





Debt, Incarceration, and Re-entry: a Scoping Review

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Abstract

People involved with the criminal justice system in the United States are disproportionately low-income and indebted. The experience of incarceration intensifies financial hardship, including through worsening debt. Little is known about how people who are incarcerated and their families are impacted by debt and how it affects their reentry experience. We conducted a scoping review to identify what is known about the debt burden on those who have been incarcerated and their families and how this impacts their lives. We searched 14 data bases from 1990 to 2019 for all original research addressing financial debt held by those incarcerated in the United States, and screened articles for relevance and extracted data from pertinent studies. These 31 studies selected for inclusion showed that this population is heavily burdened by debt that was accumulated in three general categories: debt directly from criminal justice involvement such as LFOs, preexisting debt that compounded during incarceration, and debts accrued during reentry for everyday survival. Debt was generally shown to have a negative effect on financial well-being, reentry, family structure, and mental health. Debts from LFOs and child support is very common among the justice-involved population and are largely unpayable. Other forms of debt likely to burden this population remain largely understudied. Extensive reform is necessary to lessen the burden of debt on the criminal justice population in order to improve reentry outcomes and quality of life.

Keywords Reentry · Debt · LFOs · Bills · Incarceration

Introduction

The United States incarcerates more people than any other country in the world; an estimated 3% of the total U.S. adult population and 15% of the African American adult male population will be incarcerated over their life course (Shannon et al., 2017). Over

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6 million people are under correctional supervision and over 600,000 people return to their communities from incarceration each year (Carson & Anderson, 2016; Kaeble & Glaze, 2016). While incarcerated people are mostly men, the number of women incarcerated has grown faster than the overall incarceration growth rate (Swavola, Riley, & Subramanian, 2016). Racial disparities are stark: African Americans make up less than 13% of the U.S. population but comprise over a third of all the people in prison (Western & Wildeman, 2009). Incarceration contributes to deepening existing social and racial inequalities as people who have been incarcerated and their families face serious financial hardship in the form of housing and food insecurity, unemployment, exclusion from social programs after release, and a decreased ability to build or maintain wealth (Huebner, 2005; Maroto, 2015; Massoglia & Remster, 2019; Schwartz-Soicher, Geller, & Garfinkel, 2011; Turney & Schneider, 2016; Uggen, Manza, & Thompson, 2006; Western, Braga, Davis, & Sirois, 2015; Zaw, Hamilton, & Darity, 2016).

Debt may play a significant role in contributing to the financial hardship experienced by people who have been incarcerated. One form of debt they may be burdened by arises from the significant costs incurred as a direct result of criminal justice (CJ) system involvement (Beckett & Harris, 2011; Harris, Evans, & Beckett, 2010; Peterson, 2012). These costs, which have risen in recent decades, include cash bail and “legal financial obligations” (LFOs), which include victim restitution, criminal fines and surcharges, court fees, incarceration charges, and fees for post-release supervision (Martin, Sykes, Shannon, Edwards, & Harris, 2018; Shafroth, 2018). In addition, people who have been incarcerated, who are disproportionately low-income, may be burdened by other types of debts related to the growing gap between income and expenses (Atkinson, 2019; Zinman, 2015). Although not directly related to criminal justice involvement, these debts may be intensified by the experience of arrest and incarceration.

This scoping review was undertaken in order to map what is known about the burden of debt on people who have been incarcerated and their families – debt arising from both legal financial obligations (LFOs), and from other types of debt that arise before, during and after incarceration. The review has two aims: first, we identify gaps in the scholarly literature on debt and incarceration, suggesting future directions for research in the field; secondly, we contribute to the development of policies and programmatic efforts to lessen financial hardship among people who have been incarcerated, so reducing barriers to successful reentry. This review is part of a larger review process that was undertaken to understand the association between debt burden and health findings for this population.

Literature Review

The incidence of LFOs has increased dramatically since the early 1980s, with the emergence of fines, fees and surcharges used to contain the financial costs of a growing criminal justice system, in the context of lower taxes and reduced government budgets (Appleman, 2016). This tendency further accelerated following the 2008 recession (Fernandes et al. 2019), despite evidence that using LFOs to fund local government and criminal justice systems is inefficient and ineffective (Menendez, Crowley, Eisen, &

Atchison, 2019). To save on administrative costs, prison systems have also privatized the delivery of basic services for incarcerated people, such as food services, health care, and commissary stores (Aviram, 2016).

Policies concerning LFOs vary widely across states and even across judicial districts within states, which makes generalizing their impact difficult (Greenberg, Meredith, & Morse, 2016; Gunnison, 2017). Nonetheless, it is clear that the financial burden created by LFOs that affects both individuals returning from incarceration and their family members, makes community re-integration more difficult. Debt related to LFOs may play a role in perpetuating an unjust cycle of repeated incarcerations and poverty and increasing distrust of the criminal justice system; this is especially true for people of color given their disproportionate involvement in the criminal justice system, and the massive racial wealth gap (Eisen, 2015; Evans, 2014; Harris, 2016; Harris et al., 2010; Martin et al., 2018; Martin, Smith, & Still, 2017; McKernan, 2019; Piquero & Jennings, 2017; Pleggenkuhle, 2018; Shannon, Huebner, & Harris, 2020; Vallas & Patel, 2012). As an example, people of color have been found to be more than twice as likely to have unpaid fines and fees (Board of Governors of the Federal Reserve System, 2020). The lasting effects of LFOs is related in part to the fact that most CJ related debt cannot be discharged in bankruptcy (Lewandoski, 2010) and failure to pay can result in re-incarceration (Wamsley, 2019). Furthermore, CJ debt can impact civic engagement through affecting eligibility to vote and the ability to maintain a driver's license (Martin et al., 2018; Meredith & Morse, 2017; Salas & Ciolfi, 2017).

To contextualize the CJ debt of recently incarcerated individuals, it is important to consider the landscape of pre-incarceration debt they are likely to have amassed as well. Since the 1980s, low-income households in America have become disproportionately burdened by debt they cannot afford (Alpert & Hockett, 2018; Boshara, 2016; Zinman, 2015). This has been caused by an increasingly precarious and low wage labor market and a weakening social safety net (Atkinson, 2019; Freedman & Sherle, 2015; Kim, Wilmarth, & Henager, 2017; Morduch & Siwicky, 2017), resulting in demand for loans to cover basic needs and emergencies (Romich & Hill, 2017), a demand met by financial services deregulation enabling banks and other lenders to offer a wider range of costly loan products (Baradaran, 2013). Low-income households often have high-cost debt, for relatively small loan amounts from alternative financial services (AFS) providers, such as pawn shops, payday lenders, auto title lenders, tax refund anticipation lenders, or rent-to-own stores (Federal Deposit Insurance Corporation (FDIC), 2015), related to the historical and ongoing exclusion of the poor and minorities from mainstream financial institutions and services (Caskey, 1997). People with low incomes are also much more likely to have non-loan debt, such as medical, utility, rent and tax arrears, or unpaid fines and fees (Aspen Epic, 2018; Harper, 2018), and are more likely to rely on informal loans and transfers of goods and services to meet basic needs (Edin, Lein, & Jencks, 1997; Schenck-Fontaine, Gassman-Pines, & Hill, 2017; Stack, 1983). A recent survey found that people with LFO debt are almost twice as likely than others to have student loan debt, 1.5 times more likely to have credit card debt and almost three times as likely to have medical debt (Board of Governors of the Federal Reserve System, 2020). The debt burden on this group is anticipated to worsen as a result of the ongoing COVID-19 public health crisis (Kruse, 2020).

People who are low-income, and thus more likely to be already burdened by unmanaged debt, are also more likely to experience CJ system involvement which

may compound their existing debt burden (Pettit & Western, 2004; Western & Pettit, 2010). In addition to CJ related debts, the process of being arrested, sentenced and incarcerated may result in unpaid obligations such as rent, bills and existing consumer loans. Depending on the length of sentence, these debts await the person on their return to the community, or the debt burden may fall on family members (Allen, Kornya, & Taylor, 2017; Lewandoski, 2010). Individuals and their families may also borrow to pay for in-prison costs such as commissary, medical care and phone calls, as well as costs associated with visiting incarcerated family members (Alabama Appleseed, 2018; duVuono-powell, Schweidler, Walters, & Zohrabi, 2015). Women who are incarcerated are more likely to have been unemployed and/or receive public assistance prior to incarceration and, therefore, to struggle to manage expenses (Swavola et al., 2016). Child support obligations of people who have been incarcerated are known to create barriers to employment and ability to meet basic needs or provide for family members, and can result in strained family relationships and higher recidivism rates (Cammet, 2006; Cancian, Meyer, & R., 2018; Holzer, Offner, & Sorensen, 2005; McLeod & Gottlieb, 2018; Roman & Link, 2017; Smoyer, Blankenship, & Macintosh, 2009; Zatz, 2016). After release, debts may be incurred to cover costs related to community supervision, drug testing and mandatory treatment costs, as well as general living expenses, particularly given difficulties finding employment (Keene, Rosenberg, Schlesinger, Guo, & Blankenship, 2018; Subramanian, 2015).

While considerable research explores the extent and social consequences of LFOs and resulting debt, little is known about how those specific debts intersect with the myriad other types of debt that people have, or how those intersecting debts impact the lives of previously incarcerated people and their families. It is critical to properly understand this complex web of debts in order to be able to develop policies and programs to alleviate the debt burden. This scoping review seeks to identify what the existing literature tells us about all debt types impacting people returning from incarceration.

Methods

The following questions guided this scoping review:

1. What types of debt do people who have been incarcerated have?
2. What is the impact of that debt on their lives?

We use the PRISMA Extension for Scoping Reviews and Levac et al's recommendations for scoping review methodology (Levac, Colquhoun, & O'Brien, 2010; Tricco et al., 2018) to guide the methodology for the review.

Eligibility Criteria

We included studies that provided primary data on debt accrued by people currently or formerly incarcerated in the United States or their families. Incarceration was defined as confinement to jail or prison for any reason. Debt was defined as any money which was owed during or after release from incarceration, including legal financial obligations

(LFOs), unpaid bills, formal debts such as credit card debt, child support, AFS debt such as payday loan debt, and money borrowed from support networks. We included peer-reviewed publications in addition to reports self-published outside of peer reviewed journals by independent research institutions as well as dissertations or theses. We included only studies published after 1990, with the aim of focusing on the impact of the significant rise in LFO costs since the 1980s, and the parallel rise in the burden of debt on low income families since that same period (Harris et al., 2010; Zinman, 2015). We included studies that used a variety of research methods, including quantitative, mixed methods and qualitative studies.

We excluded studies not written in English and studies where the study population was incarcerated outside of the United States, as the extent of mass incarceration and lack of support systems available to the poor in the United States prevent generalization of data from other countries.

Information Sources

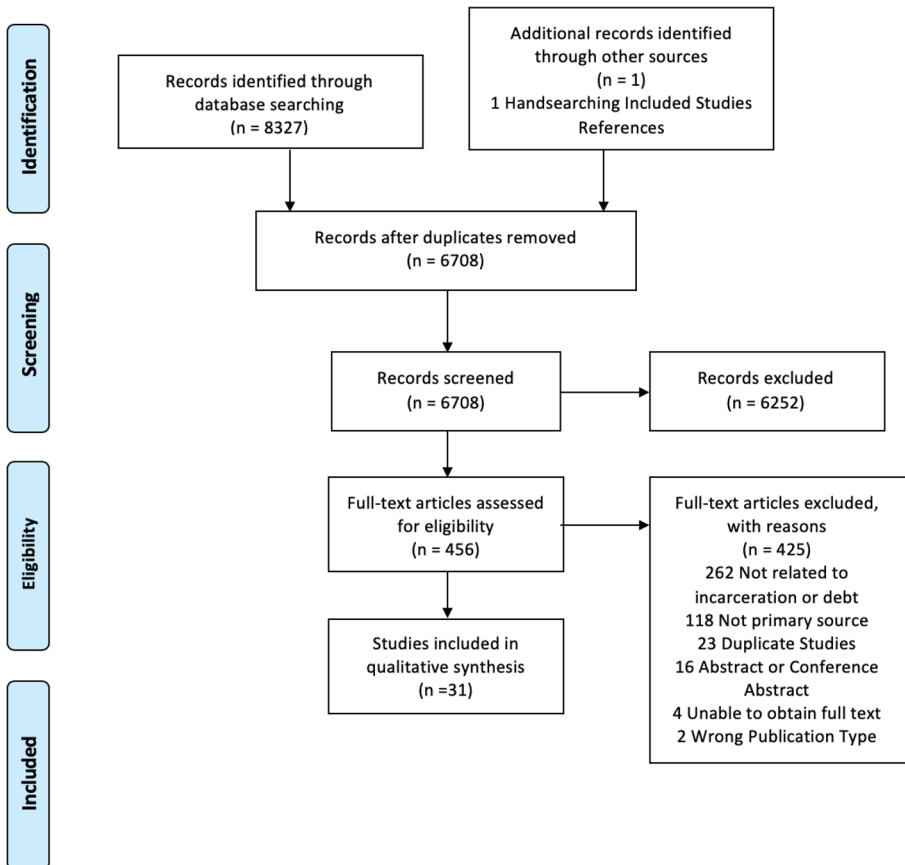
The search strategies were developed by a clinical librarian and were peer-reviewed using Peer Review of Electronic Search Strategies (PRESS) (McGowan et al., 2016). The search included a mixture of keywords and controlled vocabulary about justice involved persons and debt. For the full search strategy see [Appendix](#). The following databases were searched from 1990 to 2019 to identify potentially relevant studies: Business Source Premier, Criminal Justices Abstracts, EconLit, Google Scholar, JSTOR, National Criminal Justice Reference Service, Ovid Embase, Ovid Medline, Ovid PsychInfo, PAIS Index, Pubmed, Scopus, Sociological Abstracts, and Web of Science Core Collection. The final search was performed on July 8, 2019 and resulted in 8327 citations. All citations were downloaded into Endnote $\times 9$, where 1620 duplicate citations were removed. The remaining 6707 citations were uploaded into Covidence for screening. One additional article was located outside of the original search from handsearching the bibliographies of included studies and was added to Covidence. The total number of articles screened in Covidence was 6708.

Selection of Sources of Evidence

We performed all study screening on Covidence, in a two-staged process using a team of four reviewers. During the first stage, we reviewed the titles and abstracts of all 6708 studies to assess them for meeting inclusion and exclusion criteria; the work was divided such that each study was independently reviewed by two reviewers, and any discrepancies were resolved by a third reviewer. The team of reviewers met before screening was initiated to develop a standardized study inclusion form, and also met periodically during the screening process to discuss and resolve any concerns. The form was iteratively updated throughout the first stage of the screening process to refine the criteria for inclusion, based on abstracts that presented uncertainty. A total of 456 articles were selected for full-text screening during this first phase. During the second phase of screening, we reviewed the full text of all studies that were included in the first phase; each text was reviewed by two reviewers independently, and any discrepancies between the two reviewers were resolved by full group discussion. A total of 31 studies were selected for inclusion in the review during the second stage.

Data Charting Process

After we finalized the list of 31 studies that met inclusion criteria, we extracted relevant data from full text articles using a Qualtrics questionnaire. The questionnaire was developed by four authors to analyze studies for relevance and extract relevant variables. Each study was charted by two reviewers independently, one of whom then reviewed the charting to note any discrepancies. For studies with a qualitative component, we captured relevant findings in brief summaries; each of the two reviewers prepared a summary and then one reviewer combined the two summaries into a single summary to ensure all aspects were covered. Any discrepancies in charting were resolved through discussion between the two reviewers who had charted the paper. The team met regularly to discuss the process and address any concerns or resolve any persistent discrepancies.



Data Items

The data abstracted from all articles included general study characteristics and methodology, study participant characteristics (sample size, demographics, incarceration history), amount and kind of debt owed, and any health information collected. Data on health-related findings will be published separately.

Synthesis of Results

Data from Qualtrics was exported to Google Sheets and descriptive statistics were performed using Microsoft Excel.

Results and Discussion

Sample and Study Characteristics

The 31 articles included in the data analysis were published between 1997 and 2019. Over half were journal articles, a quarter institutional reports, and the remainder dissertations/theses or working papers (Table 1). Methodology was split nearly evenly between quantitative, qualitative and mixed methods, and studies were completed across many geographic regions in the United States.

Study Populations and Data Source

The specific populations studied varied from people currently incarcerated, to people on parole or probation after incarceration, and included people who had been incarcerated at some point in the past without details about their probation or parole status. Six studies included participants specifically on probation or parole. Some of the studies focused on currently or previously incarcerated people with specific characteristics; parents of minors, men owing child support, or people who had been jailed for unpaid fines. Eight studies specifically focused on those with criminal justice or child support debt, one of which only included people in jail for unpaid fines. Most studies included participants of all genders, though the predominance of participants were male. Eight studies included only men and four studies included only women. Nine studies analyzed and reported on data taken from existing large-scale databases or court or Department of Corrections (DOC) records, seven used data from both surveys and/or interviews with the target population and data from existing databases/records, and fourteen used data from surveys and/or interviews only. Two used ethnographic methods, one in conjunction with in-person interviews.

Debt Types and Prevalence

^aAccess to credit indicates both existing debt problems (unpaid debts lower credit scores which lowers credit access) and future possible debt, as people with bad credit have to rely on more costly debt types

Table 1 Studies on debt of people who have experienced incarceration, organized by study methodology

Quantitative Methods							
Lead Author	Year	Title	Publication type	Data source	State	Sample size	
1 Aneja, Abhay	2019	No Credit for Time Served? Incarceration and Credit-Driven Crime Cycles	Working paper	Equifax matched with DOC	TX	100,000	
2 Ghidden, Marc	2017	Separated by Bars or Dollar Signs? A Comparative Examination of the Financial Literacy of Those Incarcerated and the General Population	Journal article	Self-reported survey compared to National Financial Capability Study	AR	358	
3 Link, Nathan	2017	Longitudinal Associations among Child Support Debt, Employment, and Recidivism after Prison	Journal Article	Serious and Violent Offender Reentry Initiative (SVOR) database	OH, ID, IA, KA, MA, MR, MO, NV, OK, PA, SC, WA	1011	
4 Link, Nathan	2019	Criminal Justice Debt During the Prisoner Reintegration Process: Who Has It and How Much?	Journal article	Survey	TX, OH, IL	740	
5 Logan, TK	2004	Economic evaluation of drug court: methodology, results, and policy implications	Journal article	Court records, ORION, program records, Division of Child Support, Mental Health Service records	KY	593	
6 McLeod, Branden	2018	Examining the relationship between incarceration and child support arrears among low-income fathers	Journal article	Fragile Families and Child Wellbeing Study	20 large cities	1228	
7 Mogk, Jessica	2019	Court-imposed fines as a feature of the homelessness-incarceration nexus: a cross-sectional study of the relationship between legal debt and duration of homelessness in Seattle, Washington, USA	Journal article	Survey	WA	92	
8 Noyes, Jennifer	2013	Evaluating Child Support Policy Options for Incarcerated Noncustodial Parents	Dissertation/thesis	DOC/DOJ	WI	1354	

Table 1 (continued)

Quantitative Methods						
Lead Author	Year	Title	Publication type	Data source	State	Sample size
9 Roman, Caterina	2015	Child Support, Debt, and Prisoner Reentry: Examining the Influences of Prisoners' Legal and Financial Obligations on Reentry	Institutional Report	Serious and violent offender reentry initiative (SVORI) database	ID, IA, KS, ME, MD, MO, NV, OK, PA, SC, WA	1697
10 Stevenson, Megan	2018	Distortion of Justice: How the Inability to Pay Bail Affects Case Outcomes	Journal Article	Court records	PA	331,917
11 Thoennes, Nancy	2002	Fathers in the Criminal Justice System: A Collaboration between Child-Support Enforcement & Criminal Justice Agencies in Massachusetts	Institutional report	DOC, Parole department	MA	3351
12 Tostlebe, Jennifer	2017	The debt prison: The effect of court-ordered monetary sanctions on recidivism	Dissertation/thesis	DOC, Court records	IA	729
Mixed Methods						
Author	Date	Title	Publication type	Data source	State	Sample size
13 Cook, Foster	2014	The Burden of Criminal Justice Debt in Alabama: 2014 Participant Self-Report Survey	Institutional report	Survey, interviews	AL	943
14 Diller, Rebekah	2009	Maryland's Parole Supervision Fee: A Barrier to Reentry	Institutional report	Division of parole and probation, interviews	MD	7524
15 Hamer, Holly	2017	"Prison Ain't Free Like Everyone Thinks": Financial Stressors Faced by Incarcerated Women	Journal article	Survey, interviews	Not given	95
16 Harris, Alexes	2010	Drawing Blood from Stones: Legal Debt and Social Inequality in the Contemporary United States	Journal article	Survey of Inmates in State and Federal Correctional Facilities database, Court data, Bureau of Justice, interviews	WA	500

Table 1 (continued)

Quantitative Methods						
Lead Author	Year	Title	Publication type	Data source	State	Sample size
17 La Vigne, Nancy	2004	Chicago Prisoners' Experiences Returning Home	Institutional report	DOC/DOJ, survey, Interviews	IL	400
18 Pearson, Jessica	2003	Serving Fathers Who Leave Prison	Journal article	Reentry program intake form, Program records, Interviews	CO	350
19 Pleggenkühle, Breanne	2018	The Financial Cost of a Criminal Conviction: Context and Consequences	Journal article	Court records, interviews	MO	131
20 Pleggenkühle, Breanne	2012	The Effect of Legal Financial Obligations on Reentry Experiences	Dissertation/thesis	Survey, Interviews	MO	134
21 ACLU of Ohio	2013	Outskirts of Hope: How Ohio's Debtors' Prisons Are Ruining Lives and Costing Communities	Institutional report	Court records, interviews	OH	1171
Qualitative Methods						
22 Arditti, Joyce	2006	Mothers' Reentry into Family Life Following Incarceration	Journal article	Interviews	VA	28
23 Haney, Lynne	2018	Incarcerated Fatherhood: The Entanglements of Child Support Debt and Mass Imprisonment	Journal article	Interviews, ethnography	NY, FL, CA	125
24 Johnson, Ida	2015	Women Parolees' Perceptions of Parole Experiences and Parole Officers	Journal article	Interviews	Southern States	60
25 Koenig, Lori	2007	Financial Literacy Curriculum: The Effect on Offender Money Management Skills	Journal article	Financial literacy class pre-test	WI	17
26 Nagrecha, Mitali	2015	When All Else Fails, Fining the Family: First Person Accounts of Criminal Justice Debt	Institutional report	Interviews	NY, NJ	39

Table 1 (continued)

Quantitative Methods						
Lead Author	Year	Title	Publication type	Data source	State	Sample size
27 Ortiz, Jennifer	2019	The System Is Not Broken, It Is Intentional: The Prisoner Reentry Industry as Deliberate Structural Violence	Journal article	Interviews	NY, NJ, PA, ID, KY	57
28 Ortiz, Juanita	2010	A Needs Analysis of Recidivating Female Offenders in Oklahoma	Dissertation/Thesis	Interviews	OK	21
29 Page, Joshua	2019	A Debt of Care: Commercial Bail and the Gendered Logic of Criminal Justice Predation	Journal article	Ethnographic observations	–	–
30 Pogrebin, Mark	2014	Employment Isn't Enough: Financial Obstacles Experienced by Ex-Prisoners During the Reentry Process	Journal article	Interviews	CO	70
31 Richards, Stephen	1997	Perpetual Incarceration Machine: Structural Impediments to Post-Prison Success	Journal article	Interviews	IA	30

Some studies reported on all types of debt, but most focused only on one type. Many of the studies reported on debt in non-standardized ways; some detailed different types of debt, others were less specific in their reporting of debt. Some studies did not clearly differentiate between ongoing financial obligations such as bills that people were paying on time, and actual debt – meaning payments that had fallen behind. We endeavored to report only on the latter.

The debts most commonly reported related to LFOs or child support. LFO debt was included in 19 studies; LFO debt from supervision fees (i.e. those incurred for the costs of mandated programs while on probation or parole) was the mostly commonly reported type (Table 2). Child support was covered in 14 studies. Total debt, unpaid bills, predatory lender debts, debt to social networks, medical debt, and access to credit after incarceration were found in two to three studies each. Most studies focused on only one of the above categories of indebtedness: eight considered LFOs together with other types of debts burdening low-income households, or LFO impact on credit (Table 3).

Scope and Impact of Debt

LFO Debt Studies of all types found that between 50 and 90% of people with LFOs are in arrears (Arditti & Few, 2006; Diller, Greene, & Jacob, 2009; Harris et al., 2010; Link, 2019; Nagrecha, Katzenstein, & Davis, 2015; Pleggenkuhle, 2018), other than one mixed methods study which found that only 20% have LFO and/or child support debt (La Vigne, Visher, & Castro, 2004). African-Americans are more likely to owe LFO debt (Link, 2019). LFO debt is most often reported as arising from post-release supervision fees including half-way housing rent (Diller et al., 2009; Johnson, 2015; Link, 2019; Ortiz & Jackey, 2019). LFO debts can cause long term debt and damaged credit (Harris et al., 2010; Pleggenkuhle, 2018), with one study reporting 75% sent to collections; African-Americans are more likely to have their debt sent to collections (Diller et al., 2009). Mixed and qualitative studies explore how people who owe LFO debts rely on social networks for financial support which causes family strain (Cook,

Table 2 – Types of debt measured by studies

Debt categories	Characteristic	Number (<i>N</i> = 31)	Percent
All types of debt	Total debt	4	13%
Direct CJ debt	LFOs (any type)	19	55%
	Supervision fees	7	
	Court fees	6	
	Fines	2	
	Restitution	5	
Non-CJ debt	Child support	14	45%
	Unpaid bills	3	10%
	Medical debt	2	6%
	Social network debt	4	13%
	Predatory lending	3	10%
	Credit access ^a	2	6%

Table 3 Debt findings organized by debt type

	Lead Author	Population	Debt Type	Study methodology	Details of findings/impact of debt
LFOs only					
1	ACLU	People in jail for unpaid fines	LFOs (court fines)	Mixed Methods	Non-payment of LFOs results in incarceration. In one county 20% of all bookings were for failure to pay fines and done without hearings. Lasting impact includes loss of jobs/homes, and family strain 92% had unpaid CJ fines. Fines averaged \$4718
2	Arditti	Mothers on probation	LFOs (fines)	Qualitative	People with LFOs borrow from family/friends (55.4% of respondents), payday lenders (16%), forgo necessities (60.3%) and engage in illegal activities (17%) to make payments. 17.9% jailed for failing to pay fees
3	Cook	People on probation/parole	LFOs (court fees)	Mixed Methods	
4	Diller	People on parole	LFOs (supervision fees)	Mixed Methods	On average, parolees in MD are ordered to pay \$743 in supervision fees over the course of parole terms; 90% in arrears at completion of parole. 75% of cases are sent to collection, damaging credit reports.
5	Harris	People convicted of a felony	LFOs (fees, fines, restitution)	Mixed Methods	People with LFOs owe 77% of amount assessed. With monthly payments of \$50–\$100 debts will last 10–30 years. 80% found paying LFO debt burdensome. LFO debts result in reduced family income and long-term debt, affecting access to housing, credit, transportation and employment, and increases likelihood of ongoing criminal justice involvement.
6	Johnson	Women on parole	LFOs (supervision fees)	Qualitative	Majority owe supervision fees, most had asked family for help paying
7	Link	People released from prison	LFOs (court costs, fines, supervision fees, drug testing fees)	Quantitative	Nearly half of subjects have LFO debt, mostly from supervision fees; average total LFO debt amount is \$872.

Table 3 (continued)

Lead Author	Population	Debt Type	Study methodology	Details of findings/impact of debt
8 Stevenson	People who have been arrested	LFOs (court fees)	Quantitative	Pre-trial detention results in 41% increase in non-bail court fees; suggests those unable to afford bail accrue more court debt
9 Tostlebe	First time prisoners after release	LFOs (fines, court costs, surcharges, restitution)	Quantitative	Mean LFOs charged is \$18,937, mean restitution is \$6166. Higher total monetary sanctions reduces time to recidivism, higher restitution increases time to recidivism
Child Support only				
10 Link	Men released from prison who have minor children	Child support	Quantitative	Higher child support debt does not affect recidivism; however, as child support debt increases there is a 6% drop in later legitimate employment
11 Logan	Clients in a drug court program that included jail time	Child support	Quantitative	Drug court program graduates pay their child support at double the rate of non-graduates likely related to employment support
12 McLeod	Men who owe child support	Child support	Quantitative	Fathers who experienced both recent and less recent incarceration have nearly 2 times higher odds of having child support arrears than fathers who have not been incarcerated
13 Noyes	Men who owe child support, while incarcerated and after release	Child support	Quantitative	Suspending child support orders during incarceration increases compliance with child support payments by 8% for first year and 6% for second year after release
14 Roman	Adult men released from prison	Child support	Quantitative	92% of adult men who have been incarcerated and owe child support have arrears. People with child support obligations are 43% less likely to have been rearrested 3 months after release (marginally significant)

Table 3 (continued)

Lead Author	Population	Debt Type	Study methodology	Details of findings/impact of debt
15 Thoennes	People in prison or on parole who owe child support	Child support	Quantitative	Incarceration results in significant child support arrears, averaging between \$6600 (parolees) to over \$8000 (current inmates)
16 Haney	Men released from prison who owe child support	Child support	Qualitative	26% had been incarcerated at some point due to child support non-payment. 38% owed over \$50,000. Child support debt results in civil contempt of court, criminal contempt and incarceration, wage garnishment, interception of public benefits and tax refunds, and strains family relationships
LFOs and Child Support				
17 La Vigne	Men released from prison	LFOs (fines, restitution, court costs, supervision fees), child support	Mixed Methods	20% had LFO and/or child support debt 4–8 months after release, 73% finding it hard to pay off these debts. People with LFO or child support debt have slightly longer employment and increased substance use. Heavy financial reliance on family
18 Pearson	Men on parole and using reentry program who owe child support	Child support, restitution	Mixed Methods	67% had child support arrears, average amount \$16,650, 70% owed restitution, average amount \$3144. Reentry program participation results in 75% paying child support payments compared to 40% at start due in part to employment support
19 Pleggenhule	People with felony convictions in prison, on probation, and on parole	LFOs (fines, fees, restitution), child support	Mixed Methods	54% are in legal debt, 66% including child support. LFOs increase barriers to reentry, related to difficulties with employment, housing, credit scores, education, emotional state, negative identity and relationships. Mentions that non-LFO debts also add to financial burden
20 Pleggenhule	People with felony convictions in prison, on probation, and on parole	LFOs (fines, fees, restitution), child support	Mixed Methods	46–80% owe LFO debt. 58% owe child support and most are behind on payments. Overall average debt including child support is \$5019. People borrow to

Table 3 (continued)

Lead Author	Population	Debt Type	Study methodology	Details of findings/impact of debt
21 Nagrecha	People with criminal justice debt	LFOs (fines, fees, surcharges), child support	Qualitative	<p>repay LFOs or choose to default on LFO payments rather than become further indebted to social network. Many also had other debts, mostly medical debt, average amount \$1800.</p> <p>85% had LFO debt (court fees, parole fees, public defense fees, or surcharges) and 69% had child support debt. 71% rely on family for financial support.</p>
22 Ortiz, Jennifer	People released from prison	LFOs (restitution, supervision/program fees, drug test fees), child support	Qualitative	<p>Most owe LFOs including restitution, supervision fees, halfway homes, drug tests, and programs, also child support arrears. Fees for reentry services create motive for reoffense and prevent economic/social mobility</p>
23 Pogrebin	People on parole	LFOs (restitution, supervision fees), child support	Qualitative	<p>Debts from supervision/halfway house fees, restitution and child support even when employed results in family strain and economic hardship</p>
24 Richards	People released from prison	LFOs (lawyer, fees, restitution), child support	Qualitative	<p>Unpaid consumer bills due to incarceration, LFOs, restitution, lawyer bills, and child support result in ongoing economic hardship</p>
Debt other than LFOs/Child support				
25 Aneja	People with felony and misdemeanor charges	Mortgage, auto loans, credit scores	Quantitative	<p>People who have been incarcerated have decreased access to credit (24–45% fewer auto loans, 14–16% fewer mortgages, 42–69 point drop in credit scores). Lower credit is associated with 15–20% higher likelihood of recidivism</p>
26 Glidden	Men in prison	Predatory products (money order, pawn shops, check cashers, payday lenders,	Quantitative	<p>Men who are incarcerated are twice as likely as others to have used payday lenders, 3 times more likely to have used pawn shops and 4 times more likely to</p>

Table 3 (continued)

Lead Author	Population	Debt Type	Study methodology	Details of findings/impact of debt
27 Harner	Women in prison	rent-to-own), mortgage and auto loans In-prison costs (medical, phone cards, stamps, toiletries, food, tobacco, TV)	Mixed Methods	have used rent-to-own than general male population. They are 1.5 times less likely to have a mortgage. High costs of medical care and phone cards, and low wages paid by DOC jobs, result in borrowing from social networks outside prison and from other prisoners which causes stress
Other debt and LFOs and/or Child Support				
28 Mogg	People experiencing homelessness (78% with incarceration experience)	LFOs, medical, student loans, credit card, payday lenders	Quantitative	People with LFO debt have 22.9 additional months of homelessness compared to others. No association between homelessness and other debt types
29 Koenig	People in prison	LFOs (court fees, restitution), child support, medical bills, unpaid other bills	Qualitative	64% of those interviewed owed at least one kind of debt, including court fees, restitution, child support, medical bills, unpaid other bills. For 18% medical bills comprised much of their debt.
30 Ortiz, Juanita	Women in maximum security prison	LFOs (fines, fees), unpaid tickets, medical and other bills	Qualitative	During previous post-incarceration periods debts incurred such as fines, supervision fees, traffic tickets or medical bills resulted in reentry difficulties which contributed to recidivism/current incarceration
31 Page	People using a bail bondsman	Bail, predatory lenders	Qualitative	Bail related predatory lending targets family members, typically poor women of color

2014; Johnson, 2015; Nagrecha et al., 2015; Pleggenkuhle, 2012; Pogrebin, West-Smith, Walker, & Unnithan, 2014), forgo basic necessities to make payments (Cook, 2014; Harris, 2016), face difficulties finding housing (Harris et al., 2010; Mogk, Shmigol, Futrell, Stover, & Hagopian, 2019), and are discouraged from entering formal economy or are forced to work low-wage jobs and forgo career-enhancing training/education (Harris et al., 2010; Ortiz & Jackey, 2019; Pleggenkuhle, 2018). Various studies using different methods found that LFO debt may cause recidivism due to illegal activity or incarceration due to non-payment; two mixed methods studies found the latter happen in 17%–20% of cases (Cook, 2014; Ortiz, 2010; Ortiz & Jackey, 2019; Tostlebe, 2017). Numbers of people owing restitution varied from 13 to 70% (Koenig, 2007; Pearson & Davis, 2003; Pleggenkuhle, 2012); restitution debt may, in contrast to other LFO debt, increase time to recidivism (Tostlebe, 2017). Two studies examined bail; a large quantitative study found that those who cannot afford bail face a 41% increase in court fees which may result in increased court fee debt (Stevenson, 2018). Debt from LFOs, including bail, results in individuals and their families – particularly female family members – borrowing from costly, predatory lenders (Cook, 2014; Page et al., 2019), cutting back on essentials and falling behind on bills (Cook, 2014; Harris et al., 2010; Richards & Jones, 1997). LFO debt is associated with negative mental health including stress, a sense of hopelessness, feeling overwhelmed, and substance use (Arditti & Few, 2006; Cook, 2014; Harris, 2016; Pleggenkuhle, 2018).

Child Support Debt Studies of all types found that between 66%–92% of people who have been incarcerated have child support debt (Nagrecha et al., 2015; Pearson & Davis, 2003; Pleggenkuhle, 2018; Roman & Link, 2015). This is twice the rate of child support debt among people with child support orders who have not been incarcerated (McLeod & Gottlieb, 2018; Thoennes, 2002). Having low income and being non-white is associated with higher levels of child support debt (McLeod & Gottlieb, 2018). There is no strong quantitative evidence that child support debt increases recidivism due to illegal activities (Link & Roman, 2017; Roman & Link, 2015), though it can result in incarceration due to non-payment (Haney, 2018). A quantitative study found that people owing child support debt are 6% less likely to have legitimate employment after release from incarceration; poor employment outcomes are associated with worse health (Link & Roman, 2017). Qualitative studies suggest that child support debt can lead to exclusion from the formal economy (Haney, 2018), unpaid bills (Richards & Jones, 1997), revocation of driver's license and passport (Haney, 2018) and reliance on social networks, particularly family, for financial support, which causes relationship strain and economic hardship (Haney, 2018; Nagrecha et al., 2015; Pogrebin et al., 2014). Child support debt also results in wage garnishing and loss of tax refunds (Haney, 2018). Child support debt can be lessened through various mechanisms; freezing payments during incarceration results in higher payment rates post release (Noyes, 2013), and employment support post-release through drug court or other reentry programs as much as doubles the payment rate (Logan et al., 2004; Pearson & Davis, 2003).

Other Types of Debt People who owe LFO and child support debt also have unpaid bills, borrow from social networks (Cook, 2014; Page et al., 2019; Richards & Jones, 1997) and have damaged credit which limits access to affordable, asset-building loans

and increases use of predatory lenders; one study found that people who had been incarcerated are 2–4 times more likely to use such lenders (Diller et al., 2009; Glidden & Brown, 2017; Harris, 2016). In-prison costs including healthcare fees may result in stressful borrowing from other incarcerated people and social networks, particularly by incarcerated women who have higher rates of health problems than incarcerated men (Harner, Wyant, & Da Silva, 2017). A large quantitative study found that people who have been incarcerated have a 69% drop in credit scores, resulting both from pre and post-incarceration debts, which impacts access to housing, employment and financial products, and increases likelihood of recidivism by 15–20% (Aneja & Avenancio-Leon, 2019). Four mixed methods or qualitative studies explored other types of debts owed, including medical debt (Koenig, 2007; Ortiz, 2010; Pleggenkuhle, 2012) and debt related to traffic ticket fines and license suspension (Nagrecha et al., 2015; Ortiz, 2010).

Discussion

Differences between policies in different jurisdictions, and different approaches to the research, make it difficult to draw generalized conclusions, but our review finds that people who have been incarcerated are significantly burdened by multiple types of debt, with a disproportionate burden on African Americans. Most of the studies in this review examine LFO debt and find that the majority of people who are assessed LFOs fall into arrears on those obligations. As they struggle to pay their LFOs, people experience economic hardship and financial strain, face challenges in finding employment and housing after release, are burdened by ongoing, long-term indebtedness, and their family networks are also burdened, which causes tension in relationships. LFOs contribute to a cycle of indebtedness, constrained decisions and stress, which may impact the risk of recidivism in the future, and certainly contributes to deepening impoverishment.

Regarding non-LFO debt, most studies focus on child support debt, which, similar to LFO debt, can hinder efforts to find employment and rebuild financial security and social networks. Other types of non-LFO debt include bills and fines owed prior to incarceration that go unpaid, including utility and medical bills and traffic fines, debts incurred to friends and family related to the costs of arrest, incarceration and post-release demands, and debts arising from predatory loans taken post-release. People become entangled in a web of overlapping debts, taking new debt to pay off older debts, including LFO debt, relying on social networks where possible, or resorting to costly, predatory debt given damaged credit.

The prevalence of both LFO and non-LFO debt among people reentering the community after incarceration, and the extent to which that debt hinders efforts to rebuild both a financial future and social relationships, suggests a significant impact of debt on successful reentry. The disproportionate burden of this debt on people of color layers on an already enormous racial wealth gap; Black people have only 10% and Latinx people only 12% of the wealth of white people (Hamilton, Nieves, Markoff, & Newville, 2020), and are more likely to be burdened by medical or predatory debt, and to be in default on other types of debt (Charron-Chénier & Seamster, 2020; Seamster, 2019). Women may be uniquely impacted by this web of debt related to incarceration,

both women who provide financial support to their loved ones in prison or after release, and those who have been incarcerated; women hold more student debt (Miller, 2017) may be more negatively impacted by medical debt (Choi, 2018), are more likely to be behind on other types of debt and have worse credit scores (Geng, 2018; Mottola, 2013) and may face legal costs associated with regaining custody of children.

Implications for Research and Practice

This scoping review poses implications for policies and programs related to criminal justice and re-entry processes. Given the negative impacts of LFO and other debt, there is a need for well researched policies and programs to reduce the debt incurred by CJ involved people and enable them to better manage debt they do have.

Reduce or Eliminate LFO and in-Prison Charges and Child Support Obligations

Cash bail and LFOs should be eliminated or sliding scale approaches to assessing fines and fees implemented (ACLU, 2013; Diller et al., 2009; Harris, 2016; Link, 2019; Mogk et al., 2019; Pogrebin et al., 2014; Stevenson, 2018), and in-prison medical costs eliminated (Haney, 2018). For example, in California, after the publication of a 2017 report on fee practices in juvenile courts all juvenile fees were abolished (Campos-Bui, Selbin, Jaka, Kline, & Phillips, 2017). Particular attention should be paid to LFOs incurred after incarceration, given that these were the LFO types most commonly reported as leading to debt. Child support policies must be reformed, including implementing automatic freezing of obligations during incarceration and integrating payment assistance into reentry programs including employment support (Logan et al., 2004; Nagrecha et al., 2015; Noyes, 2013; Pearson & Davis, 2003; Thoennes, 2002).

Debt Collection Reforms

Reforms are needed in the area of debt collection practices for all types of debt. For example, New York, Maryland, and North Carolina have implemented reforms requiring sufficient verification that a debt is legitimately owed before a collection suit can be filed (The Aspen Institute, 2018).

Improve Access to Legal Services

Debt-encumbered individuals need improved access to legal services so they can invoke their legal protections regarding debt. For example, a 2016 report from Connecticut identified specific legislative recommendations that could improve low-income people's access to justice related to debt, including funding for lawyers, improved computer access to provide self-help resources, enabling non-lawyer personnel to assist in eviction defense and consumer debt cases, and several other provisions (Clendenen & Fisher, 2016).

Support with Employment

Programs that help people find employment after release are helpful, though time must be provided for career-building training and education (Link & Roman, 2017).

Reforms addressing employment discrimination against people with records are also important, while recognizing the risk of resulting increased racial discrimination (Agan & Starr, 2018).

Support with Finances and Banking

Individuals should be provided financial guidance both as they enter the criminal justice system, and as they reenter the community after incarceration, to help them minimize the impact of incarceration on their debt and credit (Glidden & Brown, 2017; Ortiz, 2010). Financial literacy education may be helpful, as well as changes to banking practice and policies (Koenig, 2007; Mielitz, Clady, Lurtz, & Archuleta, 2019; Mielitz & Marcum, 2020).

Anti-Poverty Measures

Structural reform is needed to address deep-rooted poverty and inequality, such as Baby Bonds – trust funds set up for all children, the amount depending on the child's family's existing wealth (Hamilton et al., 2020; Hamilton & Darity, 2010) - public provision of healthcare, housing and education (Baradaran, 2019; Galvani, Parpia, Foster, Singer, & Fitzpatrick, 2020), and access to good jobs with living wages and decent benefits (Paul, Darity, Hamilton, & Zaw, 2018).

Further Research

More research is needed to better understand the mechanisms of the connection between debt and re-entry difficulties such as recidivism, unemployment and social network relationships (Harris, 2016; Link & Roman, 2017; McLeod & Gottlieb, 2018; Pleggenkuhle, 2018; Roman & Link, 2015; Tostlebe, 2017). It is important to understand more about how LFOs interact with and compound existing social disadvantage (Harris, 2016), including debts not associated with LFOs or child support. Most research to date on the debt of people who have been incarcerated focuses on LFO-related debt; the only non-LFO debt that is well-studied is child support. While there is some research on the interplay between LFO and other types of debt, further research should explore the totality of debt people face after they have been incarcerated, and how those different types of debt impact their successful reentry. More broadly, these findings suggest the need for further research to explore the entanglements of mass incarceration with deregulated financial and credit services available to poor people.

Lastly, future research should use rigorous methods and standardized tools to create more generalizable results, allowing for national level policy responses. Additionally, there is a need to increase the extent to which the perspectives of CJ involved people are included in research (Harner et al., 2017).

Limitations

Because there is no standardized way to report on criminal justice involvement or debt, the search criteria was broad and non-specific. It is possible that some studies were

missed in the search. Another limitation of this scoping review was the fact that the debt that people who have been incarcerated have varies from jurisdiction to jurisdiction, making it difficult to generalize across studies. Also, the studies used a range of different approaches, measuring debt in different ways, adding to the difficulty of drawing general conclusions. Finally, we only considered studies about people who were or had been incarcerated; the burden of LFO and non-LFO debt on those involved in the criminal justice system who are not actually incarcerated, particularly those on probation, is also likely to be significant.

Conclusions

Debt from legal financial obligations and child support are very common among people who have been incarcerated and these debts are largely unpayable. Other forms of debt likely to burden this population remain largely understudied. There is considerable accumulated evidence that the burden of debt on people who have been incarcerated is rising and causes significant barriers to successful reentry back into the community life.

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Compliance with Ethical Standards

Conflicts of Interest/Competing Interests (Include Appropriate Disclosures) There are no conflicts of interest or competing interests.

Appendix

Search for Ovid Embase.

Additional database searches provided upon request: Alyssa.grimshaw@yale.edu

1. prisons/ or prisoners/ or exp criminals/
2. (incarcerat* or criminal justice system or prison* or jail* or court* or correctional or inmate* or convict* or offender* or detained or detainee or imprison* or behind bars or penitentiary* or detention*).tw,kw.
3. (parol* or probation*).tw,kw.
4. (justice-involve* or justice involve*or ex-con* or felon* or ex-offender*).tw,kw.

5. 1 or 2 or 3 or 4
6. ((financial or economic or monetary or cost) adj3 (hardship* or burden* or sanction* or distress* or toxicity or problem* or obligation* or delinquen* or trouble* or issue* or difficulties or crisis or crises or problem* or stress* or insecurit* or downturn or downturns or strain* or instability)).tw,kw.
7. ((money or monies or cash or income) adj3 (trouble* or issue* or difficulties or crisis or crises or problem* or stress* or hardship* or insecurity or obligation* or delinquen* or strain* or instability)).tw,kw.
8. (debt* or indebt* or over-indebt*).tw,kw.
9. (credit* or loan* or borrow* or owe* or arrears or lend*).tw,kw.
10. child* support.tw,kw.
11. ((criminal or late or statutor* or collection*) adj3 (fine* or fee* or payment*)).tw,kw.
12. restitution*.tw,kw.
13. Comissionar*.tw,kw.
14. (mortgage or rent).tw,kw.
15. (bank or banks or bankruptcy or bankruptcies).tw,kw.
16. garnish* wage*.tw,kw.
17. pawn shop*.tw,kw.
18. money order*.tw,kw.
19. alternative check cashing.tw,kw.
20. rent to own store*.tw,kw.
21. (collection adj1 (agency or agencies)).tw,kw.
22. interest charg*.tw,kw.
23. (non-payment* or nonpayment* or non payment*).tw,kw.
24. or/6-23
25. 5 and 24
26. limit 25 to english language
27. limit 26 to yr="1990-Current"

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