When payment of court sanctioned fines, fees, and restitution (financial sanctions) are made a condition of probation, the harms of both systems of punishment are exacerbated. People who have to pay financial sanctions as a condition of probation face increased debt and financial instability, burdensome probation conditions, and harsh punishments, including incarceration and extended entanglement in the system. Our full report explores the following topics:

1. Probation departments can set payment terms or even the overall amount owed—often without formal policies—resulting in impossibly high payment amounts that are not based on a person’s actual financial circumstances.

2. Probation comes with additional costs—supervision fees, program/class fees, drug or alcohol testing fees—each of which increases the total amount a person owes.

3. Probation necessitates that people take time away from work to comply with their probation requirements, negatively impacting their overall financial stability.

4. Violating probation conditions (including payment-related conditions) can result in harsh punishments, from additional reporting requirements to electronic monitoring and even incarceration. These punishments can make future payment more difficult and generally fail to address the underlying issues that led to nonpayment.

5. People who are behind on payments are more likely to face probation revocation, including in jurisdictions where probation departments do not pursue revocation for nonpayment alone. While non-payment alone may not be the stated reason for revocation, it is often the underlying reason people face this serious consequence.

6. Probation officers in many places use the threat of revocation and incarceration to compel payment, which can have the counterproductive effect of facilitating noncompliance out of fear of one’s probation officer.

7. In many states, courts will extend a person’s probation term due to outstanding financial sanctions, trapping people in the criminal legal system for longer solely because of their financial circumstances.

8. In some jurisdictions, owing financial sanctions while on probation can result in disenfranchisement, restricting not just a person’s freedoms, but also their right to vote.

Our research makes clear that when payment of financial sanctions is tied to probation, poor people end up owing more and are punished more harshly just because they are unable to pay. For this reason, the link between payment of financial sanctions and probation should be severed.

Read our report at http://cjpp.law.harvard.edu/publications/paying-on-probation.