

The Justice System Journal

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ACQUISITIONS

Economic Sanctions in Criminal Justice: Dilemma for Human Service?*

Gerald R. Wheeler**
Rodney V. Hissong***
Morgan P. Slusher****
Therese M. Macan*****

The present study analyzes data from a large metropolitan adult probation jurisdiction to investigate the impact of various types of economic sanctions (e.g., supervision fees, restitution, fines) on revenue and clients' compliance. Fee collections and delinquency rates reflected higher compliance among misdemeanor than felony probationers. Lower compliance among felony probationers was attributable to the imposition of multiple economic sanctions and the demographic characteristics of offenders. The findings on recovery rates indicated that the courts employed inadequate financial screening procedures. However, the analysis showed that judges were reluctant to revoke probation of delinquent probationers. The effects of economic sanctions on the role of probation officers are also discussed.

Introduction

American Perspective. Historically, various forms of economic sanctions have been used to punish criminal offenders. Hillsman and Greene (1988:36) point out that while courts take into consideration the severity of offense, they often set fine tariffs well below the maximum level prescribed by statute.

This approach appears to come from American judges' tendency to equate equity with consistency, to ensure their financial penalties are

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** Harris County Adult Probation Department.

*** University of Texas at Arlington.

**** Skidmore College.

***** University of Missouri St Louis.

credible (i.e., collectible), however, many courts set these fines tariffs ("going rates") with an eye toward the lowest common denominator of offenders coming before the bench. Thus, fixed-fine or tariff systems tend to depress fine amounts so that they cluster near the bottom of the statutory range.

These authors also discuss the troublesome aspects of multiple economic sanctions imposed by courts in conjunction with fines. It is not unusual for courts to assess restitution fees, order defendants to reimburse court costs and, in the case of persons sentenced to probation, assess supervision fees. According to Baird et al. (1986), charging probationers a service fee is becoming commonplace. The extent to which fines and other fees promote competition among economic sanctions, affect compliance of different client groups, or impact criminal penalties and deter crime, has not been determined. In this regard, Hillsman (1988:8) points out that "American courts must develop greater professional expertise in the administration of fines if they and other financial sanctions are to be credible as intermediate sanctions." One national study (Baird et al., 1986) reported that incarceration for failure to pay was reported a most likely penalty in 16 percent of 109 agencies surveyed. A study of Harris County probations (Wheeler et al., 1988) found that twice the proportion of felony cases (7%) had their probation revoked as misdemeanors (3%) due to failure to report or non-payment of fees.

In a review of court processes related to collecting and enforcing criminal fines, Hillsman and Mahoney (1988:17) concluded:

Research in both American and Western Europe courts indicates that many court administrators are doing a better job collecting fines than the conventional wisdom suggests. However, performance can be improved substantially in most courts if administrators systematically apply collection and enforcement techniques and strategies that already exist and have been proven effective.

They contend that collections may be improved by setting low fines and selecting offenders to receive fine sentences and enforcement procedures. For example, in New York City, only 47 percent of all fined offenders pay in full without any enforcement activity. An additional 20 percent eventually comply after receiving mailed notifications and arrest warrants. Overall, over a third of fined offenders default.

An innovative strategy for reducing non-compliance to economic sanctions is to structure fines flexibly so that they are both proportionate and enforceable. Such procedures were initiated in a new Vera Institute of Justice demonstration

project in Sten Island, New York (Greene, 1988:49). This jurisdiction adopted an elaborate European type day-fine system to convert a fixed fine schedule to a flexible fine payment schedule based on severity of offense, criminal history, and defendant's financial status. For example, the project planner has created a two-tiered discount rate whereby offenders above the official federal poverty income guidelines receive a one-third discount, whereas those living at poverty level receive a one-half discount. Additional administrative techniques specifically directed toward enhancing court imposed fine and fee collection processes are now appearing across the country (Wheeler and Rudolph, this issue; Wick, 1988; Cummings, 1988).

The European Experience. Unlike the United States courts, where fines are not used extensively as an alternative to incarceration, European courts often regard the fine as a sole penalty and use it widely for repeat offenders. According to Gillespie (1980), fines in West Germany are viewed as an alternative to short-term imprisonment. He reported that after the legislature encouraged the use of fines for persons sentenced to jail for six months or less, imprisonment decreased from 20 percent to 1.8 percent for this category. In this regard, the Scandinavian day-fine system "enables judges to impose monetary punishment commensurate with the seriousness of the offenses and the culpability of the offender, while at the same time taking account of offenders' differing economic circumstance" (Hillsman et al., 1987:6). In terms of enforcement, research in England and West Germany shows that prompt notification to offenders in arrears produces positive results and lessens the need for coercive action (Hillsman et al., 1987).

Whether American courts will entertain the flexibility in economic sanctions found in their European counterparts remains to be seen. A survey conducted during 1984 and 1985 at the University of Connecticut and the Institute for Court Management of the National Center for State Courts (Mahoney and Thornton, 1988:51), suggested that, while judges are divided on the issue of taking into account an offender's economic status when imposing fines, "most felt that such a system could work in their courts."

Given the growing dependence of criminal justice programs on service fees, the increased public demand to have offenders compensate victims and local governments' reliance on fines and court fees to fund programs, a detailed analysis of the magnitude and impact of economic sanctions on revenue and compliance is warranted. The purpose of this report is to examine these issues as they apply to two distinct offender groups, misdemeanor and felony probationers within a large metropolitan adult probation department (Harris

County, Texas). The study will also discuss the effects of economic sanctions on deterrence and its impact on the rehabilitative role of the probation officer.

Methodology

Sample. Information pertaining to all fees was derived from the total population of active probationers (N=30,423) ordered by the courts to pay monthly supervision fees, restitution fees, attorney costs and/or fines during November, 1987. Data used to measure the effects of supervision fee increases on collection recovery rates was derived from all probationers ordered to pay supervision fees from January 1987 through December 1987.

Description of Agency. The Harris County Community Supervision and Corrections Department is the largest probation department in Texas. Located in Houston, the agency is responsible for supervising 31,000 felony and misdemeanor offenders. Harris County has traditionally charged a probation fee. The maximum monthly fee was raised to \$40 per month in 1985 (Texas Code of Criminal Procedures, Art. 42.12; 42.13). By law, probation supervision fees are appropriated to the local county probation departments responsible for collecting the fees. The courts also order the payment of fines, restitution for victims and court costs. In this jurisdiction, there is no statutory preference in type of payment. Probationers make monthly installment payments directly to the probation department, which in turn distributes restitution fees to victims and other fees to the county treasury. If probationers do not have the full amount, the payment will be distributed evenly across fees, unless otherwise instructed by the court. Officially, enforcement of collection and payment preference is governed by court policy established by individual judges. In practice, probation officers may emphasize payment of supervision fees because these fees support staff salaries. Probation officers are responsible for notifying clients in arrears by mail, telephone and direct contact. Payments are mailed in or deposited by the probationer in the business division of each branch office. During fiscal 1987 the probationers paid \$6.2 million in supervision fees, \$3.4 million in restitution fees, \$4.4 million in fines, and \$355,000 in court costs and attorney fees. Approximately 50 percent of the agency's total operating budget, excluding state grants for special diversion programs, is derived from supervision fees.

Relationship Between Types of Economic Sanctions and Compliance: Felony vs. Misdemeanor Probationers.

Supervision Fees. Compliance was measured by two indicators. First, the average fee set for each sanction during November 1987 was compared to the average fee collected. This was referred to as *recovery rate*. The second indicator, *delinquency rate*, was defined as percentage of clients in arrears in payment during the study month. The results are displayed in Table 1.

The data showed that misdemeanors had lower average monthly supervision fees set per case (\$21.11) than felonies (\$25.45). However, misdemeanor probationers actually paid more on average (\$17.81 vs. \$16.60) than felony cases because they had a significantly lower delinquency rate (37% vs. 61%). The total supervision fees paid by misdemeanor offenders was \$230,248, accounting for 74 percent of total revenue collection (\$311,282). This compares to \$290,417 in supervision fees paid by felony probationers, representing about 43 percent of total felony revenue (\$683,234).

Restitution fees. Only five percent of the total misdemeanor clients were assessed a restitution fee, compared to over a third (34%) of felony cases. While felonies had a higher delinquency rate (58%) than misdemeanor cases (47%), the average restitution fees assessed in November (\$79.39 vs. \$78.42) and collected (\$37.88 vs. \$37.17) were similar. Felony restitution fee collections (\$225,500) represented one third of total revenue collected from all fees. Among misdemeanors, restitution payment (\$24,235) represented only 8 percent of total fees collected.

Fines. Eighteen percent of misdemeanor probationers were assessed a fine, averaging \$69.48. Over half (52%) of felony probationers were assessed a fine, but the average amount per case was almost half (\$35.27) of that imposed on misdemeanors. These differences may have contributed to higher recovery rates for felony cases (46%) than misdemeanors (33%). A slightly higher percentage of felony offenders were delinquent (50%) compared to misdemeanor clients (40%). In terms of total revenue, felony fines accounted for 21 percent and misdemeanor fines, 17 percent.

Attorney Fees. Only two percent of misdemeanor offenders were assessed an attorney fee compared to 52 percent of felony offenders. Average attorney fees were set higher for misdemeanor (\$30.99) than felony cases (\$19.73). Notwithstanding lower attorney fees set for felony probationers, they had a lower recovery rate (26% vs. 35%) and higher delinquency rate (56% vs. 48%) than misdemeanor probationers. These fees accounted for less than one percent of total fees paid for misdemeanor cases and only three percent for felony cases.

Table 1.
Relationship of Economic Sanctions
to Revenue Recovery and Delinquency Rates
November, 1987

| Sanction | N | Set Per Case | Coll Per Case* | Rec Rate** % | Del Rate*** % | Total |
|-------------------------|-------|-----------------|-------------------|--------------------|---------------------|------------------|
| Misdemeanor Only | | | | | | |
| Sup Fee | 12928 | \$21.11 | \$17.81 | 84 | 37 | \$230,248 |
| Restitution | 652 | 78.42 | 37.17 | 47 | 47 | 24,235 |
| Fine | 2348 | 69.48 | 22.96 | 33 | 40 | 53,910 |
| Attorney Fee | 266 | 30.99 | 10.86 | 35 | 48 | 2,889 |
| TOTAL | | | | | | \$311,282 |
| Felony Only | | | | | | |
| Sup Fee | 17495 | \$25.45 | \$16.60 | 65 | 61 | \$290,417 |
| Restitution | 5953 | 79.39 | 37.88 | 48 | 58 | 225,500 |
| Fine | 9080 | 35.27 | 16.15 | 46 | 50 | 46,642 |
| Attorney Fee | 3976 | 19.73 | 5.20 | 26 | 56 | 20,675 |
| TOTAL | | | | | | \$683,234 |
| * collected per case | | | | | | |
| ** recovery rate | | | | | | |
| *** delinquency rate | | | | | | |

For overall compliance, misdemeanor probationers compare favorably to felony probationers: the misdemeanor group had the lowest delinquency rates in all four types of sanctions as well as the highest recovery rates for supervision fees and attorney fees. Higher compliance was expected among misdemeanor probationers because they were more likely to be employed and less likely to have an extensive criminal history. Eighty-five percent of the misdemeanor probationers are Driving While Intoxicated (DWI) offenders.

It should also be noted that when a felony case shows a lower monthly

assessed sanction fee than a misdemeanor case (i.e., attorney fee) this does not mean that the offender was assessed a lower fee, because these cases are on probation four times longer than misdemeanors, and thus pay more total fees over the life of the case. We anticipated that, because of the nature of the offense, felony cases would have a different composition of fees--a disproportionate number of fines, restitution, and attorney fees--compared to misdemeanor cases. This was evident in attorney fees, where felony cases are more likely to have court appointed attorneys than misdemeanor, in which clients are more inclined to retain private counsel.

Table 2.
Effects of Multiple Economic Sanctions on
Supervision Fee Recovery Rates, November 1987

| Fee Status | Cases | Average S.F. Rate | Average S.F. Coll. | Percent Recov. % | Del Rate % |
|-------------------------|-------|----------------------|-----------------------|------------------------|------------------|
| Misdemeanor Only | | | | | |
| S.F. Only | 9059 | \$20.68 | \$18.44 | 89 | 31 |
| S.F., Restitution | 295 | 20.34 | 17.88 | 84 | 44 |
| S.F., Fine | 1838 | 21.98 | 16.54 | 75 | 49 |
| S.F., Atty | 44 | 21.70 | 15.23 | 70 | 55 |
| S.F., Rest, Atty | 5 | 21.00 | 9.00 | 43 | 40 |
| S.F., Fine, Atty | 151 | 21.99 | 14.46 | 66 | 60 |
| S.F., Rest, Fine | 192 | 22.58 | 13.61 | 64 | 59 |
| S.F., Rest, Atty, Fine | 12 | 21.67 | 10.83 | 50 | 67 |
| Felony Only | | | | | |
| S.F. Only | 3200 | \$22.17 | \$17.04 | 77 | 55 |
| S.F., Restitution | 2152 | 20.81 | 13.98 | 67 | 63 |
| S.F., Fine | 4461 | 28.31 | 19.40 | 69 | 54 |
| S.F., Atty | 738 | 22.22 | 11.89 | 54 | 74 |
| S.F., Rest, Atty | 812 | 19.97 | 12.62 | 63 | 69 |
| S.F., Fine, Atty | 1370 | 26.47 | 13.13 | 50 | 73 |
| S.F., Rest, Fine | 1493 | 27.53 | 17.75 | 65 | 66 |
| S.F., Rest, Atty, Fine | 482 | 26.62 | 11.32 | 43 | 81 |

Effects of Multiple Sanctions on Supervision Fee Recovery. Because all supervision fees are retained by the probation department and make up half of its operating budget, we examined how additional fees affected these collections. We expected those with multiple fee obligations to have a higher propensity for non-compliance with supervision fees than similar persons who were required to pay only supervision fees. To test this assumption, data on compliance with supervision fees were analyzed for persons required to pay only supervision fees versus additional fees in restitution, attorney costs, and fines. These findings are shown in Table 2.

Thirty percent of total misdemeanor cases were subject to multiple economic sanctions, 82 percent among felony cases. As expected, probationers assessed only supervision fees had the highest recovery rates in this category. For example, average misdemeanor supervision fee collected per case for those paying only supervision fees was \$18.44, compared to only \$10.83 for those required to pay this fee in addition to restitution, attorney fees and fine. The average supervision fee collections per felony case dropped from \$17.04 to \$11.32 in the most extreme multiple fee category. Regardless of type of probationer, the highest delinquency rates were also observed in the most extreme multiple sanction category (misdemeanor=67%; felony=81%).

These results indicate an inverse relationship between total fees imposed and collected. To ascertain how this applies to increases in supervision fees, we reviewed monthly supervision fee recovery rates for 1987 and the variation in recovery rates for various levels of supervision fees set by the court in November 1987.

Effects of Supervision Fee Increases on Supervision Fee Collection. Average monthly supervision fees imposed on misdemeanor cases during 1987 increased from \$17.39 to \$21.73 (25%). Average fees paid went from \$15.22 in January to \$18.38 (a 21% increase) in December. Despite a marginal decrease in recovery rates in the last two months, the rise in misdemeanor supervision fees generated more total fees during a period of declining caseload (see Table 3). For example, if the collection remained at the January level (\$15.22) or if no increase in supervision fees were in effect during the subsequent months, total collections would have dropped from \$2,775,124 to \$2,464,692 (11%).

Among felony cases, average monthly assessed supervision fees increased from \$22.29 to \$25.56 (15%) in 1987. Average collections rose from \$15.57 in January to \$16.90 in December (9%). Again, while we observed a modest drop in recovery rates in the last quarter and a decline in the caseload, the increase in assessed fees enabled the department to maintain a relatively constant level of total revenue during the year.

Table 3.
Population and Supervision Fee Collections
January 1987 - December 1987

| Month | Clients | Average Fee Set | Average Fee Col. | Percent Fee Col. % | Total Revenue |
|-------------------------|---------|--------------------|---------------------|--------------------------|--------------------|
| Misdemeanor Only | | | | | |
| Jan | 13894 | \$17.39 | \$15.22 | 87.5 | \$ 211,467 |
| Feb | 13876 | 17.79 | 15.68 | 88.1 | 217,576 |
| Mar | 14067 | 18.21 | 16.86 | 92.6 | 237,170 |
| Apr | 14083 | 18.63 | 16.66 | 89.4 | 234,623 |
| May | 13791 | 19.21 | 16.86 | 87.8 | 232,516 |
| Jun | 13535 | 19.63 | 17.31 | 88.2 | 234,291 |
| Jul | 13675 | 19.83 | 17.58 | 88.6 | 240,406 |
| Aug | 13378 | 20.08 | 17.53 | 87.3 | 234,516 |
| Sep | 13017 | 20.53 | 17.42 | 84.9 | 226,756 |
| Oct | 12922 | 20.94 | 18.58 | 88.7 | 240,091 |
| Nov | 12866 | 21.33 | 17.99 | 84.3 | 231,459 |
| Dec | 12745 | 21.73 | 18.38 | 84.6 | 234,253 |
| TOTAL | | | | | \$2,775,124 |
| Felony Only | | | | | |
| Jan | 18028 | \$22.29 | \$15.57 | 69.9 | \$ 280,696 |
| Feb | 18003 | 22.64 | 15.51 | 68.5 | 279,227 |
| Mar | 18007 | 23.04 | 17.56 | 76.2 | 316,203 |
| Apr | 17854 | 23.25 | 16.36 | 70.4 | 292,091 |
| May | 16957 | 23.51 | 16.28 | 69.2 | 276,060 |
| Jun | 16878 | 23.83 | 16.67 | 69.9 | 281,356 |
| Jul | 17051 | 24.07 | 17.24 | 71.6 | 293,959 |
| Aug | 16949 | 24.34 | 16.73 | 68.7 | 283,557 |
| Sep | 16913 | 24.71 | 16.29 | 65.9 | 275,513 |
| Oct | 16823 | 25.00 | 17.17 | 68.7 | 288,851 |
| Nov | 16781 | 25.29 | 16.48 | 65.2 | 276,550 |
| Dec | 16766 | 25.56 | 16.90 | 66.1 | 283,345 |
| TOTAL | | | | | \$3,427,408 |

*excludes cases with no assigned level of supervision or probationers with multiple cases.

Relationship of Fee Schedule to Recovery Rate. Tables 4 and 5 display average recovery rates for various supervision fee schedules reported in November 1987. Lower fee schedules reflect fees set for earlier cases. The standard supervision fee for the most recently processed cases was \$25 for misdemeanor and \$40 for felonies. Regardless of type of case, lower fee schedules were generally associated with higher recovery rates. Over half (61%) of misdemeanor clients

have a \$20 monthly fee. In this category, the average amount collected was \$17.14, representing an 85.7 percent recovery rate. The lowest recovery rate (70%) was associated with the highest fee, \$40, and the highest recovery rate (100%) with the \$15 fee (see Table 4).

Table 4.
Average Misdemeanor Collection Rate
for Supervision Fee by Fee Schedule, November 1987

| Fee Schedule | Cases | % of Cases | Coll per Client | Recovery Rate % |
|--------------|--------------|--------------|-----------------|--------------------|
| \$10 | 39 | 0.3 | \$7.18 | 71.8 |
| \$15 | 1631 | 12.6 | 15.10 | 100.0 |
| \$20 | 7887 | 61.0 | 17.14 | 85.7 |
| \$25 | 2671 | 20.7 | 19.69 | 78.8 |
| \$30 | 211 | 1.6 | 21.68 | 72.3 |
| \$35 | 476 | 3.7 | 26.40 | 75.4 |
| \$40 | 10 | 0.1 | 28.00 | 70.0 |
| TOTAL | 12925 | 100.0 | \$ 17.80 | 84.4 |

Table 5.
Average Felony Collection Rate
for Supervision Fee by Fee Schedule,
November 1987

| Fee Schedule | Cases | % of Cases | Coll per Client | Recovery Rate % |
|--------------|--------------|--------------|-----------------|--------------------|
| \$5 | 66 | 0.4 | \$3.33 | 66.6 |
| \$10 | 259 | 1.5 | 6.89 | 68.9 |
| \$15 | 7346 | 41.9 | 11.55 | 77.0 |
| \$20 | 699 | 4.0 | 13.46 | 67.3 |
| \$25 | 2949 | 16.9 | 14.76 | 59.0 |
| \$30 | 237 | 1.4 | 21.38 | 71.3 |
| \$35 | 23 | 0.1 | 19.13 | 55.3 |
| \$40 | 5911 | 33.8 | 24.40 | 61.0 |
| TOTAL | 17490 | 100.0 | \$16.55 | 65.0 |

Among felony probationers, the highest proportion (42%) of total clients fell in the \$15 fee category. This category also had the highest recovery rate (77%). The \$40 fee, accounting for a third of total cases, had the second lowest recovery rate (61%). A similar recovery rate (59%) was observed in the \$25 fee category. With a few exceptions, the general pattern suggests that higher fee schedules reduce recovery rate, but at the same time generate more revenue per capita.

Impact of Economic Sanctions on Deterrence. The relationship of economic sanctions to general and specific deterrence has not been firmly established. It is logical to assert that the higher the price one must pay for violating the law, the less incentive there is to do so. While it was not in the scope of this study to analyze deterrence, the authors were able to evaluate specific deterrence indirectly by examining the relationship between supervision fee increases and probation revocation.

Effects of Supervision Fee Increases on Revocation. During 1987, no appreciable change was observed in monthly revocation rates for either misdemeanor or felony probationers. Felony revocation rates increased by 3 percent, from 35 percent to 38 percent and misdemeanor rates by 2 percent, from 9 percent to 11 percent. This finding, coupled with the fact that felony cases were generally assessed higher economic penalties than misdemeanor cases, goes against the specific deterrence argument. However, in view of the numerous factors influencing probation outcome (e.g., failure to report, positive drug test results, and judicial discretion to continue probation after a law violation for a lesser offense), no conclusion is possible at this time regarding the deterrent effects of economic sanctions on probationers. Another unproven hypothesis about financial penalties is that they may undermine the deterrent effect. Higher fees may provide an incentive to violate the law to obtain money to pay financial obligations or abscond from the jurisdiction of the court to avoid the possibility of incarceration for non-compliance. In Harris County, felony probationers are more likely to abscond than misdemeanor probationers.

Discussion and Policy Implications

Many criminal justice agencies are entering the fee collection business as a matter of survival and as a means to provide the courts with sentencing options. Given this development, it is incumbent upon criminal justice professionals to understand the magnitude of economic sanctions, the criteria used to assess them, the effects of financial penalties on disadvantaged clients, and the impact of monitoring and enforcing compliance on the rehabilitative role of probation officers.

Magnitude of Economic Sanctions. The purposes of economic sanctions are

to deter crime, punish offenders, and generate revenue to help pay the costs of administration of justice. In Houston, fees collected by the Community Supervision and Corrections Department contributed nearly one million dollars per month. The average monthly payment was \$24 for misdemeanors and \$39 for felonies. More than half (52%) of the total collections were supervision fees used directly to support probation services. Remarkably, supervision fees paid by misdemeanants helped subsidize services for felony probationers because the latter group had lower recovery rates in these fees. This result was a function of the supervision levels according to the risk of probation failure and treatment needs of the client. Felony offenders traditionally have more employment and drug abuse problems than misdemeanants. Thus, this group has more direct contact with officers. In the absence of supervision fees, this department's average caseload would increase from 190 to nearly 400 as a result of forced reductions in staff.

The second most significant revenue source was restitution fees. A quarter of the total monthly funds collected (\$249,835) was in this category. This means victims received an average of \$38 in restitution payments each month. Few will dispute the importance of such fees in bolstering the courts' public credibility. The balance of collections was made up of fines and attorney fees, without which new taxes would be required to maintain the current level of services.

Are Economic Penalties Equitable and Fair? Virtually all probationers in Harris County were assessed a supervision fee and a majority of felony cases a fine. While variation in supervision fee schedules was noted, this was more a function of changes in the state law than flexibility in setting fees. That is, cases recently processed are more likely to have higher fees assessed than older cases. As found in this study, felony judges set a higher supervision fee than their misdemeanor counterparts. Most of the judges set a standard supervision fee. Because of the severity of offense, most felony offenders were assessed and paid higher total fees than misdemeanants. However, because fees were paid in monthly installments, the amounts were similar in some categories regardless of type of case. This appears to reflect judicial awareness that felony probationers were usually assessed more than one type of sanction.

This brings us to the important issue of fairness. Universal enforcement of economic sanctions inherently discriminates against the poor. If financial obligations are set too high for the disadvantaged and not enforced, the credibility of the courts comes into question and respect for the law declines. However, if delinquent offenders are incarcerated, social costs increase and the financially disadvantaged will suffer. The aggregate data on recovery and delinquency rates for a typical month showed a strong pattern of judicial

tolerance for non-compliance. Except for misdemeanor supervision fees, recovery and delinquency rates fell below 50 percent in most categories of economic sanctions. Given this pattern, there was little evidence that judges took an offender's financial status into account at the time fees were assessed. Obviously, leniency was granted later, particularly among felony judges. In this respect, it is court policy that a probationer must be in compliance to merit consideration for early discharge.

The above results present a strong case for judges and the probation department to develop standard financial screening procedures during the pretrial stage. Apparently, many offenders either are confronted with fees beyond their ability to pay or postpone payment until they are threatened with incarceration. Screening at intake would allow the court to review an offender's take home pay, number of dependents, and employment status before assessing various forms of sanctions. At this stage, the courts could also consider ordering offenders to participate in unpaid community service in lieu of fees. This approach to enforcement is essential in jurisdictions employing multiple economic sanctions, which, as this study shows, significantly undercut supervision fee collections needed to support services.

Role of Probation Officer. The growing dependency on service fees to fund criminal justice programs places the probation officer in a serious dilemma. If he or she stresses enforcement of economic sanctions, the problems contributing to clients' deficiencies in social functioning may be ignored, prompting them to return to crime. If the officer overemphasizes the counseling role, however, the client may not perceive compliance with economic penalties as important, which may jeopardize the credibility of the court. The officer is also plagued with the reality that fees, such as supervision payments, support his or her position. This situation opens the system to abuse.

In order to reduce or eliminate abuses of the system by both the offender and the sanction collector, several institutional measures are needed. Financial screening procedures and objective classification of offenders have been mentioned. Two additional strategies currently being explored in Harris County with assistance from the National Institute of Corrections include the automation of delinquency reports and computerized billing. Individual officers are now provided with computer-generated reports that summarize the clients' fee status. These new procedures facilitate timely notifications of payment schedules. Problem cases are also screened and identified by officers. This information is given to the court for the purpose of amending conditions of probation when appropriate. Another equally important innovation initiated by the department was the hiring of a full-time employment specialist for the residential restitution program. A major policy recommendation for departments dependent on

supervision fees is to dedicate a percentage of those fees to support full-time employment counselors. In the final analysis, the role conflict produced when officers enforce compliance to economic sanctions must be formally recognized and acted upon in the interest of justice and rehabilitation.

Future Research. Given the widespread acceptance of employing economic sanctions against criminal offenders and the potential for producing unintended consequences, the present growth of research and knowledge should be an aid to policy makers exploring alternatives to incarceration. Future research should attempt to identify the relationship of offenders' social and legal characteristics to types of economic sanctions imposed and mode of payment. These factors should be examined in the context of the total amount of fees imposed and actually recovered. A longitudinal research design would effectively address this issue as well as offer insight into the effects of non-compliance on criminal penalties and client behavior. Finally, it is also important for policy makers to ascertain the extent to which specific forms of financial penalties or a combination of sanctions affect recidivism for certain types of offenders.

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