

IMPACT OF MONETARY SANCTIONS ON IMPOVERISHED CRIMINAL
DEFENDANTS, THEIR FAMILY, AND THE COMMUNITY

by

E. ANN GOWDY

(Under the Direction of Edwin A. Risler)

ABSTRACT

Impoverished criminal defendants can experience issues of a societal nature, which can impede their ability to meet basic living needs. They face challenges in their daily lives due to poverty, employment, housing, racial discrimination, and the stigma of being labeled a criminal. Using a real-life point of view of impoverished criminal offenders, the impact of monetary sentencing laws, statutes, and policy can be better understood.

The purpose of this qualitative research study was to explain the impact of court-imposed monetary sanctions on indigent defendants, their family, and the community of Athens/Clarke County (ACC). Additionally, this research provides a description of the current practices and patterns of monetary sanctions before, during, and after the economic recession of 2008 for the Western Judicial Circuit (WJC) Superior Court. The two research questions this study sought to answer were: (a) Were there different practices and patterns of monetary sanctions before, during, and after the economic recession, which occurred from December 1, 2007, through June 30, 2009, in the WJC?

and (b) What is the impact of fines, fees, and additional expenses on impoverished criminal defendants, their family, and the community?

The multiple case study design used court records and data collected during 33 face-to-face interviews. The findings indicated that the practices of imposed monetary sanctions before, during, and after the economic recession of 2008 were essentially the same for probation fees and bond amounts. Small differences existed in the number of defendants who received monetary sanctions and in the amounts. For the entire court records sample of 300 cases, 73% of defendants were given a monthly probation supervision fee as well as court fees. Further, 34% of the defendants were imposed a fine, while only 17% of defendants were ordered restitution. The findings were used to draw three conclusions: (a) even small monetary sanctions result in undue hardship; (b) impoverished defendants rely on family and friends to pay court-ordered monetary sanctions, along with additional fees and expenses from incarceration and probation; and (c) there is confusion surrounding defendants understanding of monetary sanctions. Implications for social work and recommendations for future research were presented.

INDEX WORDS: Monetary sanctions, Legal financial obligations, Fines, Fees, Restitution, Impoverished criminal defendants, Indigent defendants, Social work

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by

E. ANN GOWDY

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by

E. ANN GOWDY

Major Professor: Edwin A. Risler

Committee: Michelle Mohr Carney
Jerome Schiele

Electronic Version Approved:

Maureen Grasso
Dean of the Graduate School
The University of Georgia

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DEDICATION

This dissertation is dedicated to the countless criminal defendants and their families who, on a daily basis, deal with the financial impact of the criminal justice system. To those who are rarely given an opportunity to share their opinions, experiences, needs, and goals, may your voices be heard and justice served.

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CHAPTER 1

INTRODUCTION

Too often, impoverished criminal defendants' perspectives are not utilized by academics, policy makers, practitioners, as well as criminal justice system professionals for research, policy, and practice. Tromanhauser (1976) highlights the importance of a criminal offender's viewpoint as follows:

Most of what has been written about the American system of justice over the past two hundred years has been written from the perspective of jurists, lawyers, political scientists, and so-called neutral observers. One rarely-solicited perspective has been that of the ultimate consumer of justice, the individual citizen, who goes into court as a juror, witness, plaintiff, or defendant. (p. 85)

Using a real-life point of view of impoverished criminal offenders, the impact of monetary sentencing laws, statutes, and policy can be better understood. Understanding the effects of court-imposed monetary sanctions can be enhanced by knowing what happens following a verdict. Specifically, it is important to include the words and perceptions of impoverished criminal defendants in regard to how their lives and those of their family, as well as the community, are affected by imposed monetary sanctions. Further, pre- and post-sentencing requirements that result in financial obligations also can have lasting effects on impoverished criminal defendants who are trying to pay their debt to society.

When criminal offenders are unable to financially provide for their basic living needs, as well as pay monetary sanctions, they must find some way to meet both their living and legal financial obligations (LFOs). Generally, when individuals need assistance to pay LFOs, they rely on a family member or friend. Thus, a monetary sanction can affect the criminal defendant's family members and friends. Family members or friends who provide financial assistance to a criminal defendant may have to sacrifice their ability to pay their own bills. Furthermore, when a family member or friend provides financial assistance to a criminal defendant, the community is potentially affected by loss of revenues for church tithes, bill collectors, grocery stores, and other local businesses.

For decades, scholars have studied legal and social inequalities within the legal system related to poverty and punishment (Alexander, 2010; Fearn, 2005; Johnson, 2003; Mitchell, 2005; Myers, 1987; Sutton, 2009; Ulmer & Johnson, 2004; Walker, Spohn, & Delone, 2004; Weidner, Frase, & Pardoe, 2004). Although legal and social disparities within the criminal justice system are an important area of study, further research is needed to understand the direct and ancillary affects of imposed monetary sanctions on criminal offenders. Even though economic sanctions have a long history in the legal systems of the United States and Europe, they are the least studied of subsidiary penalties (Rosenthal & Weissman, 2007). Empirical data, along with criminal defendants' perspectives, are needed to further understand the impacts of monetary sanctions on individuals, families, and communities.

Impoverished persons involved with the criminal justice system can experience issues of a societal nature, which can impede their ability to meet basic living needs.

Specifically, in addition to experiencing the issues with poverty, offenders who are labeled felons undergo barriers in their daily lives with employment and housing opportunities, along with racial discrimination, and the stigma of being labeled a criminal. The potential for American citizens being directly or indirectly affected by an LFO is great, evidenced by 1 in every 31 adults in the United States is either on probation or parole or is incarcerated (Glaze & Bonczar, 2009c). Further, 80% of criminal defendants are classified as poor and indigent (Harlow, 2000), and the practice of imposing monetary sanctions is increasing.

One way to view monetary sanctions is through general systems theory. The systems with which a criminal offender can be involved are family, community, the criminal justice system, and the economic environment. General systems theory provides a theoretical lens to recognize and explicate the potential influences and interactions of the multiple systems of which a criminal offender is a part. Practices and patterns of monetary sanctions occur in the sentencing phase, or final disposition, of the court process. However, the economic impact, prior to and following sentencing, are further reaching.

This research seeks to fill a gap in the literature by investigating the impact of imposed monetary sanctions on criminal offenders and determining whether criminal offenders are able to pay monetary sanctions or whether family or friends, in fact, pay. Primary data obtained from participants, ascertaining who pays monetary sanctions, the impact on family and friends, extra expenses, and how additional fees affect criminal defendants has yet to be reported in the scholarly literature. The effects of monetary

sanctions is an area that needs additional study to further understand the impact of paying these sanctions on impoverished criminal defendants, their families, and the community.

To this end, this qualitative research study uses a multiple case study design. Further, a multiple case study approach allows the use of various data sources, including interviews and records, to provide a description, understanding, and explanation of the impacts prior to and following the imposition of court-imposed monetary sanctions. Case studies incorporate the systems with which an individual is directly and indirectly involved, thus providing a contextual element to the phenomenon under investigation. Stake (2006) situates a case within multiple systems to include culture, educational environment, economic climate, political atmosphere, documents, interviews, and activity sites. Case study and systems theory provide an appropriate framework in which a case can be built, incorporating monetary sanctions imposed by the court, the individual criminal defendant's perspective, criminal justice system practices, and the economic climate.

This chapter briefly describes persons involved in the United States criminal justice system. Then impoverished criminal offenders, their family, and the community are discussed in relation to prisoner reentry into society, followed by a presentation of the complexity of monetary sanctions and an explication of practices of monetary sanctions in United States courts. Next, a brief history of monetary sanctions in the United States criminal justice system is presented. The rationale for empirical research on the practices, patterns, and impacts of monetary sanctions on impoverished criminal defendants, their family, and the community is then presented, followed by a discussion of the theoretical framework used. The chapter concludes with a discussion of LFOs.

Persons in the United States Criminal Justice System

The United States criminal justice system is comprised of three interrelated entities: the police, courts, and corrections (Peak, 1998). Each branch of corrections is broken into the two areas of community supervision and incarceration. Community supervision is further divided into probation and parole, and incarceration into prisons and jails. In 2008, the United States corrections area managed 3.2% of the adult population (Glaze & Bonczar, 2009c). Of 7.3 million offenders under the United States correction system in 2008, 31% were incarcerated, 58% were probated, and 11% were on parole (Glaze & Bonczar, 2009c).

According to Glaze and Bonczar (2009a & 2009b), overall, there have been increases in the criminal justice population from 1988 to 2008. In the 20-year span, the total U.S. probation population increased by 1.78% (Glaze & Bonczar, 2009b), and the parole population, by 2.03% (Glaze & Bonczar, 2009a). There was a decrease in the overall community supervision rates as evidenced by a growth of 1.8% from 1998 to 2008, compared to growth of 5.15% from 1977 to 2008 (Glaze & Bonczar, 2009b). There was a 2.2% growth rate in incarcerations from 2000 to 2008 (Glaze & Bonczar, 2009c).

Based on statistical information provided by the Bureau of Justice Statistics for 2008, it is evident that minorities were overrepresented in community supervision (Glaze & Bonczar, 2009c). Parolees who were released from prison in 2008 were comprised of 38% African Americans, 19% Hispanic/Latinos, and a combined minority total of 60%. Probation statistics of minorities indicate that 29% were African American, and 13% Hispanic/Latino, for a pooled minority total of 45% (Glaze & Bonczar, 2009c). Of the

collective totals for probation and parole, Caucasians comprised 48.5%, while the combination of all minorities was 47% (Glaze & Bonczar, 2009c). The above statistical information reported by Glaze and Bonczar (2009c) is the information for persons served by probation, parole, and incarceration. It should be noted that there was incomplete or missing data for facilities.

The typical community supervision offender is a young minority male. At the end of 2008, of the 4,270,917 adult offenders on probation, males accounted for 76% and females, 24% (Glaze & Bonczar, 2009c). Of the 828,169 adult parolees at the end of 2008, 88% were male and 12% were female (Glaze & Bonczar, 2009c).

According to Glaze and Bonczar (2009c), for probation and parole in the United States for the year 2008, of 30 states and the District of Columbia, Georgia experienced the biggest increase in its population supervised on probation. Georgia has two reporting entities: the Georgia Department of Corrections (GDC) and private probation companies. The probation population for fiscal year 2008 reported by the Georgia Department of Corrections (GDC) was 148,629 (GDC, 2008). Probationers served by private companies accounted for approximately 254,658 adults (Private Probation Association of Georgia, 2010). The prison population for fiscal year 2008 was 54,016 (GDC, 2008). The profile of an incarcerated or probationer Georgian is an African American male, aged 20 to 29, convicted of a drug-related offense or property charge (GDC, 2008).

Impoverished Criminal Offender, Family, and Community

Offenders released from jail and prison are of limited financial means, and the chance that their income and assets will improve soon thereafter is greatly limited (McLean & Thompson, 2007). Further, a criminal offender's ability to meet personal,

familial, and court financial obligations is dismal and challenging at best (McLean & Thompson, 2007; New York State Bar Association [NYSBA], 2006). Generally, persons, agencies, or governmental entities are due money from a criminal offender, causing competition for who will receive what is owed. For instance, a criminal offender might owe money to the probation department, clerk of court for fines and fees, or for child support. Also, a criminal offender might owe a collection agency, a family member, or a friend. In regard to the problems faced by criminal offenders, McLean and Thompson stated:

This is a difficult problem for everyone involved, and it is growing more acute as the number of people released from prison and jail increases, the high rates of failure among this population persist, states pass new laws imposing new fines and fees (or increasing existing charges), and courts and community corrections agencies are told to derive a larger source of their budget from this revenue. (p. 2)

Monetary obligations that an offender may incur, whether directly or indirectly from sentencing, are relevant to policy (McLean & Thompson, 2007; NYSBA, 2006).

Once an individual is arrested, the possibility of incurring LFOs begins and continues until the person is released from the criminal justice system. Defendants may be assessed user fees, fines, and additional penalties at arrest, pre-conviction, sentencing, probation or parole, and incarceration (Bannon, Negrecha, & Diller, 2010). Not only are the monetary sanctions and assessments that are legally charged to defendants' significant, but there are hidden costs that accrue along the way and well after being released from the criminal justice system. For example, expenditures can include money

owed to bond companies, commissary and medical costs while incarcerated, expenses for court mandated classes, and transportation costs.

Impoverished Criminal Offender

Impoverished defendants have a difficult time in meeting basic human needs such as food, housing, and other living necessities. Further, employment can be negatively affected by a felony conviction, thus making it more difficult to maintain or obtain a job and provide for the requirements of living (Diller, Greene, & Jacobs, 2009). For example, a person with a felony record is disqualified from public housing, educational loans, certain professions, and federal assistance programs such as Temporary Assistance for Needy Families, food stamps, and Supplemental Security Income (SSI) (Alexander, 2010; Bannon et al., 2010; Manza & Uggen, 2006). Moreover, an offender who has a warrant can lose existing government benefits or become ineligible for the federal assistance programs listed previously (Bannon, et al., 2010).

Successful reintegration of an offender, after court involvement, into his or her family and the community can be negatively affected by monetary sanctions. For example, Bannon et al. (2010) stated, “While states have increasingly recognized that fostering successful reentry is a necessary part of criminal justice policy, every state that we examined imposes and collects criminal justice debt in a manner that runs directly counter to these goals” (p. 29). Bannon et al. (2010) reported that, in 15 states with the highest number of persons incarcerated, monetary sanctions served as a hindrance for criminal defendants who were striving to restructure their lives. One such barrier was that, upon nonpayment of an economic sanction, a defendant’s driving privileges could be suspended, which is currently a practice in eight of the 15 states (Bannon et al, 2010).

Without the ability to drive, an individual's employment options can be greatly limited. Additionally, an offender who drives without a license incurs the risk of receiving a charge of driving without a license, leading to continued legal involvement. Another barrier is that, in seven of the 15 states, a criminal offender cannot regain the right to vote until monetary sanctions are paid in full (Bannon et al., 2010). An additional barrier to reentry is the lowering of one's credit score, which can result from unpaid monetary legal obligations.

Family and Community

Criminal offenders are not the only ones affected by involvement with the criminal justice system. Families and communities can experience the negative effects of a criminal offender's incarceration through financial consequences (Hagan & Dinovitzer, 1999). For the purpose of this research, families consist of children, spouses, parents, grandparents, siblings, cousins, extended kinship networks, and significant others (Comfort, 2007), while communities encompass families, friends, and neighbors (Wireman, 2008). Criminal justice system participation for the family or community may include observing the arrest and providing a bail or bond, providing moral and emotional support, or offering money for commissary expenses. Further, while an offender is incarcerated, family member and friends may provide care and financial support for a defendant's dependents (Comfort, 2007). Even though the criminal defendant is the focus and intended recipient of justice, the family, friends, and community members may experience negative consequences, as well (Comfort, 2007).

An offender's loss of income and employment opportunities can damage a family (Comfort, 2007; Hagan & Dinovitzer, 1999). Additionally, for the impoverished

offender and his and her family, the imposition of monetary expenses from court involvement can potentially compound an already difficult financial situation. Even though monetary sanctions may appear to be a direct consequence of a criminal offense, the results can be indirectly more costly for the offender's family. In 1971, the Brown Commission, which was part of the 1971 National Commission on Reform of Federal Criminal Laws, addressed the indirect consequences of imposed monetary sanctions:

Because fines do not have affirmative rehabilitative value and because the impact of the imposition of a fine is uncertain, e.g., it might hurt an offender's dependents more than the offender himself, fines are discouraged . . . unless some affirmative reason indicates that a fine is peculiarly appropriate. (Hillsman, Sichel, & Mahoney, 1984, p. 26)

Thus, it is evident that, after 40 years, there is still a need for attention to the unintended consequences, or collateral effects, of the imposition of monetary sanctions on family, friends, and communities.

The Complexity of Monetary Sanctions

Monetary sanction is a broad term for varied forms of economic sanctions or sentences. In practice, fines, fees, and costs are used interchangeably (Mullaney, 1988). In 1986, standard terminology was recommended by the Court Administrators (Conference of State Court Administrators [COSCA], 1986). To better understand the differences between types of monetary sanctions, definitions are provided for fines, fees, costs, restitution, and forfeitures.

Fines are generally defined as amounts for specific criminal offenses (McLean & Thompson, 2007; Mullaney, 1988). Fees encompass percentages of the fines, or

additional charges, which are based on the fine amount (Mullaney, 1988). Costs can include the total of fines and fees (McLean & Thompson, 2007). Restitution is a monetary amount that is used for repaying victims damaged by a criminal act or paying the court system, which serves as the recipient for societal damages (Ruback, Ruth, & Shaffer, 2005). Forfeitures are the seizure of property and assets, which are typically used in drug cases (Mullaney, 1988).

Sentencing orders encompass special and general conditions that may require the defendant having to pay for mandated services as a part of their disposition. Additional monetary expenses imposed by the court can be subtle, or hidden. These economic charges are not factored into a set dollar amount like fines, fees, and restitution. For instance, special conditions in a sentencing order generally determine whether a criminal defendant must obtain an assessment (examples of assessments are alcohol and drug, family violence, and anger management), complete a treatment or educational program, undergo drug and alcohol testing, or be subject to electronic home monitoring (John Howard Society of Alberta, 2001). Further, general conditions that include probation and parole services require a monthly fee for the duration of the order or until all conditions are completed, which may include full payment of all monetary sanctions (Beckett, Harris, & Evans, 2008; Diller, 2010; Diller et al., 2009; Wheeler, Rudolph, & Hissong, 1989). Additionally, even though criminal defendants meet the requirements of the public defender's office for indigency, they might have to pay an application fee, a service fee for the lawyers time, and/or additional expenses incurred by legal services rendered (Hinton, 2001; Tran-Leung, 2009).

Monetary sanctions have multiple rationales, purposes, forms, and applications within the criminal justice system. Rationales can include deterrence, rehabilitation, retribution, and punishment (Mullaney, 1988; Ruback & Bergstrom, 2006; Hillsman, 1988, 1990; Hillsman & Mahoney, 1988; Hillsman et al., 1984; Ryan, 1983). Purposes include alternatives to sentencing, additional punishment, sanctions, and recoupment of administrative costs and victim damages. Monetary sanctions can be imposed in the form of fines, fees, costs, restitution, forfeitures, and additional court requirements such as mandatory treatment programs or services for which the criminal has to pay, public defender fees, and probation and parole fees (Heller, 2006; Mullaney, 1988; Ruback & Bergstrom, 2006; Taxman, Byrne, & Pattavina, 2005). The application of monetary sanctions can depend on federal, state, and local laws, statutes, and ordinances.

There are few differences pertaining to the rationale behind monetary sanctions. For instance, Hillsman (1990) stated, "There appears to be little theoretical disagreement about the purposes, principally deterrence and retribution served by fine sentences" (pp. 51-52). The primary assumption supporting fine sentences is that they serve the goal of deterrence and retribution: deterrence by punishing the offender and retribution because the offender loses something (Hillsman, 1988; Hillsman & Mahoney, 1988; Ryan, 1983). For the sentence to be effective, the courts must enforce the economic sanctions (Hillsman, 1988). Fines are used primarily as an additional sanction instead of a stand-alone sentence (Mahoney & Thornton, 1988; Morris & Tonry, 1990). Put simply, incarceration addresses an offender's liberty, while fines target property (Ryan, 1983). Although fines are mainly imposed as an add-on to the sentence, judges may use a fine as the only sentence. However, judges may have different understanding, attitudes, and

practices with the imposition of fines as sentences. For example, according to a survey administered to American trial court judges, “The survey responses indicate that judges’ attitudes toward fines are complex, reflecting a substantial degree of ambivalence and confusion about the role of fines as sentencing options” (Mahoney & Thornton, 1988, p. 52).

Monetary Sanctions in the United States Courts

Courts are public services that are supported by tax revenues, which provide the means for the criminal justice system to operate. Historically, during difficult economic times, legislators and court administrators look to alternative sources of funding (Baird, Holien, & Bakke, 1986; Mullaney, 1988). Mullaney (1988) purports that the increase of individuals paying for public services was a result of tax payers wanting fewer taxes, thus requiring users of services, criminal defendants in this case, to provide the short fall in revenues. Consequently, fines and fees serve as a form of regressive tax. For persons who are living in poverty, unemployed, and struggling to meet basic living expenses, the additional imposition of monetary sanctions (above and beyond probation and incarceration) can be differentially experienced and further exacerbate an already hard financial situation.

Across federal and state courts nationally, variation exists within the criminal justice system as to how monetary sanctions are defined, administered, and used (COSCA, 1986; Mullaney, 1988). Some court systems use monies collected for operational budgets, sheriff retirement funds, spinal bifida funds, and victims’ assistance funds, just to name a few (Borchard, 2006; Hinton, 2001; Mullaney, 1988; Tran-Leung, 2009; Wisconsin Court, 2010). Even though monetary sanctions are written into statutes

and laws, they can be inconsistently imposed and/or collected. For example, a DUI conviction might carry a \$500 fine and \$300 in fees, along with probation supervision fees. One judge might impose the fine and fees, and another judge could waive the fines and fees and order probation that mandates the payment of monthly probation supervision fees.

In the United States, monetary sanctions that pertained to alternative sentencing have been researched (Greene, 1988; McDonald, Greene, & Worzella, 1992; Hillsman, 1988, 1990; Hillsman & Greene, 1988; Hillsman & Mahoney, 1988; Ryan, 1983; Tonry & Lynch, 1996; Westen, 1969). For example, during the early 1980s, fines were studied specifically for use as an alternative sentence versus as an additional sanction. In addition, probation and parole fees that pertained to practices and patterns within the correctional system have been researched (Gordon & Glaser, 1991; Olson & Ramker, 2001; Ring, 1989). The United States General Accounting Office (USGAO; 1999) examined sentencing practices of monetary sanctions. Further, penalties and purposes (Levingston & Turetsky, 2007; Ruback & Bergstrom, 2006), type of crime (Gillespie, 1988; Glaser & Gordon, 1990; Gordon & Glaser, 1991; U.S. GAO, 1999), offender characteristics (Gordon & Glaser, 1991; U.S. GAO, 1999), and effects on prisoners or probationers (Beckett et al., 2008; Diller et al., 2009; Harris, Evans, & Beckett, 2010; Levingston & Turetsky, 2007; Ruback, Hoskins, Cares, & Feldmeyer, 2006; United States General Accounting Office [USGAO], 2001) have been studied. Money has served as a means to operate and administer the criminal justice system, but also as a criminal sanction.

Alternative sentencing has been primarily used in European countries as an alternative to incarceration, and for a short period in the United States (Westen, 1969). The United States began a pilot program of the “day fine” in the late 1980s. Essentially, a “day fine” is an alternative sentence, or stand-alone penalty, that can serve to take the place of incarceration (not an add-on penalty). A formula is used to calculate a daily rate that is based on the offender’s income. The first program began in 1987 in New York and was known as the Staten Island Day Fines Experiment; and, in 1989, the Milwaukee Day Fine Pilot Project began in Wisconsin (Greene, 1988; McDonald et al., 1992). The day fine is considered an alternative sentence; however, it did not make it past the piloting phase and did not gain popularity as a sentence. Scholars have written theoretically and practically regarding fines as an alternative sentence (Greene, 1988; Hillsman, 1988, 1990; Hillsman & Greene, 1988; Hillsman & Mahoney, 1988; Morris & Tonry, 1990; Ryan, 1983; Tonry & Lynch, 1996), but fines did not gain viability as a sound sentencing option in the United States.

During the 1980s, probation services shifted from a social worker, or rehabilitative, focus to more of a supervisory manner with the practice of probation officers’ monitoring payment of probation fees (Ring, 1989). User fees have allowed for the recoupment and offset of community supervision budgets for decades (Ring, 1989). Probation and parole fees, or user fees, fall under general conditions of a sentencing order. There is usually a monthly amount that the offender must pay directly to the probation office or the court. Additionally, if an offender is unable to pay the initial court fines and fees, these fines and fees can be divided into a payment plan, which is included

with the monthly probation or parole fees (Gordon & Glaser, 1991; Olson & Ramker, 2001).

Sentencing practices that pertain to monetary sanctions have been researched primarily at the national level but is still in need of empirically establishing practices and patterns in court systems at the state and local levels. Sentencing practices vary within urban and rural jurisdictions, and within federal and state court systems. Federal practices have been reported by COSCA (1986), the USGAO (1999), and Harris et al. (2010). In addition, several scholars have begun establishing the imposition practices at state and local levels (Glaser & Gordon, 1990; Gordon & Glaser, 1991; Harris et al., 2010; Ruback et al., 2006; Wheeler et al., 1989).

The type of crime in relation to the imposition of monetary sanctions has been researched (Gillespie, 1988; Glaser & Gordon, 1990; Gordon & Glaser, 1991; USGAO, 1999). Recidivism was examined in relation to the imposition of economic sanctions, along with probation, incarceration, and the combination of all of the aforementioned (Glaser & Gordon, 1990). In 1997, roughly 19% of federal offenders were fined (USGAO, 1999). Additionally, the most frequent crimes for which were fined were property, drug related, larceny, and fraud. At the municipal court level, Gordon and Glaser's (1991) results show that the type of offense was significantly connected to the amount of the monetary sanction. Offenders convicted of theft, burglary, and DUIs received higher economic sanctions than did drug offenders (Gordon & Glaser, 1991).

The influence, or association, of offender characteristics on the imposition of monetary sanctions has been discussed in research literature (Gordon & Glaser, 1991; USGAO, 1999). Earlier research indicates that wealthier, more educated Caucasian

defendants generally receive higher amounts of fines compared to minorities (Austin, 1985; Burke & Turk, 1975; Gordon & Glaser, 1991). At the county level, Gordon and Glaser's results indicated that the offense type was more influential in the ordering of monetary penalties than offender characteristics. The USGAO's results showed an association between offense characteristics and amount of fines ordered at the federal level.

Rationale of Research

Scholarly literature has examined social and legal inequalities within the legal system that pertained to punishment and poverty for decades; specifically, those focused on race and class (Alexander, 2010; Fearn, 2005; Johnson, 2003; Mitchell, 2005; Myers, 1987; Sutton, 2009; Ulmer & Johnson, 2004; Walker et al., 2004; Weidner et al., 2004). The primary focus of social and legal inequalities has pertained to sentencing outcomes and incarceration. Even with sentencing outcomes as a primary focus, monetary sanctions have received little attention of researchers. However, an empirical baseline needs to be established regarding the prevalence and frequency of the imposition of monetary sanctions. Gordon and Glaser (1991) discussed that reliable data are needed to establish the practices of economic penalties. Specifically, the researchers stated that there is difficulty in obtaining data, which is primarily conducted at the probation level (more fees at this stage). Rosenthal and Weissman (2007) stated the need for further research that pertained to monetary sanctions: "The financial penalties imposed, directly or indirectly, as a result of a criminal conviction, are among the least considered or analyzed of the collateral consequences" (p. 2). In addition, ascertaining the perspective

of indigent defendants on the impact of LFOs and working toward equitable and fair solutions are necessary to address poverty among this population.

The effects of monetary sanctions on criminal offenders are a new area of research. Several theoretical articles and reviews of existing literature have been conducted on poverty and prisoner reentry, financial consequences of being a criminal offender, accumulation of criminal debt, and unequal imposition of economic sanctions (Diller et al., 2009; Heller, 2006; Levingston & Turetsky, 2007; Rosenthal & Weissman, 2007; Ruback & Bergstrom, 2006). One empirical study examined offenders' perceptions on the burden of paying monetary sanctions (Ruback et al., 2006). "One of the key findings was that, with the exception of restitution, most offenders did not understand how the amounts they owed were determined. Nor did they understand where the money they paid went" (Ruback et al., 2006, p. 31). Another empirical study (Harris et al., 2010) provided practices and prevalence of imposed economic sanctions at the federal and state levels. The researchers found that a considerable number of criminal offenders in the United States receive monetary sanctions, which are difficult to pay with low incomes (Harris et al., 2010). Additionally, interview data provided information on the effects of legal debt for individuals who commit felonies. For instance, ongoing legal debt continues an already difficult living situation by requiring an offender to compensate the court instead of paying basic living expenses (Harris et al., 2010).

The existing research could benefit from a firsthand understanding of the effects of financial sanctions on criminal defendants. Wheeler et al. (1989) stated, "...more attention should be given to the impact of economic sanctions on the financially disadvantaged offender" (p. 16). Indigent criminal offenders are a population that is

vulnerable and living in poverty, thus warranting the need to further understand the collective impact of monetary sanctions. The need remains to empirically establish who is required to pay fees and fines and whether criminal offenders are able to meet their basic living needs. Further, existent research would benefit from determining whether criminal offenders are able to pay monetary sanctions or whether family and/or friends, in fact, pay. The real effects of monetary sanctions are an area that needs additional study to understand and address economic and social justice issues with impoverished offenders, their family, and the community.

Theoretical Framework

Poor criminal offenders and their families feel the impact of criminal justice system involvement and monetary sanctions due to a lack of financial resources, social capital, and extended support systems with financial means (Comfort, 2007; McLean & Thompson, 2007). Economic impositions can further exacerbate the finances of poor criminal offenders and their family and friends, potentially extending the length of their legal involvement (NYSBA, 2006; Rosenthal & Weissman, 2007). Further, an economic climate that is weak can further compound the difficult situation of the criminal offender, their family, and the community. To that end, the fragile financial climate of the economic recession of 2008 is a time period that is examined within this study.

General systems theoretical framework allowed a broad perspective in exploring, examining, and explaining the practices, patterns, and impact of monetary sanctions imposed on impoverished criminal defendants. Poor and indigent defendants can, and will, be involved with many systems, agencies, and organizations for the duration of their involvement with their legal charges. This theoretical framework allows for factoring in

the systems and subsystems, and interactions among poor defendants, their family, the community, the criminal justice system, and the economic climate.

General systems theory is technically not a theory; rather, it is “a working hypothesis, the main function of which is to provide a theoretical model for explaining, predicting, and controlling phenomena” (Bertalanffy, 1962, p. 17). The literature refers to general systems theory by the following: systems theory, systems design, systems framework, applied general systems theory, and systems approach (Kraska, 2004; Mesjasz, 1988; van Gigch, 1978). For this study, general systems theory will be used in reference to the theoretical framework.

Foundational Tenets

Applied across multiple disciplines that have employed and integrated general systems theory, the essential concept is the interaction of various units toward a common objective (Bernard, Paoline & Pare, 2005). In 1986, Rapoport captured the essence of general systems theory with the following:

A whole which functions as a whole by virtue of the interdependence of its parts is called a system, and the method which aims at discovering how this is brought about in the widest variety of systems has been called general systems theory. (p. xvi)

The components of a system are best understood when situated within the whole because the sum total is more than the parts (Bernard et al., 2005).

There are several key assumptions of the general systems theory. Systems are comprised of processes, components, boundaries, members, networks, relationships, structures, subsystems, interactions, and transactions, and strive to achieve

interdependence and homeostasis (Greene, 2008). The whole, or a social system, is made up of interconnected components, or members. Specified memberships and boundaries, whether they are concrete or vague, provide a social system with recognized limits. In addition, boundaries provide purpose and characteristics to a social system, thus distinguishing it from additional social systems it may interact with (Greene, 2008). The external area outside of the system's boundaries is referred to as the environment (Bernard et al., 2005).

The social system is comprised of networks and interwoven relationships that exhibit communication and structural patterns, along with individual behavior. Each system can be viewed as a subsystem in relation to the bigger systems (Green, 2008). Interactions and mutual dependence can occur at various levels within and among the social systems. Inputs are elements that come into the system, and outputs are elements that exit the system (Bernard et al., 2005). Social systems have structure, organization, purpose, and goals (Green, 2008). Figure 1 below depicts the subsystems that comprise the various relationships, or systems, which are affected by imposed monetary sanctions by the criminal justice system. The systems are those that are interconnected with impoverished criminal defendants.

Components, or members, depend upon each other and the structure of the social system to function. Systems strive to achieve balance, or stability, which is referred to as homeostasis (Becvar & Becvar, 1999). The whole system can be thrown off balance if there is a change with one component or if the system becomes overloaded (Bernard et al., 2005; Green, 2008). When imbalance occurs due to change, the system will employ efforts to restore balance. Imbalance can occur if the inputs are not processed efficiently,

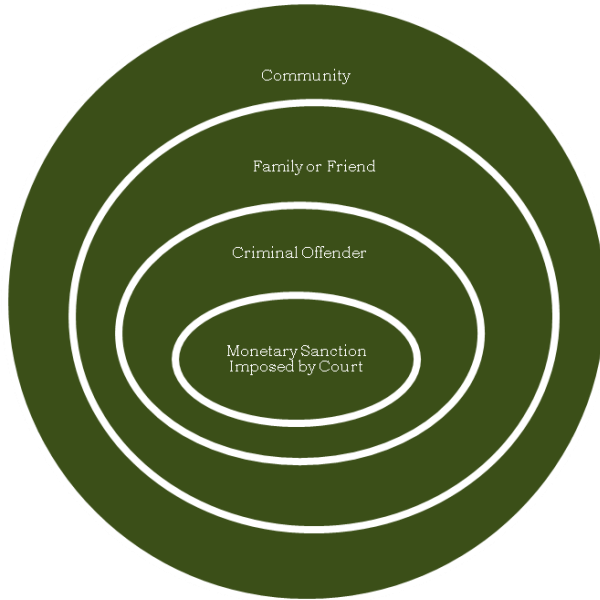


Figure 1. Subsystems affected by imposed monetary sanctions.

which could result in failings of the outputs. Even though a system desires stability, it must be able to adapt to change to remain healthy (Becvar & Becvar, 1999). Change may occur from inside or outside the system. In the court system, examples of change include, but are not limited to, economic crisis, budget cuts or shortfalls, policy changes, and increases in arrests. The social (court) system's structural composition may be challenged and affected if there is movement across boundaries (Green, 2008). For example, boundaries in the court system may exist between the public defender's office, the district attorney's office, the clerk of court office, and the judiciary, to name a few.

Roots of General Systems Theory

Van Gigch (1978) traced the beginning concepts of systems back to Europe, during the philosophical time of Aristotelian thought. George Wilhelm Freidrich Hegel, who lived from 1770 to 1831, can be credited with several ideas' being used with general systems theory (van Gigch, 1978). He discussed the concepts of interdependency and

interrelation of parts, wherein the system must be considered in understanding the parts; i.e., the whole influences the constitution of the parts, and the whole comprises more than the total of the parts (Becvar & Becvar, 1999; van Gigch, 1978).

Between 1928 and 1950, there was a concurrent development of general systems theory by numerous individuals across multiple disciplines. In the areas of biology and thermodynamics, the 1930s witnessed concepts and ideas linked with open systems (van Gigch, 1978). The 1950s witnessed the concepts of open systems to the areas of neurological systems, philosophy, and ecology. Koehler discussed the behavior of the system and addressed the way in which system characteristics control the behavior of the components (van Gigch, 1978). Redfield's contributions included bringing together the socio-cultural and biological levels by addressing the succession and multiplicity of transitional events. Sommerhof's efforts encompassed conveying the concepts of systemization, incorporation, and excellent organization (van Gigch, 1978).

Karl Ludwig von Bertalanffy is credited with formally introducing general systems theory into the academic community (Greene, 2008; van Gigch, 1978). In the 1940s, his initial ideas were written and disseminated in German and, in the 1950s, translated into English. Bertalanffy proffered the intentions of the newly found discipline in the seminal publication of the International Society for the Systems Sciences, which was originally named the Society for the Advancement of General Systems Theory in 1954 (van Gigch, 1978).

The general systems theoretical framework was used by van Gigch (1978) to increase understanding of institutions, agencies, and the criminal justice system. Van Gigch recognized the whole and individual components of the criminal justice system to

include systems, subsystems, total systems, and whole systems. Additionally, he discussed interfacing systems, system boundaries and the environment, program structure, analysis of objectives, programs and agencies relationships, management of the criminal justice system, and implementation of a systems approach, specifically for the criminal justice system.

Peter B. Kraska (2004) is the most recent scholar to discuss general systems theory in relation to the criminal justice system. The criminal justice system in its entirety is larger than the total of its components (Bernard, et al., 2005; Kraska, 2004; van Gigch 1978). He briefly discussed the integral ways the general systems theoretical framework can be applied to studying criminal justice. Additionally, Kraska identified two separate strains of general systems theory to include the open system strain and the closed system strain. Open system strain views the criminal justice system as complex, with the numerous subsystems' (e.g., police, courts, corrections) focusing on many objectives (e.g., reduction of crime, reform, public safety). Closed system strain focuses primarily on a singular objective for the criminal justice system, such as crime control (Kraska, 2004).

General systems theory allows for the consideration and examination of both impoverished defendants and court system practices. These can be viewed as systems or subsystems. As depicted in Figure 2, general systems theory takes into consideration the outside influences, such as the community and economic climates, in viewing the financial impacts on poor and indigent defendants who come before the court.



Figure 2. Systems of influence pertaining to monetary sanctions.

Chapter Summary

This chapter addressed the need for better understanding of impoverished criminal defendants and provided a history of monetary sanctions in the United States criminal justice system. Additionally, prisoner reentry that pertained to impoverished criminal offenders, their family, and the community was discussed. The complexities of monetary sanctions were addressed, along with practices of imposed financial legal sanctions in United States courts. Next, the rationale of empirical research on practices and patterns of monetary sanctions, along with their impact on impoverished criminal offenders, their family, and the community, was presented. Finally, general systems theory was

discussed in relation to exploring, examining, and explaining the imposition of monetary sanctions.

This qualitative research study seeks to understand the impact of monetary sanction on impoverished criminal defendants, their families, and the community. A multiple case study design was implemented to gain understanding of the financial expenses imposed by the court on criminal defendants. Essentially, this study will describe and examine the collective impact of monetary sanctions on criminal defendants, their family, and the community. Primary data was obtained from 33 participants, allowing for the explication of the actual effects of monetary sanctions on impoverished offenders, along with the impact of the sanctions on family and friends. Additionally, extra expenses, additional fees, and who actually pays the monetary sanctions was ascertained. Multiple case study design was the best fit for this study because it allows for the integration of various sources of data such as interviews, archival records, and observations (Creswell, 2007; Padgett, 2008; Stake, 2006; Yin, 2009).

In the next chapter, existing literature regarding monetary sanctions will be discussed. First, economic sanctions will be defined. Next, a history of monetary sanctions will be presented. Then, current practices and trends will be discussed. Finally, the limitations of current research will be addressed.

CHAPTER 2

LITERATURE REVIEW

The purpose of this study is to understand the impact of monetary sanctions on impoverished criminal defendants, their family, and the community. To provide a foundation for the population of this study, the previous chapter addressed the prevalence of criminal offenders in the United States, and Georgia in particular. Additionally, the overrepresentation of minority offenders within the correctional system was established. Impoverished criminal defendants, along with family and community issues, were briefly addressed. Monetary sanctions that related to the multiple rationales, purposes, forms, and applications within the criminal justice system were covered, along with an overview of the use of financial sanctions in U.S. courts. General systems theoretical framework was discussed.

In this chapter, the phenomena under examination will be further discussed. Included in this review of the literature is a clarification of the meaning of monetary sanctions, along with a historical account. Additionally, current practices and trends of financial sanctions will be discussed. Finally, limitations of current research are presented.

Defining Monetary Sanctions in Criminal Courts

In the scholarly literature, the phrase monetary sanction is also referred to as an economic sanction, intermediate sanction or penalty, financial sanction, alternative sentence or sanction, LFO, nonincarcerative penalty, or noncustodial penalty.

Additionally, monetary sanctions can refer to fines, fees, surcharges, restitution, forfeitures, probation supervision fees, attorney fees, court costs, and additional expenses mandated by the court. However, the multiple terminologies used in academic literature that pertains to monetary sanctions can be confusing and misleading. For instance, if scholars and judicial workers have difficulty with the correct use of terminology, it can result in improper imposition, application, and administration of monetary sanctions, ultimately leading to the exploitation of criminal offenders. This study focused on the specific monetary sanctions of court fines and fees, along with additional fees and expenses imposed by the court for criminal cases.

The predominant terms used in the literature are fines, fees, economic sanctions, and LFOs. Despite scholars and researchers' using the aforementioned terms interchangeably, there is a distinct difference. With over 100 years of fines and fees' being imposed on criminal defendants by the judiciary, it is worthy to note the following:

Recognizing the need for definition, an extensive review of case law and of definitions contained in the literature was undertaken to seek working definitions. The review was helpful in identifying some of the commonalities, distinctions, and trends in defining the terms; but the search was futile in locating existing definitions which clearly identified each of the types of monetary charges associated with a case (COSCA, 1986, p. Introduction).

COSCA (1986) was one of the first entities to establish uniform definitions of forms of fees. In 1986, a committee of COSCA produced a document that proposed standards for court costs, fees, and surcharges. The committee sought to recommend practices for the judiciary; however, it did not foresee that it was the basic terms that

needed clarity. Upon receiving the initial survey responses from judges, the committee realized that the judiciary did not have a clear understanding, or practice, of the terminology of costs, fees, and surcharges (COSCA, 1986). The primary term that was confusing was cost. Basically, cost could mean a single monetary amount or a combination of two or more amounts, which is confusing. Cost could be a surcharge, miscellaneous charge, or a fee (COSCA, 1986).

Twenty years after COSCA created uniform definitions for costs, McLean and Thompson (2007) compiled a glossary of updated versions of the terms and definitions for monetary sanctions. Based on the glossary, the definitions in Table 1 are the recommended definitions of fees, miscellaneous charges, surcharges, and court costs agreed upon by the committee. This table reflects the attitudes and changes in policy.

Considering the long history of the use of the fine in the criminal justice system, there has been little theoretical work on monetary sanctions (O'Malley, 2009). Hillsman (1990) purported that there are small disagreements over the purpose and theoretical intentions, which includes retribution and deterrence, of the use of fines as sentences. Gillespie (1988) mentioned that there is some theoretical discourse in the literature regarding the use of fines, and an even smaller amount of empirical literature. However, the theoretical intention of fines and fees are not the focus of this study. Thus, a history of monetary sanctions will focus on the actual practices of fines and user fees in Europe and the United States.

A History of Monetary Sanctions

A historical foundation provides an understanding of the development, changes, and similarities of the imposition of monetary sanctions used in the present criminal

Table 1

Definitions of Monetary Sanctions in the Literature

Term	COSCA (1986)	McLean and Thompson (2007)
Fees	Amounts charged for the performance of a particular court service which is disbursed to a governmental entity. These fees are specified by an authority at a fixed amount (p. 1).	Amounts charged in exchange for the services provided by the courts, probation departments, and other agencies, (e.g., probation supervision, electronic monitoring, or court filing fee) (p. 2).
Surcharges	Amounts added to the fines, fees, or court costs that are used for designated purposes (p. 2).	Add-on amounts used to generate general fund revenue for specific purposes (e.g., law library, judge retirement, or staff training funds), often unrelated to the crime (p. 2).
Miscellaneous Charges	Amounts assessed that ultimately compensate individuals or non-court entities for services relating to the process of litigation. These amounts often vary from case to case based on the services provided (p. 1).	N/A
Court Costs	Amounts assessed against a party or parties in litigation. Such amounts are determined on a case by case basis and vary in relation to the activities involved in the course of litigation. Court costs include fees, miscellaneous charges and surcharges (p. 2).	N/A
Fines or Sanctions	N/A	Penalties associated with committing specific crimes or level of offense . . . which courts order as a punishment in their own right; these may be mandatory or discretionary (p. 2).
Financial Obligation	N/A	A term used to encompass child support, restitution, fines, fees, surcharges, and other court-ordered debts commonly owed by people returning from prisons and jails to the community (p. 2).

Source: Conference of State Court Administrators (1986, pp. 1-2) and McLean and Thompson (2007, p. 2).

justice system. This is important because monetary sanctions are not a new phenomenon and have essentially been around since before the time of Christ. First, the history and evolution of monetary sanctions will be connected to Europe before the time of Christ (Mullaney, 1988; Westen, 1969). Then, the use of court fines and fees, along with additional user fees, will be discussed.

Europe

The history of fines traces back to around 1000 BC, where Mosaic Law allowed for the monetary compensation for personal injury (Mullaney, 1988; Westen, 1969). The use of the fine in civil, or private, matters continued under some public regulation from 1000 BC to the present time. After an increase in the state's providing public regulation of civil settlements, the state began to necessitate payment for civil damages that affected the public (Holdsworth, as cited in Westen, 1969; Pollock & Maitland, as cited in Westen, 1969). Specifically, the notion was based on civil wrongs that affected the public, rather the state/government (Holdsworth, as cited in Westen, 1969; Pollock & Maitland, as cited in Westen, 1969).

During the Norman Conquest in England, from 1066 to 1088, persons convicted of criminal offenses were imprisoned (Fox, as cited in Westen, 1969). However, criminal offenders could regain their freedom by offering to "make fine" with a voluntary, private payment to the king (Cruise, as cited in Westen, 1969; Fox, as cited in Westen, 1969). Essentially, the offenders, or their family, chose to pay the king a sum of money, meaning the court did not impose the fine. Westen discusses the nature of prison sentences, which were, primarily, revenue for the king. During this period, operating prisons was inexpensive and easy ways for the state to generate income. Prison

conditions were tumultuous for the prisoners, which lead to offenders, or their families, “making fines,” allowing for the release of the prisoners (Westen, 1969). During this time, prisons were self-supporting; and the persons employed by the prison system obtained their income from the prisoner’s family or the prisoner. Parallels can be drawn between prisoners who financially supported prisons during this period and current offenders who pay user fees, such as probation and jail fees.

Over time, the phrase “make fine” changed to “be fined,” which indicated a change from more of a voluntary payment to release an offender from prison, to a type of punishment (Westen, 1969). Fox, as cited in Westen (1969), suggested that the phrase “pay a fine” first appeared in a statute in an act of 1383. The 16th and 17th centuries witnessed the linguistic change and basic form of fines in law commentaries. Essentially, the language of the law and statutes including the phrase “to fine” developed to become a distinct and common practice.

Foucault (1995) mentioned the use of fines several times in his account of punishment and discipline from the 17th through the 19th centuries in European countries. Fines were used as a lesser penalty in the late 17th century and the mid to late 18th century. Foucault also mentioned the use of fines as an option for punishment during the early 19th century; specifically, “In the penal code of 1810, between death and fines, it occupies, in a number of forms, almost the whole field of possible punishments” (p. 115). However, fines were not used as often as banishment or imprisonment.

Hillsman (1990) traced the beginning of the fine to “the Greeks, Romans, and ancient Germans” (p. 52), with whom it was used for criminal and civil offenses. In the 19th century, the criminal justice systems in Europe and the United States began to use

probation and incarceration (Hillsman, 1990; Rusche & Kirchheimer, 2009). In addition to the imposition of fines in the United States around the mid to late 19th century, probation fees were introduced in Michigan in the 1930s and in Colorado in the 1940s (Ring, 1989).

United States

The use of fines and fees in the United States goes back to the 1860s and through the 1940s with the use of the convict lease system (Alexander, 2010; Blackmon, 2008; Myers, 1988). Basically, the convict lease system was used with African Americans in the South after the Civil War. African American defendants were charged and fined; and, if they were unable to pay, corporations paid their fine, resulting in indebtedness (Blackmon, 2008). Essentially, criminal offenders were “owned” by the corporations until the financial debt was completed through servitude. The revenue generated by the fines and fees from this time period were used to pay court and law enforcement employees salaries (Blackmon, 2008). Fines and fees were not proportional to the income and ability of offenders to pay, thus resulting in disparate treatment of poor African Americans.

Probation fees. Probation fees are set monthly amounts that an offender pays to cover, or offset, court-ordered monthly supervision provided by probation departments (Ring, 1989). Ten states were using the obligation of probation fees by 1980; and, at the time of Ring’s article, at least 26 states had implemented probation fee programs. Further, Ring stated, “Many of these individuals are already subject to fines, restitution, charges, victim/witness fees, and court costs assessment” (p. 43). Government entities began competing over the monetary sanctions, specifically, over who would receive

payment, and in what amounts (Mullaney, 1988). For instance, the legislature designates different agencies and programs, such as child support, victim services, probation services, law enforcement training, and retirement funds, to be recipients of court fees. To address the issue of competition, states created priority systems that ensured an equitable division among agencies and programs of collected monies from criminal offenders (Ring, 1989).

Fines. Until the late 1980s, little was known regarding the degree to which fines were used as criminal sanctions in the United States. Consequently, the National Institute of Justice supported three interconnected research projects: exploring and examining the use of fines in the United States, American statutes, and case law from 1980 to 1988 (Hillsman, 1990; Hillsman et al., 1984). The research programs were executed over a 15-year period by the Vera Institute of Justice and the Institute for Court Management of the National Center for State Courts, beginning in the early 1980s (Cole, Mahoney, Thornton, & Hanson, 1988; Tonry & Lynch, 1996). The studies that were conducted during the 1980s produced knowledge of, and provided a foundation for, the use of fines and fees in the American court system (Cole et al., 1986; Glaser & Gordon, 1991; Hillsman et al., 1984). Primarily, fines were used for traffic offenses and regularly imposed for misdemeanor offenses (Cole et al., 1987; Hillsman et al., 1984). Based on the expansion of economic penalties in the 1980s, policy interest was spawned (Hillsman, 1988).

Public defender fees. In 1963, the Supreme Court case *Gideon vs. Wainwright* produced a decision that upheld the ability of courts to charge offenders for public defender services (Borchard, 2006; Diller, 2010; Hinton, 2001; Tran-Leung, 2009). It is

a common practice in Georgia to charge an indigent defendant an application cost, along with an additional fee, for public defender services by the court (Hinton, 2001). With the expansion of the use of fines and fees in the United States, it did not take long for offenders to be charged for services of their incarceration, in the form of jail fees.

Jail fees. In Macomb County, Michigan, a jail reimbursement program was created in 1985 under the provisions of the 1984 Prisoner Reimbursement to the County Act (Amboyer, 1992). Donald J. Amboyer, Ph.D. (1992), jail administrator for Macomb County Sheriff Department in Mt. Clemens, Michigan, wrote a brief article that discussed the use of jail fees in Michigan. The rationale behind the reimbursement program was that taxpayers should not be required to pay the additional expenses of providing housing, clothing, food, and medical expenses of convicted offenders. Amboyer further reported that, based on the reimbursement statute, an offender, upon defaulting on paying jail fees, can have a civil suit brought against him or her for failure to comply with LFOs. Basically, beyond the fundamental services of public safety provided by law enforcement and funded by taxpayer dollars, the criminal offender should be responsible for his or her additional expenses of incarceration (Amboyer, 1992).

The practice of jail inmates' paying fees is increasing. In 2005, Krauth, Stayton, and Clem conducted a study that examined the use of fees within U.S. jails. The researchers executed a survey of imposed fees, along with fees that were being considered for implementation in the year 2004. The fees that were being examined for collection pertained to program and non-program services. Program services included electronic monitoring, work release, and GED, while non-program services included medical, housing, and hygiene (Krauth et al., 2005). User fees are imposed in 90% of the

U.S. jails surveyed (Krauth et al., 2005). Krauth et al. reported that, in the jails that replied, the most common fees assessed to inmates were for medicine, doctors' examinations, and work release programs. Inmates provide the jails with large amounts of revenues. For instance, in 2004, jails reported receiving \$10,149,061 from work release programs, \$7,213,000 for per diem costs, and \$4,464,689 through telephone calls (Krauth et al., 2005). Of the 202 survey respondents, 8.4% of agencies went through a formal evaluative process to determine the financial benefits of imposing inmate fees. Of the 17 programs that conducted the formal evaluations, 12 of the programs reported a net benefit, while the remaining five did not report a profit from fee collections (Krauth et al., 2005).

Current Practices and Trends of Monetary Sanctions

The history of fines and user fees was discussed to provide a context for understanding the originations of monetary sanctions. Current practices and trends of economic sanctions within the United States will now be addressed. The various branches of the criminal justice system can impose multiple monetary sanctions on persons within their purview. Specifically, legislatures, court systems, and administrative agencies have designated fines and fees that are assessed to individuals within their jurisdiction. For instance, fines, court fees, and additional expenses are generally imposed on criminal offenders.

Although fines are typically set for specific legal charges, there can be variance within the range of minimums and maximums for different charges (Mullaney, 1988). Fees are usually administrative expenses that are designed to recoup and offset costs to the court and government agencies (Mullaney, 1988). In addition to direct court costs,

criminal offenders may incur hidden expenses, which can include charges for mandatory drug testing, DNA testing, electronic monitoring (Mullaney, 1988), and treatment groups (John Howard Society of Alberta, 2001; Tonry & Lynch, 1996).

The American court system has traditionally varied in the use of fines, fees, and court costs as sentences and/or additional sanctions (Hillsman, 1990). Generally, judges sentence an offender to probation or incarceration, along with multiple economic sanctions to include fines, fees, and court costs as opposed to one primary financial penalty (Hillsman, 1990; Hillsman & Greene, 1988; O'Malley, 2009). For example, a defendant may not primarily pay only a financial penalty. Rather, he or she is sentenced to probation, along with a monetary sanction. From the early infusion of monetary sanctions into the criminal court system, there has been cause for concern about the fine, specifically, pertaining to the amount and value as a sanction (Hillsman, 1990). Additionally, when economic sanctions are not paid by the offender, the offender is viewed as noncompliant. According to Hillsman (1988), nonpayment should be reflective of failure of the policy, rather than of the criminal offender.

Fines

The imposition of fines has been used, singularly and in combination with other noncustodial sentences, more so in state courts of limited jurisdiction rather than general jurisdiction courts (Hillsman & Mahoney, 1988). Survey results from American trial court judges revealed that "...fines are used in approximately 86% of limited jurisdiction court sentences and in approximately 42% of general jurisdiction court sentences. Most of the time they are used in combination with other sanctions" (Mahoney & Thornton, 1988, p. 55). It is common practice for courts to impose multiple economic sanctions

such as court costs, restitution, and probation supervision fees (Hillsman & Greene, 1988). However, collection of monetary sanctions can rest with the court or probation services (COSCA, 1986; Hillsman, 1988).

User Fees

The National Council on Crime and Delinquency conducted a mail survey of probation workers and probation administrators that explored the use of probation user fees (Baird et al., 1986). The national survey included 207 agencies from 46 states and approximately 600 respondents, who represented front-line workers and probation administrators. Of the agencies responding, 66% collected probation fees (Baird et al., 1986). The study results identified four major issues regarding the use of probation supervision fees: potential for revenue, negative aspects of using fees to generate monies for funding operations, effects of revenue collections on officer functions and responsibilities, and impact of user fees on other components of the correctional system (Baird et al., 1986). Additionally, the researchers cited the economic climate as an influence on governmental agencies that seek alternative funding sources such as probation user fees.

In 1988, Mullaney prepared a monograph that addressed the increase of user fees and special assessments within the arena of community corrections, which was supported by the National Institute of Corrections. The purpose of the monograph was to provide descriptive information, along with recommendations, for policymakers to use in the assessment, planning, adoption, and implementation of service user fees. Mullaney used 21 personal interviews, 14 telephone interviews, and a literature search of two national criminal justice reference/information centers. She argued that, without a policy

foundation, there was a need to establish practices and intended uses of economic sanctions within the area of community corrections due to the unprecedented growth of user fees (Mullaney, 1988). Essentially, there has been a dramatic rise in the kinds and number of user fees in the criminal justice system (Mullaney, 1988). The technology and overseeing of imposition and collections of economic sanctions has been difficult for administrators. Comprehensive policy has not been the framework for deriving monetary sanctions; rather, local jurisdictions have been the force behind the rise of such fees (Mullaney, 1988).

In a study by Wheeler et al. (1989), probation data from the largest county in Texas was used to assess court fines, fees, and probation supervision fees of criminal offenders on probation. The researchers examined the types of monetary sanctions, effects on probationers, and client social and legal characteristics by employing discriminant and regression analysis. For example, the results suggested that the social and legal characteristics of the offender did not predict the amount of restitution or attorney fees that they had to pay. Further, employment history was a predictor for miscellaneous fees and fines, and unstable employment resulted in higher monetary sanctions. White offenders were assessed and paid higher economic sanctions compared to Black and Hispanic offenders. Moreover, for each of the three economic sanctions examined, Whites were assessed higher amounts than non-Whites (Wheeler et al., 1989). For instance, the average amount for total economic sanctions imposed for Whites was \$1,952, compared to \$1,384 for non-Whites. Additionally, Whites averaged paying \$1,188 while minorities paid an average of \$605 for total economic sanctions. For Blacks who failed to complete requirements of probation, their supervision period could

be extended, which resulted in an increase in the time that they would have to pay probation fees. On the opposing end, when Whites successfully completed probation, they were no longer required to pay monthly supervision fees, which resulted in lower total probation fees.

Glaser and Gordon (1990) conducted a research project in the Los Angeles County municipal courts in 1984. The purpose of the study was to examine the effect of financial penalties in conjunction with probation on recidivism rates. They compared six offense groups (Glaser & Gordon, 1990). Of the 22,000 cases that were reviewed for the project, 15% were fined. Of the multiple variations of sentences (i.e., probation, incarceration, monetary sanctions, etc.), four categories emerged as the most frequent. The four main categories included: probation only, 55%; probation plus financial penalties, 23%; probation plus jail only or jail without probation, probation plus jail plus financial penalties, 14%; and no financial penalty, 8% (Glaser & Gordon, 1990).

Even journalists have written about the impact of monetary sanctions on impoverished offenders. One such journalist is Liptak (2006), who wrote an article for the New York Times. In the article, he addressed the effects of monetary sanctions on criminal offenders. The author cited a Georgia judge:

Judge James R. Thurman of the Magistrate Court in Lee County, Ga., said his state's many fees, known there as add-ons, were a backdoor way to make poor people pay for the free lawyers guaranteed to them by the United States Supreme Court's decision in *Gideon v. Wainwright* 1963. (p. 1)

Judge Thurman is then quoted in Liptak as saying, "You're asking the people who can't afford to hire an attorney to pay anyway by making them pay through add-on fees" (p. 1).

For criminal defendants, add-on fees can include court fees, also referred to as surcharges. Court fees are generally placed into designated funds, which are created by state legislatures. In South Dakota, Borchard (2006) conducted a study that analyzed court surcharges. The surcharges are typically designated for criminal justice system training, nonprofit organizations, and specialized government service program funds. In this study, the researcher created a survey instrument that assessed additional charges imposed on court cases. In addition, the survey allowed for judges to make qualitative comments (Borchard, 2006). On his survey, one judge said, “One of the reasons that people are in trouble is that they just don’t have any money and they are in no position to pay these surcharges” (Borchard, 2006, p. 61). Another judge stated, “I think judges tend to adjust the fine downward...total tab for fine, costs...court appointed attorney fees is realistic....need to waive the fine or fees based upon inability to pay—if one considers the socio-economic status of the majority of offenders” (Borchard, 2006, p. 63).

The Complexity of Monetary Sanction Practices

The complexity of fees and surcharges can be seen because states vary in the amount and number of additional fees and surcharges that they assess. The Wisconsin Circuit Court identifies the following as categories of add-ons: court costs, penalty surcharge, jail surcharge, crime lab and drug fees, victim/witness fees, along with surcharges of driver improvement, and fees due to drug abuse, drug diversion, domestic abuse, natural resources, uninsured employment, weapons, DNA analysis, and environmental surcharge (Wisconsin Court, 2010). Further, funds generated from surcharges can be substantial. For example, in 2009, Maine collected \$48,965,466 from traffic fines, court fines, surcharges, and fees (Maine Judicial Branch [MJB], 2009).

Based on a 2004 Performance Review in California, there are in excess of 3,100 separate LFOs, encompassing 27 various government codes, imposed against offenders (California Performance Review, 2004).

Georgia began in 1950 to take a portion of criminal funds to assist the Peace Officers' Annuity and Benefit Fund (Hinton, 2001). Since then, there has been an increase in fees and surcharges in 21 possible fee categories. Depending upon the nature of the case, be it civil, criminal, or quasi-criminal, there are a variety of amounts based on complicated formulas; not all fees are mandatory or applicable to all cases (Hinton, 2001). Funds collected may be retained at the local level, while others are designated to be sent to the State General Fund. The Performance Audit Operations Division, Department of Audits and Accounts was only able to determine the revenue collected for mandated state funds (excluding local funds collected), which amounted to \$51 million in 2000 (Hinton, 2001). Table 2 provides a list of surcharges and add-ins for South Dakota, Wisconsin, and Georgia.

Criminal offenders not only face paying numerous fines, fees, and surcharges, but they also face the risk of incarceration for failure to pay monetary obligations. Incarceration can sometimes be used as a threat, or a means, to collect monetary sanctions from criminal offenders (Rhode Island Family Life Center [RIFLC], 2007). For the jurisdiction under study, the judiciary made a practice of seeing defendants frequently to ensure compliance with payment of monetary sanctions. In an attempt to ascertain the number of persons who were incarcerated for failure to pay fines or fees in Rhode Island, the RIFLC reviewed electronic records from the Department of Corrections and the Adult Criminal Information Database for October through December

Table 2

Example of Surcharges or Add-ins in South Dakota, Wisconsin, and Georgia

South Dakota (Borchard, 2006, p. 1)	Wisconsin (Wisconsin Court, 2010)	Georgia (Hinton, 2001, p. 1)
Law Enforcement Officers Training Fund	Court costs	Peace officer and prosecutor training fund
Court Appointed Attorney and Public Defenders Fund	Penalty surcharge	Brain and spinal injury trust fund
Court Appointed Special Advocates Fund	Jail surcharge	Children's trust fund
911 Telecommunicator Training Fund	Crime lab and drug	Crime victims emergency fund
Abused and Neglected Child Defense Fund	Driver improvement	Drug abuse treatment and education fund
Court Automation Fund	DNA analysis	County jail fund
Victim Compensation Fund	Victim/witness Drug abuse	Local victim assistance programs
Law Library	Drug diversion	County law library
	Domestic abuse	Peace officers' annuity and benefit fund
	Natural resources	Alternative dispute resolution programs
	Uninsured employment	Probate court judges' retirement fund
	Weapons	Superior court clerks' cooperative authority
	Environmental surcharge	Superior court clerks' retirement fund
		Sheriffs' retirement fund
		State general fund

2006. The study specifically reviewed records at an intake facility of pre-trial persons who were jailed for failure to appear at a monetary sanction hearing or who did not pay economic sanctions. Interviews of 25 persons also were used. Judges employed the practice of requiring multiple appearances to ensure payment of monetary sanctions. If

an offender failed to appear, he or she was jailed. Interestingly, judges in the Sixth District Court jailed 51% ($N = 3,073$) of offenders who either did not show up after four appearances or did not show up for their first appearance, with 30% of those failing to appear after incarceration or a court hearing (RIFLC, 2007). Additionally, of the 51% detained for LFOs, 53% were assessed only court and warrant fees, not fines. A review of pre-trial commitments for 2005 and 2006 revealed that only 17% of those were for LFOs (RIFLC, 2007).

Underwood, Kidd, Gibson, and Pulsipher (2007) conducted a performance audit of court fines, surcharges, and fees for the Utah state legislature. The purpose of the report was to ascertain practices of trial courts in relation to statutes, along with revenue and disbursement of collected surcharges. Utah has three trial court levels, justice, district, and juvenile courts, that handle proceedings of a traffic and criminal nature. The audit discovered that several of the courts were incorrectly calculating fines, fees, and surcharges; but overall the tabulations were accurate. Utah has a bail schedule matrix that is uniformly applied to all cases, providing consistency. Even though it is complex, it is consistent; and only a few surcharges and additional fees are included. Essentially, there is a fine, a surcharge, a security surcharge, and a court complex fee in the bail matrix. Based on the available data (three court levels, using different software and information systems, made collection difficult), there was a 27% increase in collections of monetary sanctions from fiscal years 2004 to 2006 (Underwood et al., 2007).

In Washington State, Beckett et al. (2008) explored the practices, effects, and policy goals of LFOs on felony offenders in Washington State Superior Court. In addition, they examined the potential effects of an offender's personal characteristics,

kind of conviction, and locale on fees and fines. The researchers focused solely on felony offenders and offenses when examining individual court cases (per conviction in lieu of per offender) and interviewing felony offenders (Beckett et al., 2008). Results indicated that the median for fines and fees assessed against felony offenders was \$1,110; against drug offenders, \$1,647; and against violent offenders, \$935 (Beckett et al., 2008). The lowest fine and fee imposed was \$500, and the highest was \$21,110. Jurisdictional variation occurred even among offenders with similar legal characteristics, indicating that local factors such as population size, crime rates, poverty rates, judicial budgets, to name a few, may influence fine and fee practices (Beckett et al., 2008). Probation supervision fees were not included in the results.

Using Hierarchical Linear Modeling, Beckett et al. (2008) tested for the influence of case, defendant, and county-level characteristics, using existing court records. The results show that prior criminal history (i.e., offense seriousness and kind and number of previous offenses) influence higher fine and fee impositions. In addition, the researchers found that criminal offenders who were convicted of drug charges received higher financial penalties compared to violent criminals, and persons who chose to go to trial had considerably larger fines and fees in relation to defendants who pled guilty. With regard to defendant characteristics, Hispanics and males were significantly more likely to receive higher financial penalties (Beckett et al., 2008). County-level characteristics were influenced by four variables. One such influential variable was drug per capita rates, which was found to be considerably associated with the imposition of fees and fines. In addition, larger financial penalties were assessed in smaller-populated counties. Further, counties with elevated violent crime rates reflected higher monetary sanctions.

In addition, localities with smaller judicial budgets experienced significantly increased economic sanctions (Beckett et al., 2008).

After interviewing 50 felony offenders and approximately 10 correctional staff, county clerks, and defense attorneys, Beckett et al. (2008) were able to obtain qualitative information on the consequences of LFOs. The researchers believed that the felony offenders who were interviewed were comparable to a national sample of criminal offenders, with whom a survey was utilized to obtain data (Beckett et al., 2008). The surveys included questions that ascertained a felon's economic, legal, societal, and family situation. The primary thematic patterns that arose from the qualitative data obtained by Beckett et al., ranked by intensity and occurrence of responses, were the following: "(1) financial context and consequences of LFOs; (2) criminal justice consequences of LFOs; (3) concerns about the processes by which LFOs are assessed and collected; and (4) concern about the loss of civil rights" (p. 36). Results confirmed that offenders already live on meager incomes. In addition, upon reentry into society, offenders find that opportunities to obtain employment and housing are limited because of their criminal records (Beckett et al., 2008). Inability to pay monetary sanctions resulted in extension of criminal justice system involvement, via extended probation or parole supervision. In addition, offenders' understanding of LFOs was a concern, based on their uncertainty as to how much, when, and where to pay money (Beckett et al., 2008). Regarding civil rights, respondents seemed to be more concerned with completing criminal justice obligations than with their civil rights in relation to having their voting privileges restored (Beckett et al., 2008).

Illinois, like many states, has monetary sanctions included in state laws and local codes. Tran-Leung (2009) provided an overview of the numerous monetary sanctions, which encompass restitution, court fees, supervision fees, and correctional reimbursement fees. Tran-Leung, of the Sargent Shriver National Center on Poverty Law, produced a report that identified the multiple monetary sanctions imposed within the Illinois criminal justice system. The function of the report was to describe the overabundance of LFOs of impoverished criminal defendants within the criminal justice system, along with the problematic components of the statutory system, to provide respite for these defendants. Court fees can include charges for security, filing, court automation, document storage, court system, children's advocacy center, special cost, and county jail; they can also include medical costs, court appointment reimbursement, and costs of prosecution, criminal lab analysis, and DNA analysis. Corrections fees may encompass reimbursement for incarceration, education, medical and dental services, college tuition, work release programs, and probation or parole. County jail may also impose a jail fee, medical costs, and bond fees.

Revenues generated from the above fees are funneled into county or state funds. For all of the above fees, there is much variation across jurisdictions regarding the assessment on defendants. There are structural components in place, such as modification of financial obligations, revocation of economic sanctions, and payment plans, to provide relief for indigent defendants. However, an offender may be assessed interest fees of 5% for payments that are 30 days overdue, 10% for 60 days, and 15% for 90 days. Additionally, private collection agencies are allowed to assess an additional 30% fee for late payments.

In 2009, Reynolds et al. produced a report from the Council of State Governments Justice Center and the Texas Office of Court Administration, addressing the practices of assessment and collection that involved monetary sanctions (fines, court costs, restitution, supervision fees, and child support) for convicted criminals. The report was intended to provide a framework for state and local policymakers to improve the assessment and collections of monetary sanctions (Reynolds et al., 2009). The report focused on revenue collections, offender accountability, and incarceration reentry (Reynolds et al., 2009). Guidelines, or policy, are not followed by judges when determining the levels at which to set monetary sanctions; some obtain background information to consider and others do not. The authors address the misunderstanding among criminal justice administrators and the judiciary. For example, the deliberation of a defendant's obligation to pay child support is not under the purview of the sentencing judge. Also, child support takes precedence over the collection of any other LFO, and wage garnishment can be utilized (Reynolds, et al., 2009). On average, felony probationers accrue \$4,000 to \$5,000 for court costs, fines, supervision fees, and restitution, with 10%-20% obligated to pay child support (Reynolds et al., 2009). The parolee financial obligations range from \$500 to \$2,000 for fines, supervision fees, and court costs. Unfortunately, there is no existing formula in Texas to assist judges in determining appropriate monetary sanctions for offenders.

Diller et al. (2009) conducted a study that addressed barriers to reentry in Maryland through the assessment of parole supervision fees. The authors examined 7,524 closed parole supervision cases, the interviews of 20 parolees and criminal justice workers, and the findings of conducted focus groups of Maryland's division of Parole and

Probation. The results of the examination indicated that user fees are assessed on 88% of parolees (Diller et al., 2009). Further, in Maryland, the typical supervision fee is \$40, and the parolee is charged for each month while under the supervision of the department (Diller et al., 2009). For this report, the findings indicated that the standard total supervision fee for an offender is \$743, with the median at \$560. Parolees were prevented from paying the imposed supervision fee because of inadequate job training, which served as a barrier for obtaining a decent employment to sufficiently support oneself financially (Diller et al., 2009).

Similar to probation and parole departments that charge probation supervision fees to offenders, court systems have fine and statutory fee structures. One such system is located in the state of Oregon, which has recently evaluated these fee structures. Short-term recommendations for court funding and statutory fee structures were made in June 2010 by a commissioned task force, specifically made by the Oregon State Bar (OSB) Board of Governors. This report primarily provided a brief overview of the statutory fee system and fines that pertained to civil, family, and criminal court in Oregon (OSB, 2010). Essentially, the report included several recommendations.

The first recommendation was that, because the current system of statutory fees is complicated for all practitioners, the complex fee configuration be simplified and standardized. Second, all persons must have access to the court systems without impediment from fee structures. Third, realistic projected revenues from legal financial sanctions should be better assessed and understood. Finally, legal financial sanctions are good for convicted criminals' accountability (OSB, 2010). The state of Oregon has a statutory fee structure, which can differ by case. The fine system is much more

multifaceted, and the location of the court can make a difference in the fine amount and practices. The court level (justice, municipal, or circuit court) that imposes the fine generally deposits it into the appropriate governmental level fund (OSB, 2010).

Like many other state legislatures, Florida's legislature has increased the number of allowed monetary sanctions, which have resulted in 20 additional such fees from 1996 to 2007 (Diller, 2010). In 2010, Diller conducted a study and reported on criminal justice fees that were specific to Florida. The purpose of the report was to describe the state's reliance on LFOs and its collection procedures or methods, and to address the implications for criminals who are compelled to pay. This report focuses on fines, restitution, and user fees. Of these LFOs, user fees are the most expensive, and they are increasing at an alarming rate (Diller, 2010). For instance, a defendant must pay a public defender application fee. In addition, Florida has a high standard probation monthly supervision fee of \$103.72. On occasion, the probation fee is reduced to \$50 for those who have proven an inability to pay due to extenuating circumstances (Diller, 2010). Further, Florida has almost eliminated these offenders' ability to be exempt from LFOs.

Additionally, the goal of Diller's study in 2010 was to explore LFOs of prisoners who were released from incarceration. Surveys were mailed to 250 prisoners who were recently released from incarceration, and 37 responded; of the 37 respondents, 35 were verified through court records and, thus, included for analysis. The results indicated that LFOs, prior to the prisoner's being released from incarceration and excluding supervision fees, averaged \$772.23, with a median of \$498 (Diller, 2010). Not surprisingly, with the many statutes, fees, and fines that were assessed, the majority of respondents did not know the accurate totals of their monetary sanctions.

In a 2010 study by the Brennan Center for Justice, criminal justice debt as an obstacle to reentry was examined (Bannon et al., 2010). The purpose of the report was to study practices of LFOs in the 15 states with the highest prison populations. Georgia was included, ranked fifth in the number of persons in prison. The key findings provide an informative overview of the study. One important finding was that the fees encompass a cumulatively large amount of debt, which, when viewed singularly, appear minimal. Second, penalties for nonpayment or tardiness can result in additional fees, which are practiced in 14 of the 15 states examined. Third, to increase collection rates, multiple states practice the use of parole revocations or probation violations to force payment; some offenders go to jail for failure to pay. Fourth, difficult financial climates lead states to focus on revenue, which is one of many facets of criminal justice budgets (e.g., expenditures, revenue collected). Lastly, successful entry of criminals back into society can be considerably hampered by LFOs. All 15 states that were examined assess fees that are applied upon conviction, include supervision fees, and allow incarcerative fees (Bannon et al., 2010).

Limitations of Current Research

The 1980s through the mid-1990s saw supported/funded research on the use of fines in American courts, primarily as an alternative sentence (Greene, 1988; Hillsman, 1988, 1990; Hillsman & Greene, 1988; Hillsman & Mahoney, 1988; McDonald et al., 1992; Ryan, 1983; Tonry & Lynch, 1996; Westen, 1969). Additionally, research was published on probation and parole supervision fees (Gordon & Glaser, 1991; Olson & Ramker, 2001; Ring, 1989) and collection and administration of fines (Gillespie, 1981; Glaser & Gordon, 1990; Gordon & Glaser, 1991; Wheeler et al., 1989). Further, scholars

examined the manner in which monetary sanctions served as revenue for courts and probation programs (Bresnick, 1982). The 1990s witnessed a focus in early phases on offense types and offender characteristics (Gordon & Glaser, 1991; USGAO, 1999). In addition, the 1990s saw some discussion on the purpose and possible intentions of fines and fees, including deterrence, rehabilitation, retribution, and incapacitation (Mullaney, 1988; Hillsman, 1988, 1990; Hillsman & Mahoney, 1988; Hillsman et al., 1984; Ruback & Bergstrom, 2006; Ryan, 1983).

From 2005 to the present, several scholarly publications have focused on prison reentry and debt, legal debt (American Civil Liberties Union [ACLU], 2010), and the purposes and effects of economic sanctions (Harris et al., 2008; Beckett et al., 2010). Within the scholarly literature on prisoner reentry and debt, there was a nominal focus on implications and effects on criminal offenders. Additionally, there have been state studies and reports produced that have addressed structures, practices, and policy recommendations for specific states (Bannon et al., 2010; Diller, 2010; Diller et al., 2009; Levingston & Turetsky, 2007; McLean & Thompson, 2007; RIFLC, 2007; Rosenthal & Weisman, 2007).

Even though research has been conducted on fines and fees, there is a need for further research on practices, patterns, and the impact of monetary sanctions. The major focus of past research (e.g., judges' survey) has been on the use of fines, probation supervision fees, collection of monetary sanctions, and day fines. This has been conducted at the federal and state levels. Very little focus has been on the actual impact of monetary sanctions on criminal offenders, especially those not sentenced to incarceration, and their families. During one of their foundational studies, Hillsman et al.

(1984) were unable to obtain systematic data regarding the practices of economic sanctions at the national level. Instead, the researchers relied on telephone surveys with judges and site visits with courts. Moreover, Hillsman et al. stated that future research will need to focus on obtaining systematic data that pertains to the practice of monetary sanctions, which are believed to be quite varied; ascertaining the potential undue hardship of fines on defendants; and focusing on the imposition of small economic sanctions.

Several articles examined the prevalence and impact of monetary sanctions. Two important studies were conducted, by Beckett et al. in 2008 and by Harris et al. in 2010. These researchers have examined national and state level secondary data and conducted interviews with convicted felons to ascertain legal debt that is incurred by criminal offenders and to understand the exacerbation of social and economic disadvantage (Beckett et al., 2008; Harris et al., 2010). In 2006, Ruback et al. administered a survey to criminal offenders to ascertain their perceptions of the imposition of monetary sanctions.

The hidden economic impact of monetary sanctions within the criminal justice system can be devastating for individuals and families that already experience financial difficulties and insecurity (Ryan, 1983). Unfortunately, impoverished criminal offenders experience multiple consequences as a result of the criminal justice system. Paying a debt to society seems to have multiple meanings in the criminal justice system. An offender may “pay a debt” by serving time in jail or prison, on probation, community service, and/or monetary sanctions.

Bannon et al. (2010) conducted a study that examined criminal justice debt as a barrier to reentry in 15 states with the highest prison populations. The methodology included one year of data collection from law, court rulings, court officials, public

defenders, and criminal justice workers. This study added to this foundation by including the missing perspective of criminal defendants, expanding on practice and impact of policy. Additionally, the report addressed the need for states to track the actual costs of LFOs that are imposed on criminal offenders. Bannon et al. (2010) asserted,

In many states, it is difficult to even calculate how much debt individuals with different criminal convictions typically face. Fees are often not located in a single place in the statutory code and are not collected at a single point in an individual's criminal proceeding, making it difficult to calculate exactly how much debt a criminal conviction might engender (p. 10).

In addition, Diller (2010) stated that more research is necessary to ascertain concrete amounts of the debts of criminal defendants. Thus, this study will shed light on the real costs of imposed monetary sanctions on criminal defendants.

In most states, it can be difficult to examine the impact of monetary sanctions on a number of variables. For example, the ACLU (2010) discussed that Georgia does not have demographic (race or ethnicity) data accessible regarding monetary sanctions imposed. The ACLU suggested that further study be conducted to affirm their suggestion that persons of color are overrepresented in the corrections system and impoverished. The study examined LFOs in five states in the U.S. and specifically focused on the assessment and collection of debts, and incarceration for failure to pay (ACLU, 2010). The study highlighted several experiences of criminal offenders who were impoverished and unable to pay court-imposed financial sanctions.

The impact of legal debt on the reentry process is a newer area that has developed, primarily through state studies and reports (ACLU, 2010; Bannon et al., 2010; Beckett et

al., 2008; Diller, 2010; Diller et al., 2009; Harris et al., 2010; Levingston & Turetsky, 2007; McLean & Thompson, 2007; RIFLC, 2007; Rosenthal & Weisman, 2007).

Records of the actual amount of additional expenses such as treatment programs, educational groups, and electronic monitoring are not readily available from probation, parole, or court records (Diller et al., 2009). The observation of imposed additional expenses is a missing element that this study addresses, as it is imperative to understand the actual impact of economic sanctions on criminal offenders, their families, and the community. Beckett et al. stated the need for further understanding of how legal monetary sanctions impact the progression of an offender regarding employment, ample income, secure housing, and economic assistance to their families.

Additionally, Beckett et al. (2010) examined only fines, fees, and restitution. They did not include additional expenses such as jail fees, child support, and electronic monitoring. Data obtained through surveys for this study addressed all of the aforementioned by observing firsthand the direct impact of court involvement and monetary sanctions, including additional expenses, on a criminal defendant, their family, and the community.

A limitation of state studies and reports, along with audits and legislature recommendations, are written and researched from a revenue or budgetary perspective (Borchard, 2006; OSB, 2007; Reynolds et al., 2009; Underwood et al., 2007). Thus, the focus and object of previous studies have been governmental agencies, along with their processes. Therefore, rather than researching processes of correctional programs or court systems, studying the perspective of criminal offenders would add to the existing knowledge by offering a different viewpoint. An understanding of the actual impact of

monetary sanctions on criminal defendants, their family, and the community provides a different side on the imposition of LFOs.

Chapter Summary

In summary, this chapter defined monetary sanction in criminal courts. In addition, an overview of the history of economic penalties was provided. Then, current practices and trends of financial sanctions were discussed. Finally, limitations of current research were presented. The next chapter will address the methodology for the study. Specifically, the research design, procedures, participants, and surveys will be discussed.

CHAPTER 3

METHODOLOGY

This chapter presents the research methodology for the study, which sought to answer the following research questions. The first research question sought to answer whether there were different practices and patterns of monetary sanctions before, during, and after the economic recession, which occurred from December 2007 through June 2009, in the ACC WJC Superior Court. To answer question 1, frequencies, amounts, and prevalence of monetary sanctions imposed in the WJC will be presented on defendants from the three different time periods (January 2006 to November 2007, December 2007 to June 2009, and July 2009 to December 2010).

Research Question 2 sought to explore and describe the actual impact of fines, fees, and additional expenses on impoverished criminal defendants, their family, and the community. This question will be answered from survey data obtained from 33 participants. First, fines, fees, and additional fees and expenses that were incurred as a result of court involvement on criminal defendants will be provided. Second, the actual affects of monetary sanctions imposed on criminal defendants will be described, based on the participant's responses to the survey. Finally, the carryover affects of imposed sanctions, from defendants to family and friends, will be discussed from the defendant's viewpoint.

To address the research questions, a multiple case study method was employed, using court records and surveys administered during interviews with criminal defendants

of the WJC Superior Court. Analysis of court records from 2006 through the end of 2010 determined the practices, patterns, and prevalence of court-imposed monetary sanctions. Effects of monetary sanctions on impoverished criminal offenders, along with their family and the community, were analyzed from data obtained from surveys, which were administered in an interview format. Reviewing court documents, along with interviewing criminal defendants, provided data on offenders regarding the practices and effects of court-imposed monetary sanctions.

Research Design

The research project includes a multiple case study design. Multiple case study methods allow for the integration of multiple sources of data such as archival records, interviews, observations, physical artifacts, and documentation (Creswell, 2007; Padgett, 2008; Stake, 2006; Yin, 2009). The purpose of this multiple case study design was to gain an understanding of the financial expenses imposed by the court on criminal defendants. Essentially, this study examines and describes the collective impact of monetary sanctions on criminal defendants, their family, and the community. A systems theoretical framework and multiple case study method are complementary because they afford the integration of the potential environmental, structural, and organizational contextual influences (Stake, 2006).

For this study, court records were used to contextualize and document the practices and patterns of monetary sanctions imposed in the WJC Superior Court. Background information on the actual practices of the WJC, along with examination of the patterns of imposed monetary sanctions prior, during, and after the economic

recession of 2008, furthered the understanding of the effects of imposed fines, fees, and additional expenses on impoverished criminal defendants.

Survey data collected during face-to-face interviews provided an understanding of the impact of monetary sanctions on criminal defendants. Primary data obtained from participants, ascertaining who actually pays monetary sanctions, the impact on family and friends, what encompasses the extra expenses, and how additional fees affect criminal defendants, have yet to be reported in the scholarly literature. Further, a case study approach allows the use of various data sources, such as interviews and records, to identify and analyze themes (Creswell, 2007; Padgett, 2008; Stake, 2006; Yin, 2009). Too often, criminal defendants' perspectives are not included in, nor factored into, knowledge that influences academics, policy, and direct practice.

Setting and Location

ACC is considered a metropolitan area. According to the U.S. Census Bureau's (2005-2009) American Community Survey, the total population of ACC is 111,814. Males comprise 48% of the population and females, 52%. Further, there is a median age of 24. The racial composition includes 67% White, 26% African American, and 7% other. The per capita income is \$19,717, with a median household income of \$33,121. Of the ACC population, 33.3% of individuals and 16.5% of families live below the poverty line. ACC unemployment rates fluctuated between 2006 and 2009, as follows: 4% in 2006, 3.7% in 2007, 4.9% in 2008, and 7.3% in 2009 (United States Department of Labor, Bureau of Labor Statistics, 2006-2009).

The location was ACC, specifically, the court system of the WJC Superior Court. The participants, for determining practices and patterns of monetary sanctions, were adult

criminal defendants with prior involvement in the WJC in the years 2006 through 2010. The determination of being a criminal defendant, or offender, was made by the process of an individual's being charged and convicted through the WJC Superior Court. Access to court records through a computerized record system allowed for the collection of secondary data, which addressed Research Questions 1 and 2; corroborated information was obtained from surveys.

Procedures

This section will address the sampling procedures for the study. Cases were reviewed, defendants were interviewed, and data was analyzed. Due to the specific nature of the research study, and based on the availability of court records, the sample was purposive.

Research Question 1

To address the research question of practices, patterns, and the impact of monetary sanctions in the WJC Superior Court System, the sample was identified and selected from the electronic data system of the WJC. A case was determined based on inclusion criteria that would provide the information to answer the research questions (Stake, 2006; Yin, 2009). A case necessitated that an individual had completed court involvement, allowing for accrual of monetary sanctions, and was not actively involved with the WJC (i.e., new charges or an open case). Thus, a case was excluded based on being an open case, or having a dead docket, probation revocation, *Nolle Prosequi*, or a "no bill" indictment. An open case meant that an individual was still involved with the court system and the legal case had not been resolved. Dead docket meant that there was a lack of evidence to proceed forward and the legal case was closed. Probation

revocation is a charge brought against an offender in which there has been a violation of probation. For instance, an offender could receive a new charge of failure to report to a probation officer, failure to complete ordered treatment, or failure to pay monetary sanctions. *Nolle Prosequi* means that the charges were dismissed by the district attorney's office. For a "no bill" indictment, the prosecutor was unable to obtain enough evidence to proceed with the charges, which are dropped.

The WJC Superior Court cases from 2006 through 2010 were used for the sampling frame for Research Question 1. The procedures for the sampling frame for court record data followed several steps. The first step was to exclude cases that did not meet the necessary criteria, as listed above. Upon the completion of the inclusion list, data was entered for offender demographic information, along with monetary sanctions ordered by the court. Demographic information included race, gender, and attorney type. Monetary sanctions ordered by the court encompassed fines, fees, probation supervision fees, restitution, and bond amount.

To examine practices, patterns, and trends, court records were reviewed across time to establish any trends prior to, during, and after the economic recession of 2008. The recession officially began on December 1, 2007, and ended June 30, 2009 (National Bureau of Economic Research [NBER], 2010). Court records were examined for the time period prior to the economic recession, from January 1, 2006, through November 30, 2007. Cases were reviewed from December 1, 2007, through the end of June 30, 2009, for the economic recession period. For the time period after the recession, cases were reviewed from July 1, 2009, through December 31, 2010. From each time of before, during, and after the economic recession, 100 cases were randomly selected using

the SPSS 19 random generator. Further, the cases randomly selected from each time period were used to determine practices, patterns, and trends of monetary sanctions in the WJC.

Research Question 2

To answer Research Question 2, which sought to explore and describe the actual impact of fines, fees, and additional expenses on impoverished criminal defendants, their family, and the community, the researcher obtained demographic information from surveys administered during interviews and court records. The primary target year for interview participants was 2008, which was based on the economic recession. Of the primary sample from 2008, in which there were 2,393 court records, there was a pool of 764. This large number was used for another study, which a qualitative sample was taken for this study, until saturation was reached with 33 cases (Creswell, 2007). The demographic information obtained included gender, race, age, relationship status, housing, educational attainment, employment, income, expenditures, community involvement, voting practices involvement, and financial help received from a family member or friend. The interview format was a semi-structured interview, lasting approximately 30-45 minutes.

Recruitment consisted of mailing letters to the final pool of 764 and posting flyers. The letters asked criminal defendants who met the inclusion criteria to participate in a research project.

Based on the low response rate, a snowball technique (Yegidis & Weinbach, 2002) of posting flyers that advertised the need for participating in a research study was used at several government agencies. There are several possible explanations for

difficulty in obtaining participants. One explanation is that numerous letters of request for the study were returned due to invalid addresses. The defendant's address that was on file with the court could be outdated. Second, defendants may have been reluctant to participate in anything that appeared to be related to the court because of negative past involvement. Additionally, a defendant may have thought that their information may not have been helpful to the study.

Forty-one individuals responded to the letters and flyers and were interviewed. However, eight defendants were excluded due to missing information from the survey and/or they were not confirmed in the WJC record system. The final number of surveys included in this study was 33. Data saturation was reached with the information provided by the respondents (Creswell, 2007).

The qualitative procedures that were performed used face-to-face interviews, during which the survey instrument was administered. Inclusion criteria included (a) that the criminal defendant's case was closed, (b) that the criminal defendant was not incarcerated, and (c) that there was no probation revocation. Closed cases permitted the survey questions to be asked and provided the possibility that all information could be collected without any further complication of an open case (i.e., monetary sanctions, community service, and other special conditions remaining). Probation revocations are technically new charges, and additional sentences can ensue. All interview protocols were approved by the University of Georgia, Human Subject Review Board.

Participants

In the previous section, general procedures were discussed. This section will cover how participants were selected, along with a description of those used in the study.

All participants for this study were taken from the ACC WJC Superior Court records system. Participants from the years 2006 through 2010 were used to examine the patterns, practices, and trends that addressed Research Question 1. To select participants for the survey that explored Research Question 2, the researcher used court records from 2008.

Research Question 1

As discussed in the previous section, the WJC Superior Court cases from 2006 through 2010 were used for the sampling frame for Research Question 1. The procedures for the sampling frame for court record data followed several steps. The first step was to exclude cases that did not meet the necessary criteria, as listed above. To do so, the researcher reviewed all 9,830 cases from 2006 through 2010 to create an inclusion list. After the inclusion list of 3,260 defendants was completed, 100 cases were selected from each group of Before, During, and After the economic recession. Then, data were entered on the 300 cases selected for analysis. The data selected for analysis included offender demographic information and monetary sanctions ordered by the court. Demographic information included race, gender, and socioeconomic status (measured by attorney type). Monetary sanctions ordered by the court encompassed fines, fees, probation supervision fees, restitution, and bond amount. Table 3 includes descriptive information for the participants.

Research Question 2

Systematic selection was performed using SPSS 19's random generating function. Participants were selected by generating a random list from the 764 inclusion list of criminal defendants from the interview target year of 2008 (Yin, 2009). The recruitment

for participants was conducted in several rounds, or stages. Four rounds of lists were systematically generated, and data was collected over a three-month period.

Table 3

Demographic Characteristics of Court Record Sample

	Male	Female	Total
White	86 (28.7%)	20 (6.7%)	106 (35.3%)
Black	159 (53%)	21 (7%)	180 (60%)
Hispanic	12 (4%)	1 (.3%)	13 (4.3%)
Other	1 (.3%)	0 (0%)	1 (.3%)
Total	258 (86%)	42 (14%)	300 (100%)

The first round was selected on July 27 and 28, 2010, and included letters mailed to 120 prospective participants. Of the 120 recruited, six persons responded. For the first round, interviews were conducted on August 25, 2010.

The second round, generated on September 2 and 8, 2010, the mailing included 110 letters. From the 110 letters sent, five individuals replied and were interviewed. For the second round, interviews were conducted on October 5, 2010.

For the third round, generated on September 26, 2010, 84 letters were sent to potential respondents. From these 84 letters, five individuals responded and were interviewed. The third round of participants was interviewed on the following dates: November 26, 2010; December 2, 2010; and December 17, 2010.

Finally, flyers were posted within the local community at a halfway house, service providers, housing authority where rent is paid, and in residences. The fourth round of participants was interviewed on November 11, 2010; November 26, 2010; December 3,

2010; December 10, 2010; and December 16, 2010. For the fourth round, 17 persons were interviewed. An additional eight participants were interviewed during the third and fourth round, but the researcher was unable to determine whether they responded to a letter or a posted flyer.

Overall, 41 persons were interviewed; however, eight were eliminated from the data set due to missing data from the survey and/or the researcher's inability to verify that they were in the WJC court records. The response rate for the surveys was 5% ($n = 764$). The pooling sample from superior court for 2008 included 314 letter solicitations, followed by posted flyers. Of the 33 participants used for this study, 10 were from either state court or superior court outside of 2008. For this study, the year or state court participation was not the most significant concern. Rather, ascertaining the impact of obligatory monetary sanctions with the defendant's court involvement was more important.

The interviewees were comprised of 73% ($n = 24$) males and 27% ($n = 9$) females, which is commensurate with the national percentage of adult offenders on probation at the end of 2008 (Glaze & Bonczar, 2009c). The participants for this study were disproportionately African American (85%), based on the national statistics for community supervision and prisons and jails for 2008, which included 48.5% Caucasian, 33% African American, and 16% Latino (Glaze & Bonczar, 2009c). Of the 24 males, 91.7% were African American, and 8.3% were Caucasian; of the 9 females, 66.7% were African American, 22.2% were Caucasian, and 11.1% were other. Participants' age ranged from 19 to 56 years of age, with an average age of 36 and a median of 35 years.

In addition, 58% ($n = 19$) were single, 27% ($n = 9$) were divorced/separated, 12% ($n = 4$) were married, and 3% ($n = 1$) were living with someone.

While the racial composition of this study differs from the national averages, it is also disproportionate to the ACC demographics. African Americans comprise a minority of the ACC community, while encompassing the majority of survey participants.

According to the U.S. Census Bureau (USCB) American Community Survey from 2005 to 2009, only 26% of the ACC population included African Americans. Further, the majority of the ACC area was made up of 67% Caucasians (USCB, 2005-2009).

Regarding gender, ACC is almost equal with the percentage of the population of males (48%) and females (52%), which is unlike the composition of gender of the survey participants. Table 4 illustrates the demographic characteristics of the survey sample.

Table 4

Demographic Characteristics of Survey Sample

	Male	Female	Total
White	2 (6%)	2 (6%)	4 (12%)
Black	22 (67%)	6 (18%)	28 (85%)
Other	0 (0%)	1 (3%)	1 (3%)
Total	24 (73%)	9 (27%)	33 (100%)

Data Collection

The WJC Superior Court cases from 2006 through 2010 were used for the sampling frame for Research Question 1. As discussed in the previous section on participants, the sampling frame was identified from court record data, which were

accessed via the ACC WJC website. After the sample was identified and selected from the electronic data system of the WJC, a case was determined based on inclusion criteria that would provide the information to answer the research question (Stake, 2006; Yin, 2009). A case necessitated that an individual had completed court involvement, allowing for accruelement of monetary sanctions, and was not actively involved with the WJC (i.e., new charges or an open case).

The economic recession of 2008 was used as the basis for establishing the groups for data collection. To determine the groups, the official dates of the recession beginning December 2007 and ending June 2009 were taken from the NBER (2010). After an inclusion list comprised of 3,260 (of 9,830) individuals was completed, 100 cases were randomly selected using SPSS 19 random generator from each time frame of before, during, and after the economic recession. Offender demographic information, along with monetary sanctions ordered by the court, were taken from the court record and then entered into SPSS 19. Specifically, demographic information included race, gender, and attorney type. Monetary sanctions ordered by the court encompassed fines, fees, probation supervision fees, restitution, and bond amount. Then, data was entered on the 300 cases selected for analysis.

For research question 2, the survey instrument was created from research questions and literature reviewed (see Appendix A for survey guide). The title of the survey is "Poverty in the Courts." On August 25, 2010, pilot testing was conducted on six participants to test for content and face validity, along with interrater reliability, and for the understanding of the questions, along with the reliability of the instrument. After the initial testing, several questions were modified to improve clarity and relevancy. The

research team (all participated in the pilot testing interview process) met and discussed in detail changes for the final version of the survey instrument.

The survey was comprised of four sections, which included (I) Life Situation, (II) Circumstances of Your Court Case, (III) Fees, and (IV) Financial Impact of Fees. Prisoner reentry literature that addressed some of the influences of financial hardship was used to create survey questions pertaining to Section I, Life Situation (unemployment, housing, and transportation). Scholarly literature on LFOs was examined to assist with question formation for Sections II, III, and IV. Section II, Circumstances of Your Court Case, and Section III, Fees, were designed to obtain specific information regarding imposed monetary sanctions, along with additional fees and expenses. Section IV, Financial Impact of Fees, was designed to obtain information on the carryover effects of criminal defendants' monetary sanctions on their family, friends, and the community. For the survey, preliminary categories and factors were incorporated into the design, which were based on the research questions that sought to understand and explain the effects of imposed monetary sanctions on criminal defendants, their family, friends, and the community.

Section I, Life Situation, contained questions regarding potential hardships that impoverished criminal defendants face. This section provided data to address Research Question 2 by providing a deeper understanding of the actual circumstances of indigent criminal offenders' basic living situations. Basic living was comprised of housing, monthly living expenses, monthly income, employment, health care, and education. In addition, the questions in this section were designed to obtain information on the participant's employment status. Further, court involvement that affected a defendant's

employment was ascertained. A participant's life situation affords the necessary foundation for understanding how monetary sanctions can impact an already difficult life situation.

Section II, Circumstances of Your Court Case, sought to understand a participant's court case, which could lend further information for Research Question 2 on the additional difficulties experienced by indigent defendants. This section allowed a defendant to be able to share his or her court information regarding probation status and any new charges or probation violations. This information was relevant because it allowed for learning whether a participant received probation violations for non-payment of monetary sanctions. Further, Section II inquired whether a respondent possessed a driver's license, which sought to clarify whether the defendant possessed a driver's license, and if so was it revoked by the court. Additionally, the possession of a driver's license can be helpful in understanding barriers to employment. It can also enable the participant to attend required probation meetings.

Section III, Fees, ascertained whether a participant was required to pay probation supervision fees in addition to additional fees and expenses. This section allowed for the collection of data regarding hidden expenses that defendants can incur. Jail fees and telephone fees are examples of additional fees that a defendant may incur when jailed upon arrest. Extra expenditures also can include fees for electronic ankle monitors, family violence assessments and classes, and substance abuse treatment.

Section IV, Financial Impact of Fees, was designed to collect data on the specific types and amounts of monetary sanctions that the defendant was assessed, along with who actually paid them. Impoverished criminal defendants may have a hard time paying

their LFOs and rely on family members or friends. Survey questions in this section were designed to determine whether a defendant paid all of his or her monetary sanctions or whether a family member or friend helped to pay them. In addition, this section included questions regarding the type of monetary sanction that was paid. Further, participants were asked what, if any, sacrifices were made by family members or friends who helped the defendant pay his or her court-related expenses and living expenses.

Survey implementation. The survey was designed to allow for more detailed demographic and categorical information. Further, open-ended questions were used to obtain supplementary data of firsthand information that pertained to effects of monetary sanctions on criminal defendants. Categorical information allowed for description and comparisons of offender and sentencing characteristics.

Training was provided for the researchers who administered the surveys. Uniformity was ensured by the researchers who were guided through administration and collection procedures. Further, the research team developed the survey instrument together, which afforded a deeper understanding of and familiarity with the structure and content of the survey instrument.

Survey participants were given the option of being administered the survey at their residence or a neutral location (e.g., public library, coffee house). With the majority of prospective participants' residing in the ACC area, interviews were arranged around the interviewees' schedules and at locations that were convenient for them. At the interview, the researcher read the consent form, reviewed confidentiality, discussed the purpose of the study, reviewed the honorarium, and obtained pertinent signatures; and each participant received a \$30 honorarium. The respondent was advised of the option to

stop the interview at any time if they were uncomfortable, and they would keep the \$30. Participants received copies of the consent form, along with the researcher's contact information for any future concerns. To further ensure anonymity, participants were assigned code numbers for the inclusion list and pseudonyms for the qualitative case profiles.

Data Analysis

Multiple case study methods can incorporate qualitative and quantitative components to describe, explore, and explain the phenomena under study. Certainty for detecting and establishing behaviors, patterns, or opinions under investigation rises with the number of cases included in a study (Yin, 2009). Further, detecting interactivity and patterns of consistency or uniqueness is enhanced with a greater number of cases (Stake, 2006).

For Research Question 1, court records from 2006 through 2010 were analyzed to determine practices, patterns, and trends before, during, and after the economic recession of 2008. For Research Question 2, responses on the survey allowed for emergence and analysis of themes and categories. Additionally, court records were used to verify and supplement survey responses.

Research Question 1

The first research question sought to ascertain if there were any different practices and patterns of monetary sanctions before, during, and after the economic recession in the ACC WJC Superior Court. The economic recession will be referred to as the economic recession of 2008, which officially occurred from December 1, 2007, through June 30, 2009 (NBER, 2010). For the purposes of this study, three groups of 100 cases each were

compared based on the time frame of the economic recession of 2008. The first group, Before, was comprised of court cases from January 1, 2006, through November 30, 2007. Next, the During group included court records from December 1, 2007, through June 30, 2009. The third group, After, consisted of court cases from July 1, 2009, through December 31, 2010.

Existing court data was examined to describe the practices and patterns of monetary sanctions imposed by the WJC Superior State Court before, during, and after the economic recession of 2008. Patterns of the demographic variables race, gender, and attorney type were examined by descriptive statistics, along with the monetary sanction variables of fines, court fees, probation fees, restitution, and bond. The descriptive statistics included frequencies and amounts. Additionally, means were compared, along with ANOVA comparisons for the demographic and monetary sanction variables. Means were compared for race, gender, and attorney type, with the monetary sanctions of fines, court fees, probation fees, restitution, and bond amounts. To examine possible associations and levels of significance, paired sample correlations and paired samples tests were run using SPSS 19 with the total sample of 300. The practices and patterns will provide an understanding of imposed monetary sanction trends based on the time period of the economic recession of 2008.

Research Question 2

Multiple case study analysis permitted not only the ability to provide description of the effects of imposed monetary sanctions on criminal defendants, it afforded the opportunity to move horizontally, across cases, to examine similarities and differences surrounding the phenomenon of monetary sanctions (Creswell, 2007; Stake, 2006).

Additionally, cross-case analysis allowed observation of repetitious themes, exploration of unique information, and interpretation of interactivity among influential factors (Creswell, 2007; Stake, 2006; Yin, 2009).

Managing information is essential to analyzing data for multiple case study analysis. The researcher must have an extensive understanding of all the data that is used for the study (Stake, 2006). Further, the creation, organization, and management of survey data, court records, and documents that were developed to assist with case profiles were an integral component of the analysis (Stake, 2006). Bogdan and Biklen (2007) defined data analysis as, "...the process of systematically searching and arranging the interview transcripts, field notes, and other materials that you accumulate to enable you to come up with findings" (p. 159).

Analysis should coincide with the start of data collection (Bogdan & Biklen, 2007). The analysis began by the researcher's taking themes directly from research questions (Stake, 2006). Once research questions, or themes, were created, tentative assumptions regarding findings began (Stake, 2006). Themes that developed from Research Question 2 were: (a) fines, fees, and additional expenses on impoverished criminal defendants, their family, and the community; (b) effects of monetary sanctions imposed on criminal defendants; and (c) effects of criminal defendants' monetary sanctions on family members or friends.

Next in the analysis, the researcher identified influential factors, or variables, by reading through each case. After reading through every profile, the researcher matched survey questions that contained variables with either 2(a), 2(b), or 2(c) within Research Question 2 (Appendix B). Subsequently, the researcher merged factors across cases

(Stake, 2006) by entering survey data into SPSS 19. Descriptive statistical analysis provided consistency and manageability and produced means and patterns of variables.

Additionally, a thematic content data entry document was created, allowing placement of factors with the relevant theme. Next, notes and highlighting of individual factors within the categories was conducted. Again, the researcher read through the case profiles to find and analyze additional factors and unique statements or situations.

Factors facilitate the connection between themes and findings through detection of interactivity and patterns, specifically, regularity and exceptionality, with cases (Stake, 2006). These are influential variables that lend support to themes by going beyond the exact words and providing emphasis on specific situations, events, or behaviors (Stake, 2006). For the next step in the analysis, the researcher obtained findings by using factors that were associated with the existing themes, which provided the link between research questions and data (Stake, 2006).

To assist with the conceptual connection between themes and factors, the researcher created categories by reading through the survey data and case profiles, with research questions in mind. The following are the categories that were observed and/or developed in the survey design: (a) monetary sanctions, additional expenses, and fees; (b) basic living expenses, employment, having to choose between living expenses and court costs; (c) assistance from others and sacrifices of family members or friends.

Case Profiles

Pertinent research, practices and patterns of court-imposed monetary sanctions, survey results, individual living situations, court records, individual profiles, and cross-case analysis can provide a richer understanding of the impact of imposed monetary

sanctions on impoverished criminal defendants, their family, and the community (Stake, 2006). However, case profiles provide a snapshot of impoverished criminal offenders who incur financial sanctions. The selection of profiles included in multiple case study research incorporated cases that were chosen based on literal replication and distinct findings (Yin, 2009). Literal replication is the repetition of actual data reported by the participants. Thick description allows for a deeper understanding of the cases (Creswell, 2007; Stake, 2006).

Throughout the analysis, the research questions, or themes, were kept in mind, which Stake (2006) suggests. Integration of survey data, court records, and research notes were used to compile individual case profiles, or narratives. The participant's court record information allowed the researcher to verify, explain, and situate the respondent's answers. The creation of individual case profiles was an ongoing process, which began with entering data from surveys. Survey data included survey questions with categorical answers, participant quotes and responses, and researcher notes and comments.

Next, court records were incorporated. Court record information included monetary sanctions such as fines, fees, restitution, and probation supervision fees; probation length, if relevant; educational or treatment assessment and group, if relevant; and additional history and/or information. Additional history and information could include previous court involvement, probation revocation, and unique information.

Court records provided verification of respondents' involvement with the WJC court system. During the analysis, the researcher determined that some participants fell outside the inclusion parameters of a court case in superior court in 2008. Court records helped determine whether a participant had a case in either superior or state court, as well

as the year of the case. For this study, the year or state court involvement was not the most important consideration; rather, the ascertainment of the impact of imposed monetary sanctions on defendants with court involvement was most important.

For reporting of individual profiles, the cases selected represented repetitive themes and unique situations. To better understand the issue of the impact of monetary sanctions, it is important to capture both atypical and representative cases. Additionally, the case narratives were used in supporting statements in the cross-case analyses; findings from individual profiles were dispersed in relevant thematic sections (Yin, 2009). All 33 surveys were used in the cross-case analysis, using SPSS 19 to provide descriptive statistics regarding patterns, including factors, within themes.

Reliability and Validity

Yin (2009) discusses four tests to assess the quality of research designs. They include construct validity, internal validity, external validity, and reliability. For research design, external validity allows specificity in terminology, definitions, and the operationalization of measures (Yin, 2009). During data collection, construct validity and reliability are used through triangulation and the development of protocols and a database (Yin, 2009). Internal validity is employed during the phase of data analysis through connecting patterns and constructing explanations (Yin, 2009).

Reliability. The researcher addressed reliability by using protocols for collection, organization, and management of all data obtained (Yin, 2009). Moreover, themes were taken directly from the research questions, which allowed consistency in data connection (Creswell, 2007). Factors were taken directly from the survey questions, and cross-case analysis was performed with literal interpretation and description, again providing

uniformity (Creswell, 2007; Padgett, 2008). Presentation of case profiles allowed for the uniqueness and full picture of the events, situations, and opinions of criminal defendants. The stability of case profiles was carried out by constructing the narrative with information taken directly from survey answers and quotes. One issue with the reliability of the secondary data analysis of the court records pertained to some missing data and inconsistencies with reporting monetary sanctions from the final sentencing disposition (Creswell, 2007). Additionally, the researcher kept notes pertaining to processes, ideas, thoughts, and conceptualizations of the progression of the analysis, along with forms, tables, and documents (Padgett, 2008; Yin, 2009).

Validity. External validity encompasses the generalizability of the study assertions, or findings (Yin, 2009). The purpose of this study was to provide descriptive and explanatory information to help with the understanding of the imposition of monetary sanctions, along with the impact on impoverished criminal defendants, their family, and the community. Therefore, the assertions are not intended to be generalized across a broad range.

For case study research, the primary concerns that pertain to internal validity deal with making inferences and causal links, which is not a concern for descriptive studies (Yin, 2009). A systematic strategy to address internal validity includes connecting patterns and constructing explanations. Patterns were connected by linking themes with specific factors, which was previously discussed in greater detail. Building explanations occurred by relating factors and themes from the findings that emerged and using court records.

Chapter Summary

A multiple case study method design was used to understand the impact of monetary sanctions on impoverished criminal defendants, their family, and the community. Court records were used to contextualize and document the practices and patterns of monetary sanctions imposed in the WJC Superior Court. Survey data collected during face-to-face interviews provided an understanding of the effects of economic sanctions on criminal defendants. Further, a multiple case study approach affords use of multiple data sources, such as interviews and records, to identify and analyze themes. The next chapter will offer patterns, practices, and trends, based on 300 systematically selected court records from before, during, and after the economic recession of 2008, which occurred from December 2007 through June 2009, in the ACC WJC Superior Court. Additionally, findings from 33 of the surveys administered to indigent criminal defendants on the effects of monetary sanctions imposed will be presented. Finally, the carryover effects of imposed sanctions, from defendants to family and friends, will be discussed from the defendants' viewpoint.

CHAPTER 4

FINDINGS

This chapter will discuss the findings for the research questions. For Research Question 1, data will be presented on the practices, patterns, and trends of monetary sanctions before, during, and after the economic recession of 2008 within the WJC. This will be followed by findings on the survey data, which addressed Research Question 2. Research Question 2 sought to explore and describe the actual impact of fines, fees, and additional expenses on indigent criminal defendants, their family, and the community. To further understand the impact of monetary sanctions, the perspective of the impoverished criminal defendant will be provided in helping to understand the actual effects of imposed monetary sanctions, proceeding sentencing, on impoverished criminal defendants, along with their family and the community.

Impact of the Economic Recession

This section describes the prevalence of monetary sanctions before, during, and after the economic recession of 2008. Monetary sanction variables are presented to include fines, statutory and other fees, restitution, probation supervision fees, and bond amounts. Additionally, demographic information will be presented on race, gender, and attorney type. To determine practices, patterns, and trends, based on the economic recession of 2008, frequencies and measures of central tendency, along with comparison of means and paired samples tests, are reported. Practices will be addressed by presenting frequencies, or the occurrence, of monetary sanctions. Monetary patterns will

be represented by specific traits of the demographic and monetary sanction variables by measures of central tendency, along with comparison of means. Trends will be captured by discussing the general movement of imposed economic sanctions, which will be addressed through the comparison of means and measures of association. Data was collected over a three-year period (the time frames are Before: January 1, 2006, to November 30, 2007; During: December 1, 2007, to June 30, 2009; and After: July 1, 2009, to December, 31, 2010) from court records.

Frequencies and Amounts

To further understand the practices and patterns of monetary sanctions before, during, and after the economic recession of 2008, frequencies and measures of central tendency will be presented. Specifically, frequencies help to provide an examination of practices. Additionally, measures of central tendency offer an understanding of patterns. First, frequencies and amounts will be presented on the entire sample of 300, which will provide an overview of the cases included for Research Question 1. Next, means, medians, and modes, along with percentages, will be presented separately on the three groups (comprising the entire sample of 300) in the time periods of Before, During, and After.

From 2006 through 2010, the total 300 cases exhibited similar patterns for the demographic variables of race, gender, and attorney type. Comprising the total sample of 300 were 60% ($n = 180$) African Americans, 35.3% ($n = 106$) Caucasians, 4.3% ($n = 13$) Hispanics, and 0.3% ($n = 1$) others. For gender, males comprised 86% ($n = 258$), and females were 14% ($n = 42$) of the total sample. Regarding attorney type, the entire sample was comprised of 76% ($n = 229$) impoverished (public defender, $n = 216$ and

conflict defender, $n = 13$) and 24% ($n = 71$) not indigent (private attorney, $n = 67$ and general combination, $n = 4$). Specifically, public and conflict defender represented indigent defendants, while private attorneys and general combination served those identified as not indigent. General combination could mean a defendant was represented by a private attorney and a public defender, or a public defender and a conflict defender.

The majority of the total sample received bond amounts, a court fee, and a probation supervision fee. Eighty-three percent ($n = 248$) of court cases included bond amounts. Of the 300 court records, 73% ($n = 219$) of cases were imposed a monthly probation supervision fee. Additionally, 71% ($n = 212$) received a court fee. A minority of cases, 34% ($n = 101$), received a fine, and 17% ($n = 52$) were imposed restitution.

When comparing the practice of the imposition of monetary sanctions pertaining to fines, court fees, and probation fees for the entire sample of 300 for the time periods of Before, During, and After the economic recession of 2008, similarities were displayed. The median and mode fine amount imposed was \$500 (After had a mode of \$1,000). For court fees, the mode was \$50, with a \$100 median (During had a median of \$105). Probation fees had \$32 for the median and the mode.

There were some differences with the monetary practices of restitution and bond. Overall, the entire sample had a restitution mean of \$2,384.26, with a median of \$788.66. However, the mean and median restitution amounts steadily increased between the three groups. Specifically, there was a \$287.75 increase in the median restitution amount from before ($n = 13$) and from the recession until afterward ($n = 19$), and a mean increase of \$2,910.80.

The differences between bond amounts were smaller than the previously discussed restitution. The median bond amount for the entire sample was \$5,650, with a mode of \$5,600. Before ($n = 83$) and during ($n = 88$) the recession had the same median and mode bond amounts at \$5,600; however, after ($n = 77$) the recession had a median amount of \$6,500 and a mode of \$5,000.

January 2006 to November 2007. The Before group included 100 cases that were systematically selected between January 1, 2006, and November 30, 2007, prior to the economic recession of 2008. The demographic variables included race, gender, and attorney type. The racial composition consisted of 61% ($n = 61$) African Americans, 35% ($n = 35$) Caucasians, and 4% ($n = 4$) Hispanics. Regarding gender, the majority of this group consisted of 85% ($n = 85$) males and 15% ($n = 15$) females. Further, 75% ($n = 75$) of the cases encompassed indigent defendants, represented by the public defenders ($n = 71$) or conflict defenders office ($n = 4$), while 24% ($n = 24$) had a private attorney and 1% ($n = 1$) was represented by a general combination.

The monetary variables consisted of fines, court fees, probation fees, restitution, and bond. Of the 100 cases in the Before group, 39% ($n = 39$) received fines, 71% ($n = 71$) had court fees, 77% ($n = 77$) were required to pay monthly probation supervision fees, 13% ($n = 13$) were ordered to make restitution, and 83% ($n = 83$) were given bond amounts. Of the 39% ($n = 39$) of cases that received fines, the mean amount imposed was \$541.03, with a median and mode of \$500. Court fees were imposed on 71% ($n = 71$) of these defendants. The mean court fee amount was \$223.80, while the median was \$100 and the mode, \$50. The majority of the sample was required to pay probation fees. The median and mode of these fees was \$32, with a mean amount of \$34.39. Only 13%

($n = 13$) of the group was ordered to pay restitution. The mean was \$1,128.47, with a median of \$638.47. Of the 83% ($n = 83$) of cases with listed bond amounts, the average was \$7,369.88, with a median and mode of \$5,600.

December 2007 through June 2009. The economic recession of 2008 occurred from December 1, 2007, through June 30, 2009, which is the During time period. The demographic composition for race, gender, and attorney type of the During group changed a small amount. For instance, African American defendants decreased 8% to 53% ($n = 53$), Caucasians increased 6% to 41% ($n = 41$), and Hispanics increased 1% to 5% ($n = 5$). In addition, this was the only time period that had the additional racial group of other, which included 1% ($n = 1$). Further, gender changed by 4% for both male and female. Specifically, males increased to 89% ($n = 89$) and females decreased to 11% ($n = 11$). The indigent cases also decreased 3% to 72% ($n = 72$), while non-indigent increased 3% to 28% ($n = 28$).

The monetary variables examined for the 100 During cases included fines, court fees, probation fees, restitution, and bond. Of the 38% ($n = 38$) of cases that received fines, the mean amount imposed was \$594.74, with a median and mode of \$500. Of the 70% ($n = 70$) ordered to pay court fees, the mean amount decreased by approximately \$20, to \$204.94, while the median increased by \$5, to \$105; the mode was \$50.00. As was the case in the Before group, the majority of the During group was mandated to pay probation fees. The median and mode was \$32, with a mean amount of \$35.03. There was a 7% increase in the number of defendants who were ordered to pay restitution, for a total of 20% ($n = 20$). The mean increased by approximately \$500 to \$1,628.28, with a higher median of \$821.66 compared to the Before group. Of the 88% ($n = 88$) of cases

with listed bond amounts, the mean changed by a minimal amount to \$7,292.76, and the median and mode of \$5,600 stayed the same.

July 2009 to December 2010. The After group spanned the time period from July 1, 2009, through December 31, 2010. The demographic variables changed when compared with the Before and During groups. The racial composition shifted for African Americans from 53% ($n = 53$) to 66% ($n = 66$), Caucasians decreased from 41% ($n = 41$) to 30% ($n = 30$), and Hispanics decreased from 5% ($n = 5$) to 4% ($n = 4$). Further, gender changed by 5% for both male and female. Specifically, males decreased to 84% ($n = 84$) and females increased to 16% ($n = 16$). The indigent cases shifted 10% to 82% ($n = 82$), while non-indigent decreased 10% to 18% ($n = 18$).

The monetary sanctions examined for the 100 After cases included fines, court fees, probation fees, restitution, and bond. The number of cases that received a fine decreased from the During group of 38% ($n = 38$) to 24% ($n = 24$). However, the mean amount increased to \$616.67, and the mode changed to \$1,000, while the median remained at \$500. Compared to the During group, of the 71% ($n = 71$) After cases that were mandated to pay court fees, the mean amount decreased from \$204.94 to \$171.70, while the median dropped \$5 to \$105 and the mode of \$50.00 remained the same. Once again, the mean court fee amount decreased from the previous groups. Examining medians and means of probation fees, compared with the Before and During group, the After group probation fees essentially remained the same. Of the 70% ($n = 70$) required to pay monthly probation supervision fees, the mean was \$33.37, with a median and mode of \$32. Essentially, the 19% ($n = 19$) of defendants who were obligated to pay restitution remained the same for the During and After groups. The mean amount

increased by approximately \$2,300 to \$4,039.27, with a higher median of \$926.22 compared to the Before and During groups. For the 77% of cases in the After group, bond amounts increased by approximately \$1,000 from the During group to \$8,168.83, along with the median amount to \$6,500. Figure 3 provides an overview of the mean amounts of fines, court fees, and probation fees for the Before, During, and After group.

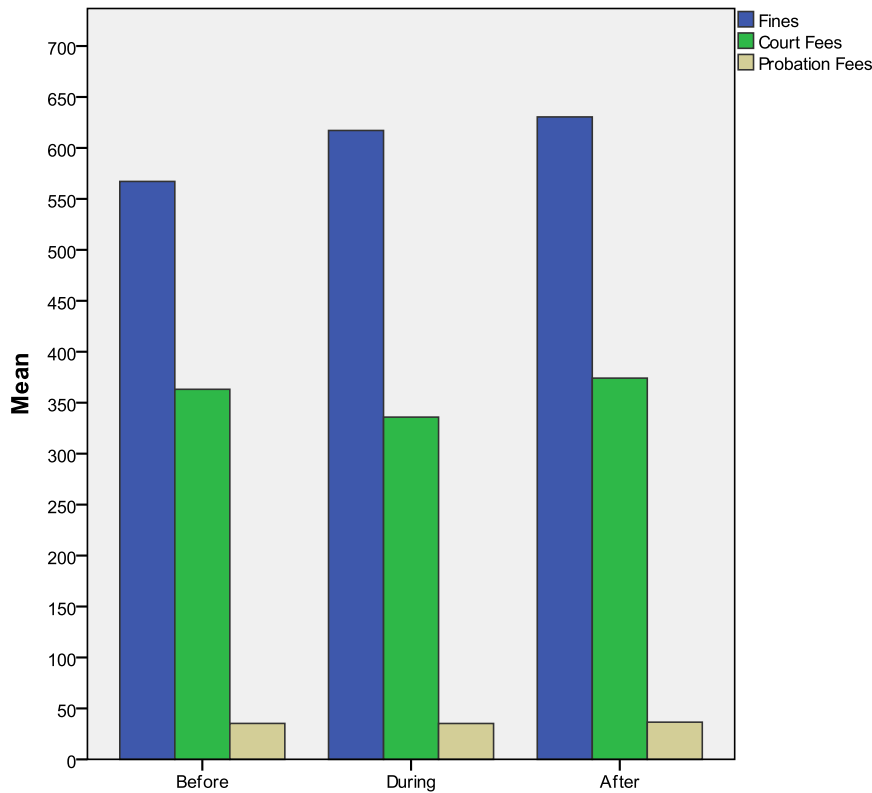


Figure 3. Court-imposed monetary sanctions.

Comparisons of Groups

To further understand the practices, patterns, and trends, means of the Before, During, and After groups were examined. Means of demographic variables were compared with those of monetary sanctions. Specifically, the demographic variables of

race, gender, and attorney type were compared with fines, court fees, probation fees, restitution, and bond amounts. Additionally, measures of association were used with the 300 total samples to determine whether there was any significance or relationship between the demographic and monetary sanction variables.

Means. The examination of race with monetary sanctions within each group (Before, During, and After) produced several findings. Specifically, race was found to be significant for the After group when measured with court fees ($F = 3.58, p < .05$), probation fees ($F = 3.19, p < .05$), restitution ($F = 5.6, p < .05$), and bond ($F = 3.17, p < .05$). With regard to court fees, Caucasians ($n = 21$) had the highest mean of \$261.10, followed by African Americans ($n = 47$) with \$138.20. Lastly, Hispanics' ($n = 3$) court fee mean was \$70.83; they ($n = 2$) also had the highest probation fee monthly average of \$40.00. African Americans ($n = 46$) had an average monthly probation fee of \$34.09 and Caucasians ($n = 22$), \$31.27. Caucasians ($n = 4$) received the largest mean restitution amounts of \$14,916.02, when compared with the mean of African Americans ($n = 14$) at \$1,187.29, followed by Hispanics ($n = 1$) with \$460.00. Again, Caucasians ($n = 23$) were given the highest mean amount for bonds at \$11,591. African Americans ($n = 51$) and Hispanics ($n = 3$) were similar in mean amounts, with \$6,715.69 and \$6,633.33, respectively.

Gender was used to examine whether there were any patterns within the imposition of monetary sanctions. Of all three groups, During was the only one with significance between gender and fines ($F = 4.51, p < .05$), as well as restitution ($F = 7.78, p < .05$). Specifically, males ($n = 34$) received a higher mean fine amount at \$625.35 compared with females' ($n = 4$) mean of \$275.00. Regarding restitution, females ($n = 2$)

were imposed a much higher mean amount of \$5,589.31 as opposed to males ($n = 18$) with \$1,188.16.

Attorney type and resulting monetary sanctions were examined for each of the three groups. The attorney types were public defender, conflict defender, private attorney, and general combination; and amounts of monetary sanctions varied by attorney type. For instance, defendants who were represented by a private attorney had higher mean amounts. Specifically, significance was found for fines ($F = 5.56, p < .01$) and court fees ($F = 3.08, p < .05$) within the Before group and court fees ($F = 3.14, p < .05$) and restitution ($F = 6.59, p < .01$) for the After group.

Defendants who were represented by a private attorney had higher means for the Before and After groups. For instance, before the recession, defendants with private attorneys ($n = 14$) were assessed a mean fine amount of \$857.14, compared with \$358.70 for public defenders ($n = 23$) and \$425.00 for conflict defenders ($n = 2$). In addition, defendants with private attorneys ($n = 20$) were assessed mean court fees of \$401.25, while public defender clients' ($n = 47$) mean court fee was \$151.96 and those of conflict defender clients ($n = 3$) were \$224.17.

After the economic recession, clients who were represented by private attorneys ($n = 4$) received higher means for restitution (\$15,437.13). Public defender clients' ($n = 14$) mean restitution was \$991.90, while the restitution for one defendant with a combination of attorneys was \$1,111.00. Regarding court fees, one defendant who was represented by a conflict defender had a court fee of \$365.00, private attorney clients ($n = 16$) were charged a mean court fee of \$285.13, public defender clients ($n = 53$) were assessed \$136.11, and the one general combination client's fee was \$50.

Measures of Association. To examine possible correlations and levels of significance, paired sample correlations and paired samples tests were run using SPSS 19 with the total sample of 300. Paired samples correlations revealed that negative associations existed between gender and fines ($r = -.249$), along with gender and bond ($r = -.131$). Further, positive relationships were determined to exist between attorney type with the variables of fines ($r = .320$), court fees ($r = .243$), and restitution ($r = .352$). Therefore, significance was reached for gender and fines ($r = .012$), gender and bond ($r = .039$), attorney type and fines ($r = .001$), attorney type and court fees ($r = .000$), and attorney type and restitution ($r = .010$).

To explore the differences between demographic variables and monetary sanction variables, the researcher used paired samples tests to determine the strength of association. Paired samples tests, with a 95% confidence interval, showed that all demographic variables and monetary sanction variables were statistically significant. Of the 15 pairs, all but three had significance levels of $p = .000$. The remaining three pairs reached significance at $p = .004$, which included race, gender, and attorney type with restitution.

Practices, patterns, and trends of monetary sanctions for the court records sample were discussed. Specifically, frequencies, measures of central tendency, comparison of means, and t-tests were presented. Next, findings from survey data obtained during interviews will be provided to address the actual impact of fines, fees, and additional fees and expenses on impoverished criminal defendants, their family, and the community.

Actual Impact of Fines, Fees, and Additional Expenses

This section will explicate the findings as they connect to the sub questions of Research Question 2. Each section below corresponds with each sub question of question 2, which is: What is the actual impact of fines, fees, and additional expenses on impoverished criminal defendants, their family, and the community? The impact of fines and fees can be felt by all persons, regardless of socioeconomic status, race, religion, and gender. For a criminal defendant who experiences poverty and is barely able to meet basic living standards and purchase necessities, the imposition of monetary sanctions and/or additional expenses from the court can be felt deeply.

The following sections will describe and further explain experiences of criminal defendants who have experienced the effects of monetary sanctions imposed by the court system by reporting results on the following questions: (a) What are the fines, fees, and additional expenses on impoverished criminal defendants, their family, and the community? (b) What are the actual effects of monetary sanctions imposed on criminal defendants? and (c) How does the imposition of monetary sanctions on criminal defendants affect their family members and friends? The survey data from the 33 participants revealed three themes that correspond to the questions above. The three themes include: (a) fines, fees, and additional expenses on impoverished criminal defendant, their family, and the community; (b) actual effects of monetary sanctions imposed on criminal defendants; and (c) effects on family members or friends.

To support the conceptual connection between themes and factors, the researcher created the following categories: (a) monetary sanctions; additional expenses and fees; (b) basic living, employment, having to choose between living expenses or court costs;

(c) help/assistance from others and sacrifices of family members or friends.

Subsequently, factors were merged across cases. Table 5 provides a view of the themes, categories, and factors.

Table 5

Themes, Categories, and Factors

Research Sub-Questions/Theme	Category	Factors
Theme 1: Fines, fees, and additional expenses on impoverished criminal defendant, their family, and the community	Monetary Sanctions	Fines Court Fees
	Additional expenses and fees	Restitution Probation/parole supervision fees Conditions of probation Extra fees: Jail fees, telephone fees, translator fees
Theme 2: Actual effects of monetary sanctions imposed on criminal defendants (state of poverty)	Basic living	Housing Monthly living expenses Income Healthcare
	Employment	Current status Court-affected employment Education
	Having to choose between living expenses or court costs	Paid living expenses or court costs
Theme 3: Effects on family members or friends	Help/assistance from others	Level of assistance to help pay court costs and fees Family or friend that helped
	Sacrifices of family members or friends	Opinion of defendant regarding what, if any, sacrifices made by family to help with court involvement

The research questions were designed to determine, through descriptions of factors, whether there is any support of undue hardship on impoverished criminal

offenders, which can and may extend to their family and the community. The survey on poverty in the courts (Appendix A) provided a quantitative way of counting across cases the number of times that a specific factor (influential variable of interest) occurred, lending support to the particular idea of an impoverished criminal offender. After running descriptive statistics in SPSS 19, individual case profiles and supporting statements were used to expound on the detailed descriptions of influential factors.

Theme 1: Fines, Fees, and Additional Expenses

This section describes Theme 1, which was derived from Research Question 2(a), “What are the fines, fees, and additional expenses on impoverished criminal defendants, their family, and the community?” Two categories connected the theme with factors. The first category was monetary sanctions, which was comprised of fines, court fees, and restitution factors. The second category was additional fees and expenses. The factors that comprised additional fees included probation supervision and jail fees. Additional expenses include indirect and hidden factors, or costs, such as telephone, commissary, and medical expenses while incarcerated; assessments, classes, and treatment imposed by the court or as a condition of probation; and transportation, food, and clothing expenses.

Due to the nature of variation, complex cases, and confusing data, case profiles could not be presented in this section. Instead, snippets of cases to highlight points continue to run throughout Theme 1 with vignettes, which provide supporting statements and expound on the detailed description of influential factors. Pseudonyms will be used for the cases presented to ensure confidentiality.

Monetary sanctions. For this study, monetary sanctions were identified as fines, court fees, and restitution. To explicate criminal offenders’ perception of monetary

sanctions, descriptive data from the survey are reported. Further, repetition of factors is captured in the descriptive reporting of information from the surveys. Court records helped to substantiate and verify data. Specific comments and statements, along with court information, are included to depict unique cases. Although incongruence arose between survey responses and court records, an opportunity arose to explore and describe the uniqueness of the criminal offender's perception of the situation. The data reflects the complexity of monetary sanctions, which is depicted by the findings.

Overall, fines varied with 30% ($n = 10$) of participants' reporting an imposed fine, 67% ($n = 22$) individuals were not given a fine, and 3% ($n = 1$) was unsure. Survey results yielded a pattern of 55% ($n = 18$) persons' being assessed a fee; 39% ($n = 13$), no fee; and 6% ($n = 2$), unsure. The average fee amount assessed was \$542; the fee amounts ranged from \$50 to \$2,700. Many participants did not know exactly what they had to pay, thus supporting the notion of complexity of monetary sanctions.

There were unique factors that were often related to particular cases. Some of the participants had their charges dropped or dismissed, while others had their fees combined with drug court charges. For instance, of 33 cases, three cases had their legal charges either dropped or dismissed. Thus, fines and fees were not imposed. In another case, fines and fees were combined with drug court charges.

In addition, there was a distinctive factor within the minority of cases that received probation violations. Specifically, 18% ($n = 6$) of participants received probation violations, which included a violation of failure to pay fines and/or fees. Generally, the probation violation stemmed from a new offense or a number of

infractions. Jay, a participant who was behind in his fines and fees, said, “I want them to revoke me but they won’t.”

To give an idea of the complexity of monetary sanctions, vignettes will be provided. For instance, of the 18% ($n = 6$) who received probation violations, Denzel, Shawn, Trey, and Sara were in arrears for failure to pay court ordered fines and/or fees. Denzel’s probation violation included being in arrears \$384, and Shawn was in arrears \$784 for court fines and fees. Trey, who had an extensive court history, had a probation violation that incorporated his failure to pay court fines and fees. Sara had a probation violation for failure to make payments for six months to Athens DUI/Drug Court, for which she was in arrears \$1,220.

For many indigent defendants, paying fines and fees was difficult. For instance, it took Doug one year to pay his court-imposed fees of \$100 from his 2007 case. Prior to this, Doug had a case from 2006. Fortunately, Doug’s 2006 fine and fee amount of \$525 was converted into 89.3 hours of community service. The court order stated that the conversion was calculated based on the minimum wage rate at the time of the case, which was \$5.85 per hour.

Seven people reported that they were required to pay restitution. Based on court records, however, only six defendants were actually ordered to pay restitution. The amounts ranged from \$149 to \$702.97. The average restitution amount ordered was \$418. Examples of incongruent, or unique, cases are provided by Tony, Lawrence, and Doug.

A minority of the sample did not know exactly what they had to pay the court or probation. Tony’s case is representative of the 25% ($n = 8$) of respondents with

contrasting information between their responses and court records. Tony was sentenced to pay \$290 for restitution and a \$50 crime lab fee. According to his interview response, however, he believed that he was required to pay a \$7,000 fine and no fees. Lawrence and Doug believed that they were ordered to pay restitution, but court records indicated otherwise. Lawrence, who understood that he owed \$1,350 in restitution, was actually ordered to pay a \$1,000 fine, a \$50 crime lab fee, and \$300 in other statutory fees. Doug stated that he was ordered to pay \$500 in restitution; however, he actually paid \$100 in fees for a 2007 court case. In addition, Doug's court record showed that he was in arrears \$525 for fine and fees. Three of the six that accurately stated their restitution amounts were Nickie, Byron, and Leo, who were ordered to pay \$228, \$600, and \$149, respectively.

Additional fees and expenses. The added expense of fees at arrest or while in jail, along with extra expenses incurred while incarcerated, attending court, or with probation, can add up and compound an already difficult time for defendants who are required to pay mandatory court-imposed fines and fees. Additional fees consist of probation fees, jail fees, and translator fees. Expenses while a defendant is incarcerated can include telephone charges, commissary costs (e.g., food, socks, t-shirts), and medical expenditures. Other expenses can include transportation for court or probation, along with any requirements for conditions of probation. Subtle charges incurred by defendants comprised parking fees to attend court or probation-related activities (e.g., assessment, group, drug tests, classes).

Probation fees. Of the 33 survey participants, 73% ($n = 24$) reported receiving a probation supervision fee, 24% ($n = 8$) received no supervision fee, and 3% ($n = 1$) were

unsure. The monthly probation amounts provided by the respondents ranged from \$10 to \$130, with an average amount of \$47.50. The median was \$40, and the most frequently reported monthly amount was \$32. Using the responses of 18 participants whose reported amounts were accurately corroborated with court records, the researcher calculated total amounts for supervision fees by multiplying monthly probation fees with the court-ordered probation length. The average total probation supervision fee for the sample was \$1,231. The median amount was \$864, while the most frequently reported amount was \$480.

In addition to the survey responses, which are provided above, court records were examined to find and verify any unique situations. Of the survey sample, 55% ($n = 18$) accurately supplied the monthly probation supervision fee that was listed on the sentencing disposition form, while 30% ($n = 10$) of responses were incongruent with court records. The remaining 15% ($n = 5$) appeared to be complicated cases. For instance, a case could include an extensive court history with several possible probation fees. In addition, the participant could have probation fees from another case. Further, a defendant may have probation fees that were waived or reduced after sentencing. These situations are important because they highlight the differences between imposed probation fees and the defendants' reported paid fees. This could be an LFO issue raised by the criminal justice system or an issue of the defendants' merely not understanding monetary sanctions.

To illustrate several of the contrasting probation monthly fees that highlight the difficulty of participants' understanding what they owe, the cases of Jeffrey, Lawrence, Will, Krista, and Dominique will be discussed. In each of these cases, there was variance

in amounts paid. For example, Jeffrey reported a monthly supervision fee of \$39, which was not listed on the final disposition sentencing form. Often, defendants were required to go back to court for failure to pay their monetary sanctions. In addition, Jeffrey reported going back to court several times for not paying probation fees and court fees. The first time he went back, he was sentenced to eight months' confinement. Next, he was ordered to report daily to the Athens Day Reporting Center. Finally, he was sentenced to six months' confinement. When asked what prevented him from paying his fees, Jeffrey replied, "Anger and stubbornness."

During Lawrence's interview, he reported that he will begin paying probation fees in a few months because he was recently released from prison. The court record required a monthly fee of \$32; Lawrence stated that he will be required to pay \$32 to \$39. Will stated that his monthly probation fee was \$100, but the sentencing order listed a \$32 monthly supervision fee. Krista reported a monthly probation fee of \$67, while the court order stated that her fee was \$32. After reviewing her case, the researcher determined that the discrepancy could be explained by her restitution's being divided into monthly payments of \$35. Dominique was initially interviewed for the charges he incurred in 2008, which were dismissed. He obtained new charges in 2010, resulting in a monthly probation fee of \$40.

Doug, Precious, and Leo were able to have their probation fee reduced or waived. Doug was able to get his probation fee waived in April 2009. He was required to pay a supervision fee of \$32 from March 2008 to April 2009, which would have resulted in \$429 total for the time period. When Precious was not able to pay her \$70 monthly

probation fee, she went back before the judge and requested her fees be converted into community service hours; however, the judge waived her fees.

Leo's situation is an example of a complicated case, which includes contradictory information, a possible fee reduction, and failure to pay probation fees. Leo reported that his monthly probation fee was reduced from \$35 to \$10, while the court order listed the fee at \$40. In addition, in 2010, Leo incurred a probation violation for a new charge, along with a failure to report to probation office. Further, he was required to pay probation fees, for which he currently owes \$50, and to serve 40 hours of community service.

Jail fees. Based on defendants' responses, jail fees were assessed on 58% ($n = 19$) of participants, 15% ($n = 5$) were not given a jail fee, 12% ($n = 4$) were unsure, and 6% ($n = 2$) were not applicable; 9% ($n = 3$) of the answers were missing. The amounts reported ranged from \$13 to \$1,100. The average amount assessed was \$93; however, when the outlier of \$1,100 was removed, the average was \$21. The most frequently reported amounts were \$13 and \$15. Because court records did not include jail fees, the assessment of the fee, along with the amounts, could not be verified with the court record. Jeffrey, Precious, and Denzel reported amounts that were higher than the most frequently reported amounts. Jeffrey stated that his jail fee was \$80 and Precious, \$45. Denzel's reported jail fee was very high, at \$1,100, which is more characteristic of a bond fee. Regardless of possible inaccuracies in reported amounts, the incongruence and wide ranges of these amounts exhibit the confusion surrounding monetary sanctions and fees.

Translator fees. According to the WJC Superior Court final disposition form and the records system, defendants can be assessed a fee for a translator. No participants in

this survey were assessed such a fee. Court records indicated that Hispanic defendants were assessed translator fees; however, no Hispanics responded to participate in the survey.

Telephone Fees. When defendants are jailed, they are required to pay to use the phone, which can be quite costly. Seventy-nine percent ($n = 26$) of respondents were required to pay an additional expense for telephone usage while incarcerated. Of those charged telephone fees, there was reported variation as to a minute rate, per-call fee, and time restrictions. Amounts ranged from \$1.00 per minute rate to a grand total of \$1,260. Three individuals incurred phone expenses at or above \$1,000; four, from \$100 to \$306; one, \$720; and one, \$800. Case examples will be discussed below to illustrate the differences and similarities of amounts among defendants. Additionally, the cases will describe the exorbitant telephone costs that defendants and their families incur.

David purchased a calling card with a credit card, allowing his grandfather to call him during his incarceration. David was confused regarding how the calling card actually worked, and charges on the card were run up to approximately \$1,000. Because he was unsure about the particulars of the phone expenses, his phone charges were not included with the telephone data on the survey statistics.

Several other participants incurred exorbitant telephone costs while incarcerated. Justin and Amber reported phone costs in the amount of \$1,000. Amber's telephone fees were not included under the specific question pertaining to telephone expenses on the survey, and thus were used only for descriptive information. Shawn stated that his telephone costs were \$21 weekly for one year, which amounted to \$1,092. Jillian incurred a \$1,260 total for phone calls she made while incarcerated. She reported a \$5

per-call cost, and she placed three calls daily for three months. Lawrence reported his telephone and commissary expenditures in one lump sum of \$1,222. He stated that the cost of each call was \$3.50 for 15 minutes.

Different rates and amounts were given for phone costs by several different participants. Denzel knew that each call was \$7.75 but was unsure of the total phone usage fees. Krista stated that the per-minute charge for her calls was \$1.00, but she did not know the total amount. Tony reported that each call cost him \$4.25, and he made six calls per day, which totaled \$25.50 daily; however, he did not know the total phone expenditures. Jay thought each call he placed was \$8.00 but did not know the total cost. Dominique paid to use the telephone in jail and said, "Like \$3.75 flat fee and taken from money had when incarcerated; 15 minute max and was given a receipt." Unlike the other cases, Ellen said that she made 20 to 30 calls total, at a per-call rate of \$6. Multiplying the per-call rate with the number of calls she made gives a total range of \$120 to \$180.

Commissary, medical, transportation, and clothing expenses. Additional information was obtained from the surveys by asking defendants, "What were the other expenses that you had from going to court that were not related to fees or fines?" Participants discussed extra costs such as commissary and medical expenses while incarcerated, along with expenses for clothing and transportation for court- and probation-related activities. Eleven respondents reported commissary costs, along with clothing and transportation expenditures. In addition, two participants discussed the medical expenses they incurred while incarcerated. Totals for the reported additional expenses, including telephone costs that were addressed above, ranged from \$15 to \$4,080. Several defendants' profiles will explicate the type and amount of extra costs

incurred from arrest through the criminal justice system, along with the difficulty in calculating those costs.

Joey incurred several extra expenses during his time in jail. While he was incarcerated for six months, he spent \$20 weekly for commissary items and was charged \$5 to see the nurse. Further, Joey spent approximately \$25 in gas for transportation to court (this amount was not charged by the sheriff's office; rather, it was personally paid by Joey to get to his court hearing). His total expenses for telephone, commissary, medical, and gas was \$816.

Sara also had various costs related to her case, aside from fines, fees, and probation supervision fees. Like Joey, Sara had to pay \$5 for each of her 20 medical visits while she was in jail. Moreover, she paid a total of \$100 in medical costs and spent \$40 a week on commissary items. However, a total amount could not be calculated because she did not provide the length of her incarceration. She also spent \$75 for transportation to DUI court and group.

Several other participants incurred non-court imposed additional expenses. Extra costs Jillian incurred in going to court were \$20 clothing from a thrift store and \$10 to \$20 in gas. In addition, she spent \$240 for commissary items and \$40 for clothing (e.g., underwear, shirt, socks) while in jail. Will spent \$4,000 for a private attorney who specialized in DUIs. Eva went to court three times, which resulted in \$90 for gas and \$7 parking. On commissary items, Doug spent \$120; Byron, \$50; Shawn, \$480; and Billy, \$180.

Extra costs of probation. The survey included four questions that asked whether a participant was obligated to pay for anything regarding probation, along with the nature

and the amount of the obligation. Even though the questions were different, they were essentially the same, seeking to obtain the amount of the additional expenses incurred by a participant for the requirements of probation. For one of the survey questions, “What did you have to do as a condition of your probation?” 61% ($n = 20$) of respondents were required to pay for a condition of probation. Next, 73% ($n = 24$) reported the type of condition(s) they needed to complete. For example, defendants were required to complete either one or a combination of conditions, such as community service, DUI school, Family Violence Program, drug and alcohol treatment, and anger management program. Then, 70% ($n = 23$) provided the costs for completing probation mandates. The costs ranged from \$0 to \$4,500, with an average amount of \$1,645.

Another question asked, “Did you have to pay for anything you were required to do as a condition of probation (i.e., DUI School, educational program, treatment program, community service, etc.)?” Fifty-two percent ($n = 17$) of persons were required to do so, 36% ($n = 12$) did not, 9% ($n = 3$) will or should have to pay, and 3% ($n = 1$) were unsure. In addition, some groups or classes, which were conditions of probation, were provided free of charge to the defendant. Regarding the additional expenses for condition of probation, of the 23 reported amounts taken from the surveys, there was an average amount of \$1,019, with a median of \$580. To illustrate the expenses resulting from conditions of probation, along with contradictions, several cases will be discussed below.

The case of Jeffrey is a unique case that exhibits complexity, confusion, and contradictions of reported requirements of probation. Jeffrey’s reported information is important to present because of the incongruence and potential misunderstandings that it exhibits. He admitted in the interview that he did not cooperate with the probation

department to pay monetary sanctions or perform community service. For instance, rather than completing 250 hours of community service, he reportedly paid \$240 in lieu of completion. Later in the interview, Jeffrey reported that, over a period of 10 years, he paid \$400 for requirements of conditions of probation. This information is contradictory to his earlier statement, as Jeffrey was adamant that he did not, and would not, pay anything for his court case except a jail fee due to his “anger and stubbornness.” Moreover, even though Jeffrey’s perspective is an anomaly, it is important to understand his perception of the potential effects of ordered monetary sanctions and additional expenses.

Another exemplar of an incongruent case is Marcus. He reported paying \$1,000 for conditions of probation, but he did not expound on the details. Additionally, Marcus was ordered to pay a \$15 parking ticket when he went to court. He was also ordered to perform community service but did not report any other requirements. Thus, the nature of the \$1,000 fee is unclear.

A unique situation regarding conditions of probation is highlighted by Lawrence’s case. He was required to pay \$500 monthly for five months, for a total of \$2,500, to the recovery house that he was ordered by the court to attend. At the end of the five months, Lawrence became the house parent and was no longer obligated to pay for residing at the recovery residence. In addition, Lawrence paid additional expenses due to his court involvement, including for \$200 gas and \$500 for child care. Lawrence’s responses to categorical and numerical survey questions are examples of answers that do not fully describe the actual amounts and impact of monetary sanctions. For instance, Lawrence’s answer to the question regarding payment for conditions of probation was “no.”

However, he did pay to live in a recovery program for five months, which was captured through descriptive information.

Several participants discussed the requirements of probation that they have yet to complete. Illustrating several cases will assist in describing the amounts that a defendant must pay, along with types of conditions that he or she is obliged to complete. One participant, Ellen, must pay \$275 for DUI school, which she is required to attend. She also participated in a free recovery program for 18 months. Ellen reported that she has spent \$4,000 to \$5,000 for transportation, which included buses and rides, and did not elaborate further. In this case, the participant did not expound on the details to further the researcher's understanding of the exorbitant transportation expenses.

Another participant who has not yet completed his conditions of probation is Trey, who must pay \$2,520 to attend an alcohol and drug program. Denzel also has yet to complete his requirements of probation or of the court. Denzel has been ordered to pay for a court-mandated family violence assessment and class. He will pay \$200 for the initial assessment, \$35 a week for 24 weeks for the class, and \$3 per week for round-trip transportation costs, for a grand total of \$1,112. Further, Denzel reported that the additional amount that he paid for requirements to comply with probation was, "\$3,000, I think." This amount, which would bring Denzel's total to \$4,112, was not supported by additional information. Again, this case provides unique response patterns of conflicting information, attesting to the difficulties in understanding the financial costs of probation and court involvement.

Another example of a unique reporting situation was Krista's. She reported "yes" to having been ordered to pay for conditions of probation, but she did not provide an

amount. Krista stated that she had expenses for child care while she was in jail for three days.

Jay is an example of a participant who reported that he was not required to pay for conditions of probation. Even though Jay responded that he did not have any monetary expenses for probation requirements, he answered a separate question by stating that he spent a total of \$800, plus fee, for complying with probation. Jay further explained, "I can't keep it all straight." He did not report any conditions of probation, so the nature of the \$800 charge is unclear. His case is another example of responses that can cause the categorical and numerical descriptive statistics for the survey to be misleading. His description allows for a better understanding of what actually occurred.

Ankle monitor and drug screen expenditures. Several participants incurred additional expenses for ankle monitoring services. David was required to pay approximately \$100 for setup, \$6 daily for ankle monitor service for 14 months, and approximately \$20 for a necessary separate phone line without features, for a total of \$3,100. Justin paid a total of \$2,464 for his ankle monitor service. He was required to pay a \$300 activation fee, \$12 daily for seven months, and \$40 monthly for a phone line.

Other additional expenses included those for drug screens and drug court. Connor was required to pay \$25 weekly for one year of drug screens, \$45 for bus passes, and \$70 for gas, for a total of \$1,415. Amber reported the highest amount for additional expenses; she was ordered to pay \$4,500 for two years of drug court.

Community service costs. Another requirement of probation is community service. Participants were asked whether they were required to perform this service and, if so, how many hours they were required to complete. Fifty-two percent ($n = 17$) of

defendants were required to perform community service. The average number of hours they were given was 119. After removing the case that included 1,000 hours of service, there was an average of 64 hours, with a median of 50 hours. The individuals who were mandated to perform community service did so at a variety of places. Examples of the recipients of community service were the animal shelter, food bank, community centers, and other local nonprofit organizations.

A minority of participants incurred extra costs related to the requirement of community service. For instance, 27% ($n = 9$) of participants had supplementary expenses associated with their community service. The reported amounts were \$50, \$70, \$120, \$240, \$375, and \$1,000 (two amounts were missing).

Several participants who had costs connected with community service were Marcus, Jeffrey, Amber, Eva, and Dexter. Marcus's extra expenses were \$120. Jeffrey reported paying \$240 in lieu of performing community service. However, his information was contradictory to his previous statement that he did not pay any fines, fees, or expenses related to his court involvement. Amber paid the highest amount for costs connected to community service, reportedly paying a total of \$1,000 in transportation expenditures. Eva spent \$300 for gas and \$75 for lunch, for a total of \$375, to perform her community service, assisting at blood drives in the Northeast Georgia area. Dexter also had gas costs, in the amount of \$70, to travel to and from his community service requirement.

Even though Krista, David, and Trey stated they had transportation expenses related to performing community service, they did not report the actual costs. Krista was ordered to work 48 hours of community service, which she performed at a local nonprofit

agency. David worked at an animal shelter and a local community park. They incurred expenses related to bus fare but did not report his total transportation costs.

Several defendants were given conditions of probation but have not incurred any extra monetary expenses. Doug was required to perform 63 hours of community service in addition to attending the Athens Day Reporting Center. He did not have any additional expenses related to his conditions of probation. Ellen was required to complete 48 hours of community service and has finished 30 hours while in a recovery program. She also did not have any expenses related to community service.

Theme 2: Actual Effects of Monetary Sanctions or State of Poverty

This section is an explication of Theme 2, which is derived from Research Question 2(b), “What are the actual effects of monetary sanctions imposed on criminal defendants?” Three categories linked the theme with factors. Category 1 is basic living, which encompassed housing, income, monthly living expenses, and health care. Category 2 is employment. The factors comprising this category are employment status, education, and court participation that affects a defendant’s employment. Category 3 includes the participant’s having to choose between paying his or her living costs or court expenses. This section will end with detailed descriptions of several case profiles to highlight the impoverished life situations of defendants.

The survey was designed to collect data pertaining to the basic living situation of the participants. Descriptive statistical information is provided on categories that include participants’ basic living, employment, and their having to choose between paying court costs or living expenses. To provide a deeper understanding of the actual circumstances of indigent criminal offenders’ living situation, profiles are included. The participants’

responses are important because they provide a deeper understanding of the indigent defendants' impoverished life situation. Further, the choice between paying living expenses or court costs will be explicated to highlight the difficult decisions they face.

Basic living. Basic living is comprised of shelter, food, clothing, hygiene items, and health care, paying for which requires an individual to have a source of income. Income can come from employment, family members, friends, government assistance, or nonprofit organizations.

Participants shared their life situations in the areas of housing, monthly living expenses, monthly income, employment, health care, education, and effects of court involvement on employment. The majority of criminal defendants in the survey were experiencing a difficult time meeting the expenses of their fundamental living necessities, thus relying on family or friends to assist. In addition to the reported help that respondents received in paying living expenses, their responses on sources of income and housing status provided further information on their need for assistance.

Housing. The majority of respondents rely on others for housing. For instance, an overwhelming 88% ($n = 29$) of criminal defendants in the survey reported living with family, friends, or a community provided program. Of the 33 participants, 55% ($n = 18$) live with family, 30% ($n = 10$) live at other (recovery residence, halfway house, homeless shelter, home of girlfriend/boyfriend), 12% ($n = 4$) live alone, and 3% ($n = 1$) live with a friend. Figure 4 illustrates housing statistics for survey participants.

Monthly incomes. Of the sample, 88% ($n = 29$) reported their monthly incomes. The remaining 12% ($n = 4$) either answered not applicable, did not report, or missed some information. Incomes ranged from \$0 to \$1,500. Figure 5 illustrates the average

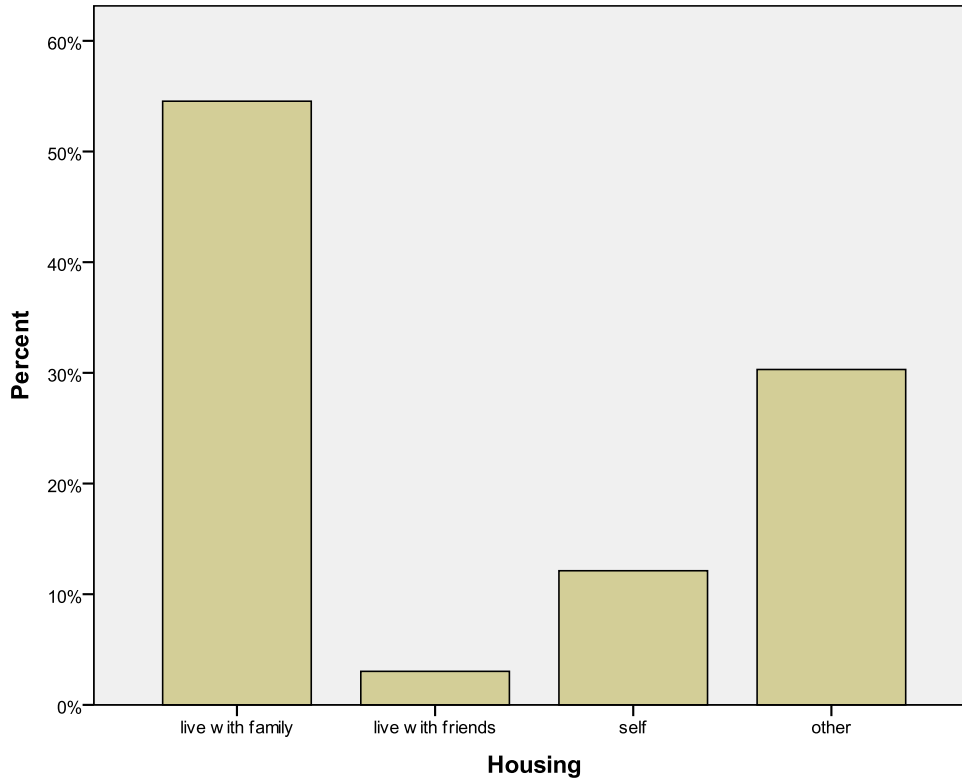


Figure 4. Housing for survey sample.

reported earnings. Sources of revenue included 48% ($n = 16$) combination of work, family, friends, food stamps, unemployment benefits, SSI, Social Security Disability for a child, child support, bus passes from a local agency, or savings. For the individual sources of income aside from combinations, participants reported 12% ($n = 4$) food stamps, 9% ($n = 3$) employment/work, 9% ($n = 3$) family, 9% ($n = 3$) not applicable, 6% ($n = 2$) social security disability, 6% ($n = 2$) other, 6% ($n = 2$) missing, 0% ($n = 0$) unemployment benefits, and 0% friends.

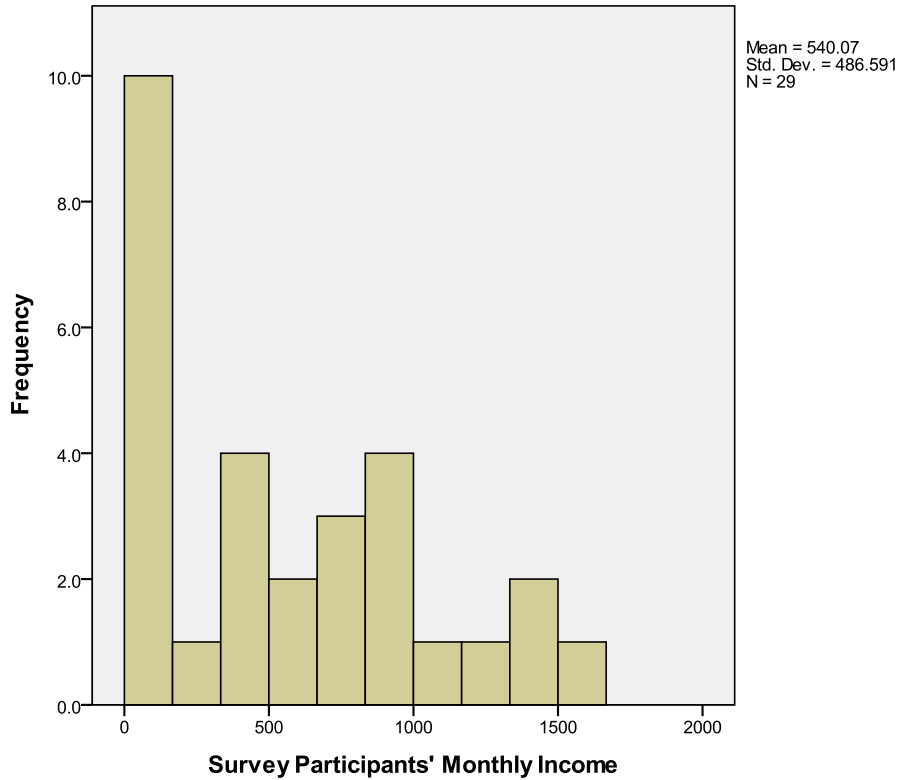


Figure 5. Average monthly reported income of survey participants.

Of the 48% ($n = 16$) of the participants who reported more than one source of income, 63% ($n = 10$) received part of their income from family and government assistance/benefits, 56% ($n = 9$) earned revenue from work, 31% ($n = 5$) had friends who provided them with income, 19% ($n = 3$) received child support, and 6% ($n = 1$) of the participants reported income from multiple sources, including savings and bus passes from a local agency. Even with these participants' reporting multiple sources of income, the average monthly income was \$127 below the average expenditures. Essentially, living expenses exceeded income for these participants.

Living expenses. The average participant living costs are \$127 above the mean monthly income. The average participant income of \$540 is below the mean monthly

costs of \$667. Further, the range of average income was \$100 less compared to the mean monthly expenses, and the average monthly expenditures have a range between \$0 and \$1,600. Further, 15% ($n = 5$) of participants are required to pay child support. For health insurance, only 21% ($n = 7$) of participants are covered, while 3% ($n = 1$) were unsure. Sources of insurance included Medicaid, employment, VA, and spouse's insurance. To understand the difficulty that participants faced in paying basic living expenses, the researcher asked whether they received help to pay for necessary living costs. The majority of criminal defendants, 73%, ($n = 24$) relied on family members, friends, or others to help with meeting basic living expenditures. Only 24% ($n = 8$) did not get assistance to cover their essential monthly expenses, while 3% ($n = 1$) was missing.

Employment. Below, descriptive data from the survey on participants' employment status and the effects of court involvement on employment will be presented. Highest level of educational attainment is also included, as level of education can influence the type of employment for which a person is qualified. The next section describes the participants' current working status, along with the effects of court involvement on participants' employment.

Employment status. A large portion of the criminal defendants who were interviewed were unemployed at the time of their interview. For current employment, 73% ($n = 24$) of the participants were jobless at the time of the interview, and 27% ($n = 9$) were working. On average, the employed respondents worked 33 hours in a week, with a range of 15 to 46 hours. In addition, 73% ($n = 24$) of participants were working at the time of their arrest, and 24% ($n = 8$) were unemployed (3%, $n = 1$, missing).

Court involvement was a factor in defendants' losing jobs or in the number of hours they were able to work. Court involvement affected 67% ($n = 22$) of participants' employment, with 55% ($n = 18$) of participants' losing their job because of their case. Respondents indicated that employment was lost for the following reasons: 39% ($n = 13$) were not applicable, 18% ($n = 6$) other (e.g., employer discovered criminal conviction), 18% ($n = 6$) were arrested, 9% ($n = 3$) were in jail, and 9% ($n = 3$) were in court (6%, $n = 2$, missing).

Education. A criminal defendant's level of education may affect the type of job they are capable to obtain. Fifty-eight percent ($n = 19$) of the participants graduated high school or obtained a GED. Specifically, of those who obtained a high school diploma, 26% ($n = 5$) completed the 12th grade, 32% ($n = 6$) fulfilled their GED requirements, 32% ($n = 6$) attended some college, and 11% ($n = 2$) obtained an Associates of Arts Degree or a Technical Certificate. Forty-two percent ($n = 14$) did not graduate high school or complete a GED. These respondents finished the following grades: 14% ($n = 2$) finished the 8th grade, 50% ($n = 7$) completed 10th grade, and 36% ($n = 5$) went through the 11th grade. As could be expected, 27% ($n = 9$) of criminal offenders were prevented from participating in an educational or vocational program because of their case. Twenty-one percent ($n = 7$) of participants received special education services while they were in school.

Choosing living expenses or court costs. Having to choose between paying court-imposed monetary sanctions or living costs was a difficult decision for some of the participants. Specifically, 61% ($n = 20$) of participants have had to choose between paying for regular living expenses or their LFOs, but 24% ($n = 8$) had not faced this

dilemma. Of the remainder, 9% ($n = 3$) were not applicable and 6% ($n = 2$) of responses were missing. Of the 61% ($n = 20$) participants responses previously reported, 18% chose to pay their regular living expenses, 12% paid money to probation or the court, 36% were not applicable, and 33% were missing. Further, the respondents relied on family members and friends to help them meet their necessary living needs. For instance, 58% ($n = 19$) were living with a family member, while 73% ($n = 24$) received assistance from a family member or friend for basic living expenses. Moreover, the defendant's living choices helped the researcher to understand how poverty can affect a defendant's ability to meet monetary sanctions imposed by the court. To further explicate the defendants' challenges regarding impoverished living situations, the researcher will present seven individual case profiles.

Case profiles. The descriptive information presented above provides an overview of the difficulties that indigent defendants face in meeting their basic living needs. The individual case profiles below will further describe the specific challenges and life situations that criminal offenders face, along with the assistance that they receive. Each profile will address a participant's basic living, employment, and choices made between paying court costs or living expenses. Basic living covers an individual's housing, income, monthly living expenses, and health care. For employment, an offender's job information, education level, and driver's license status will be described in more detail. Finally, the challenging decisions regarding LFOs and living expenditures that a respondent faces will be discussed.

Lawrence. This participant has a previous history that includes two charges in 2008, with one probation revocation, and a charge from 2004. In early 2008, the

defendant was charged with two counts of robbery. His bond was \$10,000 with GPS monitoring. Final disposition was given at the end of the year to include a plea agreement. Count 1 of Robbery by Force was *Nolle Prosequi*; for Count 2 of Robbery by Sudden Snatching, Felony, Lawrence was given a sentence. The sentence included 20 years' confinement, with the first two to be served in confinement and the remainder of the sentence on probation. He was also ordered to enter and complete a 45-day alcohol and drug (A/D) treatment program and to serve eight months in a recovery residence. In addition, Lawrence was barred from the victim's business. He was also given a fine of \$1,000, charged \$50 for a crime lab fee, and ordered to pay \$300 for other statutory fees, for a total of \$1,350.

Lawrence is a separated, 44-year-old African American male. He lives at a recovery residence, where he is the house parent, enabling him to live there rent-free. He makes an average of \$800 a month, which comes from work, food stamps, family, and friends. Prior to Lawrence's job as the house parent, he paid \$500 monthly in rent for five months (totaling \$2,500) to live at the recovery residence. Lawrence's basic monthly living expenditures total \$1,100, which includes a \$300 monthly payment for child support. A few weeks after his interview, child support paperwork will be filed on two more of his children, who are two and five years old. Additionally, Lawrence does not have health insurance.

Lawrence is a cook at a restaurant, where he works 23 to 26 hours weekly. He also works at least 20 hours per week as the recovery residence house parent. Lawrence earned his GED when he was around the age of 21, and he did not receive special

education services while in school. When Lawrence was interviewed, he had a driver's license. He also had one when he was arrested in the 2008 case.

Although Lawrence reported that he does not receive help from others to pay his regular living expenses (\$0 rent), he stated that he relies on others, primarily his mother, to provide for 50% of his living expenditures. Further, Lawrence's income is \$300 less than his expenditures; however, he did not provide a breakdown of his monthly living expenses. When he begins making monthly probation supervision payments in a few months, it appears that Lawrence will have a difficult time meeting that obligation because of his shortfall in money for expenditures. Further, because paperwork has been filed that has ordered Lawrence to pay child support for two more children, he will owe a greater amount in monthly child support.

Lawrence's previous employment was affected by his involvement with the court system. He was charged and convicted of robbing his place of employment and, therefore, was not allowed to go back to work or even be near the premises, or to contact any former colleagues.

Lawrence stated that he has not had to make a choice between paying his LFOs or regular living expenses. He will begin paying his fees in a few months, as soon as he has completed the recovery program. Lawrence has yet to pay all of his probation and court fees. However, he believes that he eventually will pay all of the fines/fees that the court imposed. He was previously unable to pay his monetary sanctions because he had no income. Fortunately, Lawrence has not had to go back to court for failure to pay his LFOs.

When Lawrence was asked whether he would like to add anything regarding the expenses he was ordered to pay from his involvement with the court, he said, “Fair in a sense because I did wrong. Biggest obstacle is did time, but feels like being constantly penalized. Lost several jobs due to felon status. Should be given the right to move on with life.”

Byron. Byron was charged with Theft of Lost or Mislaid Property, which was a felony, and was given an own recognizance (O/R) bond immediately following in the amount of \$1,500. A plea agreement was reached, which included a reduction from a felony to a misdemeanor. Byron was sentenced to two months’ probation, given a \$40 monthly supervision fee and a \$250 fine, and ordered to pay \$600 in restitution, for a total of \$387.50. He was represented by the public defender’s office.

Byron is a single, 28-year-old African American male. He resides with his parents, who own their home. Byron reported that he receives income from multiple sources: He makes \$300 to \$400 from work and approximately \$200 to \$300 in food stamps, and he depends on \$200 to \$300 from family and \$50 to \$100 from his friends. Based on Bryon’s range of income from the various sources, he has a monthly income of \$750 to \$1,100. His total monthly living costs are \$300 for phone and other expenses. He does not have health insurance.

Even though Byron did not directly answer whether he received help from other people to pay his regular living expenses, it is evident that he does rely on others. For instance, he lives with his parents and depends on money from his family and friends.

Byron works as a server for 10 to 20 hours weekly at a catering business. He completed his GED approximately 10 years ago, and he did not receive special education

services while he was in school. At the time of his arrest, Byron was working. However, he lost his job because he was not able to work. Byron wanted to participate in an educational or vocation program but was unable because he was ineligible to receive financial aid due to his legal charge.

For Byron, the choice between paying regular living expenses or monetary sanctions has not been an issue. However, he has not paid everything that he owes to probation or the court, but he has not received a sanction, or violation, for failure to pay his monetary sanctions. Byron was unable to pay his LFOs himself because he does not have a well-paying job.

In his opinion, Byron eventually will pay all of his fines/fees imposed by the court. Without the help of his parents and friends, Byron would not have paid any of his LFOs. They provided considerable help with paying his court-ordered fines, fees, and probation supervision costs. Byron said, "They paid everything; I don't have a well-paying job." Byron added the following statement regarding additional expenses he was required to pay due to his involvement with the court: "Having to pay fees has intensified job search; hard to find job in Athens because of record."

Precious. In August 2008, Precious was charged with Terroristic Threats. Six months later, she pled *nolo contendere*, which meant that she pled guilty to the lesser offense of disorderly conduct, a misdemeanor. Additionally, her sentence included 12 months unsupervised probation, payment of a public defender fee of \$50, and compliance with all conditions of state probation. Precious was given a commercial bond (surety in court record notes) for \$5,600, which was set and signed.

Precious is a single, 31-year-old African American female. She rents her residence. Her average monthly income is \$950; sources of income are social security disability for her child, unemployment benefits, child support, and food stamps. Her total monthly living expenses are \$1,146 (rent \$500, car \$400, furniture \$350, electricity \$150, gas \$60, food stamps \$346, and utilities \$300). Therefore, Precious's income is \$196 less than her monthly bills. In addition, she does not have health insurance.

At the time of the interview, Precious was looking for work. She earned her Associates of Arts in Office Technology from a local technical school. Additionally, she obtained her cosmetology license approximately three years ago. She did not receive special education services while in school.

Her involvement with the court did not affect employment, as she was not working. However, Precious talked about attempting to get a decent paying job and the difficulty in doing so because she is a felon. She said, "Even though we have things on our background, it affects us. They look at me so different, like I murdered someone. They need to take time and listen." She did not lose her cosmetology license when she went to court.

Precious had faced the dilemma of choosing between paying her living expenses or monetary sanctions. In response to the question regarding having to make a choice between living expenses and court fees, Precious said, "All the time. Yes, all the time, every week." When she made the difficult decision to pay her probation fees, her sister helped with the bills. Additionally, Precious received help from a local nonprofit organization. In response to paying her court-ordered public defender fee, Precious said,

“Had to pawn son’s Xbox to pay for public defender. You know, it was my fault so, or my actions.”

Not only did Precious’s sister help with her living expenses, she helped with paying some of the probation expenses. She said, “Had some help from sister with transportation and a few dollars. Sometimes she didn’t have and would scrounge up. She would do without to help me.” She does believe that it created a financial burden for her sister and affected her sister’s ability to pay her own regular living expenses.

Precious believes that she eventually will pay all of the fees to the court that she was obligated to pay. She has paid most of the fees related to compliance with conditions of probation. She did not list anything that prevented her from paying the court fees or other fees regarding compliance with conditions of probation. She had to go back to court because she could not pay her monthly probation supervision fee. Precious said the following about her inability to pay for her fees: “Could not pay probation fees; fees were waived. Went back before the judge to waive probation fee. Asked if had to do community service but they waived.”

Precious disclosed other expenses that she had from going to court that were not related to fines or fees. For instance, she was required to pay for child care and transportation. In addition, she provided gas money and food for family members who helped with babysitting. Precious stated that, at that time, she did not have food stamps, which made things quite difficult. In addition, her expenses prevented her from buying school clothes for her children.

Connor. This defendant has an extensive previous history in state and superior court. He has 19 cases in state court and two cases in superior court. Four state cases

from 2009 were probation violations on two previous cases from 2008. The four probation violations included failure to pay court fines, fees, and probation supervision fees. Three of six cases from 2008 were probation violations. His charges for 2008 included misdemeanor counts of battery, simple battery, disorderly conduct, criminal trespass, obstruction of officers, theft by taking, and emergency help interference. Court records indicated that fines and fees imposed in only one case amounted to \$455 (\$300 fine, \$50 court cost, \$30 P.D.T., \$30 J.C.S., \$15 fee for victims crime assistance fund, and \$30 fee for indigent defense fund), in addition to a monthly probation supervision fee of \$39.

Connor is a single, 28-year-old African American male. He lives with his sister. Connor has no monthly income other than what his family gives to him. Each month, his essential living costs are \$150, for which he did not provide a detailed list. As the majority of the sample, Connor does not have health insurance.

Currently, Connor is unemployed. At the time of his arrest, he was working at a distribution center. When his employer found out about his criminal conviction, he was fired. Not only did Connor lose his job, he was prevented from finishing the auto mechanics program at a local technical school. His employer was paying for his schooling, and he could not afford to continue the program. He did complete high school.

Connor has faced the difficult decision of paying either his regular living costs or monetary sanctions. Further, he has had to go back to court for failure to pay probation fees or fines. When asked the reason that Connor went back to court, he stated, "For late paying, spent 10 days in jail." He was unable to pay his monetary sanctions because he

could not find a job. Connor had some help from his sister and aunt to pay his fines, fees, probation supervision fees, and drug screens. Connor said he could not pay for these items because he “can’t find a job.” Connor reported that he has since paid all of his monetary sanctions, and thus believes he will pay all of his LFOs.

Denzel. The defendant was arrested in 2009 for Felony, Family Violence Battery and received a commercial bond in the amount of \$4,200 approximately one week later. Nine months later, he received a plea agreement and was sentenced to five years’ probation. In addition, he was ordered to submit to evaluation through a family violence intervention program and to have no violent contact with the victim. He was also charged a \$50 crime lab fee, a \$50 indigent defense application fee, a fine of \$500, statutory and other fees in the amount of \$225, and a monthly probation supervision fee of \$32. The total for court fines and fees was listed as \$775 but actually were \$825. The defendant received a probation violation in 2010 for disorderly conduct, failure to comply with a family violence program (FVP), and failure to pay fine and fees. He was in arrears \$384 for court fines and fees and \$99 for probation fees (as of December 2009). He was represented by the public defender’s office.

Denzel is a divorced, 48-year-old Caucasian male. He lives at the Salvation Army because he was banned from a nearby county. “That’s why I’m homeless; my housing is in another county.” Denzel does not have any sources of income nor monthly living expenses. Like the majority of the participants, Denzel does not have health insurance. Additionally, he is not obligated to pay child support, as his son is 22 years old.

Currently, Denzel is unemployed. His past employment experience includes working in construction and warehouses. At the time Denzel was arrested, he was working as a machine operator. Regrettably, he lost his job because he was incarcerated for five months and could not attend work. Denzel participated in regular classes while in school and graduated from high school.

Denzel received some help from his girlfriend to pay his LFOs. He did not have an answer to whether he has paid all of his probation fees and court costs. Even though Denzel reported that he has not had to go back to court for failure to his pay probation fees or court fines, his court record indicated that he had been required to do so. Specifically, the court record included his first probation violation document in May of 2010 for disorderly conduct, failure to comply with the Family Violence Program, and failure to pay fine and fees. He was \$384 in arrears for court fines and fees and \$99 for probation fees (as of December 2009). When Denzel was asked whether he will eventually pay all of his monetary sanctions, he said, "I am gonna try my best."

He has had to choose between paying for his regular living expenses and paying money to the probation office or court, saying, "My car payment one time, instead of paying probation payment." Denzel added the following comments regarding the expenses he was ordered to pay from involvement with the court: "Definitely all this makes it hard; locked up and then get out; you lost everything; repossessed my car; hound you to death."

Phillip. The defendant was arrested in 2008 and three months later was given a surety bond in the amount of \$11,100, which was provided by a commercial bond company. One year later, the case was dismissed. The original charges included

Criminal Damage to Property in the Second Degree and Reckless Conduct. For Count 1, it was reduced to Criminal Trespass. The defendant pled guilty on two counts and submitted a plea agreement. Sentencing included 12 months probation with credit for time served, evaluation/treatment of anger management, a \$290 restitution fee, a \$500 fine, and a \$175 statutory fee; in addition, he was forced to forfeit his weapon and was banned from having contact with the victim. The final disposition shows that there was a \$500 fine, a \$175 statutory fee, and a \$40 monthly supervision fee. He was represented by a public defender.

Phillip is a single, 28-year-old African American male. He rents his residence. Phillip's average monthly earnings are approximately \$1,200. He earns his income from employment and odd jobs (he did not describe his odd jobs). Phillip's income is exactly the amount of his monthly expenditures, \$1,200. He is not obligated to pay child support, and he does not have health insurance.

Phillip is currently working 35 hours per week at a fast food restaurant. Phillip's court involvement did not affect his employment. However, Phillip said, "From March 2009 to March 2010, I was unemployed due to the economy." His highest level of education completed is high school. Phillip said that he "hasn't tried to participate in an educational or vocational program." He did not receive special education services in school.

He has had to choose between paying fees related to compliance with conditions of probation and paying regular living expenses. Occasionally, he receives help from other to pay his regular living expenses. Phillip has paid all of his LFOs himself. Thus far, he has paid approximately \$114.

In his opinion, he will not eventually pay all of the fees to the court he was obligated to pay. The reasons he gave for not being able to pay the court fees or probation were “not having money, paying living expenses first.” He has not been ordered to go back to court for not paying court fees or probation requirements. When Phillip was given the opportunity to share anything about the expenses he had to pay from his involvement with the court, he said, “Believe it is a money thing. Why did I have to pay for supervision because they did not supervise me?”

Nickie. Nickie was arrested in 2007 for the charges of Criminal Damage to Property, Second Degree. Nickie was given a property bond for \$2,850, which was taken care of, paid, the next day. One year later, a plea agreement (*nolo contendere*) was reached and final disposition was given. The sentence included reduction to Criminal Trespass, a misdemeanor, 12 months unsupervised probation (case will close upon payment of restitution), and \$228 in restitution. She was represented by the public defender’s office. No fines or fees were listed on the order.

Nickie is a married, 30-year-old African American female. She has four children and lives with her family. They rent their residence. Her average monthly income is \$450-\$500. In addition, she receives help from her husband to pay regular living costs. Her sources of income include SSI disability for one of her children and food stamps. Additionally, Nickie receives \$1,990 each quarter from the Pell Grant for school. Her total monthly living expenses are approximately \$1,600. She does not have health insurance; however, her children have Medicaid.

Nickie is not currently employed. However, she has been attending a nearby college for one-and-a-half years. She was working at the time of her arrest, and her

involvement with the court affected her employment. Nickie was expected to start another job on the day of her arrest; however, she lost that job even though she posted bond and was out of jail.

Nickie had some help from her husband to pay the \$228 she owed in restitution. She could not pay the total amount herself because she had to pay other bills. Nickie has paid all of her LFOs. She has not had to choose between paying her regular living expenses and paying money related to the case. However, a major impact was losing the family home due to the payment of her bond. Her court record listed the bond at \$2,850. Nickie said that she paid her grandmother back \$250 for the bond. Near the time of Nickie's arrest, her husband lost his job. Regarding the loss of the house, Nickie said, "Husband lost job. The money they paid out could have been used to allow them to keep their home."

Theme 3: Effects on Family Members or Friends

This section describes Theme 3, which addresses Research Question 2(c), "How does the imposition of monetary sanctions on criminal defendants affect their family members and friends?" Two categories emerged from this theme, which included help/assistance from others and the sacrifices of family members or friends. Within the first category of help/assistance from others are several factors, such as the level of assistance that defendants received and the type of person that helped (family, friend, other). The second category included the opinion of the defendant regarding the sacrifices, if any, made by family members or friends.

Data will be presented on the percentage of participants who received help for money for telephone calls while incarcerated and assistance in paying LFOs.

Additionally, participants' perception of sacrifices made by family members or friends will be discussed. Brief data will be provided on the participants' beliefs regarding sacrifices made by family members or friends. Finally, participant information will be presented in short profiles to explicate the assistance received, along with the perceived sacrifices, by family members, friends, or others.

Help/assistance from others. Defendants received help from family members, friends, and, occasionally, both. An area in which a participant could receive assistance from others was costs of court involvement. This included telephone costs during incarceration, along with fines, fees, probation supervision fees, or additional expenses.

Seventy-nine percent ($n = 26$) of respondents reported that they were required to pay an additional expense for telephone usage while incarcerated. Of those charged telephone fees, there was variation to a per-minute rate, per-call fee, and time restrictions. Amounts ranged from \$1 to \$1,260. Three individuals incurred phone expenses at or above \$1,000; four, from \$100 to \$306; one, \$720; and one, \$800. Of the 79% ($n = 26$) of persons who reported paying to use the telephone in jail, 65% ($n = 17$) reported receiving help to pay those expenses. Following is a list of those who helped: 33% ($n = 11$) family members, 24% ($n = 8$) missing, 21% ($n = 7$) not applicable, 9% ($n = 3$) spouse/partner/girlfriend or boyfriend, 3% ($n = 1$) friend, 3% ($n = 1$) self, 3% other ($n = 1$), and 3% ($n = 1$) a combination of the above.

Criminal defendants were asked whether they received help from other people to pay fines, fees, probation supervision fees, or cost of conditions of probation. Of the survey sample, 61% ($n = 20$) reported receiving help from others. Of the participants that reported receiving assistance, 60% ($n = 12$) received "some help" and 40% ($n = 8$)

received “a lot of help.” The 61% ($n = 20$) who received help were helped by family members (65%, $n = 13$), spouse/partner/girlfriend or boyfriend (15%, $n = 3$), other (5%, $n = 1$), and a combination of the above (15%, $n = 3$). Eighty percent ($n = 26$) of people (taken from another question which has seven more responses) who answered yes to receiving help with monetary sanctions reported receiving help with probation supervision fees, conditions of probation, a combination of the two, and other.

Sacrifices of family members or friends. Based on the defendants’ perspectives, they believed as a whole that family members or friends made sacrifices to help them with basic living expenses, court costs, and/or probation fees. Participants were asked their opinion regarding whether their family members or friends had made sacrifices to help them pay their fines, fees, or other expenses. Seventy-six percent ($n = 25$) of persons answered yes, 9% ($n = 3$) no, 9% ($n = 3$) were not applicable, 3% ($n = 1$) were unsure, and 3% ($n = 1$) were missing.

The sections above presented descriptive statistics from the survey data. Next, 28 participants’ information will be presented in short excerpts to explicate the assistance received, along with the perceived sacrifices, by family members, friends, or others.

Case profiles. Presented are case profiles of defendants who reported opinions of perceived sacrifices of family members, friends, or others. Reported perspectives should be taken with caution because of several limitations. For instance, some respondents varied in the depth of their answers to the questions on the survey. One possible explanation includes a participant’s ability to understand the question asked. Another reason is that a respondent could have received help from others all of their lives, thus

resulting in a sense of entitlement or expectation on their part versus a sacrifice on the part of someone else.

Jeffrey. Jeffrey receives help from his girlfriend to pay regular living expenses. He believes it creates a financial burden for his girlfriend and affects her ability to pay her own regular living expenses. When asked to describe the financial burden placed on his girlfriend, he said, “Harder for her to save money and start an account.” In his opinion, his family members or friends made sacrifices to help him pay the fees he was required to pay the court or the fees he had to pay as a condition of probation. He described those sacrifices as, “Cash advances, transportation to see them, hold plans.” The reasons he gave that prevented him from paying probation supervision fees and court fees were “anger and stubbornness.” The participant was adamant that he was not going to pay for anything regarding his court involvement costs.

Billy. Billy receives help from other people to pay regular living expenses. He lives with his father, who gives him money. While Billy was in jail, his girlfriend paid his \$30 telephone costs. He also had help, while in jail, from his family (\$100 from his brother, \$50 from father, and \$30 from sister). The money went toward underwear, socks, t-shirts, food, and snack items. He is “not certain” whether his family members or friends made sacrifices to help him pay the fines, fees, or other expenses but agrees, “It was a hardship.” When asked if he had to choose between paying living expenses or court costs, Billy said, “Chose to help sister and her kids with living.” He was living with her at the time and helped with rent and food.

Dominique. During Dominique’s stay in jail, he had telephone expenses but did not report who paid the phone fees. He had “a lot of help” from his mom to pay the fees

imposed by the court case. Regarding help that Dominique received from his mom, he said, "Help from Mom about half and half. 1997 spent 9 years in prison. Has a daughter and he pays half of daycare and mom other half: \$175 weekly, \$700 monthly; he spends \$350." Dominique had considerable help from his mom to pay for his conditions of probation, which he has almost paid off. He believes that his family members made sacrifices to help him pay the fees related to court involvement. He said the following about his mom helping, "Mother has cash money."

Tony. Tony had telephone costs of \$4.25 per call for 6 days while in jail, but he did not report what he actually paid. He had "a lot of help" from his mother and grandmother to pay his fines and probation fees. They helped pay probation fees, which he reported was \$40 monthly. Specifically, Tony reported owing \$7,000 fines, no fees, and a \$40 monthly probation/parole supervision fee. (Court records indicate \$290 restitution, a \$50 crime lab fee, and a \$32 supervision fee). Tony said that the reason he could not pay the monetary sanctions himself was, "No real job or full-time employment. I was just released from prison." In his opinion, his family members or friends made sacrifices to help him pay the fines, fees, or other expenses. He described the sacrifice as, "Paying for his probation fees and living expenses." Further, Tony believes that his 26 months in prison should count as payment.

Lawrence. Lawrence's mom paid for his telephone use while he was incarcerated. The cost was \$3.50 per 15 minutes, and he called once a month (to home and AJP but did not report number of months). He paid all of his fees on his own. He reported that his fee amount was \$1,350 and his monthly probation supervision fee was \$32. (The court record had a \$1,000 fine, no fee, and no supervision fee listed).

Lawrence was unable to pay his fees because his child support payment uses a large portion of his check. Lawrence believes that his family members made sacrifices to help him pay his fees. He described the sacrifices as follows: “Mother done almost everything. Money orders while in jail and helps with kids now. Jail, \$40/month. Bought kids school clothes (\$500 at least).”

Nickie. Nickie’s mother-in-law paid \$24 for her to use the telephone in jail. She had a property bond that her grandmother posted, and Nickie then paid her grandmother back \$250. She had “some help” from her husband to pay the \$228 restitution fee. Nickie could not pay this because she had to pay other bills. In her opinion, her family members or friends made sacrifices to help her pay the fines, fees, or other expenses. She described the sacrifices as follows: “Husband lost job; the money they paid out could have been used to allow them to keep their home.”

Justin. While Justin was in jail, his girlfriend paid his telephone costs, which were \$1,000. His expenses related to court involvement included \$2,464 for an ankle monitor, \$805 in court fees, and a \$32 monthly probation supervision fee. (The court record had an \$800 fine, \$475 in court fees, and a \$32 probation fee). Justin had “a lot of help” from his grandparents, who provided \$150 in one year for probation fees. He was unable to pay these himself because he did not have an income, and his SSI was stopped when he was put in jail. In his opinion, his family members or friends have not made sacrifices to help him pay the fines, fees, or other expenses. However, he contradicted himself by saying, “But grandparents had to pay during the time he was incarcerated.”

Doug. Doug’s mom paid his telephone costs while he was in jail, in the amount of \$80. He paid all of the fees on his own. Doug said that his court fees were \$100, the

restitution fee was \$500, and his monthly probation supervision fee was \$33, which was waived a few months earlier. (The court record does not have restitution). Doug said that he paid all of his court expenses on his own. He reported that his family members and friends sent him money while he was in jail, in the amount of \$20 to \$50 weekly. In his opinion, his family members or friends made sacrifices to help him pay the fines, fees, and other expenses.

Ellen. Ellen's family and friends paid her telephone costs while she was in jail. The total ranged from \$120 to \$180 (\$6 per call, for 20 to 30 calls total, collect). She had "a lot of help" from her mom and ex-boyfriends to pay a jail fee of \$13, court fees, and a \$130 monthly probation supervision fee (three to four months of probation fees would total \$400 to \$500). Ellen could not pay these fees herself because she stated that she was getting high and the only way it would get paid was if they took care of it. In her opinion, her family members or friends have made sacrifices to help her pay the fines, fees, or other expenses. They have made sacrifices because "mom had to help pay probation."

Dexter. Dexter's wife paid \$720 for his phone use while he was incarcerated. He reported that his court fees were \$1,100, his monthly probation fee was \$110, and his fee for the drug treatment program was \$770. (The court record did not show any fees or fines and listed the monthly probation at \$32). His wife helped him pay the above costs because he was not working at the time. There was no response for whether he received help from a family member or friend for regular living expenses. However, he paid rent, bills, and food expenses instead of probation. In his opinion, his family or friends made

sacrifices to help him pay the monetary expenses. For their sacrifices, he said, “Doesn’t pay bills; taken out loans, car title; holds back on bills, stressful, and can’t afford doctor.”

Precious. Precious did not have any telephone expenses while in jail. She had “some help” from her sister to pay the court fee and probation supervision fees. She explains, “Had some help from sister with transportation and a few dollars,” which placed a financial burden on her sister. Precious believes that her sister made sacrifices to help her pay the \$50 public defender fee and a monthly probation supervision fee of \$70 (which was eventually waived by the court). She described the sacrifices of her sister as follows, “Sister would make stretch and do without. Sometimes she didn’t have and tried to scrounge up, would do without to help me.”

Krista. While Krista was in jail, it cost her \$1 per minute to call collect. Her family, primarily her grandmother, paid the phone costs. Krista reported \$822 in court fees, \$772 in restitution, and \$67 in monthly probation supervision fees. (The court records showed a \$100 court fee, a \$702.97 restitution fee, and a \$32 probation fee). She had to give her grandmother gas money to take her to her court-mandated community service. Krista’s probation officer helped her by lowering the costs due to a physical illness and told her to pay what she could. She had “a lot of help” from others to pay fees, such as her probation costs when she was looking for employment. She couldn’t pay them herself because she was unemployed. In her opinion, her family members have made sacrifices to help her pay the court costs, probation supervision fees, and additional expenses. She described the sacrifices as follows: “Bond, grandmother put lien on property to pay; still owes \$500 to bondsman. Grandmother has sacrificed a lot.” In

addition, her grandmother assisted her by taking care of her child for three days while she was in jail.

David. His grandfather paid David's phone expenses while David was in jail. David purchased a \$50 calling card with his credit card prior to going into jail. He thought the card gave him unlimited calling, but the charges eventually amounted to \$1,000. In addition, David had an ankle monitor that cost a total of \$3,100. He had "some help" from his grandfather to pay his \$100 court fee, a \$32 monthly probation supervision fee, and \$3,100 for an ankle monitor. David believed a financial burden was placed on his grandfather because he helped pay for his bail, fees, and living expenses. Further, his grandfather paid \$1,600 to get David out of jail, and his living expenses. David believes that his grandfather made sacrifices to help him with all of his LFOs. Specifically, David said, "My grandfather is supposed to be retired. He is making sacrifices he shouldn't have to at this time in his life."

Antonio. Antonio did not have to pay to use the telephone in jail. His monthly probation supervision fee is \$40. He had "a lot of help" from his girlfriend to pay his probation fees. In his opinion, his girlfriend made sacrifices to help him pay these fees. "They needed the money they self but they helped me." Antonio could not pay these himself because, he said, "Bills and didn't have the money."

Phillip. Phillip paid approximately \$16 to use the telephone while he was in jail. He paid the court fees of \$1,300, a monthly probation supervision fee of \$40, a restitution fee of \$176, a fee of \$1,998 for ankle monitor service, and a \$1,000 fee to the bondsman. (The court record shows a \$500 fine, \$175 court fees, a \$290 restitution fee, and a \$40 monthly probation supervision fee). Phillip reported that he has paid his monetary

sanctions on his own. In his opinion, he believes his sister made sacrifices to help him. Phillip said his sister sacrificed by, “Fair to moderate, running her phone bill up, and cut off. She has three kids.” Phillip had a hard time paying his monetary sanctions because, “Not having money. Paying living expenses first.”

Marcus. Marcus’s mom paid for his three phone calls while he was in jail (he did not report the amount). He had “a lot of help” from his mom to pay the court fee of \$250 and a \$32 monthly probation supervision fee. (The court record shows a court fee of \$100 and a \$250 restitution fee). Marcus believes that his mom made sacrifices to help him pay the court fees and probation supervision fees. When asked to describe his mom’s sacrifices, he said, “Mom might cut back on gas, transportation.” Marcus could not pay these fees himself because he was “Not able to work, nothing else.”

Byron. Byron had “a lot of help” from his “parents mostly, also family and friends,” to help pay \$600 in restitution, a \$350 fine, a \$137.50 court fee, and a \$40 monthly probation supervision fee. Byron could not pay these fees himself because, “Don’t have a well-paying job.” He believes that his family members and friends made sacrifices to help him pay his LFOs. He describes their sacrifices as, “Going without car insurance, having to pay their bills late, and other financial implications.”

Will. For the four phone calls Will made while in jail, his father paid a total of \$80. Will’s parents helped “some” with paying his \$320 fine and \$100 monthly probation supervision fee. (The court record shows a \$200 fine, a \$120 fee, and a \$40 probation fee). Further, they helped with the \$4,000 fee for Will’s attorney, who works with a great number of DUI cases. In Will’s opinion, his parents have made sacrifices to

help him pay the fines, fees, or other expenses. He described their sacrifices as, “Parents; lots of worry; sending money when they could.”

Vanessa. With regard to expenses from court involvement, Vanessa said, “Constant worry. It’s off, water off. Reinstatement fees \$310, plus late fees.” Vanessa had \$100 court costs and a \$42 monthly probation supervision fee, which she pays herself. (The court records show a \$32 probation fee.) Her boyfriend helped with paying the \$600 bond. Vanessa could not pay her bond because she was in jail. Vanessa believes her daughter and boyfriend had made sacrifices to help her pay the court fees and other expenses.

Jillian. Jillian’s telephone expenses in jail were \$1,260 (\$5 per call, 3 calls daily, for 3 months), which was paid by her family (her son, dad, cousins, and mom). She paid all of the fees on her own. The court imposed \$100 in court fees, along with a \$32 monthly probation supervision fee. She was ordered to go back to court for failure to pay probation fees. When Jillian went back, she enrolled in a Treatment and Accountability Court program. Regarding her inability to pay, Jillian said, “Failure to pay was due to drinking and not checking in.” In her opinion, her family members made sacrifices to help her pay her fees and other expenses. She described their sacrifices as follows: “Providing transportation to court and community service, bringing money in jail to use for commissary, and phone bill.”

Eric. While incarcerated, Eric’s \$800 phone fees were paid by his cousin. Eric reported that the court imposed a \$50 fee, along with a \$32 monthly probation supervision fee. (The court record shows a \$100 court fee.) In his opinion, Eric’s family members did not make sacrifices to help him pay the court fees and probation supervision

fees. When asked whether he would like to say anything else about court-related expenses, Eric said, “It’s too much money. A lot of people would rather go to prison than hustle and bustle to pay all of that money.”

Denzel. Denzel’s court record showed that he owed a \$500 fine, \$425 in court fees, and a \$32 monthly probation supervision fee. However, he reported that he was obligated to pay \$300 for court fees and a \$32 monthly probation supervision fee. He received “some help” from his girlfriend to pay these costs. He did not report specifically what she helped pay and why he could not pay. Denzel believes that his girlfriend made sacrifices to help him pay the fees and other expenses. He explained, “Girlfriend had to sacrifice and now she is unemployed.”

Leo. Leo incurred \$350 for phone costs while in jail, but he did not report who paid these. The court record showed that Leo was imposed a \$50 court fee and a \$40 monthly probation supervision fee, but he did not report the exact amount of the previously reported court fee and probation supervision fee. Instead, Leo stated that he had a \$1,500 fine, a \$149 restitution fee, and a \$35 probation supervision fee, which was reduced to \$10 monthly. In addition, he took anger management classes, for which he was required to pay \$125. He received help from his mother and ex-wife to pay the above costs. In his opinion, his family members made sacrifices to help him pay the fines, fees, and other expenses.

Trey. Trey’s sister paid \$20 for his phone fees while he was incarcerated. His court record showed that he owed a \$250 fine, \$137.50 in court fees, and a \$32 monthly probation fee. However, Trey reported that he was imposed a \$6,000 fine, \$2,520 for an alcohol and drug program, and a \$23 monthly probation fee. He had “some help” from

his sister to help pay the fees. In his opinion, his family members made sacrifices to help him pay the fines, fees, or other expenses. When asked to describe the sacrifices of his family, he said, “Money, food, her living situation.”

Sara. She paid all of the court fines and fees herself. She was prevented from paying everything because of “no job, no money.” Sara did not receive help from anyone for her court-related expenses. She reported that a court fee of \$2,700 was imposed, along with a \$55 monthly probation supervision fee. Although Sara was confirmed under the jurisdiction of WJC, her responses could not be verified, as she transferred in from another jurisdiction.

Shawn. Shawn’s girlfriend paid \$1,092 for his telephone costs while he was in jail (\$21 weekly for 52 weeks). He did not report any fines or fees on his case. Because Shawn has an extensive history in superior and state court, it was difficult to accurately determine his monetary sanctions. However, Shawn believes that his family members or friends made sacrifices to help him pay court-related expenses. He described the sacrifices as follows: “Led to break-up of their relationship.”

Connor. Connor’s sister paid his \$100 phone costs while he was in jail. Connor reported that he was obligated to pay a \$600 fine, \$350 in court fees, a \$45 monthly probation supervision fee, and \$25 weekly for drug screens. (The court records shows a \$300 fine, a \$155 court fee, and a \$39 probation fee). His sister and aunts “helped some” in paying all of the fees and costs. Connor was unable to pay because he “can’t find a job.” He believes his family members have sacrificed, explaining, “They forego various things they need.”

Amber. While in jail, Amber made collect calls to her sister, aunt, son, bonding company, and several others. She reported that all of her fees were included in drug court fees, totaling \$4,500. She had “some help” from her sister, aunt, and son. However, Amber said she has paid them back most of the money. In her opinion, her family members made sacrifices to help her pay her fees. She described it as follows, “They were out the money, sacrificed church dues, which was otherwise for groceries and church dues.”

Chapter Summary

This chapter reported on the findings for the research questions. For Research Question 1, data was presented on the practices, patterns, and trends of monetary sanctions before, during, and after the economic recession of 2008 within the WJC. This was followed by findings on the survey data, which addressed Research Question 2. Research Question 2 sought to explore and describe the actual impact of fines, fees, and additional expenses on indigent criminal defendants, their family, and the community. To further understand the impact of monetary sanctions, the perspective of the impoverished criminal defendant was provided in helping understand the actual effects of imposed monetary sanctions, proceeding sentencing, on impoverished criminal defendants, along with their family and the community.

CHAPTER 5

DISCUSSION

In this chapter, a summary of the findings for practices and patterns of court-imposed monetary sanctions, along with the impact of monetary sanctions on criminal defendants, their family, and the community, will be presented. Conclusions and discussion of the findings follow, along with the limitations of the study. Next, implications for practice and policy will be addressed. Finally, future research recommendations will be discussed.

Summary of Findings

The findings from court records before, during, and after the economic recession of 2008 provided an understanding of practices and patterns of monetary sanctions imposed by the WJC Superior Court. Additionally, survey data collected during interviews revealed that criminal defendants are impoverished and rely on others to assist with paying their mandated economic sanctions.

Research Question 1

The findings revealed that the practices of imposed monetary sanctions before, during, and after the economic recession of 2008 were essentially the same for probation fees and bond amounts. There were only small differences detected in the frequencies of defendants who received monetary sanctions and in the amounts. For the entire sample of 300 cases, approximately three of every four defendants were ordered to pay a monthly probation supervision fee, as well as court fees. Further, approximately one in

three defendants were mandated to pay a fine, while only 17% of defendants were obligated to pay restitution.

Research Question 2

The survey results included several themes, which emerged from Research Question 2 and the sub questions. Thus, themes developed from Research Question 2 were: (a) fines, fees, and additional expenses on impoverished criminal defendants, their family, and the community, (b) actual effects of monetary sanction imposed on criminal defendants, and (c) effects on family members or friends. The themes were supported by influential variables/factors. To assist with the connection of themes and factors, categories names were created, which include (a) monetary sanctions, additional expenses, and fees, (b) basic living, employment, having to choose between living expenses and court costs, and (c) help from others and sacrifices of family members or friends.

The findings from the survey data revealed that the majority of participants live below the poverty line, which was based on the average self-reported monthly income of \$540. In addition, these participants rely on family and friends to help meet their basic living expenses, including housing costs. Further, over half of the participants relied on their family and friends to pay for their court-ordered monetary sanctions, along with the additional fees and expenses that ensued. The data supported the idea that defendants often have to choose between meeting their living costs or paying monetary sanctions. Additionally, based on participants' self-report of monetary sanctions compared with their court records, there was apparent confusion and complexity surrounding the actual type and amount of imposed LFOs.

In this chapter, a summary of the findings for practices and patterns of court-imposed monetary sanctions, along with the impact of monetary sanctions on criminal defendants, their family, and the community, will be presented.

Conclusions and Discussion

The results from examining court data for Research Question 1 revealed that there was not much change before, during, and after the economic recession of 2008. The number of cases that received monetary sanctions essentially remained the same. Additionally, even though there was some change with the particular sanction amounts, the changes were not large.

The findings from the survey data for Research Question 2 lent support for three conclusions. The first conclusion includes the undue hardship of even small monetary sanctions on criminal defendants and their family. Second, indigent defendants rely on family members and friends to pay court-ordered monetary sanctions, along with the additional fees and expenses that resulted from incarceration and probation. Finally, there is much confusion and complexity surrounding defendants' understanding of monetary sanctions.

Research Question 1

The court records that were examined provided a description of the demographic composition of defendants in the WJC, along with the practices and patterns of imposed monetary sanctions. The 300 court records that were reviewed indicate that the demographic composition of the sample for this research question is disproportionately African American. Although the focus of this study is the impact of monetary sanctions on impoverished criminal defendants and not disproportionately based on race, it is

important to highlight the large overrepresentation of African Americans of the ACC within the WJC Superior Court.

According to the USCB Community Survey from 2005 to 2009, only 26% of the ACC population included African Americans, compared with 60% ($n = 180$) for the court records sample. Further, the majority of the ACC area was comprised of 67% Caucasians (USCB, 2005-2009), while the court records sample included 35.3% ($n = 106$) Caucasians. Additionally, the court records sample encompassed 5% ($n = 14$) other, which included Hispanics. Regarding gender, ACC has a nearly equal percentage of males (48%) and females (52%), which is unlike the composition of males (86%, $n = 258$) and females (14%, $n = 42$) within the court records sample. Based on attorney type, 76% ($n = 229$) of the cases were classified as indigent.

Fines. The pattern of monetary sanctions defendants received before, during, and after the economic recession fluctuated. Regarding fines, there was a decrease in the number of participants who were mandated to pay a fine from each time period (Before, 39%, $n = 39$; During, 38%, $n = 38$; and After, 24%, $n = 24$). Further, as the number of defendants who were imposed a fine decreased, the mean amount increased (Before, \$541.03; During, \$594.74; and After, \$616.67), while the median of \$500 remained the same. However, the mode was \$500 for the Before and During groups and increased to \$1,000 for the After group.

For the court records sample of 300, 34% ($n = 102$) overall received fines, which supports the findings from Cole et al. (1988) for general jurisdiction courts. Several research studies findings fluctuated on the reported number, or percentages, of offenders who were imposed fines by the court. For instance, Cole et al. published an article

pertaining to trial court judges' practices of fines. The researchers surveyed judges in general and limited jurisdictions, inquiring into the percentage of cases fines that were ordered. In general jurisdictions, judges impose fines in combination with other sanctions on an average of 34% of cases (Cole et al., 1988). For limited jurisdiction judges, the average number of cases fined, along with another sentence, is ordered with 50% of cases (Cole et al., 1988). General jurisdiction judges ordered a fine as the sole sentence to 8% of cases, while limited jurisdiction judges ordered this fine to 36% of cases (Cole et al., 1988).

In another research study, 29% of 246 adult felons included in the Wheeler et al. (1989) study were fined, further supporting the findings for this study. Further, Wheeler et al. (1990) discovered that 18% (mean = \$69.48) of 12,928 misdemeanor probation cases in Harris County Texas were obligated to pay court fines, while 52% (mean = \$35.27) of 17,495 felony probation cases received fines. Ruback and Bergstrom (2006) reported that 25% of felony convictions nationally result in imposed fines. In another study conducted by Ruback et al. (2006), the findings indicated that 59% of 122 defendants reported that they were imposed fines. The results from the sentencing practices of monetary sanctions in the WJC include sentences imposed for misdemeanors, felonies, and a combination of both. Thus, a distinction was not made regarding the level of offense seriousness.

After comparing means, the researcher detected several patterns that pertained to fines. For instance, males in the During group received higher mean fines at \$625.35 ($n = 34$) as opposed to females, with a mean of \$275.00 ($n = 4$). Further, a relationship was found to exist between attorney type and fines within the Before group. Specifically,

based on the mean fine amounts, defendants who were represented by private attorneys received fines approximately two times higher than defendants who were served by a public or conflict defender.

Court fees. Regarding court fees, median and mode amounts virtually remained the same (a \$5 increase for the During group only), with a median of \$100 and a mode of \$50. However, the mean amounts decreased from Before (\$223.80) to During (\$204.94), and then to After (\$171.70). Overall, the 300 court records that were examined included 71% ($n = 213$) of defendants' receiving court fees. There was only a 1% change between the groups, indicating a steady practice of court fee impositions. In 2006, Ruback et al. reported that, of 122 self-report surveys collected, 59% of the sample was mandated to pay court fees. These findings are contradictory with the previous article because a higher percentage of defendants were imposed court fees.

After comparing means based on demographic and monetary sanction variables, the researcher detected several patterns. For instance, within the Before group, Caucasians ($n = 21$) were imposed the highest mean court fees (\$261.10), almost double that of African Americans ($n = 47$), at (\$138.20). With regard to attorney type, before and after the economic recession, defendants with private attorneys received higher mean court fees amounts when compared to defendants with public and conflict defenders.

Probation supervision fees. The median amount for probation supervision fees was constant at \$32. There was only a decrease in seven cases from the Before group to the After group. Overall, of the 300 sample of court records, 73% ($n = 219$) of the cases were required to pay a monthly probation supervision fee. There was a change in the percentage of cases ordered to pay a supervision fee. Specifically, 77% ($n = 77$) of the

Before, 72% ($n = 72$) of the During, and 70% ($n = 70$) of the After group were imposed monthly probation fees.

Wheeler et al. (1989) found that, of 246 adult felons in their sample, 99% were obligated to pay supervision fees, which is higher than the sample of court cases for this study. Wheeler et al. (1990) discovered that, for both the misdemeanor ($n = 12,928$) and felony ($n = 17,495$) probation cases in Harris County Texas, 100% were obligated to pay a monthly \$23 probation supervision fee.

Several studies provided results that were contradictory to the findings from this study with regard to the probation supervision fees imposed on 73% ($n = 219$) of the court records sample. Glaser and Gordon (1990) found that 16% of approximately 22,000 court records from Los Angeles County Municipal Courts in 1984 were obligated to pay for probation supervision services. Additionally, Glaser and Gordon, from a sample of 1,121 closed cases from 1984, found that 23% of cases were sentenced to probation and financial penalties, and 14% were sentenced to probation, jail, and a monetary sanction. In 2006, Ruback et al. reported that, of 122 self-report surveys collected, 48% of the sample was required to pay monthly probation supervision costs. Likewise, regarding probation fees, McLean and Thompson (2007) reported that, in Ohio, approximately 58% of inmates who leave prison are obligated to pay the Department of Corrections fees for supervision. Further, they reported that 39% of Texan prisoners who are released are required to pay supervision fees (McLean & Thompson, 2007).

Olson and Ramker (2001) examined probation fees based on factors with imposition and collection on 2,400 Illinois adult probationers. Using bivariate statistics,

the researchers determined that, “Probationer income was the only characteristic that revealed a consistent pattern across all measures of probation fees. That is, the higher the income, the more likely probationers were ordered to pay fees, the higher the total monthly amount of fees ordered, and the higher the collection rates” (p. 34).

Restitution. The number of cases receiving restitution increased from the Before group (13%, $n = 13$) to the During group (20%, $n = 20$) by 7%, then decreased by 1% to the After group (19%, $n = 19$). However, the mean and median amounts for restitution steadily increased for each time period. Specifically the Before group had a mean of \$1,128.47, with a median of \$638.47. In addition, the During group had a mean of \$1,628.28 and a median of \$821.66. Finally, the After group’s mean was \$4,039.27, with a median of \$926.22. Of the total court records sample of 300, 17% ($n = 51$) of the cases were ordered to pay restitution, with a mean of \$2,384.26 and a median of \$788.66.

Interestingly, the findings revealed that, for the During group, females ($n = 2$) received higher mean restitution amounts of \$5,589.31 as opposed to males ($n = 18$), with \$1,188.16. Likewise, Wheeler et al. (1989) found that, of a sample of 246 probationers in Harris County Texas, the mean amount that women ($n = 52$) were ordered to pay restitution was \$1,326.67 compared to men ($n = 194$), who were obligated to pay an average of \$644.89. Wheeler et al. found that, of 246 adult felons in their sample, 37% were given a restitution fee. Further, Wheeler, Hissong, Slusher, and Macan (1990) discovered that 5% of 12,928 misdemeanor probation cases in Harris County, Texas, were obligated to pay court fines, while 34% of 17,495 felony probation cases received fines; both types of cases paid an average of \$79 in court fines.

The findings from the total court records sample that yielded 17% ($n = 51$) of cases who were ordered to pay restitution is commensurate with several other studies. One national study found that 12% of felony convicted cases resulted in restitution (Ruback et al., 2006). In another study by Ruback et al., results provided indicated that, of 122 self-report surveys collected, 24% of the sample was ordered to pay restitution. Similar findings were observed by Glaser and Gordon (1990). Specifically, of approximately 22,000 court cases from Los Angeles County Municipal Courts from 1984, 21% of defendants were ordered to pay restitution (Glaser & Gordon, 1990).

Comparison of means revealed that, after the economic recession, Caucasians received significantly higher mean restitution amounts compared with African Americans. Specifically, the mean restitution amount for Caucasians ($n = 4$) was \$14,916.02, while the mean amount for African Americans ($n = 14$) was \$1,187.29. Further, attorney type was found to affect restitution amounts for the After economic group. For instance, clients who were represented by private attorneys ($n = 4$) received higher means for restitution (\$15,437.13) when compared with clients who were represented by public defenders ($n = 14$; \$991.90).

Bond. With regard to the number of cases' receiving a bond amount, there was an increase of 5% from Before to During, and then an 11% decrease from During to After. The median bond amount remained the same for the Before and During group at \$5,600, and increased to \$6,500 for the After group. An additional finding for the After group was that Caucasians ($n = 23$) were given the highest mean amount for bonds, at \$11,591, when compared with African Americans ($n = 51$), at \$6,715.69, and Hispanics

($n = 3$), at \$6,633.33. However, the fact that a defendant received a bond does not necessarily mean that a defendant was able to make bond and get out of jail.

Monetary Sanctions Measured Together. Wheeler et al. (1990) conducted a study that examined Harris County Texas probation cases. They looked at 12,928 misdemeanor cases and 17,495 felony cases. Of the misdemeanor cases, 2% were obligated to pay attorney fees (Wheeler et al., 1990). Of the felony cases, 23% were required to pay attorney fees (Wheeler et al., 1990). With regard to attorney fees, misdemeanants' average per case was \$30, and the felons' average was \$19.73 (Wheeler et al., 1990). Another study by Wheeler et al. (1989), found that, of 246 adult felons in their sample, 29% were mandated to pay attorney fees and 19% had to pay other fees.

Additionally, Ruback et al. (2006) conducted a study in which the data was derived from 122 self-report surveys. The results provided information on the practices of imposed economic sanctions. Specifically, 28% of the sample was required to pay other fees and costs. Of the entire sample, 65% reported receiving some type of monetary sanction (Ruback et al., 2006).

Harris et al. (2010) conducted a research study, for which the findings suggested the increase of imposed monetary sanctions, which seemed to affect primarily the poor. Of the 50 felons interviewed for the research study, there was a monetary sanction range of \$500 to approximately \$80,000, which included a median of \$9,091 (Harris et al., 2010). The aforementioned amounts were derived from court-imposed monetary sanctions, which did not include probation, corrections, or jails. Harris et al. took another sample of 500 court records. The monetary sanctions debt included a range of \$500 to \$305,145, along with a median amount of \$7,234. According to the 3,366 court records

in Washington State reviewed for practices of monetary sanctions, the range was \$500 to \$256,257, with a median amount of \$1,347 (Harris et al., 2010).

Harris et al. (2010) studied data from 1991 to 2004 from The Survey of Inmates in State and Federal Correctional Facilities and compiled descriptive data on percentages of court-imposed monetary sanctions, with the breakdown by type of sanction. Based on prison inmate reports, there was a 25% increase in the imposition of fines and restitution from 1991 to 2004. Further, in 2004, 66% of prison inmates received an economic sanction from the court (Harris et al., 2010). Specifically, of those surveyed, one-third was fined and one-quarter was mandated to pay restitution; fees were the most common imposed monetary sanction. Additionally, Harris et al. examined Bureau of Justice Statistics data to look at felons and misdemeanants who were sentenced to probation in 1995 and found that the court ordered 84.2% of felony probationers to pay fines or fees. In addition, 39.7% were obligated to pay restitution (Harris et al., 2010). For misdemeanor probationers, 85% were imposed fines, fees, or court costs, with 17.6% receiving restitution (Harris et al., 2010).

Research Question 2

The demographic composition of the survey participants was different from the court records, primarily between African Americans and Caucasians. Specifically, 85% ($n = 28$) of the survey participants were African American compared to 60% ($n = 180$) of the court records cases, and 12% ($n = 4$) were Caucasian compared to 35.3% ($n = 106$) of court records cases. Additionally, the gender of survey participants was not comparable to the court records cases. Survey participants included 73% ($n = 24$) male and 27% ($n =$

9) female, compared to court records cases, with 86% ($n = 258$) male and 14% ($n = 42$) female.

The findings from the survey data lent support to three conclusions. The first conclusion pertains to the undue hardship of even a small monetary sanction. Second, indigent defendants rely on family members and friends to pay court-ordered monetary sanctions, along with the additional fees and expenses that resulted from incarceration and probation. Finally, there is much confusion surrounding defendants' understanding of monetary sanctions.

Undue hardship. A common thread throughout the cases included difficult living situations, such as difficulty with meeting basic living necessities and employment. Understanding the socioeconomic status, or living situation, provides a context for explaining how monetary sanctions can further exacerbate a difficult financial situation for a criminal defendant. Further, family members and friends may also experience challenging financial circumstances, which may be affected by assisting offenders with their expenses.

Impoverished criminal defendants in this study experienced financial hardships in meeting basic living necessities, along with difficulty in paying monetary sanctions. For example, the findings indicated that survey participants had a difficult time living independently. Of the 33 survey respondents, only 12% ($n = 4$) reported living alone, while 88% ($n = 29$) reside with family or friends, in a community supported program (e.g., recovery residence, halfway house, homeless shelter) or with a girlfriend/boyfriend.

Living in stable and affordable housing can help a defendant to decrease financial stress. Living with another person, or persons, provides monetary support to allow an

indigent defendant to be able to at least have a place to reside. The results did not provide detailed information as to the number of places in which a participant lived within the past year or whether the defendant paid for housing when living with another person. However, the majority of respondents (73%, $n = 24$) reported relying on family members, friends, or others to help with meeting basic living costs. Further, almost half of the participants received part of their income from family, friends, and government assistance/benefits.

With reported (88%, $n = 29$, reporting income) incomes ranging from \$0 to \$1,500, with a mean of \$540 (median \$465), participants' yearly income is well below the 2010 poverty guidelines (United States Department of Health and Human Services [USDHHS], 2010). In 2010, a household of one with an annual income of less than \$10,830 fell below the poverty guidelines; a household of two, less than \$14,570; and a household of three, less than \$18,310 (USDHHS, 2010). Based on the mean monthly income, a survey participant would average \$6,480 (median \$5,580). Even if a respondent lived alone or with one or two other persons, the likelihood of the respondent's falling below the poverty guideline was great.

Contributing to the hardship of limited income was the participants' loss of employment as a result of his or her criminal justice system involvement. The findings revealed that almost three in four (73%, $n = 24$) participants were unemployed at the time of the interviews (August 2010 through December 2010). However, the majority of defendants were employed at the time of their arrest. Over half (55%, $n = 18$) reported that they had lost a job as a result of their case, while 67% ($n = 22$) of the respondents stated that their employment was affected (e.g., lost hours, reduced availability). Reasons

for job loss included employer's discovering criminal conviction and defendant's unable to make bail, in jail, or missing work because of court hearing.

Harris et al. (2010) had similar findings in their study. For the interview sample of 50 in Washington State, over half stated that their monthly household incomes were below the federal poverty line (Harris et al., 2010). Further, the results from their study indicated that the participants experienced increased stress due to finances (Harris et al., 2010).

The results of this study revealed that six in ten (61%, $n = 20$) of participants at some point had to choose between paying for regular living expenses or their LFOs. For almost one-quarter of respondents (24%, $n = 8$), they did not face the difficult choice of paying monetary sanctions or monthly bills. Likewise, the 50 participants in the study conducted by Harris et al. (2010) had challenging choices between which living expenses to pay monthly, along with basic living needs. This study went further and obtained more information on the difficult decision of paying essential living costs or court-related expenses.

With participants' living off meager incomes and struggling with employment, their ability to meet their LFOs is quite difficult. Thus, impoverished criminal defendants rely on others to help them pay their monetary sanctions.

Who actually pays monetary sanctions. Criminal offenders are not the only individuals who are affected by a conviction or involvement with the court. Families and communities can experience the negative effects of incarceration through a defendant's financial consequences (Hagan & Dinovitzer, 1999; Harris et al., 2010). Even though the criminal defendant is the focus and intended recipient of justice, the family, friends, and

neighbors can also unintentionally feel the negative impact of the criminal justice system (Comfort, 2007). Additionally, for the impoverished offender and their family, the imposition of monetary expenses from court involvement can potentially compound an already difficult financial situation.

The findings revealed that impoverished criminal defendants rely heavily on family, friends, spouse, or girlfriend/boyfriend to help pay LFOs. For instance, 61% ($n = 20$) of survey participants reported that they received help from other people to pay fines, fees, probation supervision fees, or the costs of conditions of probation. Family members were the primary persons who provided financial help. Further, 80% of respondents reported that they specifically received help with probation supervision fees, conditions of probation, a combination of the previous, and other (the survey had two separate questions that inquired about financial help to pay monetary sanctions). In addition, of the 26 of the participants who reported that they had telephone fees while in jail, 17 reported that they received help from family members, spouse, girlfriend/boyfriend, friend, or combination of these to pay those expenses. This added to the findings of some participants who were interviewed by Harris et al. (2010), who reported that they borrowed money from others.

Difficulty in understanding monetary sanctions. An interesting finding, not specifically asked in the survey, encompassed the discrepancies between court records and the respondents' answers to the actual sentencing amounts of monetary sanctions. The contradictions that arose between participants' survey responses and their court record attested to the difficulty in understanding the imposition of monetary sanctions, along with additional fees and expenses. For example, the court record shows that Tony

was sentenced to pay \$290 for restitution and a \$50 crime lab fee. However, during the interview, Tony stated that he was required to pay a \$7,000 fine and no fees.

The prospective reasons for the discrepancies are many. First, a participant might have several court cases, each resulting in fines, fees, and restitution. Second, a participant might not understand the difference between fines, fees, and restitution. Third, the monetary sanctions could have been recorded incorrectly on the court document and reported to the defendant in different amounts. Finally, due to cases' occurring several years ago, history/maturation could have occurred, where the defendant's memory has faded and he or she cannot recall exact amounts.

Probation supervision fee amounts were also included in most sentencing final dispositions. Another finding included participants' reporting double, sometimes triple, the amount ordered during sentencing. One possibility for the defendants' reporting more than the actual amounts might be that court costs were divided into monthly payments and added to the probation supervision fee. Participants did not seem to understand the discrepancies of required monetary sanctions, as evidenced by their reporting probation supervision fees as higher than actual. Another possible explanation includes the idea that a defendant with multiple cases could have probation fees for each individual case.

With regard to the complexities of monetary sanctions, a study conducted by Ruback et al. (2006) also found support for defendants' misunderstanding. Ruback et al.'s findings indicated that 34% ($n = 122$) of survey participants were unsure of the total of monetary sanctions they were required to pay. Additionally, 22% of respondents were unsure of their total monthly obligations. The researchers' main findings supported the

uncertainty that defendants possessed regarding calculations of imposed economic sanctions, excluding restitution, as well as where the money ended up and how it was used (Ruback et al., 2006).

Ruback and Bergstrom (2006) stated, “Court orders do not always specify the amounts of costs and fees; these amounts can be invisible to the system as a whole” (p. 268). Similarly, the findings from this study support the idea that court costs and fees are not always recorded accurately or explained to the criminal defendants. Without the criminal defendant’s being comfortable questioning their specific LFOs, it is possible that they may be charged a greater or lesser amount than what the criminal justice system intended.

Limitations of the Study

The data used for examining research question 1, the practices and patterns of imposed monetary sanctions, are specific to the ACC WJC Superior Court system. A systematic sample was taken from the sampling frame. However, the results are reflective of this specific area and court system and are not necessarily reflective of other superior court systems or criminal defendants. Additionally, some of the electronic court records were difficult to read, and were not always consistent with recording fines, court fees, restitution, and bond amounts.

The results from this study, from research question 2, provide a description and understanding of the impact of monetary sanctions on impoverished criminal defendants, their family, and the community. Further, survey data obtained during interviews allowed for additional information regarding a participant’s financial situation, housing, employment, monetary assistance from others, and their opinions on the sacrifices that

family members and friends made for them. Primarily, the survey data was purely descriptive and anecdotal. Even though descriptive statistics through frequencies and measures of central tendency were provided, the purpose was to supplement qualitative information and give an overview of the participants' responses. However, the results are not generalizable because they are specific to the ACC area within the WJC Superior Court System.

Respondents varied in the depth of answers for the questions on the survey. Some participants appeared to have more to share than others. There are several reasons that can explain the variation. One reason could be a participants' lack of understanding of the question. Second, a defendant, when pushed for a detailed answer, might have assumed that they answered the question fully, in an in-depth manner, but in reality provided only a few-word response. Third, a participant may have been operating from a self-centered perspective, unable to see the situation from someone else's viewpoint. In addition, a defendant who received financial and emotional support from a family member or friend over a long period of time might have come to expect help as a part of life: expected and not considered a sacrifice.

The survey instrument was created for this study and was not previously validated. Therefore, the survey instrument could have contributed to some of the contradictions, based on several questions that asked essentially the same thing. However, this could be a strength in that multiple questions may verify a participant's responses. Retrospective responses can be an issue because the passage of time may affect the memory of the participant. The contradiction in specific monetary amounts could have been due to an inability to accurately recall requested information.

The demographic composition of the survey respondents was different than the court records sample, which means that the survey sample may not adequately represent criminal defendants in the WJC. No Hispanics responded to the invitation to participate in the interviews. Additionally, the defendants who did not respond to the interview request might have been wary of anything that was perceived as being connected to the criminal justice system.

Moreover, probation revocations were excluded from the inclusion list. Nevertheless, probation revocation cases made their way through to the interviews. One possible explanation was that the probation revocation occurred after the inclusion list was created. In addition, the researcher may have unintentionally let some of the probation revocations slip through. However, the benefit of including these cases was that the researcher was able to ascertain whether a criminal defendant received a probation violation due to nonpayment of fines, court fees, or probation fees.

Implications for Social Work

The findings from this study fill a gap in the literature by increasing the understanding of the impact of monetary sanctions on various system levels. The multiple system levels that were affected by economic sanctions include the criminal defendants, their family, and the community. Even though the notion of indigent defendants' are negatively affected by the imposition of LFOs seems obvious, the results provide a real-life perspective on the actual effects of LFOs on a poverty-stricken individual. Further, family members and friends feel the direct and indirect impact of monetary sanctions because they sacrifice their financial resources to help the criminal defendant meet his or her legal obligations.

The imposition and practice of monetary sanctions, along with additional requirements of the court, forces criminal defendants to be responsible for bearing the multiple costs of justice for their alleged crimes. Specifically, the price of justice may affect a defendant's physical freedom, employment status and opportunities, time, and finances for multiple obligations. It may also result in numerous legal sentences, such as probation, incarceration, community service, and/or assessments and treatment groups. Additionally, an offender may be required to pay economically by being imposed fines, court fees, probation supervision fees, and/or mandated to pay for an assessment, along with a treatment program (e.g., alcohol and drug, family violence, and anger management).

The long term price of justice encompasses social and economic effects that generally remain with the offender. For instance, an offender is economically and socially punished with the label of being an offender and/or felon, further affecting employment, education, government assistance, and housing opportunities. Specifically, a criminal offender, more so a felony offender has difficulty obtaining employment due to having a criminal record. Being unable to obtain employment, especially a job paying more than minimum wage, effects an offender's ability to have ample income to meet basic living expenses, along with paying legal financial obligations. The lack of being able to procure decent employment exacerbates the already difficult economic status and class a criminal offender, along with their family.

Even though the individual criminal defendant is the focus of the criminal justice system, the defendant's family and community systems also can feel the direct and indirect impact of LFOs. The findings mean that criminal offenders are not the only ones

paying the price of justice. In fact, their families and friends are making sacrifices for sentences imposed by the court, along with the additional impositions of the CJS. A criminal defendant's family and friends should not be penalized for a defendant's alleged crime.

In the social realm, with society's view of criminal offenders, the employment pool is affected by removing criminal offenders out of the prospective employees group. Even though a criminal offender has a legal charge that does not take away the specific skills and abilities that an offender may contribute to the market. Further, a criminal offender is placed in a precarious position where they are expected to be a productive member of the community, but are not necessarily afforded the same opportunities as non-criminals.

If in theory monetary sanctions serve as repair to the society, or restitution, then they should not support irrelevant funds (such as law libraries, retirement funds, spinal bifida funds, etc.) and services that are not directly related to the crime. Monetary sanctions goes beyond other legal sentences and sanctions, causing lasting financial effects. Furthermore, an offender is socially and economically punished with the label of being an offender and/or felon, thus serving as a barrier for being a successful member of society. Thus, monetary sanctions are not worth offsetting criminal justice system revenue shortfalls at the expense of creating, or exacerbating, barriers for impoverished criminal defendants to be productive members of the community.

The mentality and practice of governmental officials, along with citizens, is to be fiscally conscientious. During difficult economic climates, such as the economic recession of 2008, the court system, probation department, and state funds can benefit

from the revenues raised as a result of imposed monetary sanctions. Nonetheless, impoverished criminal defendants are not in a position to provide supplemental revenues to the court system. Based on the findings, it seems monetary sanctions serve as user fees and additional punishment, going beyond the offender and affecting their family. The short-term and long-term implications can cause continuation of poverty for the individual, family, friends, and the local community, which is disproportionately felt by impoverished criminal offenders. Olson and Ramker (2001), with regard to prospective disproportionate impact of fines on indigent probationers, stated, “Further increasing this potential is the fact that the amount of many fines are fixed or set by law, resulting in these financial conditions disproportionately impacting the poor” (p. 31). Additionally, Olson and Ramker stated,

The pressure for government agencies to increase their effectiveness and efficiency, while at the same time reducing the burden on taxpayers, has resulted in a number of significant changes in the ways in which public agencies are financed. One mechanism through which public organizations have increased their resources has been the assessment of user fees, which place more of the burden for supporting the cost of government services on those who disproportionately use them. (p. 29)

“At a more theoretical level, the pervasiveness of monetary sanctions indicates that the transformation of poverty management in the United States may be more profound than had been previously recognized” (Harris et al., 2010, p. 1792). Even more disconcerting is the fact that impoverished criminal defendants from the survey sample reported believing that they will eventually pay all of their LFOs, as this appears bleak in

light of their meager incomes. However, the impoverished criminal defendant's belief that he or she will complete his or her monetary debt to the criminal justice system leads to the notion that personal responsibility is an important value. Nevertheless, when indigent defendants simply lack financial resources for even basic living needs, they rely on family and friends to help pay their LFOs, further stressing a poor family's financial situation.

It is challenging to set legislation and policy equally affecting all of society. The "greater good" principle seems like it makes sense, but in actuality it is not the best for those in poverty, particularly impoverished criminal offenders. Money seems like an equal and simplistic way for criminal offenders to pay their legal debt, but in actuality it has differential effects. The findings reveal that impoverished defendants have a difficult time meeting basic living expenses, much less monetary sanctions.

Policy recommendations have essentially remained the same since the 1980s. The need exists to focus specifically on raising awareness and educating policy makers, judicial workers, and community members. There should be a shift towards disseminating findings, data, and policy recommendations to persons who are making policy decisions and legally imposing and supervising offenders, along with community members. Further, raising awareness of the secondary effects of monetary sanctions on the families of criminal defendants can help with the carryover impact to the ACC community. In the WJC Superior Court, strategies to assist the legal system and criminal defendants can be designed and developed to help eliminate the further creation of indigence while imposing fines and fees.

Several policy and practice recommendations can be used from the study findings and existing literature. Georgia should obtain and utilize software, along with the creation of a centralized database (Beckett et al., 2008; Reynolds et al., 2009), for the management of legal financial obligations statewide. Furthermore, the Clerk of Court workers should make all assessments, collections, and disseminations of revenues collected from monetary sanctions available to the public, in a user friendly format (ACLU, 2010; Mullaney, 1988). Also, the Clerk's office should report where the revenues collected were sent (i.e., special funds, state general fund, etc.). The WJC should use standardized forms for assessing, recording, and entering monetary sanctions imposed on criminal defendants (ACLU, 2010). All persons involved with imposing, recording, and collecting legal financial obligations should be provided with standard training pertaining to current laws, policies, and procedures (ACLU, 2010; Underwood et al., 2007). Attorneys, court workers, and probation officers should provide criminal offenders with clear and understandable, written and verbal explanations of legal financial obligations. The WJC could benefit from creating standards and practices on assessing a defendant's ability to pay monetary sanctions (ACLU, 2010; Levingston & Turetsky, 2007; RIFLC, 2007). Relying on a defendant's self report of his/her ability to pay monetary sanctions is not reliable because a power differential exists, which can lead to a defendant overstating their ability to pay. Eliminating the imposition of monetary sanctions on indigent defendants needs to be considered (Bannon et al., 2010; Diller, 2010).

Social works generalist education and training provides the profession with the skills, and knowledge, to contribute to the area of legal financial obligations through

research and policy. Specifically, social works educational training creates a broad foundation which includes understanding of governmental systems, social policy, human behavior in the social environment for the individual, family, and community, nonprofit programs, mental health, employment organizations, and educational systems.

Young (1999) stated that society can help to combat crime by ensuring that all persons are extended respect, dignity, equality, and well-paying employment, and are integrated into the community. Not all impoverished citizens are criminals, and not all wealthy individuals are law abiding; socioeconomic status does not determine criminality, but it can exacerbate the negative impact of court-imposed sentences based on inadequate resources (Young, 1999). The belief of a capitalistic society is that individuals should be able to provide for themselves; and, when there are periods of instability, government resources should be available to meet basic needs. Realistically, individuals and families are not always able to provide for themselves, so the need for assistance from neighbors and local organizations is vital, but it is not always sufficient (Wireman, 2008). The ability of government to intervene is necessary, not just by governmental assistance programs, but also through the legislation and administration of justice (Wireman, 2008).

Recommendations for Future Research

The area of study regarding monetary sanctions is in need of further research. This research would benefit from directly examining the perspective of family members of criminal defendants who are involved with the criminal justice system by focusing on the financial impact of LFOs that is incurred by family members. The potential findings could lend support to the results of this study and provide detailed information. From a

systems level view, the potential of furthering the knowledge of the impact of monetary sanctions would assist policymakers and practitioners by enhancing their understanding of this issue.

Another recommendation for future research includes a long-term study of the impact of monetary sanctions imposed on criminal defendants. To obtain more in-depth knowledge, following criminal defendants from arrest through their exit from the criminal justice system would provide invaluable data regarding direct and indirect financial costs incurred as a result of criminal justice system involvement. In addition, a long-term study would potentially allow further accuracy of actual expenses incurred by criminal defendants.

Finally, no research to date has focused on fines, fees, and surcharges specifically as a regressive tax. The review of the scholarly literature produced statements and brief references regarding tax in general. The disproportionate effects of monetary sanctions can encompass the view of additional taxation on criminal offenders, along with their families and friends.

Regarding the possibility of a regressive tax, Ring (1989) stated, "It was probably that, at a time when many jurisdictions are struggling to maintain basic services, educate their children, and care for their elderly, proposals to shift the cost of probation programs from the taxpayers to the offender would generate increasing support" (p. 43). Offenders who are sentenced to probation bear the expense of court-ordered services, essentially paying for government services that usually are covered through general tax revenues. Ryan (1983) stated, "Under a system of fines, criminals will actually be contributing to the criminal justice system, rather than increasing the taxpayers' burden" (pp. 1300-

1301). Additionally, Ryan (1983) stated, “Opponents of the fine might argue that a monetary penalty goes beyond the offender and punishes the offender’s dependents as well” (pp. 1302-1303).

Conclusion

The findings revealed that the practices of imposed monetary sanctions before, during, and after the economic recession of 2008 were essentially the same for probation fees and bond amounts. There were only small differences detected in the frequencies of cases that received monetary sanctions and in the amounts of these sanctions. For the entire court records sample of 300 cases, approximately three of every four defendants were ordered to pay a monthly probation supervision fee, as well as court fees. Further, 34% ($n = 102$) of the cases were mandated to pay a fine, while only 17% of defendants were obligated to pay restitution. The findings from the survey data lent support for three conclusions: (a) an undue hardship occurs as a result of even a small monetary sanction; (b) indigent defendants rely on family members and friends to pay court-ordered monetary sanctions, along with the additional fees and expenses resulting from incarceration and probation; and (c) there is much confusion surrounding defendants understanding of monetary sanctions.

The findings from this study are important because they add a real-life point of view of criminal offenders on the impact of monetary sanctions, along with additional and hidden LFOs. Further, the results provided an understanding of who actually pays monetary sanctions and the sacrifices that family members and friends make to help criminal defendants. The findings suggest that indigent defendants are living in difficult life situations and struggle to meet their basic living necessities. In addition, the

additional requirement of LFOs exacerbates an already difficult living situation, sometimes carrying over to the family. Therefore, by increasing the awareness of the financial impacts of monetary sanctions on criminal defendants and their family, the court system and social workers can work to improve policy.

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APPENDICES

APPENDIX A
POVERTY IN THE COURTS SURVEY

Code No. _____

Age _____

Gender _____

Ethnicity _____

Section 1: Life situation

The following questions regard your current living and financial circumstances.

1.1 What is your marital status?

1. Single
2. Divorced / separated
3. Married
4. Living with someone

1.2 Do you work? Are you currently employed?

1. Yes
2. No

1.2.1 What kind of work you do? Where are you employed?

1.2.2 If yes, how many hours a week do you work?

1.3 What is your average monthly income? _____

1.3.1 Do you receive help from other people to pay for your regular living expenses?

1. Yes
2. No

1.4 Were you working at the time of your arrest on this case? Did your involvement with the court affect your employment?

1. Yes
2. No

If yes, please describe how:

1.5 Did you lose employment as a result of this case?

1. Yes
2. No

Please describe how (at what point, when you were arrested, because of being in jail, or later because of going to court or because of the sentence?):

1.6 What are the sources of your income?

1. Employment/work
2. Social Security Disability
3. Unemployment benefits
4. Food Stamps
5. Family
6. Friends
7. Other _____

1.7 Where do you live?

1. Live with family
2. Live with friends
3. Self
4. Other _____

1.7.1 Do you rent or own?

1.7.2 What are your total monthly living expenses? _____

1.8 Are you obligated to pay child support?

1. Yes
2. No

1.9 Do you have health insurance?

1. Yes
2. No

1.9.1 Source of insurance (e.g. Medicaid, Medicare, Employment, VA)

Education

1.10 What is the highest level of education that you completed? _____

1.10.1 Were you prevented from participating in an educational or vocational program because of this case?

1. Yes
2. No

1.10.2 What prevented you from participating in an educational or vocational program?

1.10.3 Did you receive special education services when you were in school?

1. Yes
2. No

1.11 Do you vote in elections?

1. Yes
2. No

1.12 Are you involved in any community organizations or programs not related to your court case?

1. Yes
2. No

1.12.1 If yes, please describe the organizations or programs (including church or other religious activities).

Section II: Circumstances of your court case

The following questions are about the disposition of your court case in 2008 and the financial burden that may have been imposed.

2.1 How many times did you have to go to court on this case? _____

2.2 Have you been arrested since this 2008 case?

1. Yes
2. No

2.2.1 If yes, was it for a probation revocation on this case or for a new charge?

- 2.3 Were you on probation for the 2008 case? (Note: The interviewer should fill this in, but the interviewer should already be aware of this from the file).
1. Yes
 2. No
- 2.3.1 What was/is the probation length? _____
- 2.4 Do you have a driver's license?
1. Yes
 2. No
- 2.5 Did you have a driver's license when you were arrested on the 2008 case?
1. Yes
 2. No
- 2.5.1 If yes, did you lose your license as a result of the case?
1. Yes
 2. No
- 2.5.2 For how long a period did you lose your license? _____
- 2.5.3 Did you pay to get your license back?
1. Yes
 2. No
- 2.5.4 How much did you pay to get your license back? _____

Section III: Fees

The following questions are about various fees, NOT FINES that you may have been required to pay the court or to comply with the conditions of your probation.

- 3.1 Did you pay any fees to the jail when you made bond?
1. Yes
 2. No
- 3.1.1 How much was the jail fee? _____
- 3.2 Did you have to pay to use the telephone in jail?
1. Yes
 2. No
- 3.2.1 How much did it cost to use the telephone in jail? _____
- 3.2.2 Who paid? _____

- 3.3 Did you pay any FEES ordered by the court?
 - 1. Yes
 - 2. No

3.3.1 How much was/were the fee(s)? _____

- 3.4 Did you have to pay the court a fee for a translator?
 - 1. Yes
 - 2. No

3.4.1 How much was the fee for the translator? _____

- 3.5 Did/do you pay a probation or parole supervision fee?
 - 1. Yes
 - 2. No

3.5.1 How much was/is the fee for the supervision? _____

- 3.6 Did you have to pay for anything you were required to do as a condition of probation (i.e., DUI School, educational program, treatment program, community service, etc.)?
 - 1. Yes
 - 2. No

3.6.1 What did you have to do as a condition of your probation?

3.6.2 For the above, what were you required to pay?
Amount _____ for what? _____
Amount _____ for what? _____
Amount _____ for what? _____

3.6.3 If you were required to perform community service, how many hours did you perform? _____

3.6.4 What was the type of service and where was the service performed?

- 3.6.5 Did you have any expenses related to your performing community service?
 - 1. Yes
 - 2. No

3.6.6 What were the expenses?

- 3.7 What was the total amount that you paid for the things you were required to do to comply with the condition of probation? _____

Section IV: Financial impact of fees

The following questions are about how you may have experienced a financial burden from being required to pay fines and fees to the court or to comply with your conditions of probation.

- 4.1 On the 2008 case, did you have to pay
1. Fines Yes No How much: _____
 2. Fees Yes No How much: _____
 3. Probation Supervision Fees: Yes No How much/month? _____
 4. The cost of conditions of probation? Yes No How much? _____

- 4.2 Did you have help from other people paying any of these costs?

1. Paid the fees all on my own
2. Had some help from others to pay the fees
3. Had a lot of help from others to pay the fees
4. Someone else paid my fines and fees for me.

- 4.2.1 Who helped you?

- 4.2.2 Which fees/fines/costs did they pay?

- 4.2.3 Why couldn't you pay yourself? (What prevented you from paying these things yourself?)

- 4.3 Have you paid everything you had to pay to probation, the court or anywhere else related to the case?

1. Yes
2. No

- 4.4 Have you had to go back to court for failure to pay probation fees or fines?

1. Yes
2. No

4.4.1 If yes, what happened when you went back to court? (Additional jail time, additional conditions of probation, reduce the amount of fine/fees in return for jail time?)

4.5 Have you ever had to choose between paying for your regular living expenses and paying money to the probation office or the court?

- 1. Yes
- 2. No
- 4.5.1 If yes, which did you choose and what happened?

4.6 In your opinion, will you eventually pay all of the fines/fees you are/were required to pay?

- 1. Yes
- 2. No

4.7 In your opinion, have your family members or friends made sacrifices to help you pay the fines, fees or other expenses?

- 1. Yes
- 2. No

4.7.1 Please describe the sacrifices your family or friends have made to help you.

Other Expenses

4.8 What were the other expenses that you had from going to court that were not related to fees or fines (e.g. telephone expenses in jail, commissary, gas money for a ride to court, other transportation costs, clothes, and child care)?

4.9 Would you like to add anything else about the expenses you had to pay from your involvement with the court?

APPENDIX B

**SURVEY CODING, CONNECTION OF THEMES TO RESEARCH, AND SURVEY QUESTIONS
QUANTITATIVE DATA ENTRY-CASE PROFILE SHEET**

Pseudonym: _____

Code No.: _____

SURVEYS

Demographic Variable	Coding	Written Description	Researcher Comments
Age	Numerical ____ 9 = Missing		
Gender	1 = Male 2 = Female 9 = Missing		
Race/Ethnicity	1 = African American 2 = Caucasian 3 = Hispanic 4 = Asian 5 = Other 9 = Missing		
Court Type	1 = Superior Court 2 = State Court 3 = Combination 9 = Missing		

Year of Case(s)	1 = 2006 2 = 2007 3 = 2008 4 = 2009 5 = 2010 6 = Other 7 = Combo 9 = Missing		
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Categorical Code: Number assigned for a response

Numerical Value: Specific Value

Description: One word, phrase, or sentence

Question # PCR/P	Survey Question	Coding	Connection to Research Question	Research Comments
SECTION I: LIFE SITUATION				
1.1	What is your marital status	1 = single 2 = divorced/separated 3 = married 4 = living with someone 9 = missing	2(a) Marital Status	
1.2	Do you work? Are you currently employed?	1 = Yes 2 = No 9 = Missing	2(a) Employment	
1.2.1	What do you do? Where are you employed?	Description	2(a) Employment	
1.2.2	If yes, how many hours a week do you work?	Numerical value _____ 8 = NA 9 = Missing	2(a) Employment	If range was given (i.e., 35-40) went with either lower number or in between

1.3	What is your average monthly income?	Numerical value _____ 8 = NA 9 = Missing	2(a) Basic Living-Income	If range was given (i.e., 35-40) went with either lower number or in between
1.3.1	Do you receive help from other people to pay for your regular living expenses?	1 = Yes 2 = No 9 = Missing	2(c) Fin. Impact/Family-Help	
1.4	Were you working at the time of your arrest on this case?	1 = Yes 2 = No 9-Missing	2(a) Employment	
(1.4.1)	Did your involvement with the court affect your employment?	Description or Categorical: 1 = Yes 2 = No 3 = NA 9 = Missing		
1.5	Did you lose employment as a result of this case?	1 = Yes; 2 = No; 3 = NA 9 = Missing	2(a) Employment	
(1.5.1)	Please describe how (at what point-when you were arrested, because of being in jail, or later because of going to court or because of the sentence?)	Description or Categorical: 1 = Arrested 2 = In Jail 3 = B/C Court 4 = Other 5 = NA 9 = Missing		

1.6	What are the sources of your income?	1 = Employment/work 2 = Social Security Disability 3 = Unemployment Benefits 4 = Food Stamps 5 = Family 6 = Friends 7 = Other-description 8 = NA 9 = Missing 10 = Combo	2(b) Basic Living-Income; SES-Gov. Assistance	
1.7	Where do you live?	1 = Live with family 2 = Live with friends 3 = Self 4 = Other-description 9 = Missing	2(b) Basic Living-Housing	*If a respondent classified a girlfriend or boyfriend as #1 or 2, that's what I went with; if didn't #4
1.7.1	Do you rent or own?	Descriptive or Categorical: 1 = Rent 2 = Own 3 = NA 9 = Missing	2(b) Basic Living-Housing	
1.7.2	What are your total monthly living expenses?	Numerical value _____ 8 = NA 9 = Missing	2(b) Basic Living-Monthly Living Expenses	
1.8	Are you obligated to pay child support?	1 = Yes 2 = No 9 = Missing		
1.9	Do you have health insurance?	1 = Yes 2 = No 3 = Unsure 9 = Missing	2(b) Basic Living-Healthcare	

1.9.1	Source of insurance (e.g., Medicaid, Medicare, Employment, VA)?	Descriptive or Categorical: 1 = Medicaid 2 = Medicare 3 = Employment 4 = VA 5 = Spouse 6 = Unsure 7 = NA 8 = Other 9 = Missing	2(b) Basic Living-Healthcare	
Education				
1.10	What is the highest level of education that you completed?	Numerical or Descriptive: 1 = 8 th 2 = 9 th 3 = 10 th 4 = 11 th 5 = 12 th 6 = GED 7 = Some College 8 = AA/Tech Cert. 9 = Missing	2(b) Employment-Education	
1.10.1	Were you prevented from participating in an educational or vocational program because of this case?	1 = Yes 2 = No 9 = Missing	2(b) Employment-Education	
1.10.2	What was it that prevented you from participating in an educational or vocational program?	Description:	2(b) Employment-Education	

1.10.3	Did you receive special education services when you were in school?	1 = Yes 2 = No 9 = Missing	2(b) Employment-Education	
1.11	Do you vote in elections?	1 = Yes 2 = No 9 = Missing		
1.12	Are you involved in any community organizations or programs not related to your court case?	1 = Yes 2 = No 9 = Missing		
1.12.1	Please describe the organizations or programs (including church or other religious activities).	Description or Categorical: 1 = Church 2 = PTA 3 = School/Comm. Sports 4 = AA 5 = Other 6 = NA 7 = Combo 9 = Missing		
SECTION II: CIRCUMSTANCES OF YOUR COURT CASE				
2.1	How many times did you have to go to court on this case?	Numerical value _____ 8 = Missing 9 = Missing		
2.2	Have you been arrested since this 2008 case?	1 = Yes 2 = No		*Pilot Version: "Have you gotten into trouble"

		9 = Missing		since this case?" *My analysis going with case defendant reported-not necessarily 2008
2.2.1	If yes, was it for a probation revocation on this case or for a new charge?	Description or Categorical: 1 = Prob. Rev. 2 = New Charge 3 = NA 4 = Both PR & NC 9 = Missing		*Pilot Version: Missing this question
2.3	Were you on probation for the 2008 case? (Note, the interviewer should fill this in, but the interviewer should already be aware of this from the file).	1 = Yes 2 = No 8 = NA 9 = Missing	2(a) Add. Req./Fees-Prob. Req.	
2.3.1	What was/is the probation length?	Numerical value (Months)___ 8 = NA 9 = Missing	2(a) Add. Req/Fees-Prob. Req.	
2.4	Do you have a driver's license?	1 = Yes 2 = No 9 = Missing	2(b) Employment-Driver's License	*Pilot Version: Missing this question
2.5	Did you have a driver's license when you were arrested on the 2008 case?	1 = Yes 2 = No 9 = Missing	2(a) Employment-Driver's License	*Pilot Version: Did you lose your license when you went to court?
2.5.1	If yes, did you lose your license as a result of the case?	1 = Yes 2 = No 3 = NA 9 = Missing	2(b) Employment-Driver's License	

2.5.2	How long of a period did you lose your license?	Numerical value _____ 8 = NA 9 = Missing	2(b) Employment-Driver's License	
2.5.3	Did you pay to get your license back?	1 = Yes 2 = No 3 = NA 4 = Will pay 8 = NA 9 = Missing	2(a) Add. Exp/Fee-Extra Fees	*Some cases will have to but haven't taken care of yet
2.5.4	How much did you pay to get your license back?	Numerical value _____ 8 = NA 9 = Missing	2(a) Add. Exp/Fee-Extra Fees	
SECTION III: FEES				
3.1	Did you pay any fees to the jail when you made bond?	1 = Yes 2 = No 3 = Unsure 4 = NA 9 = Missing	2(a) Add. Exp/Fee-Extra Fees	
3.1.1	How much was the jail fee?	Numerical value _____ 7 = Unsure 8 = NA 9 = Missing	2(a) Add. Exp/Fee-Extra Fees	
3.2	Did you have to pay to use the telephone in jail?	1 = Yes 2 = No 3 = NA 9 = Missing	2(a) Add. Exp/Fee-Extra Fees	*Jail or prison
3.2.1	How much did it cost to use the telephone in jail?	Numerical value _____ 8 = NA 9 = Missing	2(a) Add. Exp/Fee-Extra Fees	*Some answers only per minute or per call amount; not a total

3.2.2	Who paid?	Descriptive or Categorical: 1 = Family 2 = Friends 3 = Spouse/Partner/Relat. 4 = Other 5 = NA 6 = Self 7 = Combo 9 = Missing	2(c) Fin. Impact/Family-Help	
3.3	Did you pay an FEES ordered by the court?	1 = Yes 2 = No 3 = NA 4 = Unsure 9 = Missing	2(a) Add. Exp/Fee-Extra Fees	*Restitution not technically a part of this so excluded from answer
3.3.1	How much was/were the fee(s)?	Numerical value _____ 7 = Unsure 8 = NA 9 = Missing	2(a) Add. Exp/Fee-Extra Fees	
3.4	Did you have to pay the court a fee for a translator?	1 = Yes 2 = No 9 = Missing	2(a) Add. Exp/Fee-Extra Fees	
3.4.1	How much was the fee for the translator?	Numerical value _____ 8 = NA 9 = Missing	2(a) Add. Exp/Fee-Extra Fees	
3.5	Did/do you pay a probation or parole supervision fee?	1 = Yes 2 = No 3 = NA 4 = Will or Should Pay 5 = Waived 9 = Missing	2(a) Monetary Sanction-Prob/Par Sup. Fee	*Some should but haven't; some put off until future date; some waived. If assigned, put it; went with reported amount by respondent

3.5.1	How much was/is the fee for the supervision?	Numerical value _____ 8 = NA 9 = Missing	2(a) Monetary Sanction-Prob/Par Sup. Fee	*Went with reported amount by respondent (not court record)
3.6	Did you have to pay for anything you were required to do as a condition of probation (e.g., DUI school, educational program, treatment program, community service)?	1 = Yes 2 = No 3 = NA 4 = Will or Should Pay 9 = Missing	2(a) Add. Exp./Fee-Prob. Req.	
3.6.1	What did you have to do as a condition of your probation?	Description or Categorical: 1 = DUI School &/or Eval. 2 = FV Class &/or Eval 3 = SA/D&A Eval &/or class 4 = AM Eval &/or Class 5 = Community Service 6 = Combo. 7 = Other 8 = NA 9 = Missing	2(a) Add. Exp./Fee-Prob. Req.	FV = Family Violence SA = Substance Abuse D&A = Drug & Alcohol AM = Anger Management
3.6.2	For the above, what were you required to pay?	(1) Amount ____ for what? (2) Amount ____ for what? (3) Amount ____ for what?	2(a) Add. Exp./Fee-Prob. Req.	
3.6.3	If you were required to perform community service, for how many hours?	Numerical value (Hours)____ 8 = NA 9 = Missing	2(a) Add. Exp./Fee-Prob. Req.	

3.6.4	What was the type of service and where was the service performed?	Description of service AND location Categorical: 1 = Animal Shelter 2 = Food Bank 3 = AA/NA 4 = Church 5 = Community Park 6 = Thrift Store 7 = Other & describe 8 = NA 9 = Missing 10 = Combo	2(a) Add. Exp./Fee-Prob. Req.	
3.6.5	Did you have any expenses related to your performing community service?	1 = Yes 2 = No 3 = NA 9 = Missing	2(a) Add. Exp./Fee-Prob. Req.	
3.6.6	What were the expenses?	Numerical value _____ 8 = NA 9 = Missing	2(a) Add. Exp./Fee-Prob. Req.	
3.7	What was the total amount that you paid for the things you were required to do to comply with the condition of probation?	Numerical value _____	2(a) Add. Exp./Fee-Prob. Req.	

SECTION IV-FINANCIAL IMPACT OF FEES				
4.1	On the 2008 case, did you have to pay: fines;	(a) 1 = Yes 2 = No 3 = Unsure 9 = Missing. How much/month?	2(a) Monetary Sanctions-Fines;	
4.1.1	(b) fees;	(b) 1 = Yes 2 = No 3 = Unsure 9 = Missing. How much/month?	2(a) Monetary Sanctions-Court Fees	Found 3.3 & 3.3.1
4.1.2	(c) probation supervision fees;	(c) 1 = Yes 2 = No 3 = Unsure 9 = Missing. How much/month?	2(a) Monetary Sanctions-Prob/Par Supervision Fee	Found 3.5 & 3.5.1
4.1.3	(d) the cost of conditions of probation	(d) 1 = Yes 2 = No 3 = Unsure 9 = Missing. How much/month?	2(a) Monetary Sanctions-Prob/Par Supervision Fee	Found 3.7

<p>4.2</p>	<p>Did you have help from other people paying any of these costs?</p>	<p>1 = Paid the fees all on my own 2 = Had some help from others to pay the fees 3 = Had a lot of help from others to pay the fees 4 = Someone else paid my fines and fees for me 5 = NA 9 = Missing</p>	<p>2(c) Fin. Impact/Family-Help</p>	<p>*If help indicated and person listed but not level-went with #2</p>
<p>4.2.1</p>	<p>Who helped you?</p>	<p>Descriptive or Categorical: 1 = Family 2 = Friends 3 = Spouse/Partner/Relat. 4 = Other 5 = NA 6 = Combo 9 = Missing</p>	<p>2(c) Fin. Impact/Family-Help</p>	
<p>4.2.2</p>	<p>Which fees/fines/costs did they pay?</p>	<p>Description or Categorical: 1 = Prob. Sup 2 = Fine 3 = Restitution 4 = Court Fees 5 = Conditions of Probation 6 = Combo 7 = Other 8 = NA 9 = Missing</p>	<p>2(c) Fin. Impact/Family-Help</p>	

4.2.3	Why couldn't you pay yourself? (What prevented you from paying these things yourself?)	Description or Categorical: 1 = Unemployed 2 = Not enough income 3 = Other 4 = NA 9 = Missing	2(c) Fin. Impact/Family-Help	
4.3	Have you paid everything you had to pay to probation, the court or anywhere else related to the case?	1 = Yes 2 = No 3 = NA 9 = Missing	2(c) Fin. Impact/Family-Choice Living or Fees	
4.4	Have you had to go back to court for failure to pay probation fees or fines?	1 = Yes 2 = No 3 = NA 9 = Missing	2(c) Fin. Impact/Family-Choice Living or Fees	
4.4.1	If yes, what happened when you went back to court? (Additional jail time, additional conditions of probation, reduce the amount of fine/fees in return for jail time?)	Description or Categorical: 1 = Additional Cond. Prob. 2 = Jail Time 3 = Reduce amount for jail 4 = Additional Jail Time 5 = Combo. 6 = NA 7 = Waived 8 = Other 9 = Missing	2(c) Fin. Impact/Family-Choice Living or Fees	

4.5	Have you ever had to choose between paying for your regular living expenses and paying money to the probation office or the court?	1 = Yes 2 = No 3 = NA 9 = Missing	2(c) Fin. Impact/Family-Choice Living or Fees	
4.5.1	If yes, which did you choose and what happened?	Description or Categorical: 1 = Living expenses or 2 = money to the probation office or the court 3 = NA 9 = Missing	2(c) Fin. Impact/Family-Choice Living or Fees	*Pilot Survey: Missing this question
4.6	In your opinion, will you eventually pay all of the fines/fees you are/were required to pay?	1 = Yes 2 = No 3 = NA 9 = Missing	2(c) Fin. Impact/Family-Choice Living or Fees	
4.7	In your opinion, have your family members or friends made sacrifices to help you pay the fines, fees or other expenses?	1 = Yes 2 = No 3 = NA 4 = Unsure 9 = Missing	2(c) Fin. Impact/Family-Sacrifice	*Incongruence with responses and not very descriptive; additional or earlier comments might conflict
4.7.1	Please describe the sacrifices your family or friends have made to help you.	Description:	2(c) Fin. Impact/Family-Sacrifice	

Other				
4.8	What were the other expenses that you had from going to court that were not related to fees or fines (e.g., telephone expenses in jail, commissary, and gas money for a ride to court, other transportation costs, clothes, and child care)?	Description:	2(a) Add. Exp./Fees-Extra	
4.9	Would you like to add anything else about the expenses you had to pay from your involvement with the court?	Description:	2(a) Add. Exp./Fees-Extra	

APPENDIX C

CONSENT FORM

I, _____, agree to participate in a research study titled "Poverty in the Courts: Exploring the Impacts of the Financial Burden on Poor and Indigent Defendants," conducted by Russell Gabriel from the School of Law (706-542-7818, gabriel@uga.edu) and Ed Risler from the School of Social Work (706-542-8836, erisler@uga.edu) at the University of Georgia.

I understand that my participation is voluntary. I can refuse to participate or stop taking part at any time without giving any reason, and without penalty or loss of benefits to which I am otherwise entitled. I can ask to have all of the information about me returned to me, removed from the research records, or destroyed.

The reason for this study is to answer the following questions: What are the out-of-pocket expenses for poor defendants and what impact does this have on the person's financial well-being? What resources do defendants rely on to pay fines, fees, and other costs? Do the fees and costs associated with criminal prosecution create a barrier to being self-supporting and sustaining oneself in stable housing and employment and other necessities of life?

I understand that I will be asked to participate in a face-to-face interview in a location that is convenient for me, and I will be asked to answer a series of questions about my past involvement with the Clarke County court system. The questions will focus on my experience of being asked to pay fines, fees, and any other costs associated with my status as a past defendant. **THE EXTENT OF MY PARTICIPATION WILL BE THIS ONE INTERVIEW. IT WILL LAST APPROXIMATELY 30 TO 60 MINUTES, AND** I will be provided \$30 for my participation in this interview.

I understand that, while I may not experience any direct benefit, the research results and my expressed thoughts may contribute to a better understanding of the impact of court fines, fees, and other costs on the well-being of low-income defendants in Clarke County.

I understand that there will be no risk involved in my participation in the research and that my name and **THE INDIVIDUALLY-IDENTIFYING** information I provide will be kept confidential. I understand that, if I experience any discomfort while being interviewed, I am free to stop the interview at any time. I understand that my name will be separated from the information that I provide and that any research reports or publications will report the information in aggregate, or group, form only. Individuals will not be named in any reports or other publications describing this research. I will be assigned an identifying number, and this number will be used on all research materials.

I understand that the persons conducting the research project, and/or this interview, will answer any further questions about the research, now or at any time, and that I should feel free to ask questions if I have any.

I understand that I am agreeing by my signature on this form to take part in this research project and understand that I will receive a signed copy of this consent form for my records.

Name of Researcher	Signature	Date

Telephone: _____

Email: _____

Name of Participant	Signature	Date

Please sign both copies, keep one, and return one to the researcher.

Additional questions or problems regarding your rights as a research participant should be addressed to THE CHAIRPERSON, INSTITUTIONAL REVIEW BOARD, University of Georgia, 612 Boyd Graduate Studies Research Center, Athens, Georgia 30602-7411; Telephone (706) 542-3199; E-Mail Address IRB@uga.edu

APPENDIX D
HONORARIA FORM



1. University Purchase and Check Request No.

2. PAYEE: _____

3. ADDRESS: _____

3a. Check One: U.S. Citizen Permanent Resident Alien

Do not use this form for non resident alien payments or payments for services outside the US. Please use the appropriate payment forms.

4. COMPANY: Federal Employer Identification No.

5. Fee for Service Rendered \$ _____

Total Amount to be Paid \$ _____

6. TYPE OF SERVICE

Interviewee in Research Study _____

7. Date(s) of Service(s) Performed _____

8. Description of Services(s) Performed: Answered questions for approximately 45 min.

9. Signature _____ Date _____

10. The above services were purchased in accordance with provisions of the University's Administrative Policies and Procedures Manual.

Signature _____ Date _____

Approved for Payment