

Case 10: Pay or Stay

Debtors' prisons were outlawed in the United States in 1833. And, yet, the system of fines and penalties by many jurisdictions across the country disproportionately affect those living in poverty. The poor are often stuck in jail because they don't have the money to get themselves out.

Darnise, a twenty-two-year-old single mother, was arrested during a traffic stop. It wasn't because of her driving or car registration or insurance. She was arrested because she had failed to pay a court fine related to a conviction for possession of marijuana. She spent two days in jail awaiting a hearing. As a result, she lost the job she had recently taken as a waitress and cook, thereby guaranteeing her inability to pay the court what she owed.

A study by NPR radio found that, in 2016, 95 percent of arrest warrants stemmed from outstanding fines. As a result, 640,000 people who couldn't pay went to jail.

According to Alexes Harris, associate professor of sociology at the University of Washington, "They tend to be people of color, African-Americans and Latinos. They tend to be high school dropouts, they tend to be people with mental illness, with substance abuse. So, these are already very poor and marginalized people in our society, and then we impose these fiscal penalties to them and expect that they make regular payments, when in fact the vast majority are unable to do so."

The growing number of cases like that of Darnise prompted Texas to enact a law in 2017 that required judges to offer low-income defendants a community service alternative. If paying fines is too difficult or impossible for the individual, they can work off their fine.

Courts across the country, however, run on the revenues taken in through fines and court fees. Michael Day, a court administrator in Allegan County Michigan, is quoted by *The Atlantic Magazine* as saying, "The only reason that the court is in operation and doing business at that point in time is because that defendant has come in and is a user of those services. They don't necessarily see themselves as a customer because, obviously, they're not choosing to be there. But in reality, they are."

Fines exist as an alternative to incarceration, in many cases. Some would argue that when laws are broken, there must be consequences to maintain law and order. Fines can be one of those consequences. One way to avoid both fines and jail time is to stop breaking the law in the first place.

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