

#PoorNotGuilty Challenges Lesson Plan¹

Learning Objectives:

- To educate high school students about the criminalization of poverty through the playing of the #PoorNotGuilty Challenges.
- To highlight the issues associated with excessive judicial fines and fees in the United States.
- To generate empathy in the audience and encourage them to take action against the criminalization of poverty.

Brief Description:

These objectives will be fulfilled by the students playing each #PoorNotGuilty challenge and then discussing their reactions after each one.

Target Group:

- Students (preferably with an interest in human rights and social justice).

Duration:

About 90 minutes broken up into seven parts.

Materials:

- #PoorNotGuilty Challenge Website: <https://poornotguilty.org/challenge.html>
- Background Materials:
 - #PoorNotGuilty website: <https://poornotguilty.org>
 - [2019 Housing Not Handcuffs Report](#) by the National Homelessness Law Center.
 - Petty Offenses [Symposium Report](#) developed by the Miami Law Human Rights Clinic.
 - Fines & Fees Justice Center's [Clearinghouse](#) & its [Free to Drive Campaign](#).
 - Factsheets created by the Miami Law Human Rights Clinic:
 - The [right to housing](#);
 - A [racial justice response](#) to homelessness;
 - [Women's](#) homelessness in the United States;
 - Homelessness in the [LGBTQ community](#) in the U.S.; and
 - The impact of [COVID-19](#) on people experiencing homelessness.
 - Invisible People TV: <https://invisiblepeople.tv>

¹ This lesson plan was prepared by Lily Fontenot, legal fellow with the [Human Rights Clinic](#) at the University of Miami School of Law, and Prof. Tamar Ezer, the Clinic's Associate Director. The #PoorNotGuilty Challenges were created by Lien Tran, Director of [Matters at Play](#) & Assistant Professor at DePaul University's College of Computing and Digital Media. Thank you to Eric Tars, Legal Director of the [National Homelessness Law Center](#), and Lisa Foster, Co-Director of the [Fines & Fees Justice Center](#), for their help in developing the challenges.

Session Plan:

1. Introduce the #PoorNotGuilty challenges.
2. Play the three challenges.
3. Assess the challenges by asking students what they learned and what they enjoyed and what they found most challenging.

Preparation

Prior to the class:

- Teachers should read the Background Materials to familiarize themselves with the criminalization of poverty and homelessness so that they can answer student questions.
- Teachers should also ensure that each student will have access to the internet during the class so they can play the challenges.

Class Outline

- Part 1: **Introduction** (5 minutes) (*Google Slides 1-4*)
 - Welcome the students & review the plan for the class.
 - Take the [Pre-Questionnaire](#) on Slide 2.
- Part 2: **Buckle Up Challenge** (15 minutes) (*Google Slides 5-6*)
 - The students will play the first challenge “Buckle Up” individually.
 - Available at: https://poornotguilty.org/play/buckle_up
- Part 3: **Debrief** (10 minutes) (*Google Slides 7-9*)
 - Teachers will initiate a class discussion that gauges students’ reactions to the challenge, using the discussion questions below.
 - Teachers can use the talking points below to answer student questions.
- Part 4: **Drive It Home Challenge** (15 minutes) (*Google Slides 10-11*)
 - The students will play the second challenge “Drive it Home” individually.
 - Available at: https://poornotguilty.org/play/drive_it_home
- Part 5: **Debrief** (10 minutes) (*Google Slides 12-14*)
 - Teachers will initiate a class discussion that gauges students’ reactions to the challenge, using the discussion questions below.
 - Teachers can use the talking points below to answer student questions.
- Part 6: **Park It Challenge** (15 minutes) (*Google Slides 15-16*)
 - The students will play the final challenge “Park It” individually.
 - Available at: https://poornotguilty.org/play/park_it/
- Part 7: **Debrief** (last 20 minutes of class) (*Google Slides 17-23*)
 - Teachers will initiate a class discussion that gauges students’ reactions to the challenge, using the discussion questions below.
 - Teachers can use the talking points below to answer any remaining student questions.
 - Take the [Post-Questionnaire](#) on Slide 23.

Discussion Questions:

- What are your initial emotions and reactions to the challenge?
- What did you learn?
- What did you enjoy?
- What surprised or shocked you the most?
- Did it surprise you that this scenario is based off a true story/person?
- What was the most challenging part?
- Have you ever heard of fines & fees before?
- Have you ever heard of the criminalization of poverty/homelessness before?
- Why do we say, “people experiencing homelessness” instead of the “homeless”?
- What do you think are some alternatives to criminalizing homelessness?
- Do you have any questions about the scenario?

Talking Points – *Please see the corresponding Google Slides with these talking points.*

- **Criminal Justice Fines & Fees:**
 - **Fines**, imposed upon conviction, are intended as both deterrence & punishment.²
 - In Texas, for example, a fine of up to \$500 may be imposed for a low-level offense, such as a traffic violation; a fine of up to \$2,000 may be imposed for more serious misdemeanors, such as harassment or minor drug possession; and a fine of up to \$4,000 may be imposed for the most serious misdemeanors, such as unlawful carrying of a weapon and assault with injury.³
 - **Fees**, by contrast, are intended to raise revenue. Often, they are automatically imposed and bear no relation to the offense committed.⁴
 - In most cases, fees are intended to shift the costs of the criminal justice system from taxpayers to defendants, who are seen as the “users” of the courts. They cover almost every part of the criminal justice process and can include court-appointed attorney fees, court clerk fees, filing clerk fees, DNA database fees, jury fees, crime lab analysis fees, late fees, installment fees, and various other surcharges.⁵
 - Since 2008, almost every state has increased criminal and civil court fees or added new ones, and the categories of offenses that trigger fines have been expanded. Our justice system increasingly relies on fees and fines charged to defendants in criminal cases to fund basic operations.⁶
 - While “debtors’ prisons” have been declared unconstitutional, many states still incarcerate people for failure to pay criminal justice debt. And even when failure to

² Matthew Menendez, Michael F. Crowley, Lauren-Brooke Eisen, and Noah Atchison, *The Steep Costs of Criminal Justice Fees and Fines*, BRENNAN CENTER FOR JUSTICE at 6 (November 21, 2019), https://www.brennancenter.org/sites/default/files/2020-07/2019_10_Fees%26Fines_Final.pdf.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

- pay is not an explicit charge, jail sentences are handed down for failure to appear or failure to comply — infractions that often stem from failure to pay.⁷
- **More than half** of U.S. states still suspend, revoke or refuse to renew driver’s licenses for unpaid traffic, toll, misdemeanor and felony fines and fees. The result: millions of people are struggling to survive with debt-related driving restrictions just because they could not afford a court fine or fee — or because they missed a court hearing.⁸
 - **Criminalization of Homelessness:**
 - On a single night in 2020, roughly **580,000** people were experiencing homelessness in the United States, according to HUD.⁹ However, the actual number of people experiencing homelessness is probably **2.5 – 10.2 times larger** than the government reports.¹⁰
 - One in 10 young adults ages 18-25, and at least one in 30 adolescents ages 13-17, experience some form of homelessness unaccompanied by a parent or guardian over the course of a year.¹¹
 - ‘Criminalization of homelessness’ involves laws and policies that restrict or prohibit different categories of conduct performed by people experiencing homelessness, including sleeping, sitting, or lying down, and living in vehicles within public space.¹²
 - A 2019 survey of 187 major American cities found that:
 - **72%** of the surveyed cities had at least one law restricting camping in public.
 - **55%** of the surveyed cities had at least one law prohibiting sitting and/or lying in public.
 - **51%** of the surveyed cities had at least one law prohibiting sleeping in public.
 - **50%** of the surveyed cities had one or more laws restricting living in vehicles.¹³
 - Criminalizing homelessness costs MORE than it would to provide people with housing. A growing body of research comparing the cost of homelessness—including the cost

⁷ *Id.*

⁸ *Free to Drive: National Campaign to End Debt-Based License Restrictions*, FINES AND FEES JUSTICE CENTER, ¶ 1 <https://finesandfeesjusticecenter.org/campaigns/national-drivers-license-suspension-campaign-free-to-drive/> (last visited Nov. 16, 2021).

⁹ *The 2020 Annual Homeless Assessment Report (AHAR) to Congress*, HUD (Jan. 2021), <https://www.huduser.gov/portal/sites/default/files/pdf/2020-AHAR-Part-1.pdf>.

¹⁰ NAT’L L. CTR. ON HOMELESSNESS & POVERTY, HOUSING NOT HANDCUFFS 2019: ENDING THE CRIMINALIZATION OF HOMELESSNESS IN U.S. CITIES at 28 (Dec. 2019), <https://homelesslaw.org/wp-content/uploads/2019/12/HOUSING-NOT-HANDCUFFS-2019-FINAL.pdf> [hereinafter HOUSING NOT HANDCUFFS].

¹¹ *Youth Homelessness Overview*, NATIONAL CONFERENCE OF STATE LEGISLATURES, <https://www.ncsl.org/research/human-services/homeless-and-runaway-youth.aspx> (last visited Nov. 16, 2021).

¹² HOUSING NOT HANDCUFFS, *supra* note 10 at 9.

¹³ *Id.* at 12-14.

- of criminalization—with the cost of providing housing shows that ending homelessness through housing is the **most affordable option** over the long run.¹⁴
- Diverting resources to law enforcement costs **more** than it would to provide affordable housing. One study found that giving “housing [to] just 50% of the current chronic homeless population in Central Florida over a multiyear period, with a 10% recidivism rate, would **save** the taxpayers a minimum of \$149,220,414,” compared to the amount spent on pursuing criminalization policies.¹⁵
 - Nationwide, a person experiencing homelessness is up to **11 times more likely** to be arrested than a housed person.¹⁶
 - In 2016, **one in six** arrest bookings in Los Angeles, California, were of people experiencing homelessness.¹⁷
 - In 2017 in Portland, Oregon, people experiencing homelessness made up nearly **50%** of all people arrested or cited, even though they only comprise **3%** of the city’s population.¹⁸
 - Because a conviction on one’s record—even for misdemeanors—can make a person ineligible for employment, housing, and services, it also can bar people experiencing homelessness—who are already disproportionately people of color, people with disabilities, and members of other marginalized groups—from becoming rehoused.¹⁹
 - One nationwide survey found that **79%** of returning prisoners were denied housing or deemed ineligible for it at some point upon re-entry.²⁰
 - According to HUD’s most recent point-in-time count, Black people make up **40%** of the homeless population yet **only 13%** of the general population. Latinx, Native American, and Pacific Islander rates of homelessness are also disproportionately high. In total, people of color constitute **over 60%** of the nation’s homeless population even though they make up **only a third** of the general U.S. population.²¹

¹⁴ *Id.* at 72.

¹⁵ CENT. FLA. COMM’N ON HOMELESSNESS, *Cost of Long-Term Homelessness in Central Florida: The Current Crisis and the Economic Impact of Providing Sustainable Housing Solutions* at 8 (2014), <https://shnny.org/uploads/Florida-Homelessness-Report-2014.pdf>.

¹⁶ HOUSING NOT HANDCUFFS, *supra* note 10 at 50.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.* at 51.

²⁰ *Id.*

²¹ *Id.* at 11.