

Progressing Reform of Fees and Fines: Towards A Research and Policy Agenda
Harvard Law School
September 12 – 13, 2019

Over the last several years, researchers and advocates have called attention to how the criminal and civil legal systems' **finances and fees** punish and prey on the poor. In broad strokes, we know that the costs of basic government functions – ranging from running courts to providing goods in jail commissaries – are extracted from the poorest individuals, often from communities of color, and further trap them in these systems and in poverty. Alongside this growing research, there has been **momentum for reform**. Litigation has led to some improvements in the worst practices: some jurisdictions have stopped revoking driver's licenses for failure to pay criminal justice debt and they are addressing unconstitutional debtors' prisons. Some states have undertaken analysis of court practices in need of reform and a few have managed to repeal some financial penalties.

While these reforms are a step in the right direction, they often do not do enough to address the fundamental problems identified in recent research: jurisdictions persist in relying on people targeted for criminal enforcement to pay for government functions and punish them harshly and indefinitely when they are unable to make payments.

The purpose of this conference is to reflect on the research to date, to assess whether the current reform trajectory holds promise, and to chart a path for future research. To do so, we will bring together researchers from diverse disciplines including sociology, criminology, public policy, law, economics, political science, and policy experts.

We will consider what empirical and experimental research has revealed about fees and fines, including how legal systems operate, the implications of financial incentives in the system, and impacts on recidivism, health, and families. We will explore how political and social factors, such as racial injustices, shifting political contexts, and economic changes may help us understand these policies and implications for change. We will engage in a dialogue about the legal and policy frameworks for reform of fees and fines. We will conclude by identifying the types of data and methodologies needed to advance our understanding and explore opportunities for further research.

Throughout the convening, we will focus on how research could be translated and used to influence policy that protects the rights of poor people who make contact with criminal and civil legal systems.

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Questions for all panels:

1. What do we know about the system of monetary sanctions and related practices and consequences?
2. What are the policy prescriptions that grow out of what we know and how can we effectively frame reform proposals?
3. What questions remain and what are the best ways to study these topics?

DAY 1: Reflections on Existing Research

12:00 – 12:30 **Welcome** (Lunch will be served)

- **Speakers:**
 - **Alexes Harris**, University of Washington
 - **Mitali Nagrecha**, Criminal Justice Policy Program at Harvard Law School

12:45 – 2:00 **The political economy of monetary sanctions**

Moderator: Alexes Harris, University of Washington

- **Panelists:**
 - **Josh Pacewicz**, Brown University
 - **John Robinson**, Washington University in St. Louis
 - **Joe Soss**, University of Minnesota
 - **Chloe Thurston**, Northwestern University
 - **Vesla Weaver**, Johns Hopkins University

2:15– 3:30 **Update on research examining fees and fines practices**

Moderator: Julie James, Arnold Foundation

- **Panelists:**
 - **Mary Katzenstein**, Cornell University
 - **Leslie Paik**, City College of New York
 - **Ebony Ruhland**, University of Cincinnati
 - **Sarah Shannon**, University of Georgia
 - **Bruce Western**, Columbia University

4:00- 5:30 **How money matters for individuals and legal systems**

Moderator: Chris Uggen, University of Minnesota

- **Panelists:**
 - **Raúl Carrillo**, New Economy Project
 - **Megan Comfort**, RTI International
 - **Frank Edwards**, Rutgers University School of Criminal Justice
 - **Lauren-Brook Eisen**, Brennan Center for Justice
 - **Gene Nichol**, UNC Chapel Hill School of Law
 - **Karin Martin**, University of Washington

6:00 **Dinner**

- **Keynote Speaker:**
 - **Marie Gottschalk**, University of Pennsylvania

DAY 2: Legal Frameworks and Reform

9:00 – 10:15 Role of Fines as Punishment and Alternatives (Breakfast will be served)

Moderator: Joanna Weiss, Fees and Fines Justice Center

- **Panelists:**
 - **Sara Greene**, Duke University School of Law
 - **Eisha Jain**, University of North Carolina School of Law
 - **Mitali Nagrecha**, Criminal Justice Policy Program at Harvard Law School
 - **Noah Zatz**, UCLA School of Law

10:30 – 11:45 Legal and Constitutional Frameworks

Moderator: Issa Kohler-Hausmann, Yale University

- **Panelists:**
 - **Monica Bell**, Yale University & Yale Law School
 - **Beth Colgan**, UCLA School of Law
 - **Brandon Garrett**, Duke University School of Law

12:00 – 2:00 Implications for Reform and Research (Lunch will be served)

Moderators: Alexis Harris and Mitali Nagrecha

- **Keynote Speaker:**
 - **Mary Pattillo**, Northwestern University
- **Questions:**
 - Where does our research fit in with reform?
 - What should or could be the academic role in reform?
 - What data and methods should we use?