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Poor Not Guilty: An Experiential Street Law Education on the Criminalization of Poverty through Perspective-Taking

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Poor Not Guilty: Perspective-Taking to Address the Criminalization of Poverty

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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, trapping individuals in cycles of poverty and punishment. At the same time, almost every city has laws that punish and fine people experiencing homelessness for engaging in necessary activities, such as sleeping in public. These laws are not only cruel and a violation of basic rights but also counterproductive. Two major roadblocks to ending the criminalization of poverty are a lack of awareness and empathy. A team of designers and legal experts engaged in tandem transformational game design to create *Poor Not Guilty: Fines and Fees Challenges*, in which players perspective-take as someone impacted by the criminalization of such petty offenses. The challenges employ storytelling and seek to generate awareness and empathy of the systemic nature of this criminalization, as part of Street Law curriculum and advocacy supporting policy change.

The Impact of Excessive Fines and Fees in the United States

Cities and states throughout the United States impose fines for minor offenses, as well as fees at every stage of the criminal justice system before a court determines guilt for the underlying offense (Menendez et al., 2019). Often monetary sanctions are used by local and state governments to raise revenue. Even more problematic is that those who fail to pay often face additional fees, loss of voting rights, and license suspensions (Fines & Fees Justice Center, n.d.). Without any means of escape from a system designed to punish poverty, millions of Americans lose their jobs, homes, and even their children. Moreover, given wide police discretion, the majority of these penalties fall on minority groups (Kopf, 2016). Additionally, almost every city has laws that criminalize conduct a person experiencing homelessness must engage in to stay alive, such as sleeping or sitting in public (Housing Not Handcuffs 2019). Individuals are thus placed in an impossible bind. Laws criminalizing homelessness are further a drain on resources, failing to address the lack of adequate housing at the root of homelessness. They merely shuffle people to different parts of the city and result in fines people cannot pay, jail time, and criminal records, perpetuating homelessness. The Fines & Fees Justice Center (FFJC)'s Free to Drive (n.d.) and National Homelessness Law Center (NHLC)'s Housing Not Handcuffs (2019) campaigns advocate for the ending of these cruel, counterproductive practices nationwide.

Tandem Transformational Game Design Fueled by Real-World Evidence and Storytelling

In 2021, a team from DePaul University, University of Miami's Human Rights Clinic (UMHRC), NHLC, and FFJC collaborated on developing the *Poor Not Guilty: Fines and Fees Challenges (PNG Challenges)* with the aim to increase empathy for the impossible binds that current laws and policies place on people experiencing poverty and homelessness as a necessary step towards advocating for policy change. The challenges were created using Tandem Transformational Game Design, whereby game designers worked closely with subject matter experts to create narrative experiences based on real-world accounts and evidence. Tandem Transformational Game Design is a game design process framework to help transdisciplinary teams maximize every member's contribution, align the game prototyping process with subject matter research, and have a clearer, shared game vision throughout their process (To et al, 2016).

The challenges are a set of three browser-based games, created using Twine and available at poornotguilty.org/challenge. In “Buckle Up,” fairly harmless traffic violations make for a bumpy ride and a struggle to keep one’s head above water. In “Drive It Home,” players learn how local laws often prohibit and financially penalize living in a vehicle. In “Park It,” players roleplay and experience how homelessness is truly not a walk in the park with risks lurking at every turn.

Perspective-Taking to Increase Awareness and Empathy for Those Facing Poverty

Storytelling has great potential for effectively communicating policy-related evidence (Davidson, 2017). Furthermore, 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 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. As such, players 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.

The challenges further reinforce how the scenarios the player just experienced are many people’s reality, connecting players to resources and advocacy campaigns. Each epilogue highlights the severity of the issue through statistical data and supporting media with real voices. This includes 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, followed by exposure to real-world stories and even hearing real voices, connects the player’s immersive experience with a larger reality. Furthermore, players are encouraged to follow and engage in two active campaigns addressing the criminalization of poverty and homelessness: 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 homelessness, significantly burdened by the criminalization of petty offenses. *The Poor Not Guilty Challenges* are a tool for advocacy 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 in policy advocacy.

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