



Why We Need to Address Criminal Legal Fees

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Thomas Barrett of Georgia was convicted of stealing a can of beer from a convenience store, then fined \$200—an amount he couldn't afford—and placed on probation. His probation agency charged him monthly supervision fees that he couldn't cover with his small income selling his blood plasma. Eventually he owed thousands of dollars and was incarcerated for failure to pay.

Mr. Barrett's [story](#) is not uncommon. Along with the growth in incarceration, courts and other criminal justice agencies have increasingly emphasized the application and collection of monetary sanctions—especially “user fees” and administrative costs, which lack the penological value inherent in other kinds of financial sanctions like victim restitution and fines. These fees are ubiquitous and are used to fund criminal justice operations. In some places, consequences for non-payment include measures as harsh as incarceration despite the fact that, in *Bearden v. Georgia* (1983) and other cases, the practice was ruled [unconstitutional](#) when applied to indigent people like Mr. Barrett whose failure to pay was not willful. The reason the practice persists is not entirely known, but in some cases it is simply due to ignorance of the rulings and in other cases it seems to be due to disagreements over what constitutes a “willful” [failure to pay](#).