

The Costs and Consequences of Legal Debt: A Field Experiment

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Professor Devah Pager and colleague Bruce Western of Columbia University launched a field experiment in 2017 to examine the long-term consequences of legal debt on social, economic, and criminal justice outcomes. They are joined by Harvard doctoral students Becca Goldstein and Helen Ho, both Malcolm Wiener PhD Scholars in Poverty and Justice.

Scholarly and public attention has focused on the criminal justice debt trap. Although many states allow judges to modify fees based on the ability to pay, very few low-income defendants receive such relief. Court costs on a single case can total several hundred dollars and are usually due immediately. Low-income defendants, unable to pay upfront, can be punished with additional fees and arrests. As a result, the poor, disproportionately exposed to criminal justice contact, bear a disproportionate burden of legal debt.

This study enrolls eligible defendants in a lottery to receive criminal justice debt relief for current and prior cases. The total debt relieved per defendant can amount to thousands of dollars, including hundreds of dollars in supervision fees. We and a team of dedicated field staff are following-up with study participants through in-depth interviews and administrative data collection. We will use the results of our qualitative and quantitative analyses to understand how criminal debt impacts people's day-to-day lives.

In addition to amplifying the stories of people with criminal justice contact, this study will directly address the arguments used to justify current criminal debt policies. One of the arguments against lowering or removing fines and fees is that reducing punishments could increase crime. The study will provide evidence on whether imposing debt deters defendants from future criminal justice contact. Another barrier to policy change is that government agencies relying on fines and fees may be reluctant to remove a source of revenue. However, since low-income defendants pay relatively small proportions of their fines and fees, the cost of imposing debt, which includes jailing people for failure to pay, may exceed the revenue. The study will examine outcomes related to government expenditures, such as arrests and jail stays.

This ongoing study is a complex operation made possible by Devah's determination, sharp intellect, and remarkable ability to bring people to and keep them at the table. The field experiment could only be implemented with the cooperation of multiple criminal justice stakeholders, some of whom could have been repelled by the political sensitivity of the topic. Because the study is based in another state, it is heavily reliant on a local field team. Devah's ability to find and manage talented people was crucial for study design fidelity and data collection. Finally, as with any field experiment, the research team must constantly adapt to changing environments and overcome logistical barriers. Devah kept the study going with her positive attitude and ability to see solutions where others could not. The study team is proud to honor Devah's memory by continuing her work.