

# Failure-to-Pay and Its Consequences

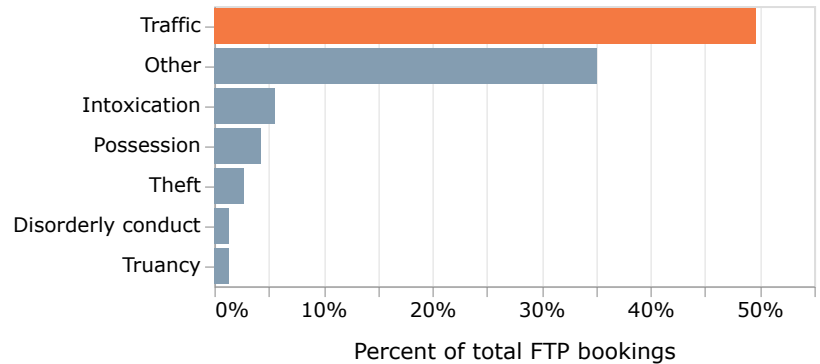
## An Overview of Debt Imprisonment in Texas and Wisconsin

### What are Failure-to-Pay and Debt Imprisonment?

Debt imprisonment occurs when an individual is jailed for failing to pay fines, fees, court costs, and other monetary penalties — what are often called "legal financial obligations" or "court debts." Using individual jail booking records from Texas and Wisconsin, we find that the overwhelming amount of FTP imprisonments occur when the underlying offense is a traffic violation. Such traffic violations include speeding, driving without insurance, and driving without a seatbelt. The remaining offense categories were made up almost entirely of municipal ordinance and other low-level violations.

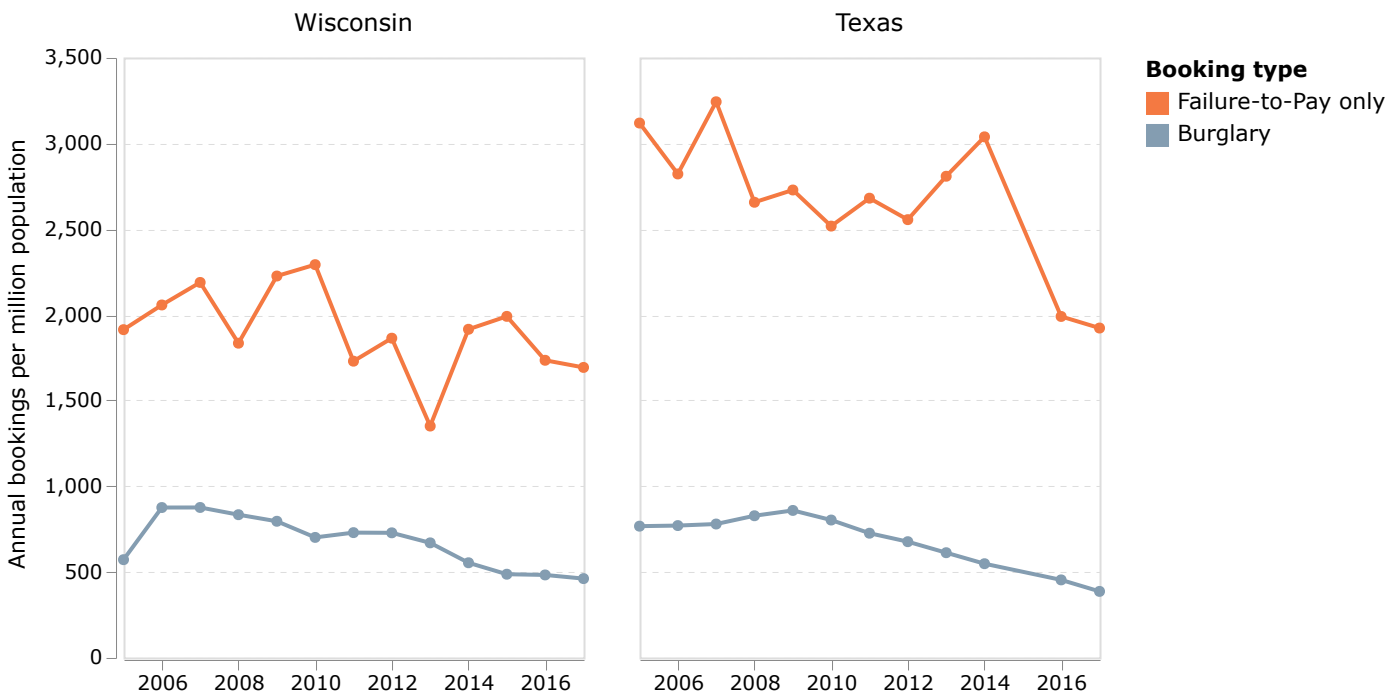
### Underlying Offenses in Failure-to-Pay Imprisonment

Texas and Wisconsin combined (2005-2017)



### How common is imprisonment due to Failure-to-Pay?

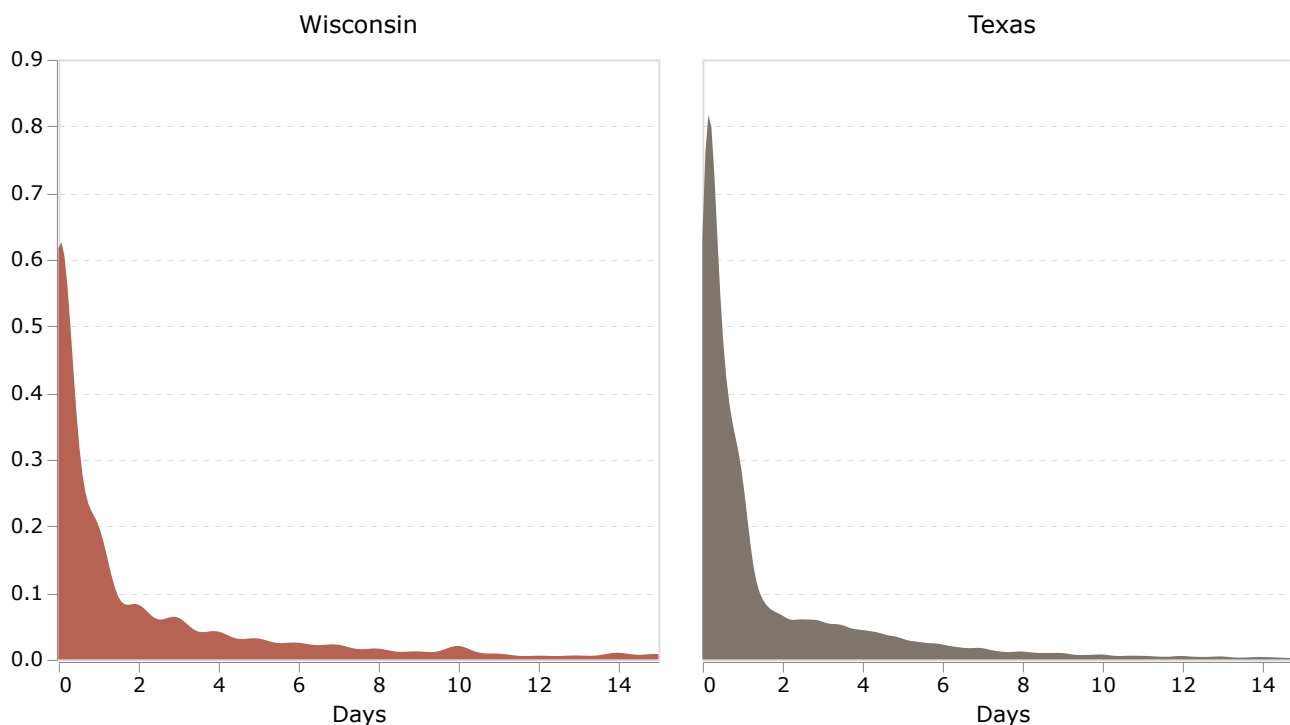
### Per Capita Booking Rates by State (2005-2017)



The most fundamental question about debt imprisonment is, how often does it happen? Jail booking data from Texas and Wisconsin can give an order-of-magnitude understanding of how many people are likely jailed each year for failure-to-pay court debts. The data shows that for every million residents in the counties examined, around 2,000 and 2,500 people per year were jailed in Wisconsin and Texas (respectively) for failing to pay court debts. This rate is higher than the per capita arrest rate for burglary, shown in blue. The contrast between a typically non-violent offense (as demonstrated in the first chart) causing higher rates of imprisonment than a more serious, possibly violent crime, is stark.

## How long do individuals remain in jail?

### Distribution of Length of Jail Stays by State (2005-2017)

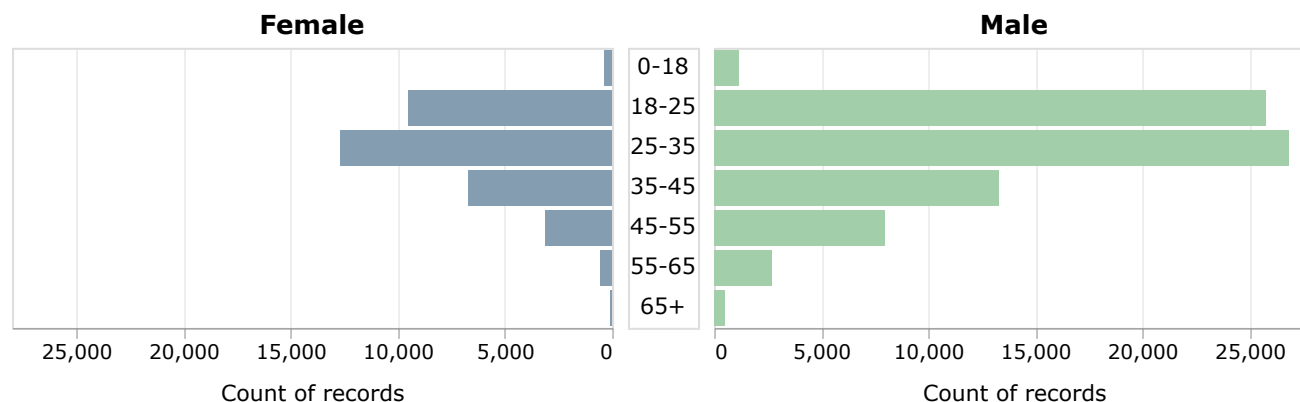


In addition to the financial burden of paying off fines, fees, and other monetary penalties, court debtors who are jailed face the added burden of the time they must spend incarcerated. The time spent in jail not only prohibits individuals from earning wages, but can also complicate childcare and leave court debtors with a record. The figure above shows the distribution of how long individuals booked for failure-to-pay alone spent in jail in Texas and Wisconsin. In both states, most individuals are released soon after they are booked (the median length of stay is 1 day). The average length of stay in Texas is 2.1 days, while in Wisconsin it is 6.2 days.

## What are the demographics of those who are imprisoned?

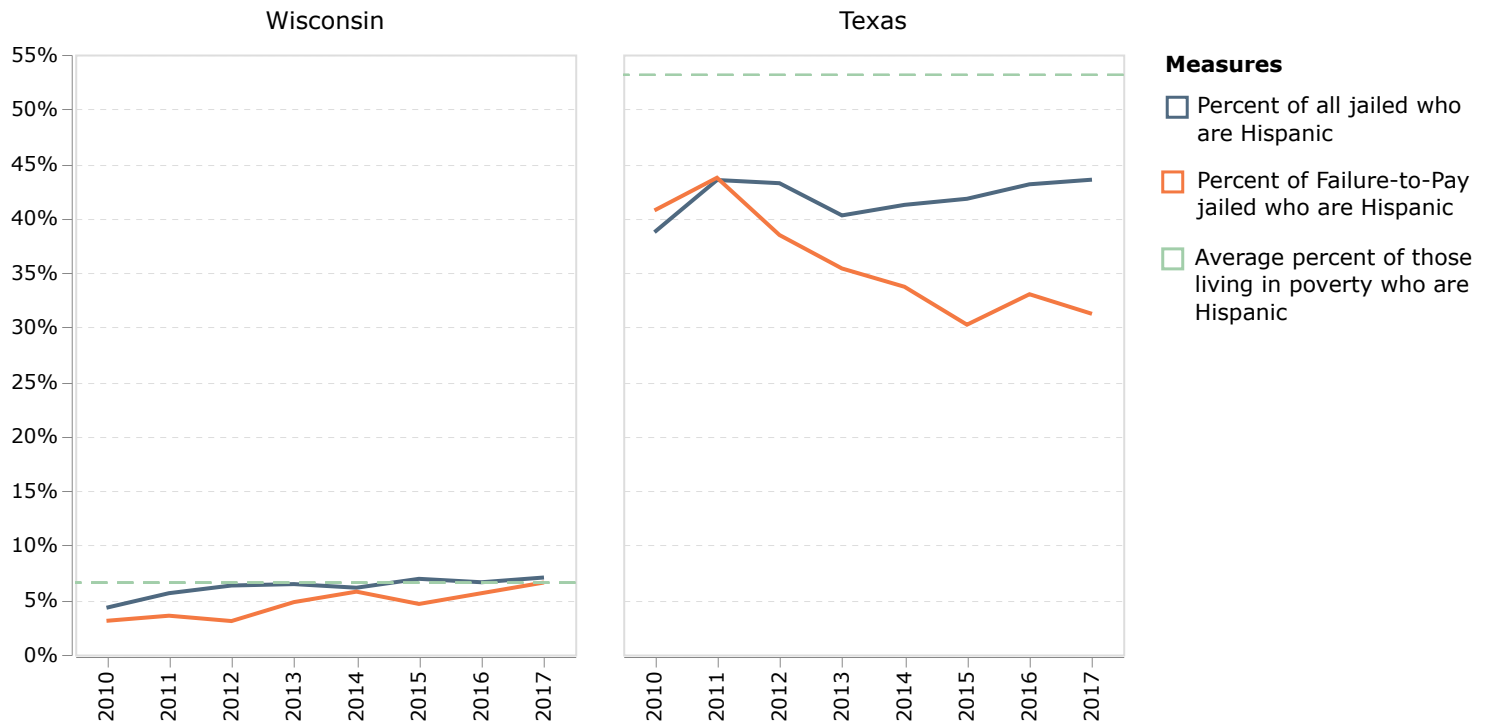
### Age and Gender Distribution of Failure-to-Pay Bookings

Texas and Wisconsin combined (2005-2017)



Court debtors tend to be young males, particularly between the ages of 18-35. The youngest individual recorded in the sample was 16 years old, while the oldest was 99 years old (possibly a clerical error). Similar age patterns occur for females as with males, but at lower magnitudes. This is to be expected, as males tend to enter the criminal justice system at higher rates than females.

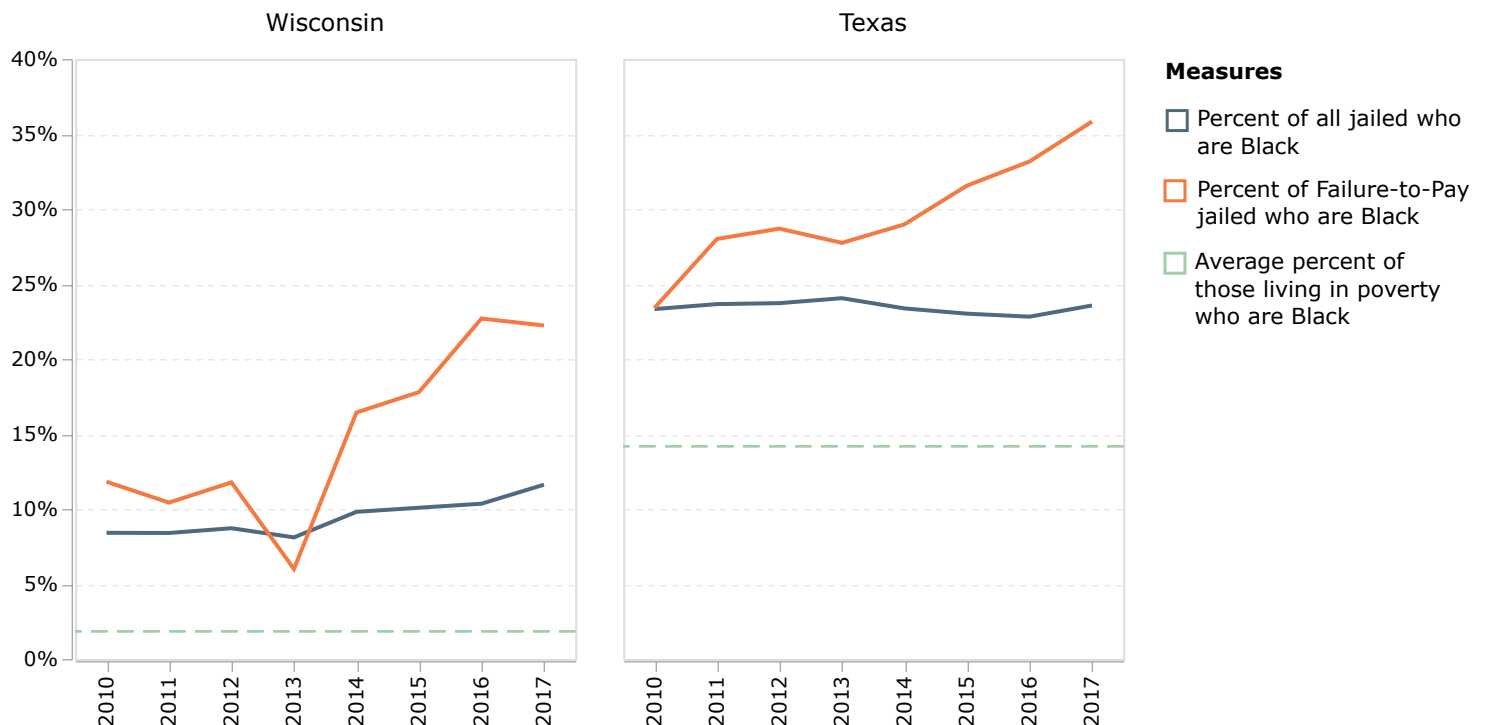
## Hispanic Populations Underrepresented in Failure-to-Pay Imprisonment (2010-2017)



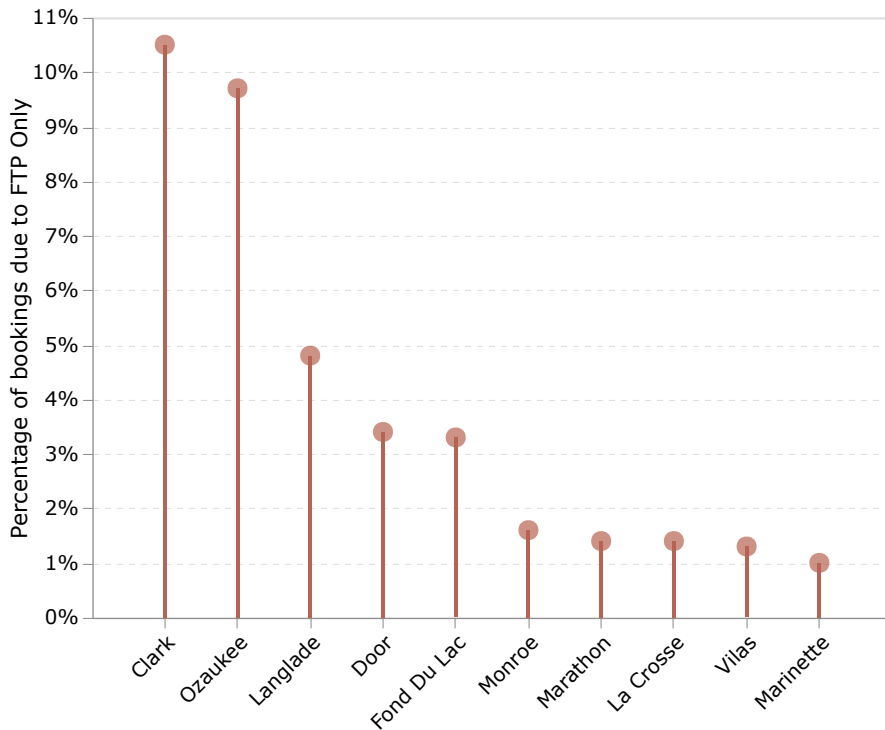
To measure racial and ethnic disparities we benchmark jailing rates against the demographic makeup of the population living below the poverty line, rather than at the total population. This is because debt imprisonment is an issue that primarily affects low-income individuals. Furthermore, to disentangle disparities unique to debt imprisonment from larger criminal justice disparities, we compare: (1) the extent to which Black or Hispanic individuals make up the population booked for FTP alone (orange line) compared to their share of the population of the county living below the poverty line (green line) and (2) the extent to which Black or Hispanic individuals make up the population booked for any reason (blue line) compared to their share of the population of the county living below the poverty line (green line).

The figures above and below indicate that in both Texas and Wisconsin, relative to their share of the population, Black individuals are overrepresented in FTP bookings while Hispanic individuals are underrepresented. While not shown in the figures, White individuals are underrepresented as well. Between 2013 and 2017 the percentage of Black individuals booked for FTP alone grew more rapidly than the percentage of Black individuals booked for any reason. This suggests that for Black individuals, the occurrence of FTP imprisonment is becoming more prevalent across both Texas and Wisconsin.

## Black Individuals Overrepresented in Failure-to-Pay Imprisonment across States (2010-2017)



### Top 10 Wisconsin Counties with Highest Failure-to-Pay Rates (2017)



An extreme difficulty when studying debt imprisonment is the lack of jurisdictions that track FTP jailings and for those that do, the willingness to share that information. Since debt imprisonment generally occurs at the county level, it is useful to see if there are counties that stand out in its usage. As shown in the two figures on the left, Bell County in Texas is an outlier, with over 30 percent of all bookings due to FTP only. Similarly, in Wisconsin, Clark County and Ozaukee County stand out from the rest. They have almost twice the FTP rate of other counties in the state.

Debt imprisonment contributed to the incarceration of tens of thousands of people per year over the last decade in Texas and Wisconsin. Most of those imprisoned were due to low-level traffic violations. Additional transparency and data on this practice can help expose systemic abuses and encourage courts to imprison court debtors less frequently. This is especially true for courts in counties that are disproportionately imprisoning individuals for court debt. The figures in this document aim to show the widespread usage of debt imprisonment and to reduce the social and financial costs of this discriminating judicial practice.

### Top 10 Texas Counties with Highest Failure-to-Pay Rates (2017)

