

Drowning In Court Debt

The background of the entire page is an underwater scene. Two hands are visible, one reaching upwards from the bottom left and another reaching downwards from the bottom right, as if they are struggling or trying to hold onto each other. The water is a deep blue, and there are many small, shimmering bubbles scattered throughout, creating a sense of depth and movement.

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ABOUT

DECARCERATE

DecARcerate is a non-profit organization in the State of Arkansas that focuses on a holistic approach to criminal justice reform. DecARcerate believes in a world of equity and reconciliation and works toward its ultimate goal of ending mass incarceration in Arkansas.¹

RESEARCH QUESTION

What are their perceived impacts and collateral consequences of fines and fees in the Central Arkansas District Court system?

GOALS OF THIS STUDY

- Examine the collateral consequences of Central Arkansas district court debt.
- Examine the ways court debt undermines public safety and furthers racial and class divides.

KEY FACTS AND FINDINGS

PARTICIPATION REQUIREMENTS

Our participants were required to have court debt from the Pulaski County district court system. We had 633 survey responses and 12 interviewees.

OF THOSE SURVEYED:

- 59.5% were denied unemployment due to a criminal record.
- 47.1% paid between \$500 and \$2000 in court costs
- 36.2% had to give up utilities in order to pay their court debt, followed by: medical bills (32.2%), food/groceries (29.5%), rent (20.1%), child support (19.1%), and car payments (15%)
- 66.6% borrowed money from a relative or friend to pay court costs, fines, and/or fees
- 55.8% were threatened with jail due to not paying court costs, fines, and/or fees.
- 44.1% were jailed due to failure to pay court costs, fines, and/or fees.
- 42.4% had their driver's license suspended due to their failure to pay
- 74.1% of Caucasian individuals indicated that they were offered community service as an option to pay off debt as opposed to 50% of Asian/Pacific Islander, 52.5% of Black/African, and 56.1% of Hispanic/Latinx respondents
- Caucasian respondents that reported their amount was decreased was 50%, followed by Black/African American respondents (44.1%), Hispanic/Latinx respondents (36.6%), Native American respondents (27.4%), and Asian/Pacific Islander respondents (0%).

BACKGROUND

WHAT DO WE ALREADY KNOW ABOUT THE CONSEQUENCES OF COURT DEBT?



The extent of repercussions of the court debt system makes it harder for individuals who are members of underprivileged communities to create a better life for themselves and their families.

Oftentimes, these monetary sanctions

remain unpaid and create a multiplier effect of debt because the individuals are not in a position to afford these sanctions in the first place. As a result, individuals fall victim to our criminal justice system and become subject to restrictions of rights, financial hardship, scrutiny, and societal implications. Individuals can encounter suspension of driver's licenses, monthly fees attached for failure to pay and appear, and other fees and fines attached to the specificity of the case.

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WHAT DO WE ALREADY KNOW ABOUT THE CONSEQUENCES OF COURT DEBT? – CONTINUED

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As hypothesized and illustrated throughout preliminary research, this phenomenon disproportionately affects individuals of lower-income families in communities of color. As found in our preliminary research, African Americans and people of color currently hold the highest levels of court debt in our country, despite making up a smaller percentage of the country's population.

Racial discrimination and racial bias play a significant role in our court debt system. Our research shows that traffic court debt in low-income communities of color can serve as a mechanism of revenue for municipalities. It is important to draw attention to the implications driver's licenses can have on the state as a whole. Suspending an individual's Driver's license in a rural state like Arkansas, where there is limited public transportation, will often lead to the individual's unemployment.



ARKANSAS COURT DEBT

WHERE DOES THE MONEY GO?

In January of 2021, the Pulaski County District Court collected over 2 \$109,000 in fines and fees.²

In March of 2021 over \$220,000 in fines and fees was collected.³

The Arkansas State Police Retirement Fund receives over \$1 million annually for driver's license reinstatement fees.⁴

The Arkansas Office of the Courts does not have a master list of overall money collected in fines and fees.

OUR STUDY

I. METHODS

The team collected data through the use of surveys and audio-recorded interviews over Zoom. The team created a 61-question survey through an online platform called Survey Monkey. The survey was modeled after the "Under Pressure" report authored by the Alabama Appleseed Center for Law and Justice.⁵

Participants were asked to complete these surveys to their best ability, and the decARcerate organization provided incentives to participants. These incentives were a \$15 digital gift card awarded upon completion of the survey and upon completion of an interview. Participants were able to receive a gift card twice, once for filling out the survey and once for completing an interview, if they completed both.

I. METHODS – CONTINUED

Participants were recruited through community organizations including Our House,⁶ Serenity Park,⁷ and BCD Inc.,⁸ as well as a post on the DecARcerate Facebook page. To increase accessibility, the team used digital means to distribute surveys through Survey Monkey.

After receiving email lists from the organizations and contacts for organization administrators, the team sent out a finalized survey to everyone on the email lists and some organization administrators sent the survey links to individuals from the organizations. A link to the survey was also included in a post made to the DecARcerate Facebook page.

The survey primarily consisted of questions asking about respondents' experiences with court debt and the consequences of that debt. Many participants accessed the survey via computers at the partner service organizations or their cell phones.

While the survey also invited participants to leave their contact information for interviews, no interviewees were ultimately recruited from this process. Interviewees were recruited directly through partner service organizations, by working with administrators from Our House, Serenity Park, and BCD Inc. For those participants who chose to be contacted, 12 interviews were conducted with them to collect qualitative data. These interviews were virtual with the camera turned off. The software Otter.ai was utilized to transcribe interviews.

The overall target population for this project is comprised of individuals who have court debt from Pulaski County district courts and other district courts throughout Central Arkansas.

Participants were primarily recruited from Our House, BCD Inc., and Serenity Park, as they often serve low-income individuals or those who have had interactions with the legal system for drug or other offenses. Lower-income individuals may have a harder time with court debt, meaning they may face more collateral consequences as they lack excess funds.

II. DATA CLEANING AND ANALYSIS

Responses were counted as missing if they did not provide valid zip codes, completed the survey in under 5 minutes, or had IP addresses originating from outside the US. This resulted in a final sample size of 633.

Survey findings were analyzed using SPSS software. Interview data was transcribed using Otter.ai and then coded for themes manually. Each member of the team coded interviews and noted key themes. Once all interviews were coded, the team met and individually shared the themes they found within the interviews. A culmination of some of the themes found by team members drove the formation of the report accompanying this project.

A NOTE ABOUT CONFIDENTIALITY

Confidentiality was explained in the consent forms provided to participants at the beginning of the survey and interviews. Survey participants were not required to provide contact information. Additionally, interview participants could choose to have a pseudonym recorded instead of their real name. This study has been approved by the University of Arkansas at Little Rock Institutional Review Board.

FINDINGS

The following section details the findings of the survey and interviews conducted by the DecARcerate team. The results are divided into six sections including: demographics, personal experiences with court debt, court debt owed, inability to make payments, experiences paying someone else's court debt, and racial disparities.

I. DEMOGRAPHICS

The ages of survey respondents ranged from 19 to 55, with the average respondent being approximately 35 years old. Most respondents were male (73.9%) followed by female (23.7%), transgender (1.4%), and other or prefer not to say (1%).

Respondents were Caucasian (48.8%), Black/African American (17.7%), Native American (15.8%), Hispanic/Latinx (9.8%), Asian/Pacific Islander (5.4%), and those who preferred not to answer (1.9%). Of the 11 total interviewees, eight provided demographic information. All eight interviewees who provided information were white (72.7%), with six males (54.5%) and two females (18.2%). Those of unknown race and gender made up 27.8%.

Questions relating to living situations, employment, and transportation were asked. Regarding living situations, most respondents (51.7%) lived in a house that they own or rent. This is followed by those who live in an apartment (19.4%), staying with friends/family members (11.1%), institution (options: hospital, nursing home, jail/prison) (9.2%), shelters/homeless (4.5%), halfway house (3.7%), and residential treatment centers (.3%). A majority of respondents (85.5%) reported that they were employed. Of those employed, most (79.2%) are employed full-time. Interviewees indicated living in residential treatment centers, shelters, and with family.

I. DEMOGRAPHICS – CONT'D

One interviewee stated, "I've not been able to live on my own at all as an adult because I can't get out from underneath the debt. I just been honest, I can't I can't get a car because I can't get a driver's license...I can't go to work or get a job."

Additionally, most survey participants (80.6%) had a driver's license. Of those who did not possess a driver's license, a majority had their license revoked by the court (39.2%), followed by those who had their license taken by police (33.3%), those who never had one (12.5%), those who cannot afford insurance (8.3%), and those who cannot afford reinstatement fee (6.7%).

Finally, another notable finding is that most respondents (36.1%) would have \$251 to \$500 if they needed money to stay out of jail today. This was followed by those who had \$101 to \$250 (29.9%), \$500 or more (22.9%), \$500 or more (22.9%), and less than \$100 (11.1%).

II. PERSONAL EXPERIENCES WITH COURT DEBT

The first substantive question asked whether individuals have court debt in Pulaski County. If they responded that they had court debt in Pulaski County, they were asked if they had court debt in any counties outside of Pulaski. The following table details the number of individuals who had court debt in Pulaski county and other counties surrounding Arkansas. Respondents were asked to select all counties that applied to them. Below is a table noting the number of respondents from counties in Central Arkansas

WHAT DO WE ALREADY KNOW ABOUT THE CONSEQUENCES OF COURT DEBT? – CONTINUED

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TABLE 1: GEOGRAPHIC DISTRIBUTION OF RESPONDENTS

CENTRAL ARKANSAS COUNTY	NUMBER OF RESPONDENTS WITH COURT DEBT
FAULKNER	4
GRANT	8
LONOKE	2
PERRY	2
PULASKI	633
SALINE	5

WHAT DO WE ALREADY KNOW ABOUT THE CONSEQUENCES OF COURT DEBT? – CONTINUED

Interviewees had court debt in either Pulaski County, Faulkner County, Lonoke County, or Saline County. Both survey respondents and interviewees noted their experience with criminal charges, their financial situation, and employment. Survey respondents were asked if they were ever charged with misdemeanors or felonies. Most respondents, 61%, noted that they had been charged with a traffic violation, followed by non-traffic misdemeanors (46%) and felonies (8.8%). Interviewees relayed experiences with both misdemeanor and felony charges, ranging from forgery charges to drug charges to assaults.

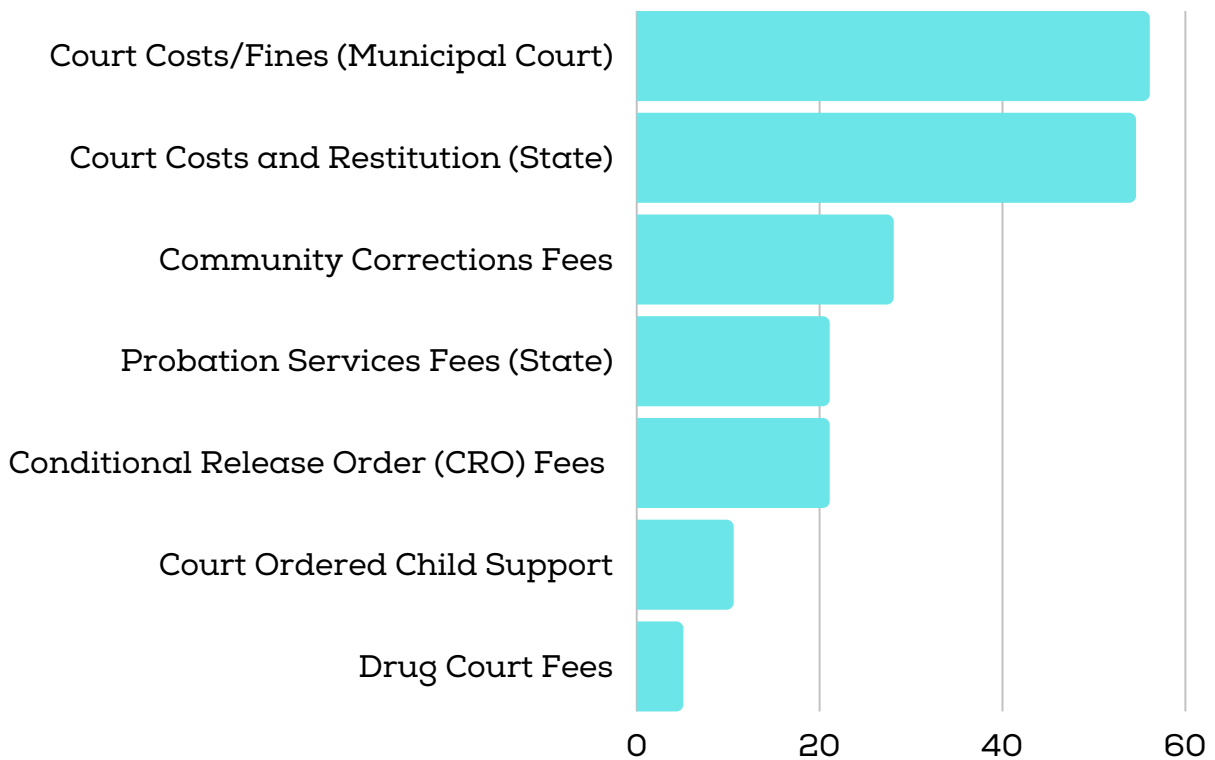
Most survey respondents (59.5%) expressed that they had been denied employment due to their criminal record. Multiple interviewees also stressed struggles with finding employment due to their criminal record. One participant mentioned being let go from jobs due to their record. More specifically, one interviewee stated "When you fill out applications for housing, or, or the jobs or anything like that people look at your record, and you know, they just don't want to don't want to deal with people like, like I used to be."

III. COURT DEBT OWED

The types of court costs, fines, and fees owed by the participants in this study varied. The chart below details these types as respondents indicated on the survey.

Most survey respondents (59.5%) expressed that they had been denied employment due to their criminal record. Multiple interviewees also stressed struggles with finding employment due to their criminal record. One participant mentioned being let go from jobs due to their record. More specifically, one interviewee stated, "When you fill out applications for housing, or, or the jobs or anything like that people look at your record, and you know, they just don't want to don't want to deal with people like, like I used to be."

CHART 1: TYPES OF FINES AND FEES PAID



III. COURT DEBT OWED – CONT'D

Additionally, participants relayed the amount of court debt they accumulated. The vast majority of respondents (89%) had debt totaling over \$500. A majority of respondents (47.1%) reported paying between \$500 and \$2000 in court costs,



fines, and/or fees. This is followed by those who paid between \$2000 and \$5000 (32.2%), less than \$500 (11%), and \$5000 or more (9.7%). Interviewees noted total amounts of debt ranging from \$600 to over \$3000. Interviewees also discussed challenges paying monthly fees ranging from \$35 to \$400, in addition to processing fees required to pay the principal balance. One interviewee said, "I had to pick up other jobs to try to...cover my bills and be able to cover these huge...payments that I owed each month plus payments for...interlock devices, and things are like \$150 a month, and then the court wants their cut, and, you know, it's like everybody wants a cut, processing and all I mean, all that stuff, it just adds up."

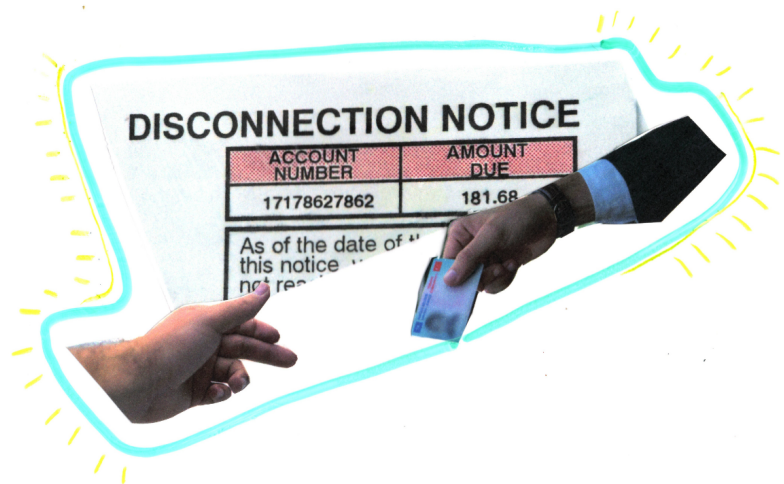
Most survey respondents were in a situation where they had to pay court costs, fines, and/or fees between one and three years (37%). This was followed by those who paid less than one year (27.7%), between three and five years (22.6%), and five years or longer (7.8%). Some respondents still owed money (4.4%).

Most respondents who still owe money owe between \$1000 to \$4999 (31.5%) followed closely by those who owe between \$500 to \$999 (31.2%).

III. COURT DEBT OWED – CONT'D

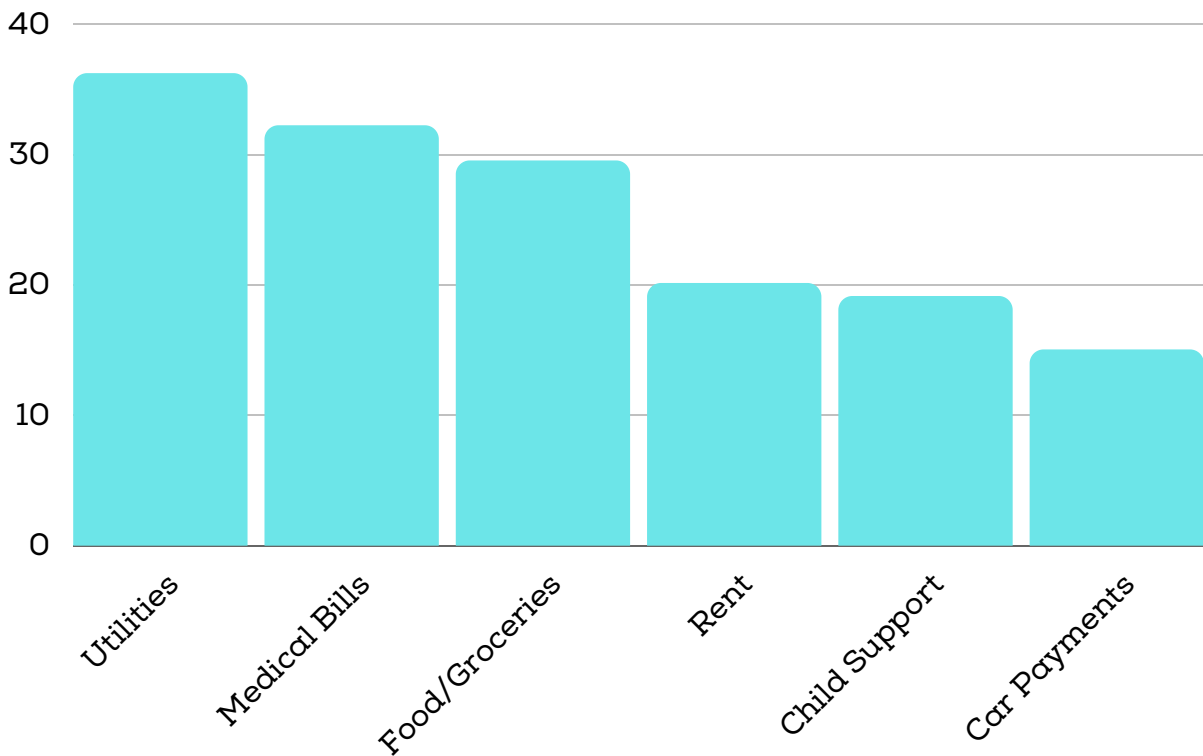
Both survey respondents and interviewees indicated their struggles with giving up necessities in order to pay off court debt. Interviewees expressed these struggles, with one interviewee saying "Just being in that much debt, I mean, I couldn't pay rent, I couldn't keep the electricity on I, you know, my marriage fell apart. So, all the way down to homelessness, sleeping in my car, that type [of] thing." Another interviewee said, "...child support just keeps building even though I've been compliant and telling them, hey, I have no job, I have no ability to get a job. And there's nothing I can do. So now I'm close to \$4,000 in debt on that one, too, which...most of that is fees for them."

The following chart indicates the percentage of types of necessities survey respondents reported that they gave up in order to afford payments for court costs, fines, and fees.



A notable amount of respondents (36.2%) had to give up utilities in order to pay their court debt. This was followed by medical bills (32.2%), food/groceries (29.5%), rent (20.1%), child support (19.1%), and car payments (15%).

CHART 1: TYPES OF FINES AND FEES PAID

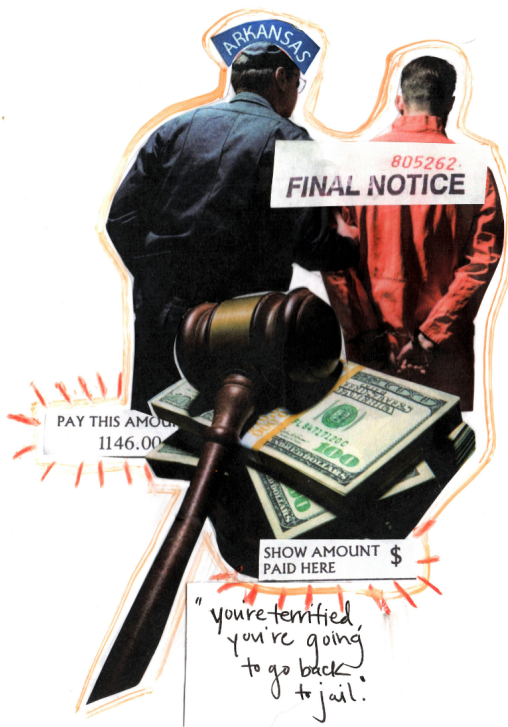


III. COURT DEBT OWED – CONT'D

Additionally, a majority of respondents (72.7%) had accepted food or money from a church or faith-based organization to offset expenses that were neglected due to court debt. Most respondents (60.4%) had also taken out pawn shop loans to offset these costs. A majority of respondents (66.6%) had also borrowed money from a relative or friend to pay court costs, fines, and/or fees. One interviewee expressed their reliance on their significant other, stating "I mean, I'm paying \$400 a month for this stuff right now. And if I didn't have my partner helping me with like bills and stuff, I don't know how people that aren't in my situation that have someone. Like if I didn't have the relationship that I have, I wouldn't be able to do this on my own and live. Like pay rent, and this and bills, I wouldn't have enough money for food."

IV. INABILITY TO MAKE PAYMENTS

Interviewees repeatedly expressed their reliance upon housing programs that allowed them to cut costs and find employment, such as those who lived and worked at Our House. They expressed that without Our House they would likely be unhoused and unemployed, without a way to make court debt payments.



Most survey respondents (55.8%) had been threatened with jail due to not paying court costs, fines, and/or fees. A minority of respondents (44.1%) were jailed due to failure to pay court costs, fines, and/or fees. Some interviewees expressed their concern about returning to jail due to court debt. When asked about what part of their life is most affected by court debt, one participant responded by saying "my security, my security, because when you know it's hard to pay when you don't have any

money. And when you don't have when you can't pay...you're terrified, you're going to go back to jail."

Most survey respondents (58.7%) had their court costs, fines, or fees increased due to their failure to pay. A minority of respondents (38.7%) had their total amount of debt reduced due to their failure to pay.

IV. INABILITY TO MAKE PAYMENTS

One interviewee expressed their frustration saying, "I suppose, you know, in negotiating with prosecutors, it's been my experience from the feed the information I get from my attorneys that they're more willing to suspend and reduce your jail time than they are to reduce your court debt." Most respondents (58.8%) are aware that they can ask for their payments to be reduced or deferred. Most respondents (73.3%) had money taken from their paycheck due to failure to pay court debt.

Another interviewee stated, "...It's overwhelming when you just get out of jail, and you don't have a job. And mine, for instance, was out of this county, it was at Pulaski County, so I had to travel to another county and I had to find a ride to do that.



And the money to pay for that ride. So it was just all really overwhelming. And it was downright scary actually, to know that I have all this debt piled on me and I didn't even have a job yet."

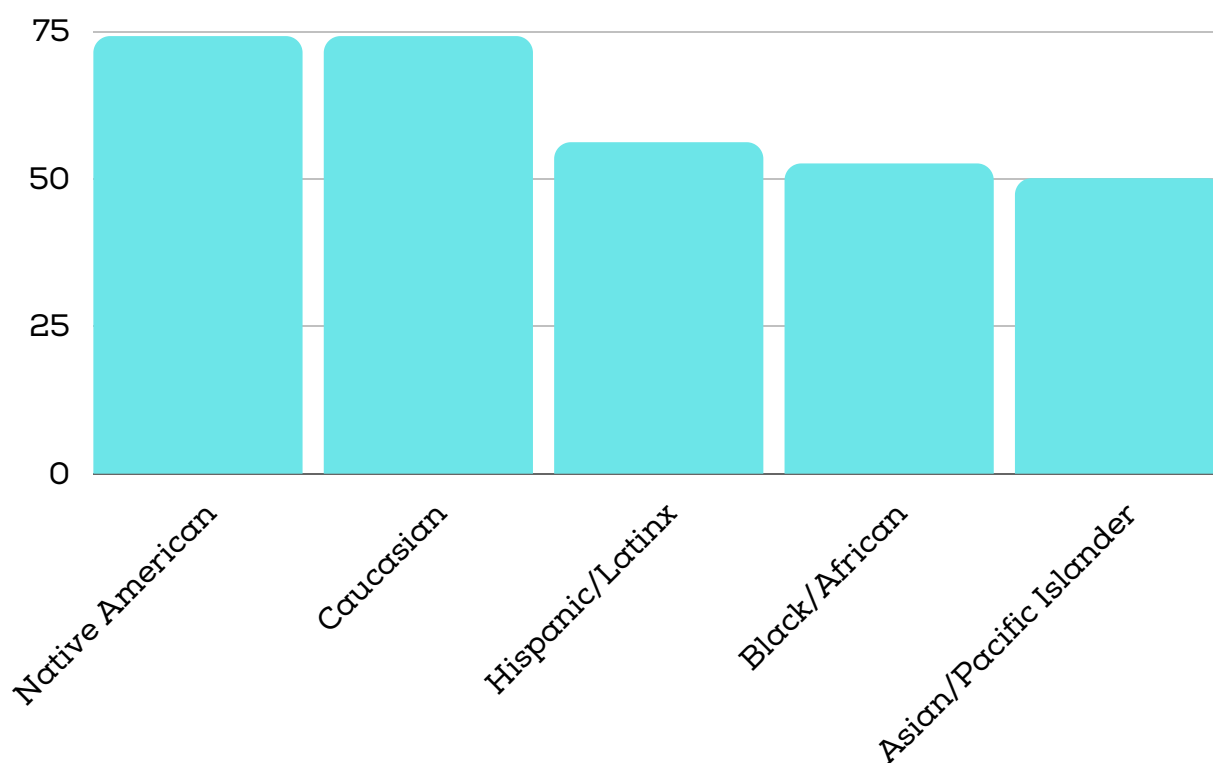
V. EXPERIENCES PAYING SOMEONE ELSE'S COURT DEBT

Most survey respondents have made payments for a family member (75.5%) and many have made payments for friends (40.7%). Additionally, some made payments for their significant other. Most respondents (70.7%) have borrowed money to make payments for someone else.

VI. RACIAL DISPARITIES

Answers to survey questions varied across race and ethnicity, most notably when asked questions regarding options provided when one was unable to pay their court debt. When asked whether community service was offered as an alternative to paying back court debt, 74.1% of Caucasian individuals indicated that they had received this option as opposed to 50% of Asian/Pacific Islander, 52.5% of Black/African, and 56.1% of Hispanic/Latinx respondents. A chart of these findings is presented to the right.

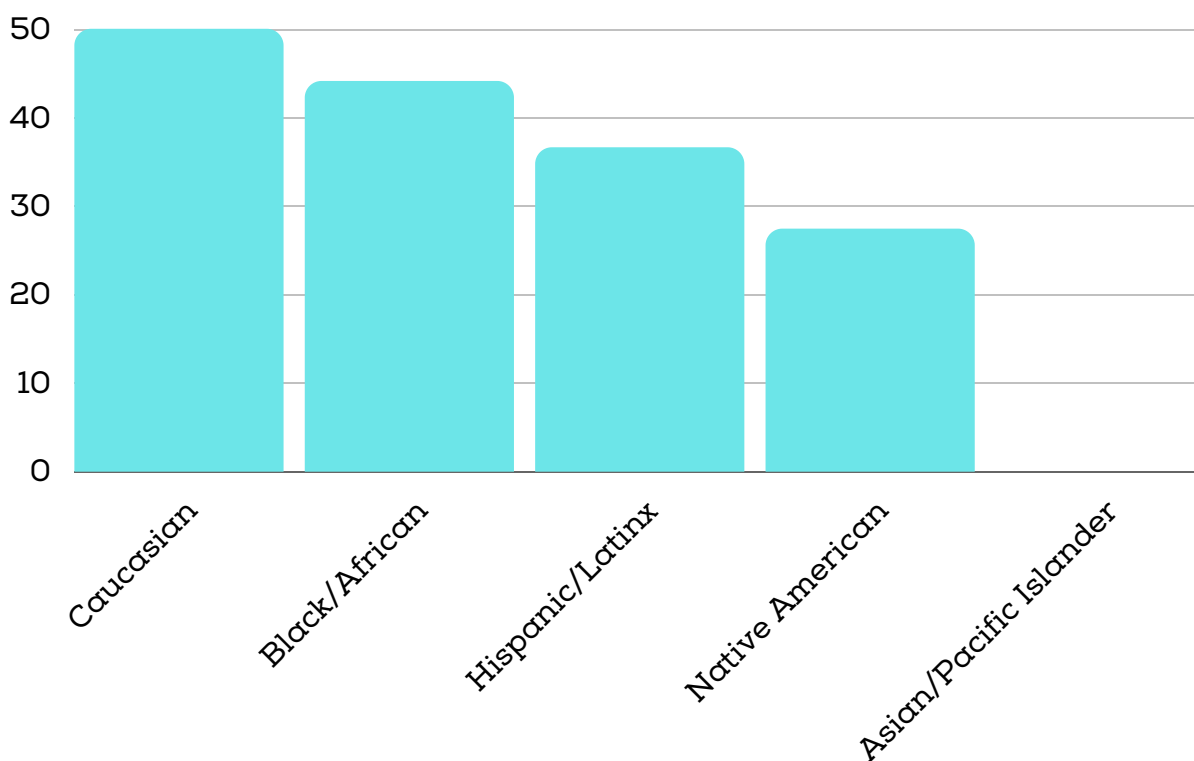
CHART 3: RACE/ETHNICITY AND WHETHER COMMUNITY SERVICE WAS OFFERED



VI. RACIAL DISPARITIES – CONT'D

Disparities were also noted when respondents were asked whether their amount was decreased due to their inability to pay. The proportion of Caucasian respondents that reported their amount was decreased was 50%, followed by Black/African American respondents (44.1%), Hispanic/Latinx respondents (36.6%), Native American respondents (27.4%), and Asian/Pacific Islander respondents (0%). The chart below details these findings.

CHART 4: RACE/ETHNICITY AND WHETHER AMOUNT OWED WAS DECREASED



QUOTE FROM OMAR

"If this guy's indigent, and he can't pay the fines, find a way to maybe you can work with a church or another nonprofit organization to get the community service knocked out to where it's a fulfilling service instead of sitting ... at the police department waiting for a car to pull up and wash it."

REFORM TRENDS

AMERICAN BAR ASSOCIATION'S TEN GUIDELINES ON COURT FINES AND FEES⁹

1. Fees imposed by a court must be related to the criminal legal system and services rendered to the defendant, and never be in excess of a person's ability to pay.
2. A punitive fine should not result in substantial and undue hardship to a person or their family.
3. Incarceration or other disproportionate sanctions should not be the result of an individual's inability to pay a fine, fee, or restitution.
4. A court must hold an ability-to-pay hearing before it imposes a sanction on a person for nonpayment of fines, fees, or restitution.
5. A person's failure to pay court fines and fees should not result in deprivation of their right to vote or other fundamental rights.
6. Courts must consider alternatives to incarceration and disproportionate sanctions for people who are not able to pay fines and fees.
7. The standards for evaluating a person's ability to pay should be clear and consistent and should consider certain factors.
8. If a person is unable to afford a lawyer, counsel must be provided to them for free.
9. Finances, demographic data, and other information relevant to the imposition and collection of fines and fees should be made publicly available.
10. Public and private entities authorized to collect fines, fees, and restitution should adhere to these Guidelines.

RECOMMENDATIONS

FOR LEGISLATURE

1. Fully fund court from the Arkansas State general budget¹⁰
2. Terminate driver's license suspension for failure to pay court fines and fees¹¹
3. Require transparency regarding money collected through court fines and fees
4. Require Judges to not only consider a person's means to pay court fines and fees but also in that consideration offer alternative means of payment, such as community service.

FOR ADVOCATES

5. Request a comprehensive list of how much revenue counties, cities, and towns generate through court debt.
6. Support community-wide measures for equitable reforms to the criminal legal system.¹²

APPENDIX A

SURVEY QUESTIONS

The following survey includes questions adapted from "Under Pressure" a report developed by the Alabama Appleseed Center for Law and Justice.⁵

1. Do you have Pulaski county court debt?
2. Do you have district court debt in ANY OTHER COUNTY OUTSIDE OF Pulaski? If so please specify.
3. Have you ever been charged with misdemeanors or felonies?
4. Are you currently under supervision for a misdemeanor?
5. Have you ever been under supervision for a felony?
6. Have you ever been declared indigent by the court, appointed a lawyer, or been represented by a public defender?
7. Have you ever been denied housing due to a criminal record?
8. Have you ever been denied employment due to a criminal record?
9. What types of fees or payments have you made?
10. How much have you paid for court costs, fines, and or fees?
11. Have you made multiple payments over a period of time?
12. How long were you in a situation where you owed court costs, fines, and/or fees?
13. If you are unsure of how long can you give us your best guess?
14. Do you feel you will be able to pay what you owe?
15. Have you ever had to choose between paying for necessities such as food, utilities, rent, and court costs fines and/or fees?
16. If yes, please tell us what you had to give up paying for court costs, fines and or fees. (Check all that apply)
17. Have you ever accepted food or money for things like utilities from the church or faith-based organization because you did not have money after paying your court costs, fines, and/or fees?

18. Have you ever used a pawn shop loan to pay for any court costs, fines, and/or fees?

19. Have you ever borrowed money from a relative or friend to pay any court cost, fines, and/ or fees?

20. Have you ever been offered community service instead of paying court costs, fines, and/or fees?

21. How much do you currently owe for court cost, fines, and/or fees?¹³

22. If you don't know or unsure of how much you owe, what would be your best guess?

23. Have you ever been threatened with jail because you cannot pay court costs, fines, and/or fees?

24. Have you ever been jailed for failure to pay court costs, fines, and or fees?

25. Have you ever had the amount you owe increased due to failure to pay court costs, fines, and/ or fees?

26. Have you ever had the amount you owe decreased due to failure to pay court costs, fines, and/ or fees?

27. Is it clear to you whether you can ask for your court debt payments to be reduced or deferred?

28. Have you ever had money taken out of your paycheck to cover any court costs, fines, and or fees?

29. Has your driver's license ever been suspended for failure to pay court costs, fines, and or fees?

30. Have you ever had money taken out of your Arkansas income tax return to pay for any court costs, fines, and/or fees?

31. Do you currently owe, or have you ever owed any court costs, fines, and/or fees not including traffic tickets where you didn't go to court and didn't pay overtime?

32. Who have you made payments for? (Check all that apply)

33. Have you ever helped make payments for this person over a period of time?

34. What is the total amount of money you have given to someone else for court costs, fines, and/or fees?

35. Have you ever borrowed money from a family member or friend to pay for someone else's court costs, fines, and/or fees?

36. Have you ever taken out a pawnshop loan to pay for someone else's court costs, fines, and/ or fees?
37. Have you ever had to choose between paying court costs, fines, and or fees for someone else and necessities such as food and utilities?
38. Your age?
39. The gender you identify with?
40. The race you identify with?
41. What is the highest level of education you have completed?
42. In the past 30 days, where have you lived most of the time?
43. In what zipcode do you spend more of your time in?
44. Are you currently employed?
45. Do you work full-time or part-time?
46. Do you receive a paycheck?
47. If yes, how often do you get paid?
48. How long have you been employed in your current job?
49. Do you have other sources of income?
50. Do you currently have a driver's license?
51. If not, why not?
52. What is your primary mode of transportation?
53. Do you have auto insurance?
54. Do you have a bank account at this time?
55. If you had to get money to stay out of jail, how much cash would you have access to today?
56. Are you registered to vote?
57. If not, why not?
58. Would you be willing to be interviewed by our team to elaborate on the answers you gave?
59. If yes, what is the best way to contact you to set up an interview?

APPENDIX B

INTERVIEW QUESTIONS

1. What happened that started this court debt?
2. What part of your life has₁₃ been affected most by court debt?
3. How has court debt affected your ability to meet your basic needs?
4. How have these experiences affected your family life?
5. How has this affected your employment opportunities?
6. How has transportation played a role in your ability to make your court dates?
7. Is there anything else you think we should know about your experience with court debt?
8. If you could change something about the court debt system, that would have helped you, what would it be?

ENDNOTES

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