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Local Fee Increases Associated with Increased Jail Detention

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New research led by the Public Affairs Research Council of Alabama (PARCA) and MDRC indicates that each additional $100 in cumulative fees is associated with **an additional 34 jail** detentions per 100,000 people at the county level.

This small but significant increase suggests that fee increases could increase detention rather than deter it.

The cost of jail detention accrues to counties, which also assess local fees. This suggests that the anticipated revenue gain from fee increases should be weighed against the costs of increased detention, as well as the social costs of assessing debt on low-wealth residents and families who may struggle to pay.

Context

The Alabama Supreme Court, at the direction of the Alabama Legislature, convened a study group in 2025 to examine court fees across the state. While the study group did not make specific recommendations, participants expressed concern about the proliferation of fees and the lack of uniformity across the state, which makes it far more expensive to interact with courts in some counties than others. “This is a road for some reason we started down years ago, and it’s going to be hard to come off that road,” Rep. Jim Hill, a Republican from

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St. Clair County, said at a Sept. 30 meeting of the Joint Interim Study Commission on Court Costs.[1]

In civil court, fees must be paid up front before a case can be filed and at various points in the case process, depending on the services required. This means civil fees are collected as litigation moves through the system. Waivers are in place for people who are unable to pay and may be granted if they demonstrate that their inability to pay would otherwise deny them access to justice. But in criminal courts, fees are assessed at sentencing, with amounts typically predetermined based on offense type. People who can't pay all at once often request payment plans that allow them to settle their court debt over time. A 30% late fee is assessed on criminal court debt that is more than 90 days in arrears.

In addition to the array of uniform fees across the state, Alabama counties may also set their own fees to cover expenses such as building a new jail, funding services for crime victims, or other specialized needs. Local fees fall into consistent statewide categories, commonly earmarked for district attorneys' offices, court clerks, sheriffs and law enforcement, general county funds, and treatment courts. They are authorized by a profusion of acts and amendments dating back almost 70 years to 1956. Today, 63 of 67 counties have local constitutional amendments permitting them to add court costs and fees via local act, and more than 250 statutory local acts exist statewide. Such local acts proliferated in the 1980s and 1990s. While they are less common now, 39 local acts introduced new fees or increased existing ones across 25 counties between 2012 and 2024.

The Connections between Court Debt and Jail Detention

Debtors' prisons are illegal in Alabama and nationwide. However, when people who owe criminal court debt fail to pay, courts may issue a summons requiring them to explain why they are behind on their payments. People may be lawfully detained if a judge determines that their nonpayment was willful. If they fail to appear in court — a common occurrence exacerbated by the fact that about half of Alabama residents who chronically owe court

[1] https://www.al.com/news/2025/10/alabamas-convoluted-court-fee-system-has-grown-for-decades-with-no-end-in-sight-commission-finds.html

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debt lack stable addresses at which court summons can reliably be received — they may be arrested and detained the next time they encounter police.

Jonathan Roberts, 25, of Mobile, described the process. "Every time I turn around, they got a warrant out because I can't pay," he said. "Having to fear the police is not right, because of debt."[2]

Jonathan Roberts

A less direct mechanism by which court debt can lead to detention is through its association with new crimes. Research shows that 38%[3] of Alabama residents who chronically owe criminal court debt engage in illicit activity to raise the money needed to pay their debts. The most common activities they reported included selling drugs, stealing, and sex work. "They make you stop being a good citizen because they want you to be a citizen that pay[s] them something you [don't have]," one debtor said.

PARCA and MDRC's finding that county-level fee increases are associated with higher county-level jail detention rates adds to the growing body of evidence that criminal justice debt has significant social and fiscal downsides. Additional work will be needed to determine whether fee increases *cause* jail detention rates to rise. Still, this finding aligns with previous research on the connections between court debt and jail detention. For instance, a 2024 report by the Urban Institute found that 19% of U.S. adults unable to pay court debt reported having served time in jail.[4] A 2018 report by Alabama Appleseed found that 50% of Alabama residents who owed criminal court debt said they had spent time in jail related to it.[5] Alabama debtors also reported many other negative collateral consequences, including 83% who got behind on rent, car payments, medication, or other necessities to stay current on their court debt payments; 44% who took out high-cost payday loans; and the 38% mentioned above who committed an additional crime to pay fines and fees previously assessed. Most people who owe court debt borrow from loved ones to stay current, creating a spillover effect that impacts families and communities

[2] https://alabamaappleseed.org/underpressure
[3] Ibid.
[4] https://www.urban.org/urban-wire/how-do-fines-and-fees-affect-families-well-being
[5] https://alabamaappleseed.org/underpressure

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where such debt is concentrated. Even making desperate choices, half of those surveyed expected they would owe money to the court system until they die.[6]

Research Questions, Data, and Methods

The research team focused its initial inquiry on two questions:

1. What is the landscape of county-level criminal court fees and jail detention rates in Alabama?
2. Is there an association between county-level criminal court fee increases and jail detention rates?

To answer these questions, we examined data from multiple sources, including:

- Vera Institute of Justice's 2025 Incarceration and Inequality Dataset, showing annual county-level jail detention rates defined as the number of individuals incarcerated per 100,000 residents aged 15-64;
- Alabama court fee data drawn from county fee distribution schedules maintained by the Alabama Administrative Office of Courts, showing fee information by amount, type, crime category, and authorizing statute (criminal fees only)[7];
- Alabama Court Fee Change Data (2011-2025), constructed from systemic legal review and original session law volumes, cataloged by county and including citation, date of passage, description, dollar amount or rate, designated revenue recipient, and sunset provision (if any).[8] Specifically, we looked at the subset of acts enacted since 2012 across 25 counties, including 39 that introduced new fees or increased existing ones.

We constructed variables showing the annual sum of newly enacted or increased fees per county-year, the cumulative sum of fee increases since the baseline year of 2011, a binary indicator for any fee change, and the year of the first fee change.

[6] *Ibid.*

[7] Dataset constructed by Campaign Legal Center

[8] Dataset constructed by Judge Stephen Wallace, 10th Judicial Circuit for the State of Alabama

To analyze the data, we first described the landscape of court fees and jail detention rates in Alabama counties, documenting these rates by county in 2011, the earliest year for which fee schedules are publicly available. We then documented county-level court fee changes from 2012 to 2025 and examined the association between court fee changes and jail detention rates from 2012 to 2023. Finally, we estimated a simple preliminary panel regression model to assess whether this association was statistically significant.

Findings

First, we documented total cumulative fees by county in 2011, the baseline year for the study. We found wide cross-county variations in fee levels. The highest total court fees that year were in Barbour County ($6,228, with 53 fees at a median of $80), Chambers County ($6,121, with 52 fees at a median of $50), and DeKalb County ($6,058, with 53 fees at a median of $50).

Figure 1 shows cumulative total court fees by county as of 2011, the baseline year for this study.

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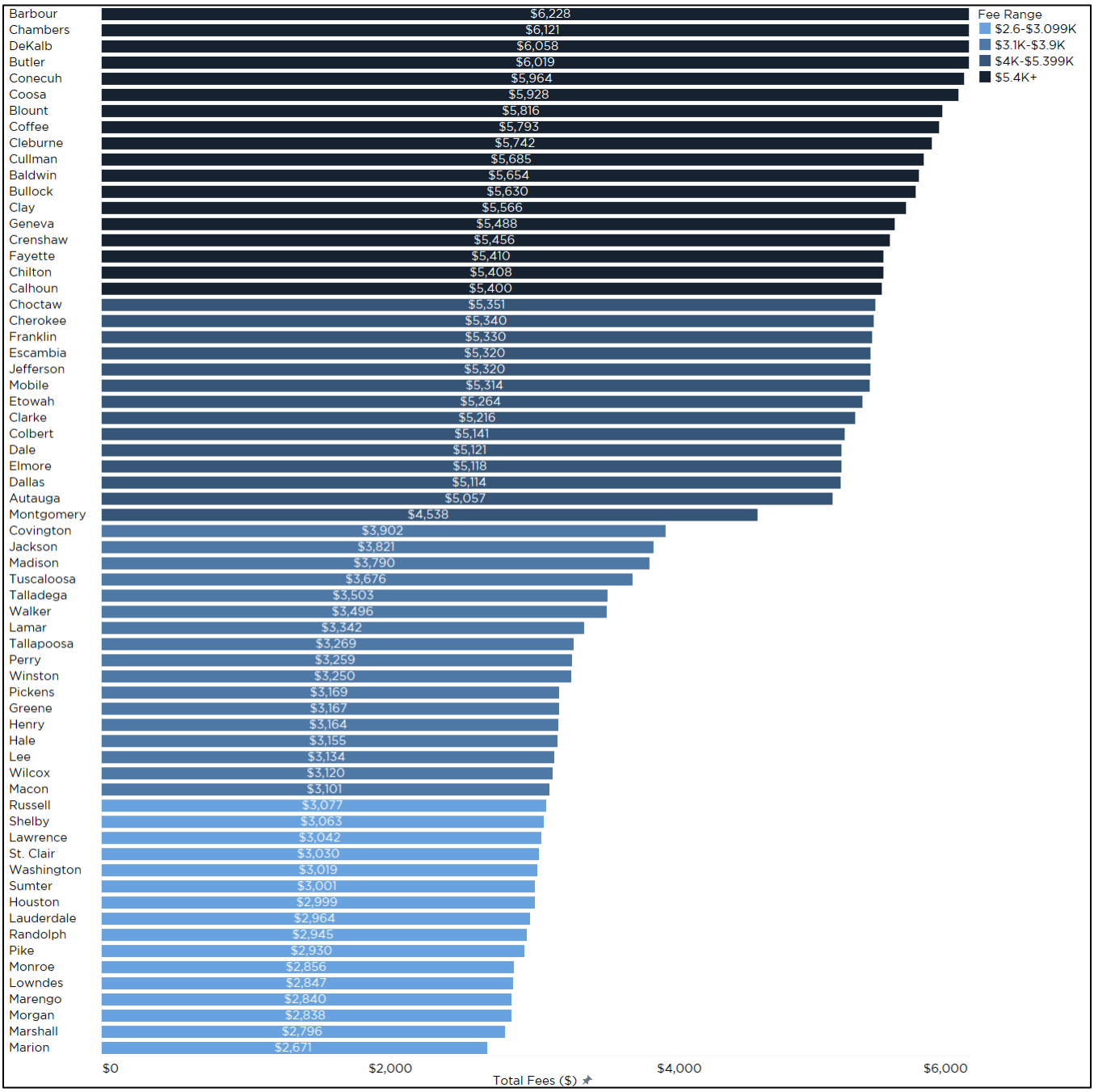
Figure 1. Cumulative Total Court Fees by County, 2011



We documented the cumulative fee increase since 2011 in the 25 counties with criminal case fee changes. The color of the dot in Figure 2 corresponds to the cumulative increase in fees since 2011. The size of the dot corresponds to the amount of the new fees implemented that year. For example, in Jackson County — the county with the largest cumulative fee

increases since 2011 — fees were added in multiple years, with the largest single increase occurring around 2016, when new fees added a substantial dollar amount, bringing the running total to the highest level observed across all 25 counties. The bright gold color of that dot reflects that Jackson County had accumulated the greatest total fee burden relative to its 2011 baseline at that point in time.

Figure 2 graphs changing court fees in Alabama counties between 2012 and 2024, ranked by cumulative increase.

Figure 2. Changing Court Fees in Alabama Counties, 2012–2025

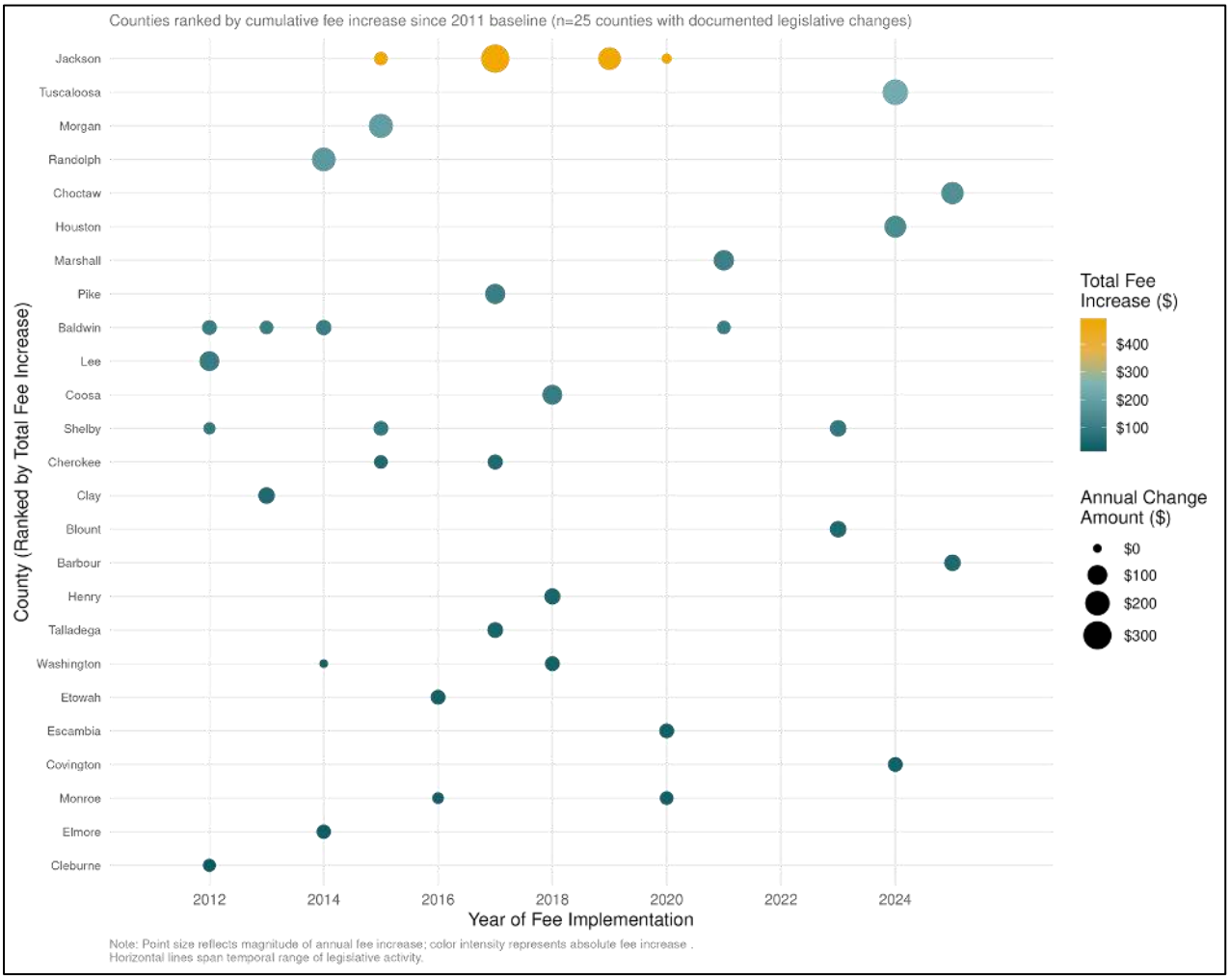


Figure 3 graphs the change in total jail detention rate per 100,000 and the total fee increase since 2011.

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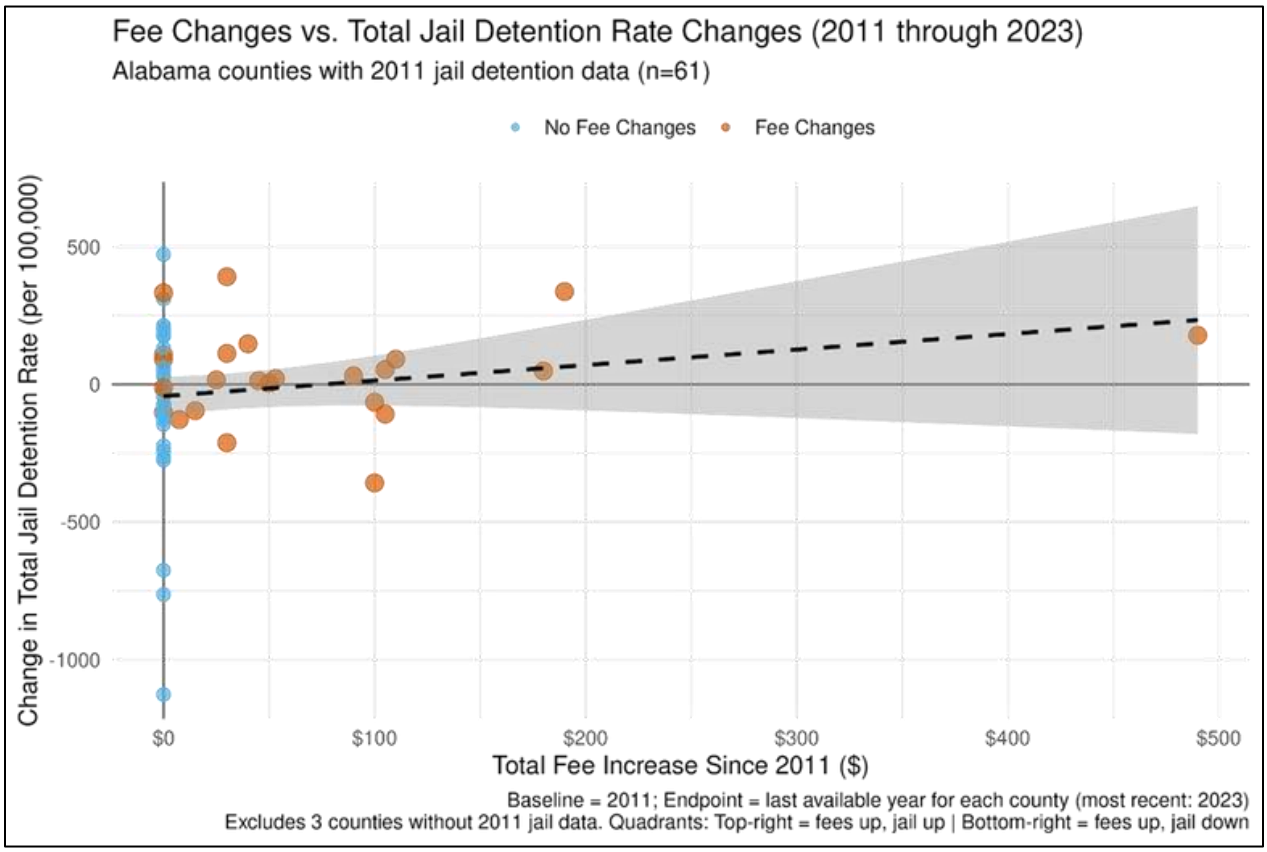
Figure 3. Change in Jail Detention Rate per 100,000 vs. Total Fee Increase Since 2011



Finally, we modeled the relationship between court fee changes and jail detention rates using regression analysis:

Table 1. Regression of Jail Detention Rates on Court Fee Changes, Alabama Counties
(Total Population)

Variable	Model 1	Model 2	Model 3
Ever Changed Court Fees	35.7 (30.6)	— —	— —
Cumulative Fees Added ($)	— —	0.34* (0.13)	— —
Log (Total Fees)	— —	— —	1.75* (0.80)

Sources: 2011-2023 Vera Institute of Justice Incarceration and Inequality data; author's 2011 Alabama Administrative Office of Courts county fee data; author's 2021-2023 Alabama local acts and court fees data.

Notes: Clustered standard errors presented in parentheses. The models include 630 county-year observations across 64 counties. All models include county and year fixed effects.

**** p<0.001, ** p<0.01, *p<0.05*

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Our model demonstrates that, for total jail detention, treating court fees as a continuous measure indicates that each additional dollar of cumulative fees was associated with a 0.34 per 100,000 increase in jail rates, translating to approximately 34 additional people jailed per 100,000 residents for every $100 increase in cumulative fees. It also showed that a 1% increase in total fees was associated with a 1.75% increase in jail detention rates.

These findings suggest that court fee policy changes have measurable but limited impacts on overall jail detentions, and that larger fee increases produce larger effects.

Association is not causation: while our work demonstrates an association between fee increases and jail detention rates, we cannot say with certainty that fee increases *cause* increased detention rates. Further research should be conducted to assess whether that is the case.

Interpretation and Future Directions

As a matter of policy, court fees straddle the domains of criminal justice and public finance. For that reason, they are best understood when both domains are considered together, as research shows that police departments in cities that rely heavily on court debt as a revenue source solve violent crime at a lower rate than those that rely on revenue sources not tied to court fines and fees.[9]

The finding that additional fees are associated with higher detention rates raises questions about both efficiency and equity. From an **efficiency** perspective, it would be worthwhile to explore the relationship between additional fees and revenue, specifically examining whether higher fees lead to higher revenue. Research in Jefferson County, Alabama, demonstrates that people with the least debt assessed at sentencing (the bottom quartile) paid more overall. In contrast, those with the highest debt levels (the top quartile) saw their cumulative debt grow over time.[10] If this pattern holds for other counties, additional fees may generate less net revenue than anticipated and could even be associated with negative growth. On top of that, to the extent that fee increases are or might be prompting

[9] https://hyeyoungyou.com/wp-content/uploads/2018/08/finesandpolicing.pdf
[10] https://www.mdrc.org/sites/default/files/Jefferson_County_Equitable_Fines.pdf

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increased detention, a cost-benefit analysis should factor in the costs associated with each additional night in jail.

From an **equity** perspective, it would be valuable to explore the demographics of people assessed for debt and what happens to them. Given variations in income, wealth, and circumstances, it is worth exploring who bears the burden of additional fees and whether people who lack wealth and resources are disproportionately detained for nonpayment.

Finally, future research aimed at teasing out causation would also benefit from examining additional factors that may explain increases in jail detention rates correlated with higher court fees. It would be critical to consider crime rates and trends, as increased detention, which appears to be associated with higher fees, may instead be driven by increased criminal activity or changes in enforcement practices unrelated to revenue generation.

Leah Nelson was the Principal Investigator and Qualitative Lead for this research. Quantitative methodology and data analysis were designed and conducted by Dr. Kasey Eickmeyer of MDRC's Center for Data Insights, who also created all figures and tables in this blog post. Dr. Sarah Picard of MDRC provided guidance and valuable input. Campaign Legal Center constructed the dataset showing fee information by amount, type, crime category, and authorizing statute. Judge Stephen Wallace of the 10th Judicial Circuit (Birmingham) constructed the dataset showing fee changes over time. He traced them back to the authorizing amendment or statute and offered observations on trends in fee purposes over time. The Vera Institute of Justice constructed the jail detention rate dataset used in this research.