

Monetary sanctions and acquaintanceship density in rural court systems

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TAKEAWAYS

Monetary sanctions are a ubiquitous aspect of courts throughout the nation, by turns serving as both a form of punishment and revenue generation.

The application of monetary sanctions can vary across the spectrum of population density from urban, suburban, small town, and rural jurisdictions.

Acquaintanceship density is a key variable influencing how court fines and fees are determined and applied within local court systems.

Urban courts are more likely to employ routine decision-making and demonstrate less individualization in the sentencing of monetary sanctions whereas rural courts tend to allow for greater flexibility, though often within a more constrained set of choices regarding alternatives to legal financial obligations.



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Monetary sanctions are a feature of all court systems, yet the application and enforcement of punitive fines and fees can vary widely across places and populations.¹ Most research on monetary sanctions, also called legal financial obligations (LFOs), has drawn data from urban court systems. Here, we highlight court structures and organizational dynamics within systems situated in less population-dense regions in four states: Georgia, Illinois, Minnesota, and Missouri.

Monetary sanctions include many different fees, fines, assessments, and other financial charges imposed on court-involved individuals. We investigated local factors shaping variability in how sanctions are determined and imposed since such fines and fees act as both mechanisms of punishment and revenue production for court systems. Court systems, as we describe them here, are “inhabited institutions,”² or entities comprised of individuals (i.e., court actors) carrying out established norms, practices, and expectations within local communities. Local communities themselves impose a range of constraints on justice-seeking processes. One area of variation in how sanctions are determined and applied within localized court systems is acquaintanceship density.³ We consider acquaintanceship density as the proportion of community residents known to one another or the degree of familiarity between people working within court systems. Interpersonal dynamics in court systems are influenced by the motivations of individuals as well as the shared goals and norms of court workgroups, which are court members tasked with fulfilling court processes.⁴

Communities and their criminal justice systems differ by size, structure, density, and resources relative to their urban, suburban, small town, or rural community contexts. In smaller jurisdictions, often found on the town-to-rural end of the spectrum, court actors such as judges and attorneys tend to have tighter networks of acquaintance⁵ resulting in the potential for outsized influence in setting court-related fine and fee amounts, determining lengths of time allowed for repayment, and reinforcing various norms related to collections.

When opportunities for municipal revenue generation are absent or precarious, using fines and fees to generate revenue has become increasingly common for local governments via their court systems. When revenue generation becomes a priority over broader community needs and goals, however, a monetary myopia can emerge.

Reliance on fines and fees to generate revenue can result in systemic mechanisms for extracting resources from marginalized communities. Court-involved individuals are often the theoretical policy target but, in practice, payments are commonly made by defendants' kin who otherwise have no substantive link to the criminal legal system.

(Also see Boches et al., this issue).

The dynamics of acquaintanceship density within a given court system rely on community expectations and can influence whether cases enter the system, the handling of cases by court workgroups within the system, and system adaptations in response to budgetary constraints. Evaluating the role of acquaintanceship across multiple community networks—here across four states with comparable characteristics—helps provide a more holistic understanding of fines and fees as both punishment and revenue generation.

Acquaintanceship density can be defined as the proportion of community residents known to one another or the degree of familiarity between people working within court systems.

Drawing on a subset of data from the Multi-State Study of Monetary Sanctions,⁶ we focus on qualitative insights drawn from data within four states: Georgia, Illinois, Minnesota, and Missouri. These states share general traits such as sizeable rural areas and a politically powerful major city (i.e., Atlanta, Chicago, Minneapolis, St. Louis) with associated metro areas of more than one million residents. Jurisdictions in our analysis also vary by geographic region, court organization, and historical contexts. For example, while Georgia and Missouri have decentralized court systems, Illinois has a unified state court system; Minnesota has tribal lands spanning several central and northern rural counties but with significant differences in how those counties apply monetary sanctions.⁷ Below, we examine acquaintanceship density as one of several potentially influential characteristics of courtroom dynamics to better understand how monetary sanctions are used and understood among court participants. We focus on urban and rural contexts though many nuances also exist within the spectrum between these areas.

Table 1: Georgia county and community characteristics at the time of survey data collection

Georgia	Population Category	% Poverty	% Black	% Latino
Urban county	>1,000,000	18	44	8
Urban city	200,000–499,999	25	52	6
Suburban county	100,000–249,999	20	4	33
Suburban-urban city	25,000–49,999	27	8	46
Rural county	10,000–24,999	28	50	7
Rural small town	<10,000	36	36	9

Source: U.S. Census Bureau. (2014). 2010–2014 American Community Survey 5-Year Public Use Microdata Samples, <https://data.census.gov/cedsci/>.

Note: 2014 American Community Survey five-year averages.

We find that urban courts, with their high-volume caseloads, are more likely to employ routine decision-making mechanisms coupled with relatively anonymous social ties and less individualization in the sentencing of monetary sanctions. Smaller-community courts differ in important ways. Relationships in rural court systems—those in small town and rural areas—draw from communities with more tightly-knit social ties and a smaller pool of potential court workers. Based on our interviews and observations, personal familiarity between court actors matters in these decision-making contexts. One defense attorney in Georgia put it this way:

I feel like when you're in smaller jurisdictions like that, your relationships are very important. I think it makes you have more options. I know lady justice

is blind, but we all know that who you know sometimes helps your clients. I do think that, from what I hear from many other people, attorneys don't like taking cases here because they feel like their options are limited. I've not really had that experience there. I think I've been treated very fairly, and maybe it is because I was in that community for so long.

Table 2: Illinois county and community characteristics at the time of survey data collection

Illinois	Population Category	% Poverty	% Black	% Latino
Urban city	>1,000,000	23	32	29
Urban-suburban county	500,000–999,999	17	24	25
Urban-suburban county	100,000–249,999	5	7	17
Rural-suburban county	100,000–249,999	15	19	5
Urban-suburban city	50,000–99,999	12	6	11
Rural county	10,000–24,999	6	<1	2
Rural county	10,000–24,999	21	6	3
Rural county	<10,000	36	37	2
Rural county	<10,000	23	32	2

Source: U.S. Census Bureau. (2014). 2010–2014 American Community Survey 5-Year Public Use Microdata Samples, <https://data.census.gov/cedsci/>.

Note: 2014 American Community Survey five-year averages.

Familiarity within court systems can be characterized as a form of relational “stickiness” regarding personnel and, by extension, court practices related to monetary sanctions. Court actors, we find, often cycle through—or stick with—a court or jurisdiction through varied roles. In Illinois and Missouri, for example, it is not uncommon for a public defender to become a prosecutor and later a judge within the same court or jurisdiction. Or, as in the case of a rural Georgia jurisdiction, a public defender in one traffic court was also a municipal court judge in a neighboring jurisdiction. Such familiarity within jurisdictions can translate to greater potential for familiarity regarding the economic position of defendants and their families.

While familiarity in rural jurisdictions was not necessarily a gateway to leniency, in our observations, neither was anonymity. Non-resident defendants are often seen as sources of revenue, particularly in rural counties looking to shift the burden of revenue generation away from community members.

In rural courts, judges and attorneys tend to have more nuanced knowledge about individual defendants' financial well-being, which we observed as translating to assumptions about their ability to pay based on such familiarity. In contrast, courts in urban areas tend to apply more consistent or standardized processes related to monetary sanctions. While such familiarity—sometimes across generations within a family—can influence decision-making among court actors, it isn't necessarily towards leniency. Throughout our interviews, we found some judges taking a more patronizing approach towards defendants with whom they were familiar, resulting in higher expectations and less empathetic attitudes. Limited options for alternatives to fines and fees in rural jurisdictions, such as community service options, also often left rural defendants with debts incurred beyond their reasonable ability to pay.

Table 3: Minnesota county and community characteristics at the time of survey data collection

Minnesota	Population Category	% Poverty	% Black	% Latino
Urban county	>1,000,000	13	13	7
Urban county	500,000–999,999	17	12	7
Suburban county	100,000–249,999	7	5	4
Suburban county	100,000–249,999	8	6	7
Rural county	25,000–49,999	22	1	2
Rural county	25,000–49,999	10	3	8

Source: U.S. Census Bureau. (2014). 2010–2014 American Community Survey 5-Year Public Use Microdata Samples, <https://data.census.gov/cedsci/>.

Note: 2014 American Community Survey five-year averages.

While familiarity in rural jurisdictions was not necessarily a gateway to leniency, in our observations, neither was anonymity. Non-resident defendants are often seen as sources of revenue, particularly in rural counties looking to shift the burden of revenue generation away from community members.⁸ We find that locales along interstate highway routes, and those hosting large events such as music festivals, offer conditions where non-locals might be subject to less leniency by traffic court judges assessing fines and pay-only probation. The dual purpose of monetary sanctions, as both punishment and revenue generation, emerged in observations of Georgia courts, too, where opportunities to convert fines to community service for out-of-towners were limited or nonexistent.

One purpose of monetary sanctions is providing revenue “to help the government function,” said a rural court clerk in Illinois. While the system may not be perfect according to this clerk, “it’s the best we got right now, and until somebody comes by with a better improvement on it, it’s the best show in town.”

Acquaintanceship density exists within networks of professional and community ties, where conditions reflect the nature of a given court and the social-political structures within the broader community or jurisdiction.

Pursuing individuals who have not paid off prior sanctions is another avenue for court-based revenue generation. It is also a fateful route to prolonged court-involvement for defendants facing preexisting financial precarity. While data on how much courts collect through monetary sanctions are often unavailable or inconsistent, the general perception among participants in our research was that such revenue streams were locally significant and influenced how sanctions were considered, imposed, and collected. Attempting to balance revenue generation with enacting justice and punishment was a consistent theme in our interviews. “We try to be reasonable but we gotta pay bills too,” said one rural prosecutor in Illinois, “...we try to make our money that we’ve got to make, but [it’s] a fine balance between the two.”

We find both real and perceived incentives exist to fund portions of local court systems through monetary sanctions, and that such pressures can affect subsequent charges, amounts imposed, alternatives to payment, and collections attempts. In communities of looser acquaintanceship ties, such as urban jurisdictions, court actors often saw their jobs as distinctly separate from revenue generation—monetary sanctions were also often lower, and the consequences for nonpayment less severe—in these locales of higher population density but greater social distance.

Table 4: Missouri county and community characteristics at the time of survey data collection

Missouri	Population Category	% Poverty	% Black	% Latino
Urban-suburban county	500,000–999,999	9	25	3
Urban city	250,000–499,999	25	50	4
Suburban-rural county	50,000–99,999	17	8	2
Rural small town	25,000–49,999	19	4	8
Suburban-rural community	25,000–49,999	25	14	2
Rural small town	10,000–24,999	25	6	11

Source: U.S. Census Bureau. (2014). 2010–2014 American Community Survey 5-Year Public Use Microdata Samples, <https://data.census.gov/cedsci/>.

Note: 2014 American Community Survey five-year averages.

The legislative landscapes related to monetary sanctions shift regularly—often to the skepticism and frustration of rural and suburban court actors who see urban jurisdictions as the typical reference point for state legislature decision-making. Such urban-normative statutory changes are often seen by rural court actors as limiting their discretion while diverting resources from outlying communities to the state’s general-fund coffers. Indeed, legislative changes regarding monetary sanctions have not been implemented uniformly across jurisdictions.⁹ Court actors in rural areas see mandatory fees and surcharges, for example, as inflexible and tending to create undue burdens for residents with limited means. Fines, on the other hand—often seen as the punitive part of financial sentencing—may be more discretionary but, because of mandated fees, can frustrate efforts to impose penalties proportional to a crime.

In summary, acquaintanceship density exists within networks of professional and community ties, where conditions reflect the nature of a given court and the social-political structures within the broader community or jurisdiction. We find acquaintanceship density influential in shaping the views of court actors such as judges and attorneys relative to monetary sanctions as a municipal funding source. This work expands beyond a typical urban-centric focus on monetary sanctions, seeing courts as inhabited institutions with degrees of social ties being stronger or weaker depending on density ratios. Looking ahead, legislative changes that mandate blanket policy changes across the rural, suburban, and urban continuum may not be flexible or responsive enough for court actors to address the multiplicity of community needs, particularly when employing sensitivity to court-involved persons already facing chronic economic hardship. ■

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⁹Based on: Kirk, G., Thompson, K. J., Huebner, B. M., Uggen, C., Shannon, S. K. S. (2022). Justice by geography: The role of monetary sanctions across communities. *The Russell Sage Foundation Journal of the Social Sciences*, 8(1), 200–220. <https://doi.org/10.7758/RSF.2022.8.1.09>

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Type of analysis: Qualitative

Data source: Sub-set of data from the Multi-State Study of Monetary Sanctions*

Type of data: Ethnographic observations (~910 hours) and qualitative interviews (N = 248) drawing on thematic codes from master codebooks of the larger Multi-State project.

Sample definition: The four states examined here Georgia, Illinois, Minnesota, and Missouri were chosen because of similar dynamics and differences; in general, these states contain sizeable rural areas and a politically powerful major city with associated metro areas of 1,000,000 residents or more. Sampling strategies across states varied due to differences in how the courts operate.

Time frame: Interviews and observations conducted between 2016–2018.

Limitations: Future work in this area must contend with the racialized dimensions that often accompany acquaintanceship density patterns, resource constraints, and monetary sanctions.

*Harris, A., Pattillo, M. & Sykes, B. L. (2022).