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Criminalizing Poverty: A Toxic and Growing Phenomenon

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The Justice Department's recent report on Ferguson, Missouri's criminal justice system pointed out that African Americans were specifically targeted, seen "less as constituents to be protected than as potential offenders and sources of revenue." An NPR investigation found that Ferguson collected \$2.6 million in fines and fees in 2013, the city's second largest source of income, a good chunk of which came from minor infractions. While these revelations were shocking to some, they were not particularly surprising to either the majority of Ferguson residents, or to those following recent trends in criminal justice.



(Photo: [Luis Felipe Salas](#))

Bilking the poor has ushered in an era of offender-financed criminal justice services, a phenomenon that has become a toxic lifeline for many local governments. It has also spurred the growth of private companies whose bottom lines are forged by providing probation services and operating jails and prisons.

Being poor in America has never been easy. Since the advent of poverty programs, stigmatizing poor people -- particularly people of color -- has been a major item in the playbook of conservative politicians. These days, however, the actions of local governments are making being poor that much more difficult.

According to a new Institute for Policy Studies (IPS) report titled, "[The Poor Get Prison: The Alarming Spread of the Criminalization of Poverty](#)", "Poor people, especially people of color, face a far greater risk of being fined, arrested, and even incarcerated for minor offenses than other Americans."

"A broken taillight, an unpaid parking ticket, a minor drug offense, sitting on a sidewalk, or sleeping in a park can all result in jail time," Karen Dolan, an IPS Fellow who directs its Criminalization of Poverty Project, and the lead author of the report, and co-author Jodi L. Carr, a research associate at IPS, point out.

"The Poor Get Prison" looks at "new and growing trends [that] increase this criminalization of being poor[,] [trends] that affect or will affect hundreds of millions of Americans."

The report deals with several “key elements,” including:

- “the targeting of poor people with fines and fees for misdemeanors, and the resurgence of debtors’ prisons – the imprisonment of people unable to pay debts resulting from the increase in fines and fees”;
- “mass incarceration of poor ethnic minorities for non-violent offenses, and the barriers to employment and re-entry into society once they have served their sentences”;
- “excessive punishment of poor children that creates a ‘school-to-prison pipeline’”;
- “increase in arrests of homeless people and people feeding the homeless, and criminalizing life-sustaining activities such as sleeping in public when no shelter is available”; and,
- “confiscating what little resources and property poor people might have through ‘civil asset forfeiture.’”

In the foreword to the report, best-selling author Barbara Ehrenreich observed that while it seems that the “dialogue about poverty remains the same as it was in the early 1960s,” in reality, “many things have changed in the last 50 years, some of them so recently as to have gone largely unnoticed by pundits and policy makers.”

As local governments became more and more strapped for cash, they found a new and relatively simple way to bolster their budgets: They “increased the fees, fines and court costs they levied for minor transgressions, and at the same time, increased the number of possible misdemeanors to include truancy (for which parents can be punished), driving with an expired license (as is the case in Washington, DC), putting one’s feet up on a subway seat (in New York City), and a variety of other minor infractions.”

Ehrenreich noted that the new normal results in an unrelenting “cycle of poverty”: “Poverty leads easily to criminal charges from unpaid debts, unrenewed licenses and the like. Criminal charges in turn lead to ever-mounting debt and, despite laws prohibiting debtors’ prisons, to incarceration.”

"The Poor Get Prison" points out that after decades of stigmatizing those receiving government assistance, “the 1990s brought aggressive state attacks on welfare recipients as they were increasingly investigated for fraud and other suspected criminal activities. The welfare system became a system of criminalization and punishment, rather than a program to assist needy families.”

When President Clinton signed the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, it “ended federal cash aid programs and replaced them with time-limited, restrictive, state block-grants. New punishable behaviors were mandated and policed, all but erasing the already tenuous line between the welfare and criminal justice systems.”

Welfare applicants were scrutinized like never before: “many applicants are photographed, finger-printed, drug-tested, interrogated, and asked to prove paternity of children.”

“This form of criminalizing poverty — racial profiling and targeting of poor black and Latina single mothers trying to access public assistance — is a relatively familiar reality.”

The report examines, and makes a series of recommendations, covering such issues as: the re-emergence of twenty-first century debtors' prisons; the barriers those who are arrested and convicted face when they return to society, barriers that "make employment, access to mental health services, housing, childcare, and even access to food assistance prohibitive"; how private companies are profiting from the criminalization of poverty; the school-to-prison pipeline; the criminalization of homelessness; and, the "little-known but widespread practice called Civil Asset Forfeiture [which] [I]aw enforcement officials use ... to confiscate property that they assert has been involved in certain criminal activity — even if the owner of the property is innocent."

In the current political climate, I am not sure that anyone really expects many of the recommendations laid out in the report to be implemented. Nevertheless, those recommendations begin to provide a roadmap for dealing with these issues.

And, despite the toxic and growing phenomenon of criminalizing poverty, the report's authors are hopeful that the movement "sparked" by the events in Ferguson and elsewhere, will continue to evolve into "the next civil rights movement": "A democratic society that purports 'freedom and justice for all' can't coexist with one that profiles, criminalizes and blames poor, black and Latino communities. We need to take collective responsibility for our hostile nation where the poor get prison."



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