

# Fines and Fees Research Agenda



## INTRODUCTION

This document is an overview of Arnold Ventures' fines and fees research agenda. It is guided by AV's mission of maximizing opportunity and minimizing injustice. The purpose of this research agenda is to develop and build the evidence base on fines and fees reform. Our agenda is intended to guide research investments to develop evidence that will support our policy advocacy, strategic litigation, and strategic communication efforts and investments toward the larger goal of *state and local justice systems that do not rely on fines and fees as a source of revenue and where monetary sanctions are imposed equitably*.

As articulated in our Statement of Principles on Fines and Fees Reform, our approach to fines and fees reform is aimed at addressing four key problems with the use of fines and fees in the criminal justice system. These four problems serve as the basis for this research agenda:

1. Jurisdictions that rely on fines and fees have an incentive to maximize revenue, at the expense of public safety, trust, and disproportionate harm to Black and Latinx communities;
2. Courts often impose monetary sanctions without accounting for a person's financial circumstances;
3. Efforts to collect fines and fees from those who cannot afford them can increase interactions with the justice system and exacerbate poverty; and
4. The practice of imposing fines and fees on youth is of particular concern.

This agenda outlines a selection of key research questions that we believe are essential to advance fines and fees reform. Given AV's recent research investments and policy priorities, we have particular interest in studies that deepen our understanding of: *how legal financial obligations and revenue generation through fines and fees affects individuals, families, and communities; whether the elimination of harmful collection practices and alternatives to collection practices has a positive impact on individual outcomes; how judges make decisions on the imposition of fines and fees and the impact of available alternatives on individual outcomes; and alternative streams of revenue generation*.

It is our perspective that additional research can advance fines and fees reform since revealing the extent and scope of the imposition of fines and fees and the potential for alternatives can lead to impactful reform nationwide. Arnold Ventures' research philosophy is to support research that accurately and significantly reduces the most pressing uncertainties affecting policy and more information about our approach to funding research is [available here](#).

## OUTCOMES OF INTEREST

Given the complexity of fines and fees—such as the myriad ways in which fines and fees are levied and by different state actors and processes—this research agenda includes outcomes at three important levels: individuals; systems; and society. At the individual level, we are interested in measures of justice system involvement and economic wellbeing. We are also interested in studies that assess whether fines and fees reform promotes success, accountability, and behavior change for individuals who are justice system involved. Success, accountability, and behavior change indicators could include measures of economic wellbeing, residential stability, family stability, and reconciliation as well as crime, offending, and recidivism. We are also interested in studies that broaden our understanding of the role of fines and fees reform on individuals' perceptions of the legitimacy of the justice system and local government, including those who are convicted of a crime and those who are victimized by crime. At

the systems level, our focus is on state and local government including, but not limited to, the criminal justice system. We are interested in measures of revenue generation, expenditures and budgets, resource allocations, disparities, cost savings and efficiencies, and system processes, procedures, and decision points. At the societal level, we are primarily interested in measures of public safety and revenue generation and studies that measure the extent to which fines and fees reform serves in the broader public interest of being efficient, effective, legitimate, and fair.

## RESEARCH QUESTIONS, BY KEY PROBLEM

### Jurisdictions that Rely on Fines/Fees Have an Incentive to Maximize Revenue (Problem 1)

Systems that rely on fines and fees have a perverse incentive to maximize revenue, which may come at the expense of public safety and public trust and may disproportionately harm marginalized communities. We aim to generate knowledge *examining reliance on fines and fees to maximize revenue* and clarifying the cost and harms of revenue generation through fines and fees. We are therefore interested in studies with the following key research questions:

- What is the cost of revenue generation through monetary sanctions?
- Is the use, imposition, and collection of monetary sanctions an efficient source of revenue for state and local jurisdictions?
- What state and local laws create the opportunity and incentive for jurisdictions to collect revenue through fines and fees? What characteristics of local and state jurisdictions and governing structures facilitate and undermine the use of fines, fees, and restitution to fund justice system operations?
- How do legal financial obligations and revenue generation through fines and fees impact individuals, their families, and communities?
- Are there alternative streams of revenue for justice system operations that do not rely significantly on fines and fees? What is the impact of these alternatives on system outcomes (e.g., revenue generation)?

### Courts Often Order Fines/Fees without Accounting for a Person's Financial Circumstances (Problem 2)

The imposition of fines, fees, and restitution creates a “two-tiered” system of justice since it doesn’t routinely and adequately account for an individual’s financial circumstances. We aim to generate knowledge by *examining the imposition of monetary sanctions* and the policies, tools, and mechanisms that ensure fines, fees, and restitution are proportional to the offense and individual’s financial circumstances. We are therefore interested in studies with the following key questions:

- How are municipal and court budgeting practices related to the imposition of fines and fees?
- How do government actors, chiefly judges, make decisions on the imposition of fines and fees?
- What alternative policies and practices are available to sentencing judges, releasing authorities, and other government officials and policymakers (e.g., community service, day fines, abolition, ability-to-pay calculators, restorative justice practices, payment plans, bench cards, amnesty events, and other proportional economic sanctions)? What factors encourage or discourage use of these alternative policies and practices? What is the scalability of alternative policies and practices? Are there contextual factors of local and state jurisdictions and governing structures related to the implementation of alternative policies and practices?
- What is the impact of alternative policies and practices, such as proportional economic sanctions, on individual, system, and societal outcomes? For individuals under community supervision, what is the impact of alternatives on behavior change, accountability, and compliance with conditions and terms of supervision? What is the impact of alternatives on perceptions of the justice system, by those who have been convicted and those who have been victimized?
- What are the (potential) unintended consequences of alternative policies and practices on individuals, systems, and society?



## Efforts to Collect Fines/Fees Can Increase Interactions with the Justice System (Problem 3)

The consequences of nonpayment of fines, fees, and restitution can exacerbate poverty and increase interactions with the justice system. We aim to generate knowledge by *examining the collection of monetary sanctions* and the impact of eliminating the most severe or harmful consequences of nonpayment. We are therefore interested in studies that can answer the following two key questions:

- What is the impact of eliminating harmful collections' practices, such as driver's license suspensions or imprisonment for failure to pay, on individuals and systems?
- Are there alternative collection practices that do not involve severe or harmful consequences?

## Juvenile Justice Fines/Fees Raise Particular Concern (Problem 4)

The practice of imposing fines and fees on youth is particularly concerning since children are deemed legally incompetent to enter into contracts of any kind and monetary obligations placed on juveniles are borne by their families. We aim to generate knowledge by *examining the practice of imposing fines and fees on youth* and the impact of eliminating fines and fees for juvenile offenses. We are therefore interested in studies that can answer the following two key questions:

- What is the impact of eliminating juvenile fines, fees, and restitution on youth and system outcomes?
- Are there alternatives to restitution for juveniles that are economically proportional and developmentally appropriate?

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### CONCLUSION

Arnold Ventures is committed to expanding the research foundation to reform the current use, imposition, and collection of fines and fees. Critically, while the problems with fines and fees are evident, we know less about alternatives. We therefore see significant opportunity for jurisdictions that are willing to experiment with alternatives and to partner with researchers to learn from these experiences. We also see significant opportunity for researchers that are willing to retrospectively evaluate reforms that have been passed and implemented by jurisdictions.