

IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

LETICIA ROBERTS and CALVIN SAYERS,

Plaintiffs-Appellants,

v.

SHERIFF TONY THOMPSON, in his official capacity; and BLACK HAWK COUNTY,

Defendants-Appellees.

On Appeal from the United States District Court
for the Northern District of Iowa

No. 6:24-cv-2024 (Williams, C.J.)

**BRIEF OF *AMICI CURIAE* LAW SCHOOL CLINICS AND CLINICAL
PROFESSORS IN SUPPORT OF PLAINTIFFS-APPELLANTS AND
REVERSAL**

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Fed. R. App. P. 26.1(a), amici are not publicly held corporations and do not have any parent corporations. No publicly held corporation owns 10 percent or more of the stock of amici. Amici are not aware that any publicly held corporation has a direct financial interest in the outcome of this litigation.

Dated: July 14, 2025

/s/ Seth Wayne
Seth Wayne

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STATEMENT OF AMICI CURIAE¹

The Drake University Law School Criminal Defense Clinic provides legal representation to indigent individuals charged with misdemeanors and felonies in Polk County Criminal Court. The Clinic also assists individuals across the state of Iowa with expungement applications and negotiations related to court debt arising from involvement in the criminal legal system.

The Clinic serves some of the most underserved and marginalized individuals in Iowa's legal system. Its student practitioners, under faculty supervision, advocate for individuals facing not only the immediate consequences of criminal prosecution, but also the enduring collateral consequences of conviction—including the financial burdens that often persist long after a case is resolved. In its work, the Clinic regularly witnesses how court-imposed financial obligations can create long-term barriers to stability, housing, employment, and full re-entry into the community. These financial obligations often entrench the Clinic's clients in poverty and ongoing entanglement with the criminal legal system, undermining the purported rehabilitative goals of criminal punishment. The Clinic's experience representing individuals who cannot afford to pay what courts demand provides a critical lens into the real-world consequences of legal financial obligations.

¹ No Party's counsel authored this brief in whole or in part, and no person other than amici curiae contributed money to fund preparing or submitting this brief. *See* Fed. R. App. P. 29(a)(4).

The University of Iowa College of Law’s Clinical Law Program provides legal services to incarcerated and formerly incarcerated people in several of the States that fall within the Eighth Circuit’s jurisdiction, including Iowa, Minnesota, South Dakota, Nebraska, and Missouri. Through its litigation, policy, and transactional practices, the Iowa Legal Clinic has worked with a community of incarcerated and formerly incarcerated people in state and federal arenas within the Eighth Circuit’s jurisdiction for over five decades.

The Iowa Legal Clinic provides legal representation to organizations and people who would often lack access to legal counsel because of their socioeconomic circumstances or geographical location. Through this work, the Iowa Legal Clinic sees daily how legal financial obligations keep its clients in positions of vulnerability and instability—economic and social—and entangled in the legal system long after they have served their time. This persistent system involvement often results in poorer outcomes for clients, undermining their ability to become more active and engaged participants in the community.

The Legal Assistance to Minnesota Prisoners (LAMP) Clinical Program at Mitchell Hamline School of Law has provided direct legal services to incarcerated and formerly incarcerated individuals in Minnesota for over three decades. LAMP operates as both a clinical education program for law students and a vital legal aid resource for one of society's most vulnerable populations. Through LAMP, supervised law student practitioners represent clients in a wide range of civil legal

matters, including post-conviction relief, prisoners' rights litigation, and re-entry assistance. The clinic handles hundreds of cases annually, providing representation to individuals who would otherwise lack access to legal counsel due to their economic circumstances and incarcerated status.

Through this comprehensive practice, LAMP has developed extensive expertise in the collateral consequences of criminal convictions and the systemic barriers that impede successful reintegration into society. LAMP's clients frequently struggle with the crushing burden of legal financial obligations imposed during their involvement with the criminal justice system. LAMP has witnessed firsthand how these financial burdens trap clients in cycles of poverty and continued justice system involvement, undermining the very rehabilitation and reintegration goals that the justice system purports to serve.

The Saint Louis University School of Law Civil Advocacy Clinic handles a variety of litigation in municipal, state, and federal courts on civil rights, consumer, and housing matters. Students also routinely represent individuals facing "quality of life" and other municipal ordinance violations. Most of the Civil Advocacy Clinic's clients have been justice-involved. Through its work representing these individuals as they re-integrate into society, the Civil Advocacy Clinic is acutely aware of how the legal financial obligations imposed on them have a serious and lasting impact on their lives.

Professor Perry Moriearty is a Professor of Law at the University of Minnesota Law School, where she teaches criminal law, juvenile justice, and co-directs the Child Advocacy & Juvenile Justice Clinic (the “CAC”). The CAC is a full-year course in which student attorneys represent clients in juvenile delinquency, post-conviction, custody, child welfare, and expungement matters before courts in Minnesota. Nearly all the CAC’s clients are underserved, and many are either incarcerated or formerly incarcerated.

Through the CAC’s work, Professor Moriearty and her students have become acutely aware of the extraordinary economic burdens borne by those who have contact with the criminal justice system. From fines, court fees and to restitution to the hundreds of collateral consequences that attend to criminal convictions, criminal court involvement does not just implicate clients’ liberty: it affects every aspect of their social and economic status and wellbeing. In doing so, the criminal justice system effectively ensnares CAC clients in an endless cycle of economic hardship, which, in turn, increases the likelihood of future contact with the system.

INTRODUCTION

Amici have extensive experience representing individuals who are or have been involved in criminal justice systems within the Eight Circuit’s jurisdiction. Amici know that people being released from carceral settings—whether pretrial detention in a local jail or a term of incarceration in a state prison—are in a highly vulnerable position. Upon release, they face immense obstacles to finding stability and success in life outside the prison walls, many of which are caused or heightened by not having enough money to satisfy the basic requirements of everyday life. The imposition of burdensome fees and costs on these vulnerable people, and the aggressive measures government debt collectors use to collect that money, trap people in years-long cycles of mounting debt and continuous contact with the criminal legal system. The result is that these individuals are entrenched as second-class citizens and inhibited from successfully reintegrating into functional society.

Plaintiffs-Appellants (“Plaintiffs”) in this case challenge a predatory scheme in Black Hawk County, Iowa, in which detainees are saddled with excessive debt regardless of their ability to pay that is both collected by and benefits their jailer sheriff. At the time of their release, these individuals—the putative class here—are coerced or misled into signing “confessions of judgment” accepting their jail debt and committing to a schedule of payments, with the implication that doing so is necessary to go free. Individuals are not told that signing is voluntary or optional. It is presented as a mandatory prerequisite to their release: liberty predicated on surrender

of one's right to contest a government debt. Indeed, both of the named Plaintiffs in this lawsuit signed confessions of judgment and testified that they only did so because they thought they had no other choice. App. 97-98, 102-03; R. Docs. 11-13 at 3-4; 11-14 at 3-4.

Once those documents are signed, the Sheriff's Office uses them to pressure individuals into making payments, circumventing the statutorily established collections process. Defendants-Appellees ("Defendants") seize money from detainees' pockets and jail accounts to pay the confessed debt. And after individuals are released, Defendants wield the signed papers to coerce them into paying money they cannot afford to lose—often relying on harassing practices like unrelenting phone calls, letters, and uniformed deputies showing up at a person's home. Defendants have the power to file the confession in court to obtain a judgment against the confessed debtor without any process whatsoever, denying the individual notice and a basic opportunity to be heard in their own defense.

The excessive debt heaped on detainees, the County's coercive demand that they sign confessions of judgment upon their release, and the subsequent unrelenting pressure to pay or face further legal consequences hurts both returning individuals and their communities. Individuals already struggling to make ends meet may go without basic necessities to make minimum payments on debt that only continues to grow. The debt makes it more difficult to maintain a job and housing, trapping people in a vicious cycle of lost wages and unpaid bills. Many are forced to choose

between paying their jail debts and making other court-ordered payments, like child support and restitution. The mental and financial toll on returning individuals, their communities, and society as a whole is incalculable.

The district court here dismissed Plaintiffs' suit for lack of Article III standing, holding that Plaintiffs' injuries were not traceable to Defendants' actions because Defendants had not yet filed confessions of judgment in civil court for either of the named Plaintiffs. App. 247, R. Doc. 34, at 12. The court also held that Plaintiffs' injuries were not redressable for similar reasons: even if they were to "prevail on their argument that defendants have collected the fees improperly, nothing would change," because the Plaintiffs would still owe the fees. App. 245, R. Doc. 34, at 10. The court therefore concluded that any relief it could provide would be akin to an improper "advisory opinion" and that it lacked jurisdiction over the case. *Id.*

Having already dismissed the case on jurisdictional grounds, the district court nonetheless proceeded to analyze the merits of Plaintiffs' due process claims as an alternative reason for dismissal.² In evaluating Plaintiffs' procedural due process claim, the district court concluded that Plaintiffs were not entitled to procedural rights, as they had not been deprived of their property in a way that implicated a legal

² Plaintiffs have only appealed Count 1, the procedural due process claim. For similar reasons, the district court found that Count 2, Plaintiffs' due process conflict of interest claim, should also be dismissed. As to Count 3, which challenges the unlawful confessions of judgment, the district court chose to "rest on its standing analysis." App. 252, R. Doc. 34, at 17.

interest in that property. That is, it decided that although Plaintiffs paid money to Defendants, they must have done so voluntarily because they had not been ordered by any court to pay jail fees. App. 249, R. Doc. 34, at 14; *see also* App. 250, R. Doc. 34, at 15 (“[P]laintiffs appear to implicitly understand that they voluntarily paid the fees.”).

Amici believe the district court erred by misinterpreting Plaintiffs’ complaint, and submit this brief to aid in this Court’s review of that interpretation by placing the alleged scheme in context. Amici describe the steep rise in fines and fees in recent years, the harsh consequences for those burdened by this debt, and the futility of using coercive measures to extract money from debtors who cannot pay. Given this context, amici believe that this Court should account for the destabilizing force of debt on those recently released from prison and the weight of Defendants’ coercive practices in making payments seem nonvoluntary in determining whether Defendants’ actions caused a legally cognizable injury. Amici further explain that, on the merits, the strength of a returning person’s interest in even small amounts of money suggest that a rigorous process—and certainly more than *no* process—is constitutionally necessary when a person is assessed jail debt and coerced into paying.

Amici urge this Court to reverse the district court’s order and remand the case for further litigation of Plaintiffs’ claims on the merits.

ARGUMENT

A. Defendants' coercive system of imposing and collecting jail debts is both harmful and ineffective.

Defendants are not alone in their imposition of excessive jail fees and their use of high-pressure tactics to collect them. Indeed, these practices must be understood in broader context as the failed experiment they are. Fines, fees, and other costs are frequently imposed on those involved with the justice system across the country. But in the experience of those who, like amici, work with these populations—and in the conclusion of extensive social-science research—these costs are self-defeating: they leave individuals and communities worse off while failing to lead to the effective collection of debt. The district court erred in failing to account for this vital context, including the pressure imposed by debt and the immense importance of money to a recently released person, in granting the Motion to Dismiss.

1. Individuals in Iowa face crushing debt imposed upon their release from incarceration.

Fines, fees, costs, and other money owed to courts and law enforcement entities by defendants in criminal cases—collectively termed “legal financial obligations”—have become a ubiquitous feature of justice systems across the United States. Over recent decades, states and municipalities have significantly increased the number of these obligations in an attempt to cover budget shortfalls.³ Those fees do not

³ See, e.g., Harvard Law School Criminal Justice Policy Program, *Confronting Criminal Justice Debt: A Guide for Policy Reform* 1–3, 9 (September 2016),

primarily serve a punitive or rehabilitative purpose or provide any restitution to crime victims. Instead, they are imposed to shore up justice system budget gaps, raise government revenue to fund court programs, or simply as a less politically fraught way to pay for general government services compared to new or higher taxes.

Iowa is no exception to this trend. In 1996, the Iowa General Assembly first enacted a statute allowing county sheriffs to charge prisoners in their custody for “room and board,” codified as Iowa Code § 356.7. Before that change, counties could only charge prisoners for certain board expenses if they were part of a work release program. *See* Iowa Code § 356.30.⁴ In 2003, the law was amended to allow sheriffs to charge for the administrative costs of arrest and booking. 2003 Iowa Acts 279, § 1. It was amended again in 2006 to include costs for “any medical aid provided to the prisoner.” 2006 Iowa Acts 394, § 1.

Although Iowa law frames these fees as reimbursements to the county for money it expended on arrest and detention, it nevertheless provides that 60 percent of the collected money should be used to pay for a range of unrelated expenses, including “[c]ourthouse security equipment,” “law enforcement personnel costs,” and

<http://cjpp.law.harvard.edu/publications/confrontingcjdebt>; Matt Ford, *The Problem with Funding Government through Fines and Fees*, The Atlantic (April 2015), <https://www.theatlantic.com/politics/archive/2015/04/the-problem-with-funding-government-through-fines/389387>.

⁴ *See also* 1983 Iowa Att’y Gen. Op. 101, 1983 WL 41814 (before Section 356.7 counties had to “bear the financial responsibility for inmates in county jails,” with few exceptions).

“[i]nfrastructure improvements of a jail.” Iowa Code § 356.7(5)(a) (2025); *see also In re Donohue*, No. 05-01651, 2006 WL 3000100, at *9 (Bankr. N.D. Iowa Oct. 16, 2006) (“Sixty percent of the collections are used for specific purposes, which do not include reimbursing the county for the specific costs of the criminal defendant’s incarceration.”). The remaining 40 percent of collected funds are unallocated and may be used for any purpose—the allegations in this case attest that Defendants have used the “room and board” money collected from detainees to adorn the Sheriff’s firearm training facility with machines for cotton candy, ice cream, and playing laser tag. App. 7, R. Doc. 9 ¶ 22.

These “room and board” fees are the only fees challenged in this case, but they are not the only extraordinary legal financial obligations Plaintiffs must pay. Indeed, named Plaintiff Calvin Sayers had been putting aside \$100 each month to pay down court debt before he even learned of his jail fees. App. 103, R. Doc. 11-14 ¶ 18. And Iowa also charges fees to recoup costs for legal representation of indigent persons. A journalistic investigation determined that Iowa charges some of the highest fees in the nation for public defender expenses, saddling the poorest individuals with fees they have already been deemed unable to pay.⁵ These fees are not limited to those

⁵ Lauren Gill & Weihua Li, *If You Can’t Afford an Attorney, One Will Be Appointed. And You May Get a Huge Bill*, The Marshall Project (Feb. 12, 2024), <https://www.themarshallproject.org/2024/02/12/miranda-rights-indigent-defense-iowa>.

ultimately found guilty of the crimes with which they are charged; Iowa charges poor people for legal assistance even if they are acquitted or their cases get dismissed.⁶

2. Defendants' practices trap debtors who cannot pay in a cycle of poverty and harm the community.

As amici are aware from their extensive work supporting and/or representing those re-entering society from jails or prisons, the time period immediately following release is incredibly difficult. Released persons frequently lack resources or the ability to access them, meaning that the deprivation of any of the money in their possession can be uniquely devastating. The jail fees imposed by Defendants, and the pressure put on individuals to sign confessions of judgment, must be understood within the context of this particularly vulnerable time, imposing an impossible burden on people at their moment of release and undermining their ability to successfully reintegrate into society.

As a White House commission found, fees like those imposed by Defendants put “large burdens on poor offenders who are unable to pay.”⁷ People, including clients of amici, sacrifice basic needs to meet these financial obligations. A survey of hundreds of court debtors found that to get money to pay their court debt, more than 80 percent had to “g[i]ve up necessities like rent, food, medical bills, car payments,

⁶ *Id.*

⁷ Council of Economic Advisors, *Fines, Fees, and Bail: Payments in the Criminal Justice System that Disproportionately Impact the Poor* 1 (Dec. 2015), https://obamawhitehouse.archives.gov/sites/default/files/page/files/1215_cea_fine_fee_bail_issue_brief.pdf.

and child support.”⁸ This burden is particularly severe for people who have just been released, who may already be struggling to find work, pay other debts, and make ends meet.⁹ Rather than facilitating rehabilitation and promoting a return to law-abiding behavior, legal financial obligations do exactly the opposite: evidence shows that to satisfy their debts, some released persons without stable employment have been driven to commit crimes involving drug sales, stealing, or sex work.¹⁰ In practice, jail debt functions to reinforce poverty and further enmesh recently released individuals in an inescapable cycle of involvement with the justice system.

That imposing burdensome debts and coercing payments from recently released Iowans creates negative societal outcomes should come as no great surprise given that many are already in a perilous financial position. Nationally, the Federal Reserve

⁸ Alabama Appleseed Center for Law and Justice et al., *Under Pressure: How fines and fees hurt people, undermine public safety, and drive Alabama’s racial wealth divide* 4 (2018), <https://www.alabamaappleseed.org/wp-content/uploads/2018/10/AA1240-FinesandFees-10-10-FINAL.pdf>.

⁹ Board of Governors of the Federal Reserve System, *Economic Well-Being of U.S. Households in 2023* 25 (May 2024), <https://www.federalreserve.gov/publications/files/2023-report-economic-well-being-us-households-202405.pdf> (“A prior arrest of conviction can be a major barrier to employment.”).

¹⁰ See Gercoline van Beek & Vivienne de Vogel, *The relationship between debt and crime: A systematic and scoping review*, 13 Eur. J. of Probation 41, 66 (2021) (“[D]ebt may potentially increase the risk of recidivism . . . Research on debt among adult ex-prisoners also shows that offenders with debt are more likely to re-offend than those without debt.”); M. Scott Carter and Clifton Adcock, *Prisoners of Debt: Justice System Imposes Steep Fines, Fees*, Oklahoma Watch (Jan. 31, 2015), <http://oklahomawatch.org/2015/01/31/justice-system-steeps-many-offenders-in-debt> (quoting Oklahoma woman who owed thousands in court debt who said she was “one day away” from selling drugs to pay fees before landing a job).

recently found that 37 percent of Americans would need to sell their possessions, borrow money, or would be simply unable to pay if faced with an unexpected expense of just \$400¹¹—significantly less than the fees imposed on the named Plaintiffs. In Black Hawk County, one in seven people live in poverty, well above national and state averages.¹² And the United Way estimates that as many as 44 percent of Black Hawk County households cannot afford the basic costs of living.¹³

Statistics show that people involved in the criminal justice system are even more likely to experience poverty. Indeed, approximately 90 percent of people in Iowa who face criminal charges are determined to be indigent and qualify for a court-appointed lawyer.¹⁴ Poverty only deepens after a period of incarceration. Data show that out of more than 50,000 people released from federal prison in 2010, one third found no employment at all at any time during the four years after release.¹⁵ At any given moment, no more than 40 percent of the surveyed group was employed.¹⁶

¹¹ Board of Governors, *supra* note 9, at 31.

¹² United States Census Bureau, Income and Poverty for Black Hawk County, Iowa, https://data.census.gov/profile/Black_Hawk_County,_Iowa?g=050XX00US19013#income-and-poverty.

¹³ United Ways of Iowa, *ALICE in Black Hawk County* (2024), https://www.uwiowa.org/sites/uwiowa/files/ALICE/2024%20County%20Reports/2024_BlackHawkCounty.pdf.

¹⁴ Trish Mehaffey, *Lack of Iowa contract lawyers ‘a crisis,’ leading to ‘grueling’ caseloads*, The Gazette (Mar. 13, 2023), <https://www.thegazette.com/crime-courts/lack-of-iowa-contract-lawyers-a-crisis-leading-to-grueling-caseloads>.

¹⁵ Bureau of Justice Statistics, *Employment of Persons Released from Federal Prison in 2010*, U.S. Department of Justice 2 (Dec. 2021), <https://bjs.ojp.gov/content/pub/pdf/eprfp10.pdf>.

¹⁶ *Id.*

As amici have observed in their own work, debts levied on the people least able to afford them have terrible consequences for both the debtors and the community at large. Adults charged with fines and fees face significant material hardships, and research confirms that these economic burdens have a number of predictable negative social effects. For example, in a large national survey almost all respondents reported that their fines and fees affected their daily life, with more than half experiencing multiple types of hardship.¹⁷ Nearly 6 out of 10 court debtors face food insecurity, compared to just 1 out of 4 people with no fine or fee obligations.¹⁸ Research shows that people released from prison often encounter serious obstacles to finding and maintaining stable housing.¹⁹ “Formerly incarcerated people are almost 10 times more likely to be homeless than the general public,”²⁰ and a study found that homeless

¹⁷ Wilson Center for Science and Justice at Duke Law & Fines and Fees Justice Center, *Debt Sentence: How Fines and Fees Hurt Working Families* 12 (May 2023), https://finesandfeesjusticecenter.org/content/uploads/2023/05/Debt_Sentence_FF_JC-Wilson-Center-May-2023.pdf.

¹⁸ Aravind Boddupalli et al., *How Fines and Fees Impact Family Well-Being*, Tax Policy Center 11 (Aug. 14, 2024), https://taxpolicycenter.org/sites/default/files/publication/166004/how_fines_and_fees_impact_family_well-being.pdf.

¹⁹ Kristin Stainbrook & Elizabeth Tibaduiza, *Reentry and Housing Stability: Final Report*, Office of the Assistant Secretary for Planning and Evaluation, U.S. Department of Health & Human Services 4 (Dec. 2024), <https://aspe.hhs.gov/sites/default/files/documents/49f0895779c6b984a9261c96f747e707/reentry-housing-stability.pdf>.

²⁰ Lucius Couloute, *Nowhere to Go: Homelessness among formerly incarcerated people*, Prison Policy Initiative (Aug. 2018), <https://www.prisonpolicy.org/reports/housing.html>.

adults with debt from legal financial obligations experienced nearly two additional years of homelessness compared to similar people without debt.²¹

Fees like those levied by Defendants not only saddle recently released people with debt that they do not have the means to pay and which continues to compound over time, they also damage individuals' credit scores, making it even more difficult for them to find stable housing or to obtain a loan to try to stay afloat.²² And people who experience poverty and its attendant social disruptions are much more likely to experience multiple arrests, making it more likely that court debtors will remain trapped in the criminal justice system and continue to rack up new debts.²³

Unsurprisingly, these harms also damage debtors' psyches—living under unmet debt obligations has been linked to serious health effects, including depression and suicidal ideation.²⁴ As the Wilson Center at Duke Law found, “[a]t every step of the

²¹ Jessica Mogk, et al., *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*, 42 J. Pub. Health 1, 6 (2019).

²² See U.S. Dep’t of Hous. & Urb. Dev., *A Pilot Study of Landlord Acceptance of Housing Choice Vouchers* 39 (Aug. 2018), <https://www.govinfo.gov/content/pkg/GOVPUB-HH14-PURL-gpo114417/pdf/GOVPUB-HH14-PURL-gpo114417.pdf> (finding that approximately one in five landlords who place conditions on the acceptance of rental assistance vouchers set credit score requirements).

²³ Emily Widra & Wendy Sawyer, *Who is jailed, how often, and why: Our Jail Data Initiative collaboration offers a fresh look at the misuse of local jails*, Prison Policy Initiative (Nov. 7, 2024), https://www.prisonpolicy.org/blog/2024/11/27/jail_bookings.

²⁴ American Public Health Association, *The Impacts of Individual and Household Debt on Health and Well-Being* (Oct. 25, 2021), <https://www.apha.org/policy-and-advocacy/public-health-policy-briefs/policy-database/2022/01/07/the-impacts-of-individual-and-household-debt-on-health-and-well-being>.

process, counterproductive enforcement tactics focused on making money can push people into a cycle of punishment, debt, and poverty that can lead to people losing their jobs, their homes, and even their children.”²⁵

Nor is the impact of Defendants’ fees limited to the people who sign coerced confessions. Many released individuals come home to children and other dependent family members who rely on them for financial support, and being saddled with extensive jail debt may mean that there is no longer enough money to go around. The economic toll may also extend to other family members. Research on court debtors has shown that debtors’ family members are often the ones who end up paying fees or providing other forms of economic support.²⁶ Because many of those family members cannot afford to pay down court debt without taking out loans or falling into financial distress, jail debt may cause an avalanche of poverty within a family or community.²⁷

These effects can occur even before the fees are assessed, as individuals change their behavior to avoid expenses which they know they cannot pay. The amount of

²⁵ Wilson Center, *supra* note 17, at 5.

²⁶ Ella Baker Center for Human Rights. et al., *Who Pays? The True Cost of Incarceration on Families* 9 (Sept. 2015), <https://ellabakercenter.org/wp-content/uploads/2022/09/Who-Pays-FINAL.pdf>; Wilson Center, *supra* note 17, at 26.

²⁷ Ella Baker Center, *supra* note 26, at 9; *see also, e.g.*, Alabama Appleseed, *supra* note 8, at 35 (of those helping another person pay, 37.6 percent had taken out a high-cost payday or title loan to do so, and 49.5 percent had to cut back on necessities like food, payment of medical bills, or payment of rent).

the fees and the fact that they are imposed by the legal system have a coercive effect on people, putting them in the impossible position of trying to minimize their bills by avoiding life necessities. For example, people who are in jail regularly avoid seeking medical treatment because they cannot afford to pay for it.²⁸ But here, too, fees backfire and result in increased costs for the public when people's conditions deteriorate for lacking prompt care, necessitating even more expensive emergency medical services that they cannot afford to reimburse.²⁹

3. Legal financial obligations are an ineffective tool to earn revenue.

Research has made clear that charging inmates fees is not an effective way to recoup costs. Although the Sheriff's Office may reap some short-term benefits in the form of cotton candy and laser tag, the public fisc, as a whole, does not. Because indigent people by definition do not have much money, the fees that are collected are a small fraction of what local law enforcement spent on keeping them incarcerated. For example, a recent report by the Iowa Office of Ombudsman found that the total cost of medical services for fiscal year 2022 in one county jail was nearly \$370,000, but it collected less than \$3,000 from "room and board" assessments, a reimbursement

²⁸ Anna Anderson, *Medical Debt Behind Bars: The Punishing Impact of Copays, Fees, and Other Carceral Medical Debt*, National Consumer Law Center 11 (Sept. 2024), https://www.nclc.org/wp-content/uploads/2024/09/202409_Report_Medical-Debt-Behind-Bars-1.pdf.

²⁹ Iowa Office of Ombudsman, *Investigation of Inmate Medical Co-Pays at Iowa's County Jails* 7 (Mar. 21, 2024), <https://ombudsman.iowa.gov/browse/files/ac7dc20481404f4ba36789950d57b197/download>.

rate lower than 1 percent.³⁰ A study of jurisdictions in different parts of the United States found that they spent more than 41 cents for every dollar collected from fines and fees on the enforcement and administration of those debts, a significant sum when compared to the less than one cent per dollar spent on obtaining revenue through general taxation.³¹

Other jurisdictions considering reform have found that when they account for the time and resources spent trying to collect court debts, they at best earn minimal net revenue from those debts—and at worst, they spend more on enforcing them than they take in.³² This makes sense, as systems like Defendants’ attempt to extract large amounts of money from the people who have the least. Even the Sheriff here described jail fee collections as an effort to squeeze “blood out of a turnip.” App. 16; R. Doc. 9 ¶ 77; *see also* App. 69, R. Doc. 11-7 at 3 (Sheriff admitting that “experience tells us that only 30%-40% [of jail debt] is actually collectable”).

³⁰ *Id.*

³¹ Matthew Menendez et al., *The Steep Costs of Criminal Justice Fees and Fines*, Brennan Center for Justice 9 (Nov. 21, 2019), https://www.brennancenter.org/media/5290/download/2019_10_Fees%26Fines_Final.pdf?inline=1.

³² *See, e.g.* Office of the Treasurer & Tax Collector, City and County of San Francisco, *Criminal Justice Administrative Fees: High Pain for People, Low Gain for Government* 11 (2019), https://sftreasurer.org/sites/default/files/2019-09/Hig%20Pain%20Low%20Gain%20FINAL_04-24-2019.pdf; Jon Wool et al., *Paid in Full: A Plan to End Money Injustice in New Orleans*, Vera Institute of Justice 38-39 (June 2019), <https://vera-institute.files.svdcn.com/production/downloads/publications/paid-in-full-report.pdf>.

B. Defendants' coercive enforcement practices circumvent legal protections for returning individuals and violate their due process rights.

Defendants' enforcement activities only compound the injuries caused by their imposition of excessive fees. Defendants obligate people being released from jail to sign "confessions of judgment," documents in which people agree to pay the jail fees imposed and state that the Sheriff can file "necessary legal proceedings" if the debtors do not make timely payments. App. 10, R. Doc. 9 ¶ 38. The documents further threaten that if such proceedings are filed, the debtor will be responsible for additional fees beyond what they already owe. *Id.* The documents do not contain any information about how or whether a debtor can delay or amend payment, challenge any portion of the fees, or assert any legal right. The only privilege afforded to debtors is the opportunity to ask the Sheriff's Office for the "grand total balance owing." *Id.*

Defendants deny released individuals any process despite the fact that sheriffs' offices are far from infallible in imposing and collecting jail fees. Indeed, a recent statewide investigation by the Iowa Office of Ombudsman found numerous billing errors with collections of fees under Section 356.7. In 9 of the 12 counties they assessed, sheriffs were charging and collecting medical fees from jailed persons in violation of Iowa law.³³

³³ Iowa Office of Ombudsman, *supra* note 29, at 12.

Iowa law is designed to provide debtors with protections against these erroneous deprivations. In 2020, the Iowa Legislature amended the law to remove language authorizing sheriffs to collect jail fees using “any other remedy authorized by law” and instead directed them to pursue reimbursement by filing a civil reimbursement claim. *Compare* Iowa Code § 356.7(4) (2019) *with* Iowa Code § 356.7(4) (2020). Under that process, the sheriff must litigate his claim in civil court and does not have the power to enforce the debt until after the court enters judgment. Iowa Code § 356.7(3); *see also* *State v. Shackelford*, 952 N.W.2d 141, 148 (Iowa 2020). The sheriff must also enforce his claim “in the manner provided in chapter 636” of the Iowa Code. Iowa Code § 356.7(3).

Defendants’ use of “confessions of judgments” circumvents this system, taking advantage of a particularly chaotic and vulnerable moment—the moment of release from confinement—to pressure individuals into signing away their rights and agreeing to make payments they cannot afford. In Defendants’ scheme, jail fees are presented on a form that is pre-filled with amounts Defendants claim that the people they are releasing must pay. App. 8, R. Doc. 9 ¶ 30. Releasees are not told what the document is, and their agreement to its terms is presented as an obligatory step in the process of release. Once the confession of judgment is signed, Defendants cite it as justification for retaining money seized from arrestees at booking as an “Amount Paid” to compensate Defendants for the jail fees they have assessed. App. 9, R. Doc. 9 ¶ 35. And after release, Defendants use the document to threaten Plaintiffs with immediate

and virtually unchallengeable legal action to compel further payment. App. 11, R. Doc. 9 ¶¶ 46–49. This denies Plaintiffs any meaningful notice or opportunity to be heard about the amount of their jail fees or alternatives to payment. App. 11, 23, 24, R. Doc. 9 ¶¶ 43, 113, 115, 121. As a result, Plaintiffs feel that they have no choice but to scrape together payments, even though they may not otherwise have paid. *Id.*

In that context, it is evident that Plaintiffs’ payments should not be construed as voluntary. Plaintiffs were in a position of immense disadvantage, both at the moment of signing the confession documents and later when facing payment due dates, calls, and unexpected home visits from uniformed officers. The payments should be understood as the coerced product of Defendants’ system, causally connected to Defendants’ actions.

The question of what process is due must also be answered with an understanding of debtors’ weighty interest in the money Defendants claim. A variety of organizations have consistently raised concerns about the imposition of fines and fees with insufficient process, all of whom have spoken to the importance of not taxing defendants with financial obligations they cannot pay and not using coercive methods to extract payments. The American Bar Association, for example, recommends a rigorous process for collections, particularly given the inherent conflicts of interest that exist when a collections entity stands to financially benefit

from the payments it collects.³⁴ Under these guidelines, “[c]ourts should apply a clear and consistent standard to determine an individual’s ability to pay court fines and fees.”³⁵ And they further direct that courts should only pass along debts for collection where “an individual has been found to have willfully failed to pay following a court hearing.”³⁶ The American Probation and Parole Association similarly endorses consideration of ability to pay before imposing or collecting monetary sanctions and recommends re-evaluation of supervised people whenever their financial circumstances change so that payment amounts may be modified when necessary.³⁷

Indeed, the Iowa Court Rules specifically provide that “[w]hen defendant is not reasonably able to pay all or part of defendant’s court debt, community service may be substituted in lieu of” that debt, including jail fees imposed under Section 356.7. Iowa Ct. R. 26.4; *see also State v. Iowa Dist. Ct. for Polk Cnty.*, No. 17-0616, 2018 WL 739323, *5 (Iowa Ct. App. Feb. 7, 2018). But Defendants’ extrajudicial collections process makes an end-run around that possibility of relief. It provides Defendants unilateral

³⁴ American Bar Association Presidential Task Force on Building Public Trust in the American Justice System, *Ten Guidelines on Court Fines and Fees*, American Bar Association 9 (August 2018), https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_ind_10_guidelines_court_fines.pdf (“The integrity of the criminal justice system depends on eliminating such conflicts of interest.”).

³⁵ *Id.* at 6-7.

³⁶ *Id.* at 9.

³⁷ American Probation & Parole Association, *Resolution: Use of Monetary Judgments for Justice-Involved Individuals* (Mar. 2017), https://www.appa-net.org/eweb/Dynamicpage.aspx?webcode=IB_Resolution&wps_key=d7b47532-7ae7-4464-b8bb-d667fb2f3d10.

control over how much money Plaintiffs owe them and the periodic payments Plaintiffs must make. It allows them to collect payments under the looming threat of obtaining an automatic civil judgment and assessing even more fees without any notice or hearing. And it works to prevent debtors from learning about their rights, including whether there is any forum in which they could be heard or any opportunity for relief. Despite the enormous importance of even small amounts of money to those who are recently released from incarceration, Defendants' seizure of those funds is accompanied by no process at all.

C. The district court erred by failing to account for the weight of debt and the importance of money to people released from jail.

Amici respectfully submit that the district court erred in each of its conclusions about Plaintiffs' lack of standing and the merits of this case. The district court's causation and merits analyses both ignore the straightforward allegations in Plaintiffs' complaint and ascribe voluntariness where there was none. In doing so, the district court ignored the only fair reading of the alleged facts: that Defendants' entire process acts to coerce poor people being released from jail into accepting debts under duress and making payments on those debts under threat of legal system contact. *See Warth v. Seldin*, 422 U.S. 490, 500 (1975) ("Although standing in no way depends on the merits . . . it often turns on the nature and source of the claim asserted."). The district court's opinion accordingly "invert[s] the principle that the complaint is construed

most favorably to the nonmoving party.” *Wilson v. Ark. Dep’t of Human Servs.*, 850 F.3d 368, 374 (8th Cir. 2017) (citation omitted).

The district court’s interpretation of the complaint and legal conclusions rests on a misunderstanding of the dynamics at play when poor people are released from jail and attempt to re-enter society. As amici have explained, the crushing burden of debt—especially debt imposed by the state—exerts a coercive power on people that undermines any notion of voluntariness. Especially at this early stage in the litigation, the complaint has adequately pled that Plaintiffs’ jail debt payments—made after being coerced into signing confessions of judgment—have a “causal connection” to Defendants’ conduct and would be redressed by a court order declaring the conduct unlawful. *See Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992).

The district court’s alternative procedural due process merits ruling similarly fails to account for the magnitude of a recently released person’s interest in even small amounts of money. When a person is deprived of a legally cognizable property interest, he or she must receive “notice and an opportunity to respond.” *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 546 (1985). “The requirements of due process are not rigid; rather, they ‘call for such procedural protections as the particular situation demands.’” *Mickelson v. Cnty. of Ramsey*, 823 F.3d 918, 924 (8th Cir. 2016) (quoting *Greenholtz v. Inmates of Neb. Penal & Corr. Complex*, 442 U.S. 1, 12 (1979)). To determine what process is due in any particular situation, a court must balance three factors: (1) “the private interest that will be affected by the official action;” (2) “the

Government's interest;" and (3) "the risk of an erroneous deprivation of the private interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards." *Padda v. Becerra*, 37 F.4th 1376, 1382 (8th Cir. 2022) (citations omitted).

As amici have explained at length, the research on fines and fees is clear: for vulnerable individuals who were recently released from incarceration, and especially for those who are already indigent, the private interest is at its peak. Such individuals cannot afford to be deprived of any amounts of money, because such a deprivation could be the difference between affording basic necessities and facing eviction, hunger, and reincarceration. The district court failed to contend at all with this practical reality, concluding instead that Plaintiffs' payments, made in the absence of a court order, indicated that any financial loss was voluntary and of their own accord. Based on that flawed reasoning, the district court held that they had no real interest in that property and were entitled to no process at all. App. 249-50, R. Doc. 34, at 14-15. That conclusion not only overlooks the coercive nature of Defendants' system: it also ignore the evidence that Plaintiffs' payments can and do "deprive [them] of the very means by which to live." *Goldberg v. Kelly*, 397 U.S. 254, 264 (1970). Such a "grievous loss" to Plaintiffs requires that Defendants provide at least some process. *Id.* at 263 (internal quotation marks and citation omitted). The district court's failure to consider these factors renders its decision incorrect and unjust.

CONCLUSION

For the foregoing reasons, amici urge this Court to reverse the decision of the district court below.

Date: July 14, 2025

Respectfully Submitted,

/s/ Seth Wayne

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CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2025, I electronically filed the foregoing brief with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit using the appellate CM/ECF system. Participants in the case are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system. I further certify that, upon this brief being file-accepted, one paper copy will be served on counsel for each party by commercial carrier under 8th Cir. R. 28A(d) and Fed. R. App. P. 25(c)(1)(C).

Date: July 14, 2025

/s/ Seth Wayne
Seth Wayne

CERTIFICATE OF COMPLIANCE

1. This brief complies with the type-volume limitation of Fed. R. App. P. 27(d)(2), excluding the parts of the document exempted by Fed. R. App. P. 32(f), because this brief contains 6,498 words.

2. This motion complies with the typeface requirements of Fed. R. App. P. 32(a) because this motion was created in Microsoft Word using a 14-point, proportionately spaced font.

3. Per 8th Cir. R. 28A(h)(2), this brief has been scanned and found to be virus free using a commercial virus scanning program.

Date: July 14, 2025

/s/ Seth Wayne
Seth Wayne