



FROM BARRIERS **TO BRIDGES**

From Barriers to Bridges: How Fines and Fees Reform Can Help Boost Economic Security

Ray Khalfani, Senior Analyst, Worker Justice and Criminal Legal Systems and Ife Finch Floyd,
Director of Economic Justice



Introduction

Excessive local government reliance on fines and fees is tied to persistent barriers to economic security.¹ Policies that lift these barriers could open gateways for more Georgians to achieve workforce mobility free from criminal legal system entanglement. Black Georgians in particular are more likely to face excessive court or probation fines and fees payments that are more than they can afford. Such expenses and associated debt create persistent barriers to consistent work, maximizing earnings, safe housing, economic support programs and a healthy lifestyle. Black Georgians and those earning low incomes may also be more likely to face fines and fees practices that fail to provide due process.² These everyday dynamics reflect a long history of discrimination that has subjected Black communities to over-policing and contributed to the erosion of their income and wealth.³

To dismantle common barriers to economic security, like legal debt, state and local governments could reduce their reliance on fines and fees to fund their operations and consider how fines and fees will affect an individual's life beyond their legal case. Steps along the path of ending reliance include rejecting:

- “Court user” funding approaches, which deploy fines and fees to fund courts and the broader criminal legal system directly.
- Poverty penalties, or enhanced punishment linked to an inability to immediately pay a fine or fee in full, include incarceration or added monetary charges.

Fine: A financial penalty levied by the criminal legal system to deter or punish someone, in response to a conviction or violation.

Fee: A financial charge often levied on top of a fine, with the intent to raise revenue and shift the costs of local and state government onto those who come into contact with the criminal legal system.

Due Process: a right provided for in the Georgia Constitution, it includes notice of a judicial proceeding, the opportunity to be heard, to present evidence and to defend oneself; due process also means the government must act equitably and justly when prosecuting someone.

Court User Funding: funding for courts and sometimes other aspects of the broader criminal legal system that comes from the fines and fees charged to people with cases in the court, instead of other streams of state or local revenue.

Poverty Penalties: Added monetary charges, additional probation, incarceration or other penalties that occur when someone is unable to promptly pay fines and fees.

Sources: GBPI criminal legal system research, Black's Law Dictionary, National Conference of State Legislatures, Pew Charitable Trusts, American Journal of International Law (Cambridge University Press)



National and Statewide Trends Around Fines and Fees

A nationwide survey found that in 2023 between 17 and 18% of all adults reported they were recently cited or had fines and fees obligations that were unpaid.⁴ Those with low and moderate incomes were more likely than those with high incomes to be unable to quickly pay off fines and fees and therefore more likely to be entangled by the court and carceral system. Racial and ethnic disparities were also persistent across income levels. Around 20% of Black adults and 22% of Latinx adults had been either assessed fine and fees or owed them compared to just 15% of white adults.⁵

A recent GBPI poll found disparities across race and income on the ability to pay fines and fees from traffic tickets. Nearly 15% of all Georgians reported that they could not afford a traffic ticket at some point in their lives. Over 20% of Georgians who are Black or earning between \$15,000-\$49,000 a year reported a period where they could not afford a traffic ticket. A Black Georgian was more than twice as likely as a white Georgian to be placed on a payment plan because they could not pay a ticket on time. While roughly the same percentage of those identifying as Black or white reported having a criminal record over an unpaid ticket, Georgians identifying as “Other” were significantly more likely to say they have a criminal record over an unpaid ticket. Georgians of color were more likely to have gone into debt to pay a traffic ticket. This suggests that non-white Georgians at large face a higher likelihood of consequences, including jail incarceration and misdemeanor probation, for unpaid legal debt.



GBPI Poll Results:

Questions and responses from Georgia Budget & Policy Institute’s Survey Conducted by the University of Georgia’s SPIA Survey Research Center September 11, 2024.

Have you experienced any of the following circumstances related to receiving a traffic ticket? (Notes: Entries are the percentage of respondents indicating occurrence of category; respondents could choose as many categories as apply)

	Topline	White	Black	Other	Under \$15,000	\$15,000-24,999	\$25,000-48,999	\$50,000-99,999	Over \$100,00
I could not afford to pay a ticket	14.6%	12.2%	20.1%	12.2%	17%	20.4%	19.1%	13.8%	6.1%
I lost my driver’s license over an unpaid ticket	9%	7.1%	11.6%	10.4%	8.5%	10.2%	11.1%	9.7%	6.1%
I went into debt to pay a ticket	10.9%	9.2%	12.5%	13.3%	15%	11%	11.1%	11.3%	8%
I was put on a payment plan because I could not pay a ticket on time	9.3%	7.2%	15.1%	5.8%	5.3%	11%	11.7%	10.8%	6.6%
I have a criminal record over an unpaid ticket	4.6%	4.3%	4.2%	6.1%	4.5%	3.5%	4.1%	6.1%	3.7%

Georgia’s fines and fees system has multiple layers that can lead to criminalization. For example, this is a chain of events that GBPI has encountered in community engagement and throughout its broader research:



A single, working-class Georgian who earns \$12 an hour (putting them about 150% above the poverty line) drove to work by going through a city that relies on excessive fines and fees to balance its local budget. Because of police department revenue quotas, a police officer stops and issues them with a traffic citation for something which the officer may not normally cite, like a broken taillight. The officer also finds that the driver's insurance has lapsed because of nonpayment and issues another citation. Because of this person's relatively low wages they cannot afford to pay the tickets by the payment deadline and end up in court to address the matter with a judge. The judge places them on pay-only probation under the supervision of a private probation company, providing them with a debt payment plan that also gives them a criminal record. As they struggle to make debt payments under the weight of bills for basic necessities, probation supervision and program fees increase their legal debt, and they ultimately fall behind on payments and are threatened with incarceration to pay off probation debt.

We call this process that criminalizes a person's inability to pay their fines and fees "citation-to-criminalization."

The 2024 GBPI poll of Georgians (table above) demonstrates that citation-to-criminalization happens in our state. Nearly 1 in 10 respondents had been on a payment plan to pay for a traffic ticket.⁶ Nearly 5% of respondents say they have a criminal record for unpaid traffic tickets, which could include additional fines and fees attached to misdemeanor probation and/or time in jail.⁷ This frequency of criminal entanglement related to traffic tickets contributes to a similar frequency in probation and jail incarceration rates. Over 4% of Georgians were placed on probation in 2021 (4,169 of every 100,000). 0.4% of Georgians were incarcerated local jails in 2022 (350 of every 100,000). Recent research offers a glimpse into the connection between unpaid fines and fees, which can lead to probation, and jail incarceration.⁸ Georgia has been ranked as having the country's highest probation rate, attributed in part by Georgians on probation due to an inability to pay fines and fees.^{9,10}

Pay-Only Probation: a form of misdemeanor probation caused solely by the inability to pay a fine or fee.

Private Probation: an arrangement where local courts contract with private companies who will then supervise and collect court fines and fees from those who are sentenced to misdemeanor probation. These companies make profit from probation fees.

Sources: OCGA § 42-8-103(a), Southern Center for Human Rights, "Private Probation" and Russell Sage Foundation Journal of the Social Sciences

GBPI's research has also shown a strong association in South Georgia among Black poverty rate, Black proportion of local population and local government reliance on fines and fees. These trends occur in the context of historical oppression of people of color in Georgia's Black Belt.¹¹



Fines and Fees and Private Probation

Various fines and fees are associated with minor offenses like traffic infractions. Individuals who cannot immediately pay them off are subject to supervision by private probation companies (“private probation”) motivated by profit incentives. Consequently, those individuals face debts that can be exponentially higher than their initial penalty.

Georgia is one of a dozen states that allow private, for-profit probation companies to contract with local court systems to supervise and collect court fines and fees from those who are sentenced to misdemeanor probation.¹² This includes those placed on “pay-only” misdemeanor probation, which is criminalization solely due to a person’s inability to pay fines and fees up front.¹³ This arrangement gives private companies leverage through local courts to pursue profit for themselves by charging people on probation with supervision and program fees. Those private companies then split a share of each payment with local courts until they recoup all the initial court fine and fee charges. The share of each payment allocated to supervision and program fees is kept as profit. It incentivizes private probation companies to maximize payment periods and probation sentences, and as long as this approach is producing revenue for local governments, they have little motivation to find other more equitable revenue streams. Thus, local courts receive revenue collection services from private companies at no cost but do so by harming a community’s most vulnerable.



Barriers

Here are a few ways in which an excessive financial reliance on fines and fees and a citation-to-criminalization dynamic lead to poorer outcomes for everyday Georgians.

Barriers to Employment Opportunity

Georgia's citation-to-criminalization dynamic can contribute to poor employment outcomes. Some people take on multiple jobs to try to pay for their court debt.¹⁴ Others have to satisfy the debt through community service, which may interfere with their job. Missed time at work due to community service requirements and related court dates can cause a person to lose wages, be fired or prevent them from advancing at work. High fine and fee debt also makes it harder to pay for education or training for a better job.¹⁵ Probation-related community service may exacerbate employment barriers, as it also allows probation companies to use loopholes that extend probation sentences.¹⁶

Unpaid fines and fees can bar access to or prevent restoration of a driver's license, which can lead to workplace discipline or job loss due to late arrivals or unexcused absences. A North Carolina study found that the estimated statewide earnings loss in 2024 dollars one year after the loss of a driver's license was between \$6.5 and \$8.8 billion.¹⁷ Individuals without a license also may be ineligible for certain jobs.¹⁸ Driving is central to people's lives, especially in areas without adequate public transit. Many people take the risk and drive without a license. If they are caught, the punishment and additional fines and fees only become more severe.¹⁹

In three out of four cases, Georgians under misdemeanor probation went into arrears during Georgia's period of slow economic recovery following the Great Recession.²⁰ Black Georgians' disproportionately higher likelihood of struggling to pay off fines and fees is in part due to their higher probability of unemployment and underemployment based in structural inequities.²¹ Also, in any economic period, Black Georgians face structural barriers that disproportionately bar them from UI protections,²² and white workers' periods of high unemployment often reach just the floor of joblessness levels of Black workers.²³ Pay-only probation, which is a payment plan attached to a misdemeanor probation sentence that judges solely give to those who cannot promptly pay court debt, is often most common in communities suffering from high unemployment, poverty and other forms of economic distress.²⁴ These communities are disproportionately comprised of Black and Brown families.

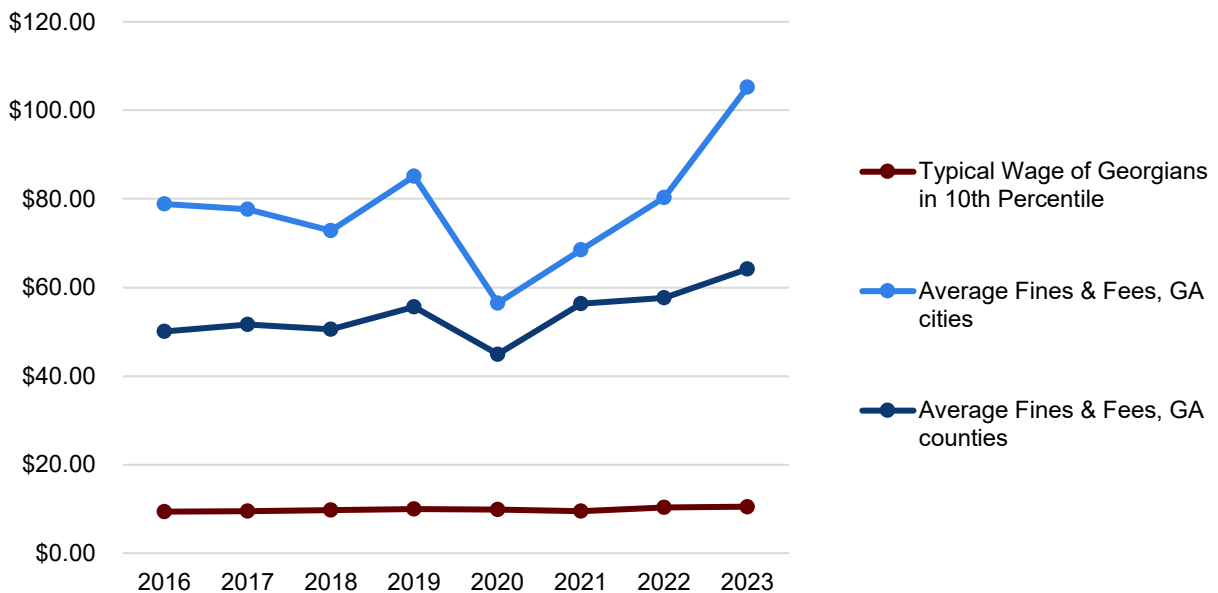


Barriers to Maximizing Wages

Georgians earning low incomes are the most likely to face harms tied to fines and fees. They also live in areas that are more likely to have local governments with higher reliance on fines and fees revenues. This includes places like Remerton, Georgia, which in 2022 relied on fines and fees for almost 40% of their budget and had an overall poverty rate of 54%. From 2016 to 2023 rising court fine and fee revenue raised in all of GA's county jurisdictions drove county per person costs from \$50.10 to \$64.16, an increase of 28% in seven years.²⁵ In the same time span, municipal court fine and fee revenue increases drove municipal per person costs from \$78.90 to \$105.25, a net increase of 33%.²⁶

Among those earning wages at nearly the lowest income bracket, the 10th percentile, their inflation-adjusted wages grew from \$9.38 in 2016 to \$10.50 by 2023, an increase of only 12%. Among Black workers in Georgia, whose wages were in the 10th percentile, their typical wage was \$8.81 in 2016 while rising to \$10.30 by 2023. While this represented a 17% wage increase for Black workers at nearly the lowest income bracket, this growth remained much slower than the average per person costs of traffic or court-related fines and fees.

Average Fine and Fees Costs per-Person, Compared to Wages at Tenth Percentile

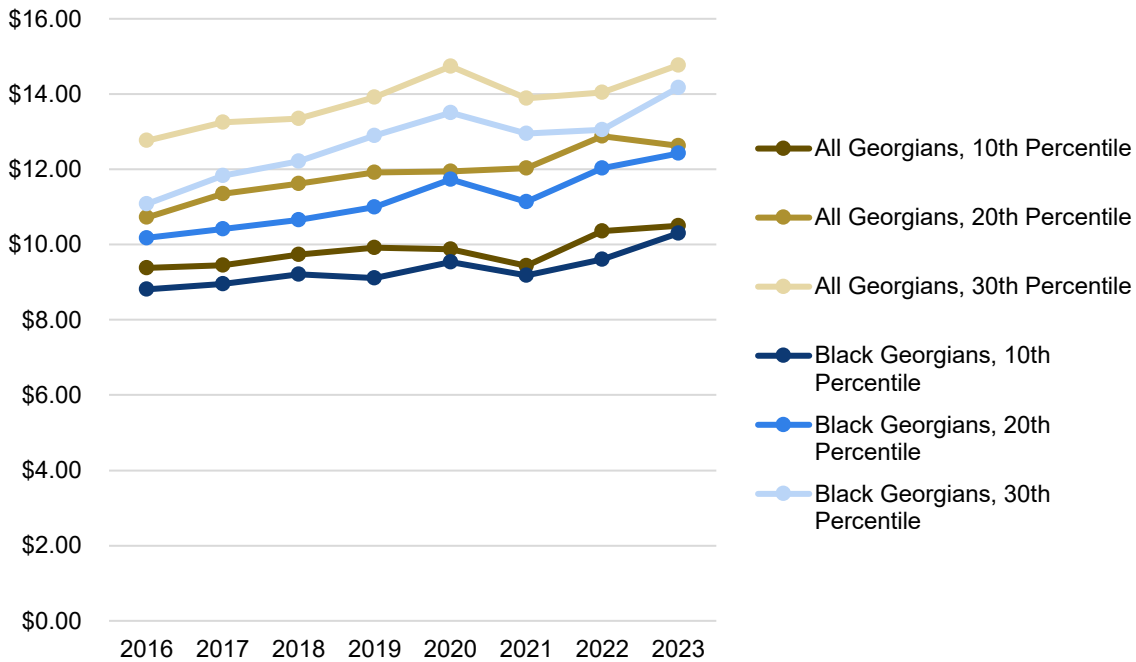


Note: More detailed, interactive versions of these charts are available at GBPI.org

Source: EPI analysis of Current Population Survey (CPS) microdata, and GBPI analyses of 5-year American Community Survey (ACS) and GA Dept of Community Affairs local finance data



Typical Wages for Black Georgians Compared to All Georgians, Lower- to Middle-Wages



Note: More detailed, interactive versions of these charts are available at GBPI.org

Source: EPI analysis of Current Population Survey (CPS) microdata, and GBPI analyses of 5-year American Community Survey (ACS) and GA Dept of Community Affairs local finance data

Barriers to Affording the Basics and Better Health

Excessive fines and fees can create economic hardship. People with court and probation debt struggle to afford food, housing and other essentials. Parents with children under 18 who must pay fines and fees note that child care is an even greater challenge with the additional expense.²⁷ People often orient their spending so that the fines and fees debts get paid first. To make their budgets stretch, they put off other bills and often go without some essentials even if those essentials are for their children.^{28, 29}

“It’s just like I said, [my legal debt] made it hard or impossible to be able to do certain things that my kids really needed if it was clothes or something they really, really needed. Like, ‘Okay well, they gonna have to wait because I have to pay this so I don’t get in trouble so I can get this cleared and then maybe we can try to get it later on.’ Even though they really, really, really needed it. And of course, they don’t understand because it’s like, ‘Hey, I need this,’ and I’m like, ‘Hey, Mom doesn’t want to get in trouble. We have to take care of this first, it’s priority.’” - Quote from Harris and Smith (2022).



Georgians on parole or probation are eligible for programs like the Supplemental Nutrition Assistance Program (SNAP, also known as food stamps) and Temporary Assistance for Needy Families (TANF) cash assistance so long as they meet the terms of their parole or probation. However, if an individual has unpaid fines and/or fees or does not meet the terms of their probation in some other way, they may lose eligibility for SNAP and TANF.

Research shows that court debt can also be a barrier to securing and keeping housing:

- A national survey of 2,000 people required to pay fines and fees found that of respondents who have unpaid court debt, 27% struggled with housing.³⁰
- One study found that holding legal debt, including but not limited to court fines and fees, correlated with homelessness.³¹
- Analysis of the Federal Reserve’s Survey of Household Economic and Decisionmaking (SHED) found a correlation between legal debt and housing instability.³²

People who have to pay legal debt also tend to report poorer health than people who do not have to pay legal debt.³³ Those with excessive fines and fees often skip preventative health measures as a cost-saving strategy to afford these fines and fees. Many skip meals or eat low-quality foods. Additionally, researchers found their interviewees who were subject to legal financial obligations, which include court and probation fines and fees, count their spending down to the penny. They also found that this excessive attention to spending and worry over the consequences if a person misses a payment taxes individuals’ bandwidth and creates chronic stress.^{34, 35} Unchecked levels of stress and anxiety can contribute to immune disfunction, hypertension, and other serious diseases.³⁶

Bridges

There are places where the State of Georgia can reform fine and fee policies to remove some of the barriers they cause. This would allow for greater economic security and opportunity for Georgians while keeping the intention behind a fine or fee intact.

Bridge 1: Eliminating Fine and Fee Profit Incentives Can Strengthen Ties to Employment and Widen Pathways to Economic Security

Eliminate financial quotas for law enforcement. Georgians with low or moderate-incomes, and/or those living in economically vulnerable parts of the state will have more opportunities to achieve career mobility and economic security with state-mandated elimination of incentives that lead to citation-to-criminalization outcomes.³⁷

End local reliance on “court user” fees to fund courts. Rather than relying on “court user” fees which incentivize courts and law enforcement to maximize fine and fee revenue, lawmakers should consider alternative state-level revenue sources to finance local police,



judicial, and other criminal legal system functions. A more proactive state-level revenue approach to support local government could be reforming Georgia's state sales tax to include more services, which are most often used by wealthier households.³⁸ Those additional funds could help support local public functions, including courts, and help reduce the incentive to balance local budgets with excessive fines and fees. This approach could also reduce the dependency on tax revenue generated by the consumption of goods bought by Georgians earning low incomes.³⁹

Close loopholes that allow lengthy probation terms. By ending the financing of criminal legal systems through poverty penalties, lawmakers can reduce incentives that motivate court actors and probation officers to ignore or sidestep ability-to-pay determinations for those with financial hardships who face fines and fees. Eliminating legal loopholes that allow private probation fees and sentences to only end if people fully pay off all legal debts will help working Georgians maintain or actively seek employment regardless of whether they commit a minor offense. It will also help them pay fines associated with that offense.

Make community service holistically beneficial. Community service as a substitute for those who cannot afford criminal justice debt or are unemployed should be thoughtfully designed, considering the defendant's needs and the utility of the service to the community. Community service should also build meaningful job skills, be decoupled from legal loopholes that can extend private probation and be only imposed at a defendant's request.

Collectively, these approaches can help eliminate profit incentives and strengthen opportunities for workers to reach economic security.

Bridge 2: Making Fines and Fees Proportionate to Income and Strengthening Fair Wage Standards Can Reduce Court Cost Burdens

Safeguard Georgians with low-incomes from excessive fines and fees. To reduce inequitable financial burdens that excessive court costs place on vulnerable Georgians, lawmakers could consider adding statewide standards that further limit the fine and fee amounts that local courts can impose. As a matter of fairness, Georgians who encounter courts and receive financial penalties should only be assessed amounts that are proportionate to their income and take other financial obligations into account. Lawmakers could create safeguards on wage garnishment and interception of tax rebates, disaster relief and economic relief payments. These steps could help more working families, like those who were affected by COVID-19 and recently impacted by Hurricane Helene, be able to utilize relief payments for their intended purpose: reaching financial recovery amid an economic recession or natural disaster.

Boost the wage floor so fewer people with court debt face impossible choices. Raising Georgia's minimum wage to a livable standard, in tandem with eliminating excessive fines and fees, can help more Georgians meet their basic needs and reduce the likelihood of economic hardship if they are charged a fine. Establishing a livable state minimum wage could also



increase the value of each hour of community service, which is typically set at the current federal minimum wage of \$7.25. For Georgians who are struggling financially and request and are granted community service as a substitute for fines, the value of their labor will increase, shortening their time on community service. Increasing the value of their community service labor will also add dignity to their work and reduce negative impact to their primary employment.

Bridge 3: Strengthening Economic Supports Boosts Safeguards for Georgians Choosing Between Criminal Legal System Entanglement and Basic Needs

Boosting economic supports can help reduce justice entanglement. Georgia lawmakers can expand access to economic support programs, which would help people struggling to afford the cost of fines and fees. Georgia can eliminate its drug felon bans in SNAP and TANF.⁴⁰ Under the modified ban for SNAP, people with prior drug felony convictions can access SNAP only if they are complying with, and able to afford, the probation requirements. Removing these bans could prevent Georgians from losing food assistance simply because they struggle to maintain probation compliance through timely misdemeanor probation payments. The state can increase TANF benefits to better help families with children afford the cost of essentials. There are also very few federal housing vouchers available relative to need in the state.⁴¹ Georgia can invest its own resources to create a state housing voucher program to boost housing stability, an important factor that could boost the likelihood that families receive and respond to mailed communication on court matters and avoid further consequences. Having stable housing thus helps support the right of individuals to due process, which includes notice of a judicial proceeding, often provided through the mail at a home address.

Ensure that Georgians do not sacrifice their health and care for their loved ones to satisfy legal debt. Providing comprehensive access to medical care through closing the health coverage gap⁴² can also reduce health risks associated with justice entanglement and payment of fines and fees. A comprehensive, state-funded paid leave program and bold investments to expand the state's child care infrastructure can provide working families with flexibility to address fines and fees and court matters without sacrificing job security or losing affordable arrangements for quality childcare.

Conclusion

The societal costs of Georgia's excessive fine and fee practices that perpetuate citation-to-criminalization outcomes – unrealized workforce growth, a widening erosion of earnings among those with low-incomes and criminal legal system entanglement that has deepened poverty – outweigh its benefits. The state and localities' overreliance on fines and fees helps drive our state's number one ranked probation rate, fourth-ranked incarceration rate⁴³ and worsens the overcrowding of several local jails across the state.⁴⁴ Many justice-involved Georgians have missed out on their potential in terms of economic security due to fines and fees practices.



By making bold reforms to reverse our reliance on fines and fees, we can begin to create a state that increases economic security, eliminates the penalization of poverty and maximizes the dignity, productivity, and vitality of our workforce.

End Notes

¹ Boardman, A. (2023, July 18). States and localities are making progress on curbing unjust fines and fees. Institute on Taxation and Economic Policy. <https://itep.org/states-and-localities-are-making-progress-on-curbing-unjust-fees-and-fines/#:~:text=It%27s%20common%20practice%20for%20policymakers,likely%20to%20face%20such%20disruptions.>

² Bannon, A., Nagrecha, M., & Diller, R. (2010). *Criminal justice debt: A barrier to reentry*. Brennan Center for Justice. https://www.brennancenter.org/sites/default/files/2019-08/Report_Criminal-Justice-Debt-%20A-Barrier-Reentry.pdf (p. 24). Garrett, B. L. (2019, November). Wealth, equal protection, and due process. *61 Wm. & Mary L. Rev.* 397 <https://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=3833&context=wmlr> (highlighting the intersect of equal protection rights linked to race and due process rights); the extent of Georgia local government revenue reliance on fines and fees and the relationship between that reliance and Black population and poverty has been demonstrated in a number of GBPI publications, including Ray Khalfani's "Fines and Fees Dashboard." Those specific local dimensions along with broader concerns (e.g., Wheelock, D. (2011), "A jury of one's "peers": Felon jury exclusion and racial inequality in Georgia courts." *Social and Cultural Sciences Faculty Research and Publications*, 47. https://epublications.marquette.edu/socs_fac/47) about the exclusion of Black people from key components of Georgia's judicial process raise concerns whether Black people are treated equitably in local courts. Also, "The US Supreme Court has considered whether a conflict of interest exists under the Due Process Clause for local courts in four cases: *Tumey v. Ohio*, *Dugan v. Ohio*, *Ward v. Village of Monroeville*, and *Connally v. Georgia*... In determining whether the funding structure constitutes a conflict of interest or offers "temptation," courts have looked at personal and structural financial conflicts of interest—as determined by who receives the revenue—and whether the judge was exercising administrative functions that might impact or influence her role as a judge... *Courts have also considered whether the amount collected is a substantial part of the local court's overall budget and whether the monies collected go directly into the local court's coffers.*" [emphasis added]. The United States Commission on Civil Rights. (2017, September). *Targeted fines and fees against low-income communities of color: Civil rights and constitutional implications*. https://www.usccr.gov/files/pubs/2017/Statutory_Enforcement_Report2017.pdf (pp. 16—17).

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inequality. Brennan Center for Justice. <https://www.brennancenter.org/our-work/research-reports/conviction-imprisonment-and-lost-earnings-how-involvement-criminal>

⁴ Boddupalli, A., & Nembhard, S. (2024, August 14). *How do fines and fees affect families' well-being?* Tax Policy Center. <https://www.taxpolicycenter.org/publications/how-fines-and-fees-impact-family-well-being/>

⁵ Ibid.

⁶ Results of September 2024 survey conducted by Georgia Budget and Policy Institute and the University of Georgia, gathering responses from over 2,000 Georgia adults statewide.

⁷ Ibid.

⁸ Peirce, J., Bailey, M., Elbushra, S. (October 2022). Punitive policies are driving jail incarceration in rural Georgia. Vera Institute of Justice. Retrieved November 29, 2022, from <https://www.vera.org/downloads/publications/punitive-policies-are-driving-jail-incarceration-in-rural-georgia.pdf>

⁹ Kaeble, D. (2023, February). *Probation and parole in the United States, 2021*. US Department of Justice, Bureau of Justice Statistics. <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/ppus21.pdf>

¹⁰ *Georgia profile of prison and jail incarceration rates*. Prison Policy Initiative. <https://www.prisonpolicy.org/profiles/GA.html#visuals>

¹¹ Khalfani, R. (2024, July 11). *Unpacking the latest fines and fees trends across Georgia*. Georgia Budget and Policy Institute. <https://gbpi.org/finesfeesdashboard/>; Owens, S. (2019, October 10). Education in Georgia's black belt: Policy solutions to help overcome a history of exclusion. Georgia Budget and Policy Institute. https://gbpi.org/education-in-georgias-black-belt/?_gl=1*rvxre5*_up*MQ..*_ga*MTU0MjQwODM3Mi4xNzM0NjI5MzY4*_ga_ZWZC5HZ1YJ*MTczNDYyOTMzNy4xLjEuMTczNDYyOTM1MC4wLjAuMA..

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¹⁴ Wilson Center for Science and Justice at Duke Law and Fines & Fees Justice Center. (2023, May). *Debt sentence: How fines and fees hurt working families*. https://finesandfeesjusticecenter.org/content/uploads/2023/05/Debt_Sentence_FFJC-Wilson-Center-May-2023.pdf



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divided by its corresponding fines and fees revenue total. Then, those figures were combined for an average across all counties.

²⁶ GBPI analysis of local finance data from the GA Department of Community Affairs and 5-year American Community Survey data, from 2016 to 2023. To calculate annual averages of per-person fines and fees costs across all municipalities, first each municipality's annual population was divided by its corresponding fines and fees revenue total. Then, those figures were combined for an average across all municipalities.

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