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Poor Not Guilty: Fines and Fees Challenges - Advocating Against the Criminalization of Poverty through Perspective-Taking

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Abstract: Cities and states throughout the United States impose fines for minor offenses at every stage of the criminal justice system. Without any means of escape from a system designed to punish poverty, millions of Americans lose their jobs, homes, and even their children. Two of the major roadblocks to change on addressing the criminalization of poverty are a lack of awareness and a lack of empathy. In order to educate audiences who are less likely to be exposed to or directly impacted by such unfair practices, a team of game designers and legal experts collaborated on *Poor Not Guilty: Fines and Fees Challenges*, in which players perspective-take with the goal to increase their awareness of unjust monetary penalties and reduce bias towards those who are living in poverty by experiencing the detrimental impact of criminalizing petty offenses.

The Impact of Excessive Fines and Fees in the United States

Cities and states throughout the United States impose fines for minor offenses at every stage of the criminal justice system (Menendez et al., 2019). Often monetary sanctions are used by local and state governments to raise revenue (Menendez et al., 2019), and typically they are unsuccessful because of greater targeting in poorer communities. Even more problematic is that those who fail to pay often face additional fees, loss of voting rights, and license suspensions (Fines and Fees Justice Center, n.d.). Millions of Americans get trapped in a cycle of punishment simply because they can't afford to pay these fines and fees. Without any means of escape from a system designed to punish poverty, many Americans lose their jobs, homes, and even their children. Organizations like the Fines and Fees Justice Center (FFJC) and National Homelessness Law Center (NHLC) with their respective Free to Drive (n.d.) and Housing Not Handcuffs (2019) campaigns advocate for the ending of this cruel counterproductive practice nationwide. In order to educate audiences who are less likely to be exposed to or directly impacted by such unfair practices, a team of game designers and legal experts collaborated on *Poor Not Guilty: Fines and Fees Challenges (PNG Challenges)*, which can be used as part of secondary education Street Law curriculum and beyond.

Perspective-Taking As a Person Who Is Poor, Not Guilty, to Increase Awareness and Empathy

Two of the major roadblocks to change on addressing the criminalization of poverty are a lack of awareness and a lack of empathy. In 2021, a team from DePaul University, University of Miami, FFJC, and NHLC collaborated on developing the *PNG Challenges* as an interactive advocacy and learning tool highlighting how fines and fees in the U.S. justice system perpetuate poverty. The goal is to generate empathy around the impossible binds that current laws and policies place on people experiencing homelessness and poverty. Participants need a device with a modern browser, which ideally is connected to the Internet, so they can play by visiting each of the following challenges: (1) https://poornotguilty.org/play/buckle_up; (2) https://poornotguilty.org/play/drive_it_home; or https://poornotguilty.org/play/park_it.

The Challenge of Surviving Excessive Fines and Fees

PNG Challenges is a series of three roleplaying games that highlight how fines and fees for petty offenses create impossible situations for those experiencing poverty and/or homelessness. The purpose of the games is for players to experience the added challenge imposed on those already struggling financially to escape the cycle that these monetary punishment systems trap them by playing through otherwise ordinary everyday scenarios. In "Buckle Up", fairly harmless traffic violations make for a bumpy ride and struggle to keep one's head above water. In "Drive It Home", players learn how local laws often prohibit someone from living in a vehicle and financially penalize

them for doing so. In “Park It”, players roleplay and experience how homelessness is truly not a walk in the park with risk lurking at every turn.

Fines and Fees as a design challenge

In these challenges, players likely employ perspective-taking, experiencing scenarios and circumstances that may be unfamiliar to them, with the objective of reducing bias and increasing compassion for those living in poverty. Perspective-taking, the act of considering someone else’s views or experience, is a common approach when engaging players in civics and in an attempt to connect them with other communities (Schrier, 2021). The educational and transformational goals of these challenges are to address two major roadblocks to change the criminalization of poverty: lack of awareness and a lack of empathy.

After perspective-taking as someone living in poverty, the game further reinforces how the scenarios the player just experienced are many people’s reality. Each epilogue summarizes the severity of the issue through relevant supporting media of real voices such as an NPR audio interview and video interviews captured by Invisible People, a nonprofit dedicated to educating the public about homelessness through innovative storytelling, news, and advocacy, in which people who are experiencing homelessness and mobile homelessness share their story (Smith & Garcia, 2020; Invisible People, n.d.). Playing these interactive experiences and connecting people with real-world stories and even hearing their real voices reminds us how pervasive this issue is. Furthermore, players are also encouraged to follow and engage in two important active campaigns: Free to Drive (n.d.) and Housing Not Handcuffs (2019).

Discussion

The use of perspective-taking in games can raise awareness and potentially reduce bias and increase empathy towards those living in poverty and who are significantly burdened financially by unfair legal practices that criminalize petty offenses. *PNG Challenges* is a tool for advocacy and legal organizations to further spread the reach of critical campaigns like Free to Drive and Housing Not Handcuffs. An initial pilot supports its use in the classroom, including in high school Street Law programs; further evaluation would confirm use cases for this set of advocacy play experiences.

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