted in-depth semi-structured interviews with twelve individuals. The interviewees consisted of six males and six females. Of the twelve participants, seven identified as White/Caucasian, one as Hispanic, one as Black/African American, two as American Indian and White, and one elected not to provide their race. Education levels included respondents who had completed some high school ($n = 2$), had graduated high school ($n = 6$), and had attained a bachelor's degree ($n = 2$). Two participants chose not to provide their education level in the follow-up survey. The annual household income of participants was split between those who had an income ranging from \$0 to \$20,000 ($n = 6$) and those who had an income ranging from \$20,000 to \$40,000 ($n = 6$).

All twelve of the study participants interviewed were currently involved or had previously been involved in a legal assistance program in Oregon. This program was created in collaboration with a local public defender office to offer holistic and

collaborative aid to participants in an effort to increase the likelihood of positive outcomes for individuals as well as to enact change within the criminal justice system. The program provides a variety of legal services depending on the needs and overall goals of the individual, including driver's license restoration, record expungement, negotiation services, and management of court-appointed fines and fees (Community Law, 2022).

Each interview was conducted virtually via Zoom, ranging in length from 12 to 40 minutes. The researcher's thesis advisor did the first interview with the researcher observing, while the second interview was done by the researcher with the advisor observing. The remaining ten interviews were conducted by the researcher alone. Before the start of the interview, a consent statement (see Appendix A) was read aloud by the interviewer to ensure each participant understood the nature of the research study and their rights during the interview process. A copy of this consent statement was provided to each participant at the start of the interview.

Additionally, the researcher asked for a verbal agreement that each participant was willing to have their interviews recorded. Participation in the study was completely voluntary, and strict confidentiality was assured. Participants were compensated for their time with a \$50 gift card to either Target or Amazon. After the interviews, a follow-up survey was sent out to each participant to gather demographic information.

The interviews conducted in this research study were semi-structured in nature. The semi-structured interview process allows for identifying common themes across multiple participants, through both structured questions and freedom to explore new topics of inquiry. This interview approach employs a predetermined set of questions (see

Appendix B). However, it enables the researcher to be flexible and ask follow-up questions that solicit clarification or encourage further discussion of a topic of interest. The wording and order of questions varied slightly between interviews, with various follow-up questions asked depending on the flow and direction of the interview. Follow-up questions included whether participants received additional fines for not paying, whether the fines and fees were explained to the participant, if they were surprised by the amount demanded, if they had ever experienced homelessness or substance abuse, and several others that allowed the researcher to gain a deeper understanding of each participant and their individual circumstances. At the end of each interview, the participant was thanked for their time and participation and instructed to reach out if they had any questions or concerns.

The process described above was approved by Portland State's Institutional Review Board (IRB) based on its compliance with the standards set out by the Human Research Protection Program (HRPP), which ensures the safety and well-being of human subjects involved in research.

Data Analysis

Between January and February 2024, data obtained from the semi-structured interviews was analyzed using thematic coding. The researcher began by uploading the recorded interviews to a transcription software. Then, the researcher coded and analyzed the interview transcripts to identify common themes. Themes were identified by manually sorting the interview content into categories of similar meaning. All of the themes identified in this process were compiled in a virtual spreadsheet that documented the common themes and relevant quotes. The researcher then tallied the number of

participants who expressed experience with each topic. The participant responses were cataloged as coding progressed, with themes added as they emerged. Participants were included in each theme they mentioned, so some participants were represented in multiple categories. To ensure confidentiality, pseudonyms were utilized for all participants, and any identifying information was removed.

The researcher engaged in three rounds of thematic coding. The first round involved open coding, in which the researcher read through each transcript in its entirety and noted any themes that jumped out to them. The second round of coding utilized latent coding, which is a type of analysis that looks at the implicit meaning of the text rather than the explicit content. This method allowed the researcher to dive deeper into the interview transcripts and identify themes that may not have been apparent when reviewing them initially. The final round of coding focused on counting the number of participants who experienced each of the themes identified in the first two rounds of coding. The researcher read through the transcripts once more and listed the participant names next to each identified theme. During this third coding stage, the researcher also recorded relevant quotes for each theme. After completing all coding, the researcher combined the identified fifteen themes into six general categories.

Results

The primary goal of this study is to provide a more nuanced understanding of how court-ordered fines and fees impact the daily lives of individuals. After a thorough analysis of participant responses, five overarching themes were identified: (a) impact on self and family, (b) impact on day-to-day living, (c) longevity of impact, (d) targeting within the justice system, and (e) assistance programs. Two other relevant themes that were uncovered but not initially considered in the creation of interview questions were homelessness and substance use. These results confirm and extend prior research findings on fines and fees (Bing et al., 2022; Boddupalli & Mucciolo, 2022; Harris & Smith, 2022; Hunt & Nichol, 2017; Nagin & Telep, 2020; Natasi & Greer, 2023; Shapiro, 2014; Sobol, 2017; Teigen, 2020; Tupper et al., 2021; Upadhyay, 2022), highlighting the urgent need for policies that educate defendants on the expenses they are being assessed, as well as programs that help them manage the costs and deal with the resulting impacts.

Impact on Self and Family

Nearly all of the participants ($n = 11$) admitted that their fines and fees had a significant impact on their mental health. Consistent with the findings of a study by Harris and Smith (2022), several participants described how these expenses were inescapable stressors in their lives as they constantly worried about balancing the payment of these fines and fees with the costs of their basic needs and the basic needs of their families. In a few cases, this stress led to more severe mental health problems, such as anxiety and depression, a finding that was noted in the findings of several previous research studies (Harris & Smith, 2022; Upadhyay, 2022). For example, Dylan described how these fines and fees were “very defeating and depressing.” Similarly, Michael

explained how he experienced “depression and a lack of motivation and [...felt like] a failure” much of the time.

Other participants explained how they were constantly battling feelings of shame about their role within the criminal justice system, a finding that resonates with the work of Upadhyay (2022). Referring to these feelings and how his family perceived him, Darius stated, “I'm walking around feeling like a failure, and my family is thinking of me as: ‘Oh, you didn't step up to the plate. You didn't do what you were supposed to do.’” Furthermore, some participants mentioned how it made it difficult to get out of bed in the morning and maintain hope for the future. This finding supports previous research, wherein individuals found it difficult to see a future without being tethered to the criminal justice system, with their accumulated debt taking away their hope for the future (Harris & Smith, 2022). Kristin described how these financial obligations “subtracted from [her] hope for the future and didn’t give [her] anything positive to look forward to.” Likewise, Juli stated how:

It's hard to keep trudging forward when you know that most of your money is going towards something that, at the time, seemed unavoidable when you were in a rough situation in the first place. And when you're paying off on that, it just seems like it's just never even getting smaller. It's hard to keep wanting to wake up and go to work.

This quote, and the others before it, demonstrate just how detrimental these fines and fees can be for the individuals to whom they are assigned, causing stress, anxiety, and

hopelessness that limits an individual's ability to engage fully with their lives without constraint from their past criminal debt.

These interviews demonstrate the significant impacts that fines and fees can have on the individual and uncover common trends in the impacts on the individual's family and other relationships. Ten of the study's participants mentioned some degree of impact on these relationships. One of the main ways was by generating excess worry and stress. For some, their family members would often worry that their loved one was not coming home, fearing that they would be apprehended by the police or fall victim to their addictions. This is a fear that prior research has not touched on, and it may be beneficial to examine further to see if it is uncovered in other studies. Kristin described this fear by explaining, "It affected my children when I would go out and wouldn't come home [because] they would be afraid." For others, the stress stems from not being able to afford the necessities, as the majority of the family income is going towards the payment of these expenses. Referring to her five children, Paige explained how:

When we go to the store, I can't just buy them whatever they need or want. I tell my kids no more often than yes because I don't have the money. I have to pay these bills because if I don't pay those bills, I will go to jail, and if I go to jail, then they don't have a mom.

Paige's sentiment corroborates prior research on the significant stressors imposed on the individual's family when the majority of the household income is spent on paying off this legal debt (Upadhyay, 2022).

Many of these individuals also felt as though their crimes and the resulting consequences created a wedge between them and those around them, making it

challenging to create and maintain relationships. This finding supports the argument of Natasi and Greer (2023) that the burdens associated with fines and fees can strain familial relationships, undermining the individual's ability to maintain social ties. Hazel, for example, explained, "I couldn't have any real relationships with anyone back in those days." Linda also experienced this difficulty, stating:

I feel like [...] my friends and family didn't really understand where I was coming from and that kind of alienated them from me and so I wasn't able to receive the proper support that I felt I should have had at the time.

Linda's words also demonstrate how these strains on family and friends can limit the support these individuals receive in their time of need. While three of the participants felt that they had a strong support system during this time, the majority of participants ($n = 9$) felt they had little to no support from family and friends. Darius stated, "During that time, my support system consisted of me [...] There was nobody else in my corner." This is a view shared by many, feeling as though they were alone and did not have sufficient support during this difficult time, further supporting Natasi and Greer's (2023) argument of familial strain and the resulting difficulties. Interestingly, Paige, one of the three who stated she felt she had a strong support system, expressed guilt over the help she received from her mom. She stated:

I didn't like the situation because my mom was hurting for money at the end of the day. I was sitting there just as happy as can be because I got another bill paid but my mom was struggling because of me.

Even though this sentiment came from only one participant, it demonstrates that those who received assistance from family and friends may feel like a burden to those around

them, a challenge not previously discussed in the research literature on fines and fees.

These quotes demonstrate that the impacts of fines and fees are felt not just by the individual but also by those around them.

Impact on Day-to-Day Living

The impact of fines and fees also contributed substantially to the work and schooling of participants. Eleven of the twelve participants indicated some impact on work and/or school. Michael described how he had to take a bus from another state to go to court, greatly impacting his progress in school. He explained, “I missed a final because I had to be up here for court [...], and I ended up failing that class and had to retake it.” Pete also expressed challenges in getting his degree due to past fines and fees. He explained how he felt the system was rigged against him, such that “I had to worry about, you know, the powers that be behind me, trying to prevent me from getting educated.” These findings on past fines and fees’ impact on one’s schooling add to the literature on these expenses, which has primarily shown how one’s criminal record can create such challenges but not the fines and fees themselves (Tupper et al., 2021). Study participants also discussed difficulties in getting and keeping a job due to their criminal history, a finding consistent with past research on the subject (Hunt & Nichol, 2017; Teigen, 2020; Tupper et al., 2021). Paige explained, “I went to, I’m not even kidding, probably 24 interviews, and every one of them said no because of my background.” Kristin provided a concrete example of the difficulty of keeping a job when she described being let go after just a day of working. She stated:

There's a lot of social bias and a lot of social stigma. I literally had a district supervisor for a global company tell me they didn't want my kind around there and then slid me my paycheck.

A quote from one of the participants, Darius, demonstrates just how impactful the social bias that Kristin describes can be. He stated:

I was ashamed to have a record. I would try to go and fit in with people who worked nine to five all the time and impostor syndrome set in. I told myself, 'I don't belong in these environments. I don't belong around people anymore because I'm a criminal and that's all I am.' You know, it was drilled into my brain at that time that I would never be anything other than what I already was at that time.

This statement demonstrates that social bias can significantly impact not just their ability to get a job but the individual as a whole. These noted impacts reflect important components of labeling theory, wherein these individuals are being viewed by employers as nothing more than criminals, with little regard for their other attributes and qualifications (Crossman, 2020). An additional challenge created by fines and fees is that those who were able to find employment stated that the job was just one that would pay the bills, not one they were genuinely interested in. Linda illustrates this when she explains how having a criminal history “puts a barrier between keeping a good job and having the job that you really want.” For example, one of the participants wanted to be a teacher but did not have the means to do so. Similarly, another participant expressed an interest in working with children but was turned away because of their record. These findings extend past research on fines and fees, which has consistently found that

employers who use background checks in the hiring process will often reject an applicant simply because of their criminal history, with little depiction of how this rejection can impact the individual (Tupper et al., 2021).

In addition to affecting work and school, several participants ($n = 4$) expressed that their court-appointed fines and fees impacted their ability to get around and go about their day-to-day activities. These participants discussed difficulties that stemmed from their license being suspended, including challenges in getting places (such as work or school) and stress from having to drive while suspended. These difficulties align with prior studies on fines and fees, which consider the difficulties of driver's license revocation (Hunt & Nichol, 2017; Teigen, 2020). Dylan explained how he "tried to do everything by the book," but it was very time-consuming and impeded his employment. He stated:

I had to take a bus two hours in each direction to go in, and it was just a pain in the ass. I worked less hours a day. I had to leave work early to make the bus [...] It was just terrible.

Other participants expressed similar challenges. Referring to taking public transportation to get her kids to school, Quinn explained: "It just takes a lot longer [...] we have to ride one bus to another bus to the max." According to other researchers' findings, all four participants who alluded to their fines and fees impacting their daily travels admitted to driving while suspended, which is not unusual (Nastasi & Greer, 2023). When asked about this, Skyler explained:

There was a little bit of time that I was without a car and a license, and honestly, I would drive on a suspended license with my children in the car [...] I didn't want

anything to happen with my children in the car, but, unfortunately, that's what I had to do.

This quote, and the others before it, demonstrate how many individuals resort to driving while suspended as public transportation is often inconvenient and/or there continue to be obstacles to getting their license reinstated. Kristin described this dilemma perfectly when she said, “If I had another option, trust and believe I would have been doing it.” These individuals rarely want to continue breaking the law, but often, the alternatives create further challenges and are not viable options.

Longevity of Impact

The impact of fines and fees extends far beyond a one-time court date or single sentence; in many cases, it keeps individuals tethered to the criminal justice system for the remainder of their lives. Many participants (n = 8) discussed the longevity of this impact in their interviews, stating that these past fines and fees continue to affect them to this very day. While prior works have discussed the collateral consequences of one's criminal record, the longevity of fines and fees and how they impact the individuals were not closely examined. Thomas described this prolonged duration, stating, “This [case] was back in 2006, and it is still affecting my life to this day [...] Even though the record is old, it's still there, and that never goes away.” Quinn shared this sentiment, explaining, “I just feel like there's no end in sight.” Several respondents described feeling these lasting impacts made it difficult to get their lives back together and move on from their criminal past. For example, Michael asserted:

I honestly thought I was gonna go to my grave with this stuff still on my record
[...] I think it prevents people from moving forward. When you have all that

baggage, it's hard to feel empowered to move forward. It seems like you just have all this weight on your shoulders and it seems impossible sometimes.

His comment demonstrates the difficulty of moving forward with a criminal record.

Linda further corroborated this by saying, "It [...] felt like I was stuck in a rut. Like, how do I even start trying to get my life back together?" Respondents discussed several reasons for feeling unable to move forward, including immense debt from paying off their fines and fees and enduring social stigma due to their criminal history, reflecting elements of labeling theory (Crossman, 2020). Additionally, several individuals expressed feeling trapped within the criminal justice system due to meetings with lawyers and check-ins with parole officers. Darius described this feeling when he stated:

When you're reintroduced into society from being incarcerated, you're supposed to feel free enough to be able to make the adjustments to change. But I didn't feel free, I felt trapped under a thumb 24/7.

The criminal justice system is supposed to help individuals re-enter society with the skills to move forward and stay off the beaten track. Still, the residual impacts of one's time in the system often make this impossible.

One of the main reasons that moving forward can be so difficult for individuals is due to the high amounts of fines and fees that can add up. Nearly all interviewees (n = 10) described some difficulty with fines and fees adding up. While base amounts of fines and fees are typically only a few hundred dollars, they can add up to insurmountable sums of money, something that past research has consistently uncovered (Boddupalli & Mucciolo, 2022). Linda explained this process in her interview, stating, "The nature of those things is, if you don't deal with them right away, they just kind of add up and build

on each other.” Even the initial costs of fines and fees, which may seem small to some, can be very impactful for those with restricted finances. Skyler, for example, describes how “Although it's not a substantial amount, it is a substantial amount when on a very limited income.” Fines and fees often snowball out of control, such as when offenses are committed or if the terms of one’s probation are violated, making it immensely difficult to pay off and move on.

Targeting Within the Justice System

Prior research has asserted that court fines and fees unjustly impact those living in poverty (Bing et al., 2022; Hunt & Nichol, 2017; Shapiro, 2014). The findings of this study build upon this past research by uncovering other communities that are often unjustly burdened by these expenses and their resulting impacts as well. Many of the participants described feeling targeted for more than one identity, with the most common ($n = 8$) being that they had a criminal record. Kristin, who described feeling targeted due to her gender and criminal past, explained:

“I've had officers come up to me and start giving me mess when I was at the grocery store with my kids [...] It's like they wanted to publicly shame me whenever they got the chance as if I didn't have enough shame of my own.”

The idea that the police would come up to these individuals and give them a hard time for little to no reason was a sentiment shared by many. Frank, who felt targeted for being homeless (the second most commonly targeted identity in the sample, $n = 4$), described how one cop:

“Kept locking me up for like 18 months [...] and every time he locked me up, I was like ‘How can you lock me up again? I can't believe it! What did I do this time?’ [and he said,] ‘Well, you look like you were gonna do something wrong.’”

Other individuals discussed how they felt targeted because of who they were associating with ($n = 2$), because of their gender ($n = 2$), because of their substance use ($n = 1$), and because of their socio-economic status ($n = 2$). Michael was one participant who described feeling at a disadvantage in the criminal justice system because he was living below the poverty line. He explained in his interview how:

“I had a friend who also had gotten in trouble and was charged with the same things I did. His parents had the money and [...] he ended up with lesser charges [than] I did. His parents hired a lawyer and were able to fight the charges better than I could. [...] It worked out better for him.”

This quote demonstrates how Michael, like many others in his position, is disadvantaged in the criminal justice system due to his limited income. The disadvantage described here is an example of Marxist theory and how lower-income individuals are often singled out by criminal justice actors simply because of this minority status, creating disparate challenges (Fair Fight Initiative, 2024).

While only two participants identified as Black or Hispanic, both individuals revealed feeling targeted due to their minority race, which is one identity in addition to those in low-income communities that has been found to be disproportionately impacted (Bing et al., 2022; Sobol, 2017; Upadhyay, 2022). Darius, a Black male, described being arrested for the first time at the age of nine for breaking and entering an abandoned house with his friends, clarifying how his white friends were let off with a slap on the wrist

while he received this much harsher punishment. He explained, “From nine years old, it was drilled in my head that I'm a criminal.” Similarly, Ramon, a Hispanic male, professed to feel as though criminal justice personnel would go out of their way to give him a hard time, and he did not receive the help that he needed to get out of these situations. In his interview, he stated: “So I'm watching this judge, and he's dismissing all these charges for these little pretty white girls and stuff and does nothing when it comes to me.” This statement presents another example of a critical theory, specifically elements of critical race theory. Darius and Ramon both explain feeling targeted by the criminal justice system due to their race and feeling as though those of the majority race (white) were receiving more leniency for their crimes (Fair Fight Initiative, 2024). Although these sentiments come from just two of the twelve participants, they demonstrate how race is a key identity that needs further examination in future studies.

For most participants (n = 10), feeling targeted by the criminal justice system negatively changed their views of the system as a whole. Many described feeling as though those within the justice system were just after their money. Dylan explained, “I felt like I was a number. You know, I was just a dollar sign to them.” Michael shared this view, stating, “It felt like they were just after my money.” Others felt the criminal justice system was designed to keep them trapped there, with little attention paid to helping them learn from their mistakes and move on. Thomas described this feeling when he stated:

It's like they have these chains on you [...] The whole thing is just set up to make you fail. It's like they want you to re-offend so that way they keep you in the system and keep on getting money for you.

Similarly, Kristin stated, “The system, in my experience, is designed to keep you there.” These individuals felt the system was rigged against them, vastly changing how they viewed the system and the individuals within it. This is a perfect example of how procedurally unjust treatment can negatively change an individual’s views of the criminal justice system (Nagin & Telep, 2020). On the other hand, two of the study participants felt their experiences changed their views of the criminal justice system for the better. Frank stated, “Every experience I’ve ever had with the criminal justice system was good for me. I learned a lot. You know, I needed to be tamed.” Linda also shared these beliefs. Referring to the programs she was a part of in prison, she explained, “I was offered, you know, a fair chance to get back up on my feet and to change my life around for the better.” While the majority of the study’s sample maintained negative views of the criminal justice system, a small percentage gained a newfound respect for the system through their experiences.

Assistance Programs

Many individuals in the study’s sample did not feel they received enough information from their lawyer or other criminal justice personnel to understand their case and the fines and fees assessed fully. These challenges were not considered in prior studies on fines and fees, demonstrating an important gap in the literature. While this study helps fill this gap, additional research is needed to understand these challenges fully. Of the twelve participants, eight stated they did not receive any explanation from their lawyer, while the remaining four stated they received some explanation, but it was not the most thorough. When asked if she received an explanation from her lawyer about

her case, Paige stated, “No, they gave me a piece of paper, not even knowing if I was illiterate or not, and said, ‘Here you go. Fees are on the back.’”

Several individuals explained that they felt their lawyer was just trying to review their case as quickly as possible, with little regard for their well-being. Michael explained how his court-appointed lawyer “didn’t put in the time or effort” regarding his case. Hazel also admitted feeling this way, stating, “I feel about 80% of the time, it was just swept under the rug [...] just to get it over with.” Others divulged that their lawyer often pressured them to take certain plea deals to expedite the process. These examples demonstrate a lack of the “trustworthiness” procedural justice principle, suggesting that many individuals cannot trust that their lawyers have their best interests in mind. Ramon explained how he had to advocate for himself as his defense rarely did constantly. He stated, “So not only do you fight the judge, the district attorney, the sheriff’s office, I had to fight my own attorneys.” Unfortunately, many individuals were quite young when they first entered the system, so they did not know better.

Similarly, much of the explanation is in legal jargon, making it difficult to understand fully. For instance, Darius stated, “The explanation was in lawyer terms. It wasn’t explained for me to understand it.” Kristin also touched on this when she stated:

Not everyone can understand the language of the law [...] Sometimes they just spit it out so fast, you can’t even understand and you can’t catch what they’re saying so you have to ask a lot of questions and things of that nature. In my experience, in a typical courtroom setting, there is just a revolving door where they want them in and out as fast as possible, so you are kind of robbed of the right to ask those questions in the moment.

Kristin's comment illustrates how these explanations are often difficult to understand, and often, the extensive caseload of lawyers does not allow them ample time to answer questions. These narratives demonstrate that lawyers and other criminal justice actors often do not utilize the procedural justice principle of "voice," not allowing the defendants to ask questions, limiting their ability to fully understand their case and its resulting consequences (Nagin & Telep, 2020). This relates to the feeling that many individuals felt their lawyer was trying to complete their case as quickly as possible.

When asked whether they could get help with their cases and the associated fines and fees, five stated they had received help, while seven stated they had not. This was a challenge that should have been alluded to in prior research. While some studies discussed how it was difficult to access assistance programs, it was a sentence in passing with limited discussion on the impacts (Nastasi & Greer, 2023; Upadhyay, 2022). Those who had not been able to get help with these fines and fees listed several reasons why help had been difficult for them to obtain. For some, assistance programs did not feel accessible as they were unavailable in every county. Darius described the scarcity of these programs, stating, "I felt like I was reaching out for resources, but there weren't any." Others described how the programs that are there can be difficult to find. Paige explained, "It's hard to even find resources for little things anymore. Like, there's just not the help out there. It seems like, unless you know somebody, you're not getting any help." Other obstacles that were brought up in the interviews included having small children who could not be left at home alone, as well as addictions that made the search for help less of a priority. Those who have been able to access help described feeling a sense of freedom from the help they received. Linda explained how:

I didn't expect it to come to anything honestly, but they have done so much for me [...] It's important just to not give up hope when you're in a situation like that because you never know what's waiting around the next corner.

Michael also expressed gratitude over the help he received, stating, “It’s been a game changer [...] I’m gonna have a clean record for the first time in 20 years.” These sentiments demonstrate just how impactful help can be when it is received.

Other Relevant Themes

Two themes that emerged throughout the interview process that were not initially considered in the crafting of interview questions were homelessness and substance use. Half of the participants (n = 6) stated they experienced homelessness at some time during their lives. Many of these participants described how their homelessness led to unfair treatment by the police and society as a whole. This is a new finding in the research literature on fines and fees. While some studies have touched on homelessness, it has been in the context of challenges in finding housing due to one’s criminal record (Tupper et al., 2021). Linda was one participant who expressed feeling this way, stating, “It feels like you're being targeted by the world outside, you're living in a fishbowl almost with everybody looking in at you.” Ramon specifically described the treatment of homeless individuals by police in his interview. He explained how “Being homeless and sleeping outside, you're more susceptible to police contact. There are some police officers that do target homeless people, and I ran into a few of those guys.” These quotes demonstrate how homelessness can make individuals more susceptible to mistreatment by the public, as well as the police. Other participants described how their crimes were what led them to be homeless. Kristin was one such participant. She explained, “I actually became

homeless because of my crimes. I lost my children and lost everything I had, all except for the clothes on my back.” Still, others described how they felt as though they had to resort to criminal behavior because they had no other options when living on the streets. Darius described this when he stated, “I [was] homeless. I felt alone. And criminality was the only way to help me change that at that time.” These depictions demonstrate how homelessness can create and even exacerbate problems for individuals within the criminal justice system.

Substance use was another unexpected trend uncovered in the study’s interviews. Similar to homelessness, substance use was a topic rarely touched on in prior literature, demonstrating a need for additional research studies that examine this. Five of the participants described their struggles with substances and their connection to experiences in the justice system. Several individuals described how they felt as though their addictions interfered with their ability to take their cases seriously, such that they did not reach out for help or make an effort to understand the cases. Hazel explained, “I was just trying to get it over with so I could get back to my addiction.” Other participants described how their fines and fees, and the resulting stresses, made it difficult for them to remain clean and sober. Referring to her case, Paige stated: “It like almost made me relapse because of all the bills that I had and debt that I have now. It's impossible paying all that back.” While all of the participants who described dealing with substance use are sober now, their addictions had a major impact on them and their experiences in the criminal justice system at the time.

Overarching Themes

It is important to note that the above themes only encompass some important findings from participant interviews. This is due to the fact that in numerous places, many of the themes overlap and blend. For example, while some quotes illustrate how some individuals continued to drive with a suspended license, they also tie into the stress felt from the accumulating fines and fees (as described in the “impact on self” section). Another example of this phenomenon can be seen in the “other relevant themes” section, where participant experiences with homelessness and substance use are discussed. In this section, the researcher notes how many participants felt as though their homelessness led to unfair treatment by those around them, tying into some of the experiences touched on in the “targeting within the criminal justice” section. These examples demonstrate how the themes identified by the researcher in this study are just one way to organize the impacts identified in the participant interviews.

Additionally, it is crucial to recognize that both explicit and implicit discoveries were uncovered in the coding of participant responses. The coding involved first identifying explicit themes based on textual analysis. Once these themes were organized, the underlying themes that may have been hidden upon the first review were examined. One example of this can be seen in the section focused on hiring challenges. In her interview, Kristin explained, “There’s a lot of social bias and a lot of social stigma” in the hiring process. While Darius, another participant, discussed the stigma that Kristin touches on, he did not ever explicitly use this term. This demonstrates how oftentimes the researcher explored the meanings behind the words of participants, not always taking everything at face value.

Overall, the results of this study reveal just how impactful fines and fees can be on the individual and their family. They can harm a person's mental and physical health, limit their ability to obtain a job or education, and add up to enormous amounts that inhibit the person's ability to move forward with their lives. This study's findings also support the notion proposed in past works that these expenses may be administered disproportionately, often overburdening vulnerable communities that cannot afford them. Furthermore, the current system of fines and fees in the United States does not appear to address the underlying problems that resulted in these crimes, raising the question of whether these fines and fees are really an effective tool and whether there may be a better solution that can be implemented.

Discussion

Minimal research has examined the impacts of fines and fees utilizing a qualitative approach. This type of research is valuable as it helps researchers gain a deeper understanding of the experiences of individuals as well as better understand important issues that are not easily quantified. The results of this study offer new insight into the consequences that can arise from these mandatory expenses, including impacts on mental health, impacts on one's ability to obtain an education and employment, and difficulties in attaining assistance with these resulting consequences. This study also uncovered several identities that are often targeted within the criminal justice system and how these negative experiences can alter one's perceptions of the system as a whole.

Limitations

This study has several limitations that are important to consider. Although data saturation was achieved, this study utilized a small sample collected from just one assistance program in a large urban county in Oregon. As such, the results cannot be accurately interpreted for a more generalized population. Moreover, it is possible that selection bias is at play, a phenomenon that describes when the sample population is not representative of the intended population, given that all of the participants came from the same assistance program and may differ in their experiences from those outside of this program. It is essential to replicate this study in other cities across the United States to offer a more well-rounded understanding of how these expenses can impact individuals.

Additionally, given that this study was conducted in a county in Oregon, which is predominantly made up of White individuals (who make up nearly 86% of the state's population according to the 2023 Census data [U.S. Census Bureau, 2023]), it was

difficult to recruit participants of color in the initial stages of the study. This made it difficult to ascertain any apparent differences by race in the challenges that can arise from applying fines and fees. While the initial goal of the study was to explore differences by race, it was not feasible with the recruited sample.

Another limitation of this study is that the researcher could not ascertain which of the uncovered impacts came from misdemeanor convictions versus felony convictions. This is because many participants were convicted of several different offenses and could not disentangle the impacts from each of these. Other participants needed clarification on exactly which offenses they were charged with, either due to lack of information provided by the courts or simply forgetting with time. A final limitation of this study relates to the subjective nature of qualitative research. Because every researcher interprets data differently, it can lead to differing patterns and themes that emerge in the analysis of participant interviews, ultimately altering the results of the research. These limitations do not mitigate the importance of these findings. Instead, this was simply a preliminary, exploratory study, with additional research needed to confirm these findings and build upon this knowledge.

Future Research

Despite important findings from this study, there remain gaps in the knowledge base on the impacts of fines and fees. An essential future line of inquiry is the examination of these impacts in a more diverse county of the United States to allow for a more thorough understanding of how these expenses can impact minority populations. Only two individuals in this study identified as a racial minority, making it difficult to grasp how their experiences may differ from those of the majority. Research comparing

the challenges that arise from misdemeanor versus felony offenses would also be beneficial. People with felony offenses on their record may experience additional challenges, given that their penalties are harsher than those arising from misdemeanor charges. However, this assumption could not be adequately investigated in this study.

In addition to these suggestions that address the limitations of this study, it would also be helpful to examine themes that have yet to be thoroughly discussed in prior research before this study. This could include studies that examine fines and fees in the context of homelessness or substance abuse, as well as studying the impact of these expenses on other vulnerable communities that can be targeted by the justice system (such as women, those in the LGBTQ+ community, and homeless individuals). A final suggestion for future research is expanding the theoretical framework addressed in this study. This is one of the first research studies to incorporate theory into the study of fines and fees, necessitating additional studies to determine if these theories can help to explain why these expenses are so harmful and may be assessed on some individuals more than others.

Policy Implications

Local and federal governments must diligently try to reevaluate current practices and search for preferable solutions that hold individuals accountable for their actions but do not harm their mental, physical, and financial health. With these considerations in mind, several policy changes are recommended. First, prior to assessing fines, fees, or any other monetary sanctions, courts should establish that the defendant is able to pay the amount imposed by implementing ability-to-pay assessments. These assessments will evaluate the defendant's financial situation and determine whether the financial penalty

will significantly burden the individual, resulting in a decision to uphold, reduce, or waive the expense(s). Such assessments must utilize objective criteria to limit judicial discretion, eliminate bias, and ensure that the penalties are proportional to the crime. Examples of neutral benchmarks to be utilized in these assessments include the percentage of the poverty threshold, percentage of median income, receipt of specified services, and/or experience of homelessness in the previous twelve months.

Second, after determining an individual's ability to pay, financial penalties should be administered as income-based fines rather than as fixed fines, such that the assessed fines and fees are adjusted depending on the defendant's income while also factoring in their dependents. Additionally, payment plans should be made available to all defendants to ensure they can afford their basic needs, and the needs of their families, while paying off their court debt. Monthly installments should not exceed 2% of an individual's monthly income, and these individuals should receive reminders from the court before their installment due date. Even with these two measures in place, a subset of individuals will remain unable to pay their financial penalties. As such, alternative forms of punishment should be made available. Examples of non-financial sanctions may include community service or drug and alcohol treatment programs.

Third, courts must ensure that all correspondence to defendants is presented in layman's terms rather than legal jargon. This will ensure that defendants fully understand their case and the attached fines and fees. Finally, local and federal governments should adopt programs set out to remedy any past damage caused by fines, fees, and related mechanisms, particularly for those in low-income communities and communities of color. In some places, such programs do not exist, while in others, such programs may

not be helpful or are inaccessible to individuals. Courts must implement measures to adopt new programs and broaden the scope of current programs, including job skills training, drug and alcohol counseling, and therapy programs.

Conclusion

The current system of monetary sanctions in the United States is far from just, entrenching individuals in cycles of debt and resulting in adverse effects that permeate all aspects of life. The criminal justice system must recognize the harm that stems from these fines and fees and implement comprehensive measures to minimize the damage that can arise. While the present study illuminates the widespread impacts that fines and fees can have on an individual and their families, as well as the communities that may be especially vulnerable to such effects, further research is still needed to build upon this knowledge.

Given the substantial impacts of fines and fees, the high probability that they will never be fully paid, and the burden this place on the criminal justice system, it is clear that a reform of the current system is needed. Addressing the problem of fines and fees in this country will require systematic change incorporating evidence-based policies and practices and a continued pursuit of current knowledge on the subject as times and communities change. By implementing such changes, the criminal justice system has the opportunity to put a stop to this perpetual cycle of debt and foster a community that encourages fair and just treatment of all, regardless of their race, socio-economic status, or other identities.

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Appendix A

Consent Statement

You are being asked to participate in an interview. Have you looked at the information about this research, and do you understand your rights? We placed a copy of the information in the chat, too. As a reminder, your participation is completely voluntary, and you can ask to stop the interview or skip any question you would like. Your identity will be kept strictly confidential. That means any report of the interview findings will not mention your name, where you work, phone number, email address, names of your family members, or other factors that could potentially identify you. We will never share your personal information with anyone connected to the legal system.

Our goal is to identify common themes, influences, challenges, and obstacles that have impacted individuals who have been assessed fines and fees. You will be asked questions regarding your experience with the criminal justice system, especially regarding any fines and fees you were assessed. We will ask you questions about how it impacted or changed your everyday life, if any. The data will provide important lessons on thinking differently about the criminal justice system.

Do you have any questions or concerns before we begin? Do you consent to continue with the interview? We would like to record the interview. When done, we will transcribe the interview, remove any names or other identifying information, and then destroy the original recording. Are you ok with us recording this interview?

It is ok if we record the Zoom session YES or NO.

Appendix B

Interview Questions

Question 1: “Can you tell me a bit about your case?”

Follow-up: “What type of offense were you charged with?”

Question 2: “What kinds of fees and fines were attached to your case?”

Question 3: “How did these fines and fees impact your day-to-day life?”

Follow-up: “Did you notice any changes in your job? Family? Friends? Mental health?

Physical health?”

Question 4: “Do you feel you have a strong support system?”

Question 5: “Do you know where you can go to get help with your fines and fees? Do you feel that these resources are easily accessible to you?”

Question 6: “Have you ever felt like persons within the criminal justice system have targeted you because of your race? Gender? Age?”

Follow-up: “Can you explain a little about why you felt this way?”

Question 7: “How have your experiences within the criminal justice system changed your views of the system as a whole?”

Question 8: “Do you have anything else you want to share?”