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R. Barry Ruback and Mark H. Bergstrom  
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# ECONOMIC SANCTIONS IN CRIMINAL JUSTICE

## Purposes, Effects, and Implications

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In this article, the authors present a framework for considering five different economic sanctions: restitution, costs, fees, fines, and forfeiture. The intended purposes of these sanctions are described, and the research on the imposition of these sanctions is reviewed, particularly the extent to which offenders are likely to pay these court-ordered amounts and the effect of economic sanctions on recidivism. Four specific problems with economic sanctions are presented: setting the amounts of the sanctions, ensuring payment, setting priorities among different sanctions, and defining the roles of probation officers in the monitoring of payment.

**Keywords:** costs; fees; fines; forfeitures; restitution

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**I**n 18th-century America, criminal offenders were punished by fines, whipping, or death, but by the early part of the 19th century, incarceration was the primary penalty (Rothman, 1971). Although

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probation and parole were developed to reduce the frequency and length of imprisonment, incarceration rates in the United States today are higher than in almost all other countries in the world (Young & Brown, 1993), a pattern that suggests an overreliance on imprisonment and an underuse of alternative sanctions.

During the 1980s and 1990s, sanctions that fell between prison and probation in terms of severity and intrusiveness were created to have a range of punishments that was more closely proportionate to the seriousness of the crimes committed (Tonry & Lynch, 1996). In the main, these alternatives included boot camps, intensive supervision, house arrest, and electronic monitoring. Less common were day reporting centers and community service.

Another type of possible alternatives to incarceration includes economic sanctions, which require offenders to pay money or to forfeit property. Rather than being alternatives to incarceration, however, economic sanctions have generally been considered as add-ons to probation and incarceration. The primary advantage of economic sanctions is that money, as the most universal of all resources, has a standard value across situations, purposes, and relationships (Foa, 1971). In terms of criminal justice, that universality means that monetary payments can be used for multiple purposes: to punish, to deter, and to restore justice.

Although economic sanctions have been criticized because of the perception that they are unfair to poor defendants, have no effect on wealthy defendants, and are unenforceable, as it is unconstitutional to imprison offenders for nonpayment of debt, three pressures suggest that they are likely to be used more frequently in the future. First, the costs of criminal justice operations are becoming so prohibitively high that offenders are now expected to pay at least part of those costs, even the costs of incarceration (Butterfield, 2004). Second, concern for victims has increased and will continue to increase, so that restitution is likely to be awarded more frequently (Office for Victims of Crime, 1998). Third, although the number of prisoners has jumped from 218,205 at year-end 1974 (Hindelang, Gottfredson, Dunn, & Parisi, 1977) to more than 1.3 million at year-end 2000 (Beck & Harrison, 2001), imprisonment is now less likely than it was 10 years ago (Levin, Langan, & Brown, 2000). This trend means that there are increasing pressures for intermediate sanctions, both because of the

high cost of incarceration and because of the beliefs that long periods of incarceration are unjustified on grounds of just deserts and are ineffective in deterring future crime. This article examines the purposes and effects of five different types of economic sanctions: (a) restitution, (b) costs, (c) fees, (d) fines, and (e) forfeiture.

For the literature search, the following computer databases were examined for all years available: Criminal Justice Abstracts, Lexis-Nexus, NCJRS, PsycINFO, Social Science Abstracts, and Sociological Abstracts. We searched these computer databases using the following terms: costs, fees, fines, economic sanctions, and restitution. We also searched Criminal Justice Abstracts, Social Science Abstracts, and Sociological Abstracts by hand for earlier years. Finally, we searched through all issues during the past 3 years of the following journals: *Crime and Delinquency*, *Criminal Justice and Behavior*, *Criminology*, *Journal of Criminal Law and Criminology*, *Journal of Research in Crime and Delinquency*, *Justice Quarterly*, and *Law & Society Review*. Rather than being exhaustive, our review highlights the most important and the most recent studies.

In this article, we are concerned with economic sanctions in the adult system. Although many of the issues are the same with juveniles (e.g., setting dollar amounts commensurate with the seriousness of the offense), there are enough differences (e.g., the responsibility of parents/guardians) that the topic of economic sanctions for juveniles deserves a separate discussion. Nor does this article address the issue of court-ordered child support. Although it is often perceived as an economic sanction, it does not meet our criterion of being a court-ordered payment to the state or to the victim as a result of a criminal conviction.

Our specific focus in this article is the use of economic sanctions with probationers in state criminal justice systems. Although many states have now imposed fees, fines, costs, and restitution on inmates and parolees, most (59%) of the 6.73 million adults under correctional supervision are on probation (Glaze, 2003). Moreover, economic sanctions are becoming more central to probation sentences, whereas with parole, the central part of the sentence is still incarceration.

In general, probationers are subject to three types of conditions (Petersilia, 1997): (a) standard conditions, which are imposed on all offenders on probation (e.g., reporting to the probation office, not

leaving the jurisdiction without permission); (b) punitive conditions, which are intended to make probation more onerous (e.g., fines, drug testing); and (c) treatment conditions, which are aimed at making offenders deal with significant problems (e.g., drug abuse, lack of vocational skills). The average probation order has 18 standard conditions plus drug testing, urinalysis, counseling, job and education, curfew, restitution, community service, and fines (Shapiro, 1990). Perhaps because of the large number of conditions, probation has often been criticized because the “sanctions are not rigorously enforced” (Langan, 1994, p. 791).

Although we discuss economic sanctions as though they were independent, it is important to note that in practice economic sanctions are generally additional penalties rather than sole sanctions (Hillsman, 1990). Moreover, there are likely to be multiple economic sanctions. For example, Meyer and Gray (1997) found that convicted DUI offenders in a county in Southern California had to pay about \$1,200, including a fine of \$390, \$664 in statutorily mandated penalty assessment fees, \$50 for the Alcohol Abuse Prevention Fund, a \$37 fee for testing, a \$25 citation fee, and a \$25 payment to the state restitution fund. We return to this issue of multiple economic sanctions when we discuss issues of collection and enforcement.

The primary legal limitation on the use of economic sanctions is that, under the Constitution, individuals cannot be imprisoned for debt. Thus, if an indigent defendant cannot pay fees or restitution, the state cannot revoke probation. In *Bearden v. Georgia* (1983), the Supreme Court held that for offenses for which imprisonment is not an authorized penalty, judges cannot impose incarceration as a penalty for default unless there is a hearing that determines the defendant has the ability to pay but willfully does not. For indigent offenders, judges must consider whether societal goals of punishment and deterrence can be accomplished through a noncustodial sanction.

### SENTENCING RATIONALES

Sentencing in criminal trials involves two time perspectives (looking backward and looking forward) and three parties (the victim, society, and the offender). Looking backward after a criminal offense

involves the nature of the crime, the amount of harm caused, and the offender's culpability (Blumstein, Cohen, Martin, & Tonry, 1983), issues that relate to blame, just deserts, and ways that the offender can restore equity. Sentences that look backward (past-oriented sentences) are based on deserved punishment, and these equity-based considerations are normative responses to questions about the quality of justice (Brickman, 1977). Under an equity rationale, defendants are obligated to restore both victims and society to the condition they were in before the crime was committed.

Looking forward after a criminal offense relates to predictions about and ways to reduce the likelihood that the offender will commit future crimes (Blumstein et al., 1983). Sentences that look forward in time (future-oriented sentences) involve issues of incapacitation, deterrence, and rehabilitation. Such sentences are utilitarian and probabilistic responses to questions about reducing crime. The purpose of deterrence-based penalties is to prevent crimes from occurring. Deterrence-based penalties are externally enforced, and to the extent that they are enforced, harsher penalties are more effective because the costs of the crime to the victim and society outweigh any benefits to the offender. One implication of these purposes of sentencing is that deterrence-oriented sentences involve a penalty greater than what the offense is worth, rehabilitation-oriented sentences involve a penalty less than what the offense is worth, and equity-oriented sentences involve a penalty exactly proportionate to what the offense is worth (Brickman, 1977).

In addition to time perspective, sentencing also involves questions about the intended target of the intervention. Although most theoretical models of social control consider only offenders or victims as the targets of social control interventions (e.g., Black, 1976), in fact, society must be added, in that the criminal law is based on the assumption that crimes are harms committed against society. Moreover, many purposes of sentencing are intended to benefit society and not the offender or victim.

In Table 1, we have used these two dimensions of time and target to characterize economic sanctions. Past-oriented sentencing alternatives are concerned with what the offender did. Past-oriented sentences directed at the victim generally focus on restitution to the victim, which in almost all circumstances is monetary compensation.

**TABLE 1: Type of Economic Sanction as a Function of Temporal Focus and Target**

<i>Temporal Focus of the Economic Sanction</i>	<i>Economic Sanction Directed Primarily at:</i>		
	<i>Victim</i>	<i>Society</i>	<i>Offender</i>
Past oriented Establish blame and restore equity	Restitution	Costs of prosecution Community service	Fines Forfeitures
Future oriented Solve the problem		Fees for special funds (e.g., victim compensation)	Supervisory fees

Past-oriented sentences directed at society generally focus on reimbursement of costs of prosecution and on community service. Past-oriented sentences directed at the offender generally focus on punishing the offender. In terms of economic sanctions, this option includes fines and forfeitures.

Future-oriented sentencing alternatives are concerned with predicting and reducing the likelihood of future offending. Future-oriented sentences directed at society generally focus on deterrence and reintegration. In terms of future-oriented sentences, economic sanctions generally require offenders to pay fees for treatment and rehabilitation.

Economic sanctions have five advantages. First, compared with incarceration, they are about as effective in deterring future crime (Gordon & Glaser, 1991) but are substantially cheaper, because the state does not have to pay for housing (Morris & Tonry, 1990). Moreover, economic sanctions can avoid the stigma and secondary effects of incarceration, such as loss of employment and dependents who would otherwise have to rely on public assistance (Gordon & Glaser, 1991). Second, economic sanctions can be delivered more consistently than other types of sanctions, an important advantage because continuous punishment, in which punishment is delivered after every response, deters behavior better than intermittent punishment, in which punishment is delivered after some, but not every, response (Brennan & Mednick, 1994). In general, it is easier to impose financial penalties after every crime than to impose incarceration after every crime. Third, compared with simple probation, economic sanctions are more punitive. Fourth, economic sanctions are flexible in that they can be adjusted to the facts of the case and the circumstances of the offender. Moreover, they can be used alone, with incarceration, with probation, or with both incarceration and probation. Fifth, evaluating the basic fulfillment of economic sanctions is relatively easy and straightforward and is usually determined by an offender's level of payment.

### CONTINUUM OF ECONOMIC SANCTIONS

Economic sanctions rest on a continuum, ranging from sanctions that most directly benefit the victim to those that most directly punish

the offender. At the extremes of this continuum, the purposes of economic sanctions are fairly clear: restitution focuses almost exclusively on reparation to a specific victim (with little or no consideration of punishing the offender), whereas fines and forfeiture focus almost exclusively on punishing the offender (with little or no consideration of reparation to a victim). However, most economic sanctions are less pure in purpose and occupy the middle ground because they seek reparations for society as a victim (and, in particular, the court system) and require offenders to pay substantial (and increasing) amounts in an effort to hold them accountable for their actions. These middle-ground economic sanctions include costs and fees.

In this section, we describe five types of economic sanctions; briefly discuss the purpose, history, legal status, and practical operation of each sanction; and review the research, if any, on the imposition and effects of the sanction. Most of the research on economic sanctions in sentencing involves coding information from case files and using this information to predict who receives the economic sanction, who pays these sanctions, how much they pay, and whether payment is related to recidivism. Generally, these studies can be criticized because they often use small samples, there is much missing information (usually because it was not in the case files), they examine only a single jurisdiction (which means they cannot compare jurisdictions), and they sometimes use statistics that do not account for multiple predictors or for the fact that cases within a jurisdiction are likely to be more highly correlated than cases across jurisdictions.

#### **VICTIM-FOCUSED ECONOMIC SANCTIONS (RESTITUTION)**

Restitution, a payment by the offender to the victim for financial losses, embodies both the just deserts notion of offense-based penalties and concern for the victim (Harland, 1981). Until the late 1970s, state statutes broadly stated that restitution may be ordered but did not specify the conditions under which restitution would be appropriate (Harland, 1980). By 1990, all states had implemented statutes regarding restitution (Shapiro, 1990), consistent with the recommendation of the President's Task Force on Victims of Crime (1982).

### Contemporary Use

In most states, restitution is a permissible condition of probation, although some states have made restitution a mandatory condition in every case (Klein, 1997). In some states, restitution is justified by its rehabilitative effects on offenders, whereas in other states it is justified by its restorative effects on victims. Restitution is aimed at doing justice by having the offender compensate a victim for damages caused by the crime.

Nationally, restitution is handled in one of four different ways (McGillis, 1986): (a) as a component of victim/witness assistance programs, (b) through victim-offender reconciliation programs, (c) in conjunction with probation or parole supervision, and (d) through court-based employment programs. The first two methods, victim/witness assistance programs and victim-offender reconciliation programs, are victim-focused agencies, whereas the last two methods, probation or parole supervision and court-based employment programs, are offender-focused agencies. Victim/witness assistance programs usually focus on the economic aspects of restitution, whereas victim-offender reconciliation programs typically focus on the psychological harm resulting from the victimization.

To be fair to victims, restitution programs must give them the opportunity to make a claim for all relevant losses. In most states, victims are limited to economic losses that are "easily ascertainable" (McGillis, 1986, p. 36). Some states use the general language of "losses and damages," whereas others list specific types of losses, such as medical expenses and stolen property. Most states do not allow restitution for pain and suffering and other general damages because judges believe that these damages should be sought in civil suits. The other aspect of fairness to victims is that they not be misled into believing that they will recover restitution in full (McGillis, 1986).

To be fair to offenders, McGillis (1986) argued that restitution programs should meet four standards. First, they should use selection criteria that treat all victims equally. Research suggests that poor offenders, including minority offenders, are less likely to be ordered to pay restitution than are nonpoor offenders (Hudson & Chesney, 1977). Second, restitution programs should use fair procedures to determine

the amount of damages owed the victim. When probation officers believe that an amount is distorted, they should investigate without offending the victim and then rely on the sentencing hearing to bring out the truth of the claim. Third, restitution programs should give offenders the opportunity to challenge restitution recommendations. Many states provide that offenders have the opportunity to participate in a restitution plan prior to the sentencing hearing, and some states allow offenders to a detailed hearing in which the defendant can challenge the victim's claims of losses. Fourth, the judge's restitution order must be precise about the amount of restitution owed and the schedule for paying it. In states where restitution can be ordered only as a condition of probation, the period of probation must be long enough to allow offenders to reasonably meet their financial obligations.

Nationally, restitution is imposed in 14% of all felony convictions: 13% for violent offenses, 26% for property offenses, 6% for drug offenses, 6% for weapons offenses, and 10% for other offenses (Durose & Langan, 2003). Restitution programs have generally been seen as unsuccessful for three reasons (Office for Victims of Crime, 1998): (a) judges are reluctant to impose restitution on offenders who are assumed to be unable to pay it, (b) payment on restitution orders typically follows other financial obligations (e.g., costs, fines), and (c) there is often ambiguity about who is responsible for monitoring, collecting, disbursing, and enforcing restitution payments. Moreover, there are differences among states in terms of whether indirect victims (e.g., insurance companies) and local governments are entitled to restitution (Klein, 1997).

### Research

Studies with adults suggest that judges are more likely to order restitution when the offender is better educated and employed, characteristics that make it more likely that the offender will pay the imposed restitution (Lurigio & Davis, 1990). In a Bureau of Justice Statistics study of felony probation in 32 counties, the average restitution order imposed per probationer was \$3,368, of which only 54% was paid on average by the time probationers had completed their sentences (Cohen, 1995). Research with adults suggests that the collection rates

of restitution are low, 45% in one national study (Smith, Davis, & Hillenbrand, 1989) and 34% in Cook County (Chicago, Illinois; Lurigio, 1984). If offenders have no money, they are often unwilling to make any efforts to pay the restitution (Galaway & Hudson, 1975). The likelihood of payment is increased if offenders are (a) told about the importance of restitution, (b) given employment opportunities, (c) closely supervised, and (d) allowed to pay in installments (Van Voorhis, 1985). These factors have also been found in research on the payment of fines, suggesting that payment increases with ability to pay and closer supervision (Hillsman, Mahoney, Cole, & Auchter, 1987).

In their multivariate analyses of restitution decisions in Pennsylvania from 1990 to 1998, Ruback, Ruth, and Shaffer (2005) found that restitution was ordered more for property offenders, offenders with no prior record, White offenders, and younger offenders. A 1995 statutory change making restitution mandatory increased the proportion of restitution orders statewide in 1996-1998, but the level of this change was not equal in all counties or for all types of cases.

In an extension of this research, Ruback and Shaffer (2005) found that restitution was significantly more likely to be imposed if the victim/witness assistance office was in the courthouse building as opposed to elsewhere, probably because judges were more likely to be aware of victims' losses if workers in the victim/witness office were physically closer to the district attorney. Restitution was also more likely to be imposed in counties that did not have a separate collections unit.

Outlaw and Ruback (1999) examined adult probation cases from Allegheny County (Pittsburgh), Pennsylvania, in which restitution was or could have been a condition of probation. Results indicated that judges ordered restitution most often when damages were easy to quantify and that offenders were most likely to pay the restitution when they were able to pay and when the victim was a business. Restitution payment was negatively related to rearrest, and this effect was especially strong among married persons, suggesting that restitution was particularly effective for individuals who were better integrated into the community.

In one of the few experimental studies of economic sanctions, Lurigio and Davis (1990) randomly assigned adult probationers who

were delinquent in payment of restitution to (a) a treatment group that received a letter notifying them of the amount of money they owed, telling them how to make payment, and threatening them with serious consequences if they did not, or (b) a control group that did not receive a letter. Results indicated that offenders who received a notification letter were significantly more likely to pay restitution. Moreover, this effect was particularly strong for probationers who had jobs and who had shorter criminal histories, probably because these individuals had greater ability to make payment and because their greater ties to the community meant that probation revocation would be a greater punishment for them.

#### **SOCIETY-FOCUSED ECONOMIC SANCTIONS (COSTS AND FEES)**

Fees are used to reimburse the state for the administrative cost of operating the criminal justice system. Current distinctions in the labeling of fees (e.g., court costs, supervision fees, etc.) help to differentiate the purpose or use of the funding but do not otherwise change the nature of these society-focused sanctions.

In a recent survey of Pennsylvania counties, Bergstrom (2002) identified 36 different county-based costs and fees imposed on offenders, which are in addition to state-mandated costs and fees. As shown in Table 2, the number of counties (of 67) imposing each of these costs and fees ranged from 1 to 64, and the range in dollar amounts was sometimes substantial. Overall, the label "cost" is used to describe a blanket charge for program admission/participation and can include a number of charges that are specific (direct) and/or general (indirect) based on average processing expenses. As an example, ARD/Fast Track is a cost imposed in several counties, ranging from \$125 to \$400, to cover all court-processing expenses associated with a diversion program. The label "fee" is much more common and is used to describe a specific, individual charge for a service. As an example, it is common for counties to impose a \$250 fee for DNA analysis.

#### **Purposes**

Many jurisdictions impose fees on offenders to offset underfunding because high probation caseloads often mean offenders are sub-

**TABLE 2: County Costs and Fees in Pennsylvania**

<i>Type of Cost/Fee</i>	<i>Number of Counties<sup>a</sup> Imposing the Cost/Fee</i>	<i>Range</i>
ARD Standard	15	\$30-\$400
ARD/Fast Track	5	\$125-\$400
ARD/DUI	16	\$100-\$525
Non-DUI court costs	17	\$52-\$300
DUI court costs	17	\$24-\$311
Bench warrant	13	\$4-\$200
Court/clerk fee	20	\$5-\$200
Fingerprint card	4	\$8-\$18
ARD expungement fee	1	\$15
Case management fee	1	\$10
Bail administration fee	15	\$3-\$50
Automation fee	36	\$1-\$5
Law enforcement fee	2	\$5-\$10
Live-scan processing fee	1	\$150
DUI fee	11	\$50-\$525
Crime lab fee	34	\$40-\$90
Blood analysis fee	12	\$15-\$112
DNA fee	26	\$8-\$250
Drug testing fee	16	\$5-\$90
D & A/TASC evaluation fee	9	\$16-\$100
Psychological evaluation fee	2	\$158-\$185
Psychological and D & A evaluation fee	1	\$220
Psychiatric/medical evaluation fee	5	\$45-\$266
Court reporting network fee	24	\$25-\$150
Administration fee <sup>b</sup>	10	\$2-\$400
Supervision fee (monthly)	64	\$25-\$60
Nominal supervision fee (monthly)	1	\$25
Other supervision fee	5	\$10-\$200
Supervision transfer fee	5	\$25
Drug supervision fee	3	\$5-\$100
Electronic monitoring fee (daily)	22	\$2-\$15
Electronic monitoring fee (flat fee)	11	\$15-\$200
Community service fee (insurance)	20	\$5-\$100
Victim impact panel fee	3	\$25
Highway safety class fee	25	\$50-\$300
Other program fees	6	\$125-\$650

*Note.* ARD = Accelerated Rehabilitative Disposition, a diversion program authorized by the Pennsylvania rules of criminal procedure; D & A = drug and alcohol; TASC = Treatment Alternatives to Street Crimes, a diversion program focusing on drug treatment that also provides treatment support for sentenced offenders.

a. Of 67 counties.

b. Fines, costs, restitution, ARD.

ject to no supervision (Petersilia, 1997). Supervision fees are the most common type of special condition of probation (Bonczar, 1997). In most jurisdictions, there is a monthly fee, which defrays the costs of preparing presentence reports and engaging in regular supervision activities. Additional fees can be imposed for specific services, such as electronic monitoring. In 1992, probation departments nationally imposed fees ranging from \$10 to \$40 per month, although the fee was lowered if the offender could not pay (Finn & Parent, 1992). The use of supervisory fees has been upheld by the courts. For example, in *Taylor v. Rhode Island* (1996), the First Circuit Court of Appeals held that the monthly fee the defendant paid was not a punishment. The court noted that the fee was directly related to the costs associated with supervising probationers and parolees and went into a separate fund used only for defraying those costs, the amount was reasonable and rationally related to those costs, and the fee did not serve, primarily, the sentencing goals of deterrence or retribution.

Probation fees are aimed at having offenders partially pay for the costs of their supervision (Olson & Ramker, 2001). There is a need for fees to cover the costs of administering probation, because even though two thirds of convicted offenders are placed on community supervision, only one tenth of correctional budgets pay for supervision (Petersilia, 1997). Not surprisingly, probation officers generally believe that collecting fees takes too much time and infringes on their ability to do what they consider to be more important duties (Morgan, 1995). Probation officers seem to have higher collection rates if they are evaluated in part on their collection rates (Wheeler & Rudolph, 1990).

Some probation departments have become self-supporting through supervision fees, whereas other departments are able to cover only a portion of their costs (Olson & Ramker, 2001). Texas is generally considered the most successful state in generating fees, with about 40% of the cost of basic probation covered by fees paid by offenders (Finn & Parent, 1992).

### Research

Research suggests that probationers in rural counties are more likely than probationers in urban counties to be ordered to pay proba-

tion fees (Ellsworth & Weisheit, 1997), even when individual difference variables are controlled statistically (Olson & Ramker, 2001). In their analysis of probation fees in Illinois, Olson and Ramker (2001) found that fees were ordered in 55% of the cases, and on average, probationers paid 72% of the ordered amounts. Multivariate analyses indicated that probation fees were significantly more likely to be imposed in rural than in urban jurisdictions when treatment or fines were also imposed and, in terms of individual characteristics, for White offenders, offenders with higher incomes, offenders with prior convictions, and offenders convicted of a misdemeanor rather than a felony. The total amount of the probation fee ordered was greater in urban than in rural jurisdictions and for offenders who were given longer sentences. Probationers were likely to pay higher percentages of their probation fees if they were White, had higher incomes, had lower amounts of fees ordered, were sentenced to pay fines, were sentenced in a rural area, and did not have their probations revoked.

Olson and Ramker (2001) suggested that the difference in imposition of fees is attributable to the fact that rural judges are likely to be more responsive than urban judges to their communities and more concerned with the imposition of justice in individual cases than with the processing of large numbers of cases (see also Weisheit, Wells, & Falcone, 1995). It might also be the case that rural areas have lower available tax bases to support government operations, and therefore they have a greater need to rely on revenues from fees (Olson, Weisheit, & Ellsworth, 2001).

With regard to their finding that collection rates were higher in rural areas, Olson and Ramker (2001) suggested that judges in rural areas were concerned that offenders pay something, whereas judges in urban areas were concerned that fees should be imposed and enforced only if they were set at a level high enough to justify the time and expense of collection.

#### **OFFENDER-FOCUSED ECONOMIC SANCTIONS (FORFEITURES AND FINES)**

In this section, we discuss forfeitures and fines. Although the two may seem distinct, the U.S. Supreme Court has held that a forfeiture is a fine within the meaning of the Eighth Amendment and, therefore,

that if the amount of the forfeiture is grossly disproportionate to the gravity of the defendant's offense, the forfeiture would violate the excessive fines clause (*United States v. Bajakajian*, 1998).

### **Forfeitures**

Forfeitures refer to the government seizure of property because it is illegal contraband, was illegally obtained, was acquired with resources that were illegally obtained, or was used in connection with an illegal activity. Forfeiture can be either criminal or civil (Campbell, 1991). Forfeitures are offender-focused sanctions that directly relate to offenders' culpability and are used most often to be punitive. Although the proceeds from forfeitures are typically used to support law enforcement and administration of justice agencies (much like society-focused costs and fees), financial support is not the primary purpose of the sanction.

Criminal forfeiture, which occurs after a conviction based on proof "beyond a reasonable doubt," involves the forfeiture of assets related to the crime and is primarily punitive in nature. In contrast, civil forfeiture of property does not require a conviction, and, at least by law, is not punitive toward the offender. Civil forfeitures require only proof by a "preponderance of the evidence" that the assets were used in criminal activity (Williams, 2002). This lower standard of proof makes it easier to seize property, and thus civil forfeiture is the preferred route, accounting for about 80% of all forfeitures (Blumenson & Nilsen, 1998). In the federal system, prior to the passage of the Civil Asset Forfeiture Reform Act of 2000 (2000), the standard was even lower, merely probable cause.

Although forfeiture dates back to the early days of the country, when the federal government seized boats from shippers who did not pay duties, it was not much used until the latter part of the 20th century. In 1970, Congress made forfeiture a penalty under the Racketeer Influence and Corrupt Organizations Act and the Continuing Criminal Enterprise Act, supplemented by laws in 1984 and 1986 (Spaulding, 1989). Civil forfeitures in the federal system are authorized by Section 881 of the Comprehensive Drug Abuse Prevention and Control Act, originally passed in 1970 (Williams, 2002). These

forfeiture laws were designed to remove the profit motive from crime and to motivate anti-drug law enforcement.

In terms of legal status, in *United States v. Ursery* (1996), the Supreme Court held that in rem forfeiture actions (legal proceedings taken against property, not an individual) are not punishment for double jeopardy purposes because, even though forfeiture has a deterrent (i.e., punitive) effect, its primary goals are remedial and nonpunitive. That is, forfeiture actions are aimed at ensuring that criminals do not profit from their actions and encouraging property owners to ensure that their property is not used in criminal activities.

Every year, about 40,000 asset seizures occur in the United States, and virtually none of them are contested (Biewen, 2002). Forfeiture cases have recently been criticized because it is suspected that many of the cases are based on racial profiling and that they lead police departments to skewed priorities. Specifically, police, motivated by the knowledge that the forfeitures go to police departments and not to general coffers, place a great deal of emphasis on low-level drug cases because these cases can bring in money and property even if, relatively, the crimes are not that serious (Blumenson & Nilsen, 1998).

### **Fines**

Fines are monetary penalties for crime, and they have several inherent advantages over other types of penalties (Campbell, 1991; Hillsman, 1990). They are obviously punitive and can be tailored to the seriousness of the particular crime and to a specific individual's criminal history and resources. They are also flexible in terms of serving as sole penalties or of being combined with other sanctions, ranging from treatment to incarceration. They also have the advantage of providing funds to support both the collections office and other related expenditures, such as victim/witness assistance and victim compensation. For example, in the federal system, fines are aimed primarily at benefiting victims in that most fines are deposited in the Crime Victims Fund, 90% of which goes to the states for victim compensation and assistance (General Accounting Office, 1999).

*Comparative perspective.* In Western Europe today, fines are the primary criminal penalty, largely because of concerns about the nega-

tive effects of incarceration and beliefs that fines are effective at preventing recidivism. For example, in the Netherlands, Germany, and Sweden, fines are the legally presumptive penalty and are used in 80% to 90% of all sentences (Tonry & Lynch, 1996).

In Europe, there are two types of fines (Tonry & Lynch, 1996): prosecution diversion systems and day fines. As diversion devices, fines are used for conditional dismissal of charges. In Sweden, Germany, and the Netherlands, if the defendant agrees to pay a fine (often, the amount that would have been imposed had the defendant been convicted), the prosecutor will dismiss charges. The day fine is based on both the seriousness of the offense and the defendant's ability to pay. Day fines consist of two parts (Hillsman, 1990), an assessment of the degree of punishment needed (based on the severity of the offense) and a translation of this punishment into a monetary amount based on the individual's economic circumstances (typically, the offender's daily income). Thus, day fines make more equitable the punishment impact of a fine for rich and poor persons.

*Contemporary use.* In the United States, in contrast, many judges are opposed to fines because many believe that fines cannot be enforced against the poor and have little effect on the wealthy, whom they perceive as buying their way out of punishment (Hillsman, 1990). Judges generally believe that fines by themselves cannot serve as an alternative to either probation or incarceration (Cole, Mahoney, Thornton, & Hanson, 1987). Moreover, most model penal codes and sentencing standards are opposed to fines, which are assumed to have little correctional value and to be biased against the poor (National Advisory Commission on Criminal Justice Standards and Goals, 1973). In addition, flat fines and fines with absolute maximums may become ineffective when legislatures do not regularly update them to adjust for inflation (Gillespie, 1981). For some offenses, in which the fine is statutorily determined, fines are regressive and fail to meet the goals of individualized justice. As a result, fines are used primarily in courts of limited jurisdiction, especially traffic courts (Hillsman, Sichel, & Mahoney, 1984).

For example, in lower courts, fines are used for minor offenses (e.g., shoplifting), particularly for first-time offenders who have enough money to pay the fine (Hillsman et al., 1987). In the municipal

court in Columbus, Ohio, fines were imposed on 87% of the convicted offenders, especially among those convicted of drunk driving (Ryan, 1980). Although the day fine was initially tested in Staten Island, New York in 1988-1989 and has been introduced in several other U.S. jurisdictions, it has failed to gain widespread support.

Nationally, fines are imposed in 25% of all felony convictions: 20% of violent offenses, 24% of property offenses, 27% of drug offenses, 19% of weapons offenses, and 27% of other offenses (Durose & Langan, 2003). Fines are often used in connection with probation to increase the likelihood of payment and the level of punishment. When they impose fines, judges in many state systems rarely have information about the offender's ability to pay. This lack of information may result in fines that are too high, especially because legislatively imposed sanctions are required and may themselves be beyond what some offenders can pay. But it is also possible that fines might be set too low, which means that the sentence will fail to fulfill its potential for retribution and deterrence (Cole, 1992). In the federal system, where judges might have better information than in many state systems, fines are strongly and positively related to ability to pay (Waldfogel, 1995).

According to Hillsman and Greene (1992), within a jurisdiction judges usually apply the "going rate" for fines so that all violators of a particular offense are obligated to pay the same or similar amounts. Because judges tend to use this going rate for fines, however, they neglect to adjust the seriousness of the penalty to the particular defendant. And, because this going rate is usually low (to accommodate the poorest offenders), fines have little penalty value for affluent offenders. Rather than at initial sentencing, judges' adjustments to fines tend to be at the back end, when they often excuse the remaining unpaid portion or simply let the probation period expire without enforcing the fine. Research suggests that fines are more likely to be paid if the amounts and payment schedules are reasonable and take into account an offender's ability to pay, if the offender's payments are closely monitored, and if progressively more coercion is used in response to nonpayment (Hillsman, 1990).

Morris and Tonry (1990) argued that fines rather than incarceration in jail or prison should be the primary type of punishment because fines can be as effective in punishing past crime and in deterring future

crime. In making decisions about the most reasonable level of fines, the "light" touch of the law seems appropriate (i.e., a penalty sufficiently harsh to get the offender's attention but not so harsh as to produce negative results, such as losing a job; McCord, 1985).

### IMPOSITION OF ECONOMIC SANCTIONS

Few studies have examined how economic sanctions are imposed or how judges impose multiple sanctions. In one of the only studies to investigate multiple sanctions, Gordon and Glaser (1991) focused on the use and effects of monetary sanctions, jail, and probation in cases sentenced to probation by the Los Angeles municipal courts between 1981 and 1984. Cases were sampled from each of five offense groups (assaults, burglaries, drug crimes, DUI, and theft) and stratified by type of sanction (fines, restitution, cost of probation supervision, and jail). Each case was followed for a 2-year period to track revocations, arrests, convictions, and incarcerations. Gordon and Glaser found that type of offense significantly predicted sentences of probation only, of jail and probation, and of jail, probation, and financial penalties. However, individual attributes (race, ethnicity, drug problems, and prior convictions) failed to predict sentences of probation and financial penalties. Gordon and Glaser also found that the amount of financial penalties was affected by the type of crime and the offender's employment status. Compared with drug offenders, offenders convicted of burglary, DUI, and theft received significantly higher financial penalties, suggesting that judges believed financial penalties were inappropriate for drug offenders. In addition, employed offenders were ordered to pay significantly larger amounts than were unemployed offenders.

In terms of postsentencing outcomes, Gordon and Glaser (1991) found that, among their sample of offenders, those who received jail terms had significantly higher odds of subsequent arrest compared with offenders who received a sentence of probation with financial penalties, even after controlling for individual attributes, offense, and previous convictions. Individuals ordered to pay higher financial amounts were significantly more likely to have their probation revoked, although the simple imposition of a financial penalty resulted

in lower risk of probation revocation. Not surprisingly, individuals who were ordered to pay more financial penalties were less likely to pay the entire amount due. In another examination of multiple economic sanctions in a big city, Ruback (2004) examined the imposition and effect of restitution, fines, and costs in Philadelphia during the 7-year period of 1994 to 2000. Restitution was significantly more likely to be ordered and to be ordered for higher amounts when the victim was the state rather than a private individual or business. For both state-victim and private-victim cases, the imposition of fines and the imposition of restitution were negatively related and generally were predicted by different factors.

## DISCUSSION

The use of economic sanctions is likely to increase because of greater pressure on offenders to pay for the costs of supervision and the harm done to crime victims. But perhaps the most important reason for increases in the use of economic sanctions is that they appear to be as effective as incarceration in reducing recidivism (Cherry, 2001; Gordon & Glaser, 1991; Outlaw & Ruback, 1999). Of course, without experimental control, the results of studies could be attributed to selection bias, with judges imposing economic sanctions only on the best risks and incarceration on the rest.

Why should economic sanctions be as effective? Brennan and Mednick (1994) tested and found support for five principles of behavior: (a) punishment following a crime produces a lower rate of recidivism; (b) different types of punishing stimuli have similar effects in reducing recidivism; (c) the more crimes that are punished, the greater the reduction in recidivism; (d) crimes that are always punished are less likely to be repeated than are crimes that are only intermittently punished; and (e) criminal behavior is likely to be repeated if punishment is discontinued. Using data from a cohort of men born in Copenhagen during a 3-year period in the 1940s and followed for 26 years, Brennan and Mednick found that fines were as, if not more, effective than incarceration, a finding that supports the notion that sanctions have similar effects on recidivism regardless of their severity.

## PROBLEMS OF ECONOMIC SANCTIONS

Despite the pressure toward the increased use of economic sanctions and the evidence of their effectiveness, the criminal justice system faces four problems: (a) setting the amounts of the sanctions, (b) receiving payments from offenders who may not be able to pay, (c) setting priorities among the different economic sanctions, and (d) defining the roles of probation officers.

### Problem of Setting the Amount of Sanctions

Judges' single biggest complaint with regard to setting economic sanctions is that at sentencing, they lack complete information about offenders' economic circumstances, including employment income (net of taxes), other sources of income (e.g., welfare, unemployment), residence expenses, and number of dependents (Hillsman & Greene, 1992). At least for probation fees in Illinois, the ability to pay seemed to be less important in judges' decisions about the total amount owed and the average monthly payment, probably because judges lacked this information at sentencing (Olson & Ramker, 2001).

Judges do seem to consider whether offenders should pay multiple economic sanctions. Thus, consistent with the idea that judges believe that there is a total amount of economic sanctions that is fair, an increase in one type of economic sanction seems to lower the amounts of other types of economic sanctions. For example, in their analysis of probation fees in Illinois, Olson and Ramker (2001) found that probationers ordered to pay both fines and probation fees had lower average monthly fees than probationers ordered to pay only fees. However, Olson and Ramker found no trade-off between fees and other penalties when those other conditions were non-economic (e.g., treatment, community service). Similarly, recent studies in Pennsylvania, using both state-level data (Ruback et al., 2005) and county-level data (Ruback, 2004; Ruback, Shaffer, & Logue, 2004), suggest that the imposition of restitution is negatively related to the imposition of fines.

Evidence suggests that economic sanctions tend to be imposed unequally. In particular, research indicates that they are imposed differently with respect to location (rural versus urban areas; Olson &

Ramker, 2001; Ruback et al., 2005), type of crime (Gordon & Glaser, 1991), and offender characteristics (Ruback & Shaffer, 2005). Moreover, given that probation officers typically lack clear guidelines in terms of payment schedules for fines and restitution, offenders are likely to be treated inequitably (Alexander et al., 1998).

### **Problem of Payment**

Staggering amounts of economic sanctions are unpaid, more than \$4.5 billion in fines at the federal level and more than \$166 million in New Jersey alone (Barnes, 1996). Because most offenders have little money, they have difficulty paying these sanctions, especially if multiple sanctions are imposed (Wheeler, Hissong, Slusher, & Macan, 1990). Economic sanctions put additional burdens on offenders that make it even more difficult for them to try to lead crime-free lives. Furthermore, their inability to pay these sanctions has implications for the funding of government services dependent on offender-paid fees and costs and, in the case of restitution, for the economic and psychological welfare of victims. Moreover, noncompliance with orders to pay economic sanctions undermines the credibility of the criminal justice system with both offenders and the public (Lurigio & Davis, 1990).

With regard to fees and fines, Williams (as cited in Olson & Ramker, 2001) found that jurisdictions had higher payment rates for fines and fees if they required payment quickly (within 2 to 4 weeks), did not use installment plans, and strictly enforced penalties for nonpayment (see also Casale & Hillsman, 1986; Cole, 1992; Hillsman et al., 1984). However, Olson and Ramker (2001) found that probation fees were more likely to be collected if probationers were also subject to fines and other conditions, such as treatment. This finding suggests that having more requirements, including more economic obligations, might actually increase the likelihood of compliance, possibly because there is a higher level of supervision or support. Because payment is positively related to ties to the community (e.g., being employed, attending school, owning a telephone) and negatively related to length of criminal histories (e.g., prior convictions, outstanding warrants), it makes sense to focus monitoring on these high-risk offenders (Davis & Lurigio, 1992).

One of the primary problems with economic sanctions is that there may be no penalties for nonpayment. Petersilia and Turner (1993) found that offenders often failed to pay court-ordered fines and restitution and that no punishments were imposed for nonpayment. More generally, research suggests that many probationers do not comply with their court-ordered conditions and that there are often no sanctions for failing to comply (Langan, 1994). Initial threats (e.g., meeting with the probationer, letters of reprimand, warnings) are often seen as toothless, and many judges are reluctant to revoke the probation of offenders who do not pay (Wheeler et al., 1990).

This absence of sanctions is understandable from a utilitarian standpoint, because the system is asking people, most of whom have nothing, to pay something. Assume a probationer owes \$15 per day for supervision fees. If he is locked up because he does not pay this fee, he is likely to lose his job (because he misses work and still seems to be in trouble with the law), he is unlikely to be able to make payments in the future, and some office will have to pay \$30 per day (or more) to put him in jail or prison. From a purely economic standpoint, this result makes little sense—the system is losing \$15 per day, although the fact that different coffers of money are involved means that the loss is not easily traced.

There have been calls for the establishment of separate agencies to collect economic sanctions, because this action would serve two purposes (Gillespie, 1988-1989): (a) indicating the importance that courts attach to payment and (b) allowing probation officers to have a clearer role of focusing on rehabilitation rather than enforcing payment. Despite the seeming intuitive appeal of this call, however, some research from Pennsylvania suggests that the imposition of restitution is less likely in counties with specialized collections offices (Ruback et al., 2004).

### **Problem of Priorities**

The use of multiple monetary sanctions has implications in terms of priority of payment (Olson & Ramker, 2001), both across types of economic sanctions and within any one type of sanction. With multiple types of monetary sanctions, it is unclear how monthly payments should be split among fines, fees, and restitution. The problem is com-

pounded when offenders have these multiple monetary obligations for multiple crimes. Thus, for example, how should restitution payments for victims of three different crimes be prioritized?

Multiple economic sanctions are related to two specific problems: (a) differential enforcement (i.e., whether probation officers are more likely to collect one type of sanction than another), and (b) offenders' knowledge about where their payments go. In terms of enforcement, priorities can depend on who gets the money: for example, whether the funds go to a local agency, to general state funds, or to victims. Not surprisingly, evidence suggests that probation offices are often more concerned with collecting supervisory fees, which go to them, than in collecting fines, which go to the state general coffers, and restitution, which goes to victims (Ruback et al., 2004). Similarly, forfeitures have been criticized in that law enforcement might be more concerned with targeting low-level criminals to seize assets rather than with combating serious crime.

### **Problems of Role**

One of probation officers' main concerns is the conflict among their roles of counselor, monitor, and collection agent (Olson & Ramker, 2001). This confusion affects not only how officers allocate their time but also, in any one encounter, which role officers decide is most important. Thus, officers who are spending time collecting money are spending less time on counseling and supervision, and clients who are meeting with an officer might be unsure whether the officer is acting as a counselor or a collection agent.

The primary argument for including the supervision of restitution payments along with more traditional probation work (e.g., supervision, enforcement of rules, counseling, help with educational and vocational training) is that ensuring the payment of restitution fits in with these other roles (McGillis, 1986). That is, a probation officer who learns that an offender is not making payments can better understand why the offender is not doing so and can better intervene (e.g., helping the offender find employment) so that the payments can be made and the offender's overall situation can improve. In addition, having probation officers keep track of probation is often the cheapest way of implementing the policy. The arguments against having proba-

tion officers do this work is that they are already so overburdened with the other responsibilities of supervision that they do not have the time to do a good job of supervising and enforcing payments to victims. Thus, keeping track of payments to victims is often a low priority for probation officers.

In the most recent test of the comparative effectiveness of specialized collections offices versus probation officers, Ruback et al. (2004) examined court records, probation records, and collection office records in four counties in Pennsylvania, which were chosen because they varied in population size and the use of specialized units for the collection of monetary sanctions. The researchers found that restitution was more likely to be imposed and a higher percentage was likely to be paid in counties with smaller populations and in counties in which probation officers handled the collection of economic sanctions than in counties in which they were handled by specialized collection units.

#### FUTURE DIRECTIONS

Our review suggests four important research questions. The first question is how the increased use of economic sanctions will affect probation supervision. It might be the case, for instance, that the enhanced use of economic sanctions increases supervision, or there may be a trade-off, such that some probation conditions receive less attention so that more supervision can be devoted to the economic sanctions. Relatedly, the increased use of economic sanctions may lead to higher rates of probation revocation, in part because of the greater burden on probationers. Moreover, with more obligations, probationers might face higher levels of supervision and consequently higher rates of technical violations (Tonry & Lynch, 1996). That is, rates of technical violations might increase because probation officers' monitoring of payments requires higher levels of supervision, which could result in higher rates of detecting failures to meet all of the conditions of probation (see Miller, 1981). However, it might also be the case that economic sanctions actually reduce recidivism, as was evidenced in at least one study of restitution.

A second research question for both offenders and criminal justice system agents is whether and how knowledge of where the economic

sanctions go affects behavior. For offenders, one of the rationales for restitution is that offenders learn that they are personally responsible for the victim harm that they have caused. If they simply make monthly payments that include all of their financial obligations (e.g., restitution, fines, costs, fees), then this rationale is undermined, because offenders would have no idea how much of their monthly payments go toward each of these obligations. It would be useful to know whether, in fact, such knowledge is important in reducing recidivism. For people employed in the criminal justice system, it would be important to know whether and how the allocation of these funds affects the nature and diligence of work. For example, one criticism of drug task forces is that, because of the incentives, their primary focus is on obtaining forfeited property rather than stopping crime. Moreover, it would be important to know whether agents in the criminal justice system have a fine-grained view of these different types of economic sanctions and, if so, how this differentiation affects their enforcement of the laws.

Third, research should be conducted to obtain better information about where offenders' payments come from and where the paid economic sanctions go. Regarding offenders' ability to pay, most current systems probably know less than the Internal Revenue Service and child support investigations. Without accurate information about ability to pay, judges may mistakenly order economic sanctions that are less (or more) than offenders can actually pay. With regard to where these payments go, following the money can be problematic for two reasons. First, because court orders do not always specify the amounts of costs and fees, these amounts can be invisible to the system as a whole. Second, there is a trend in both the imposition and payment of economic sanctions toward privatization, by which judges require offenders to engage in treatment (e.g., drug counseling) and monitoring (e.g., electronic bracelets) with private agencies. More generally concerning this issue of information, the federal system has a centralized database for the payment of fines, restitution, and costs (Administrative Office of the Courts, n.d.). However, most state courts have no such information. An important test would be to determine whether a centralized information source actually increases offenders' payments of economic sanctions and reduces their subsequent criminal behavior.

Fourth, there is a need to investigate the efficacy of imposing economic sanctions alone without also using probation or incarceration. In the United States, fines as sole sanctions are restricted to traffic/motor vehicle violations, and day fines are not widely used, as they are in Europe. But perhaps for some crimes, for some types of offenders, and in some circumstances, there is a combination of economic sanctions that would be acceptable as a package of punishments.

#### CONCLUSION

Economic sanctions have several advantages over other types of penalties, and, because of greater accountability to victims and society, their use is likely to expand in the future. The problem, however, is that because these sanctions all involve money, there is a tendency to assume they are all the same, a problem that illustrates the downside of money being a universal resource. Far from being a single entity, economic sanctions represent a continuum of options that can look backward or forward and that can address offender accountability, victim and societal restoration, and system compensation. The failure of system actors and of offenders to appreciate these distinctions undermines the utility of these sanctions as viable sentencing options for reaching these different goals.

This review suggests that offenders today are paying a greater portion of the costs of criminal justice, fines seem to be effective in reducing recidivism, and victims are receiving higher amounts of restitution. In coming years, the use of economic sanctions will mature, and the imposition, monitoring, and payment will be established features of the criminal justice system. Continued thoughtful and targeted use of economic sanctions and a consideration of a combination of such sanctions as effective, freestanding alternatives are goals worth pursuing.

#### REFERENCES

- Administrative Office of the Courts. (n.d.). *Bringing criminal debt into balance: Improving fine and restitution collection* (NCJ 168418). Washington, DC: Author.

- Alexander, D., Montgomery, J., Hamilton, G., Dutton, D. W., Griswold, R. R., Russell, J. R., et al. (1998). *Fines and restitution: Improvement needed in how offenders' payment schedules are determined*. Washington, DC: U.S. General Accounting Office.
- Barnes, P. G. (1996, June). Making criminals pay. *ABA Journal*, 82, 20-21.
- Bearden v. Georgia, 461 U.S. 660 (1983).
- Beck, A. J., & Harrison, P. M. (2001). *Prisoners in 2000* (Bureau of Justice Statistics Bulletin NCJ 188207). Washington, DC: Bureau of Justice Statistics.
- Bergstrom, M. H. (2002, April). *Survey of costs and fees in Pennsylvania* Report to the Pennsylvania Commission on Sentencing, State College, PA.
- Biewen, J. (2002, April 27). *Weekend edition: Asset forfeiture from drug-related arrests and how some law enforcement agencies use the funds* [Radio broadcast]. Washington, DC: National Public Radio.
- Black, D. (1976). *The behavior of law*. New York: Academic Press.
- Blumenson, E., & Nilsen, E. (1998). Policing for profit: The drug war's hidden economic agenda. *University of Chicago Law Review*, 65, 35-114.
- Blumstein, A., Cohen, J., Martin, S. E., & Tonry, M. (1983). *Research on sentencing: The search for reform* (Vol. 1). Washington, DC: National Academy Press.
- Bonczar, T. P. (1997). *Characteristics of adults on probation, 1995*. Washington, DC: U.S. Department of Justice.
- Brennan, P. A., & Mednick, S. A. (1994). Learning theory approach to the deterrence of criminal recidivism. *Journal of Abnormal Psychology*, 103, 430-440.
- Brickman, P. (1977). Crime and punishment in sports and society. *Journal of Social Issues*, 33, 140-164.
- Butterfield, F. (2004, August 13). Many local officials now make inmates pay their own way. *The New York Times*, p. A1, A17.
- Campbell, A. W. (1991). *Law of sentencing* (2nd ed.). Deerfield, IL: Clark Boardman.
- Casale, S. S. G., & Hillsman, S. T. (1986). *The enforcement of fines as criminal sanctions: The English experience and its relevance to American practice*. Washington, DC: National Institute of Justice.
- Cherry, T. L. (2001). Financial patterns as an alternative criminal sanction: Evidence from panel data. *Atlantic Economic Journal*, 29, 450-458.
- Civil Asset Forfeiture Reform Act of 2000, Pub. L. No. 106-185, 114 Stat. 202 (2000).
- Cohen, R. (1995). *Probation and parole violation in state prison, 1991*. Washington, DC: Bureau of Justice Statistics.
- Cole, G. F. (1992). Monetary sanctions: The problem of compliance. In J. M. Byrne, A. J. Lurigio, & J. Petersilia (Eds.), *Smart sentencing: The emergence of intermediate sanctions* (pp. 142-151). Newbury Park, CA: Sage.
- Cole, G. F., Mahoney, B., Thornton, M., & Hanson, R. A. (1987). *The practices and attitudes of trial court judges regarding fines as a criminal sanction*. Washington, DC: National Institute of Justice.
- Davis, R. C., & Lurigio, A. J. (1992). Compliance with court-ordered restitution: Who pays? *Perspectives*, 16, 25-31.
- Durose, M. R., & Langan, P. A. (2003). *Felony sentences in state courts, 2003* (BJS Bulletin NCJ 198821). Washington, DC: U.S. Department of Justice.
- Ellsworth, T., & Weisheit, R. A. (1997). The supervision and treatment of offenders on probation: Understanding rural and urban differences. *The Prison Journal*, 77, 209-228.
- Finn, P., & Parent, D. (1992). *Making the offender foot the bill: A Texas program*. Washington, DC: NIJ.
- Foa, U. G. (1971). Interpersonal and economic resources. *Science*, 171, 345-351.

- Galaway, B., & Hudson, J. (1975). Restitution and rehabilitation: Some central issues. In J. Hudson & B. Galaway (Eds.), *Considering the victim: Readings in restitution and victim compensation* (pp. 255-261). Springfield, IL: Charles C Thomas.
- General Accounting Office. (1999). *Federal courts: Differences exist in ordering fines and restitution*. Report to the Chairman, Senate Committee on the Judiciary, and the Chairman, Subcommittee on Crime, House Committee on the Judiciary, Washington, DC.
- Gillespie, R. W. (1981). Sanctioning traditional crimes with fines: A comparative analysis. *International Journal of Comparative and Applied Criminal Justice*, 5, 197-204.
- Gillespie, R. W. (1988-1989). Criminal fines: Do they pay? *Justice System Journal*, 13, 365-378.
- Glaze, L. E. (2003). *Probation and parole in the United States, 2002* (BJS Bulletin NCJ 201135). Washington, DC: U.S. Department of Justice.
- Gordon, M. A., & Glaser, D. (1991). The use and effects of financial penalties in municipal courts. *Criminology*, 29, 651-676.
- Harland, A. T. (1980). *Restitution in criminal law*. Albany, NY: Criminal Justice Research Center, University at Albany.
- Harland, A. T. (1981). *Restitution to victims of personal and household crimes*. Washington, DC: BJS.
- Hillsman, S. (1990). Fines and day fines. In M. Tonry & N. Morris (Eds.), *Crime and justice: A review of research* (Vol. 12, pp. 49-98). Chicago: University of Chicago Press.
- Hillsman, S., & Greene, J. A. (1992). The use of fines as an intermediate sanction. In J. M. Byrne, A. J. Lurigio, & J. Petersilia (Eds.), *Smart sentencing: The emergence of intermediate sanctions* (pp. 123-141). Newbury Park, CA: Sage.
- Hillsman, S., Mahoney, B., Cole, G., & Auchter, B. (1987). *Fines as criminal sanctions*. Washington, DC: National Institute of Justice.
- Hillsman, S., Sichel, J., & Mahoney, B. (1984). *Fines in sentencing: A study of the use of the fine as a criminal sanction*. Washington, DC: National Institute of Justice.
- Hindelang, M. J., Gottfredson, M. R., Dunn, C. S., & Parisi, N. (1977). *Sourcebook of criminal justice statistics 1976*. Albany, NY: Criminal Justice Research Center, University at Albany.
- Hudson, J., & Chesney, S. (1977). Research on restitution: A review and assessment. In B. Galaway & J. Hudson (Eds.), *Offender restitution in theory and action* (pp. 131-148). Toronto, Canada: Lexington.
- Klein, A. R. (1997). *Alternative sentencing: Intermediate sanctions and probation* (2nd ed.). Cincinnati, OH: Anderson.
- Langan, P. (1994). Between prison and probation: Intermediate sanctions. *Science*, 264, 791-793.
- Levin, D. J., Langan, P. A., & Brown, J. M. (2000). *State court sentencing of convicted felons, 1996* (NCJ Publication No. 175708). Washington, DC: Bureau of Justice Statistics.
- Lurigio, A. J. (1984). *The relationship between offender characteristics and fulfillment of financial restitution*. Chicago: Cook County Adult Probation Department.
- Lurigio, A. J., & Davis, R. C. (1990). Does a threatening letter increase compliance with restitution orders? A field experiment. *Crime and Delinquency*, 36, 537-548.
- McCord, J. (1985). Deterrence and the light touch of the law. In D. P. Farrington & J. Gunn (Eds.), *Reactions to crime: The public, the police, courts, and prisons* (pp. 73-85). New York: John Wiley.
- McGillis, D. (1986). *Crime victim restitution: An analysis of approaches*. Washington, DC: NIJ.
- Meyer, J., & Gray, T. (1997). Drunk drivers in the courts: Legal and extra-legal factors affecting pleas and sentences. *Journal of Criminal Justice*, 25, 155-163.
- Miller, T. (1981). Consequences of restitution. *Law and Human Behavior*, 5, 1-8.

- Morgan, K. D. (1995). Officer attitudes about supervision fee collection in Alabama. *Federal Probation*, 59(4), 62-65.
- Morris, N., & Tonry, M. (1990). *Between prison and probation: Intermediate punishments in a rational sentencing system*. New York: Oxford University Press.
- National Advisory Commission on Criminal Justice Standards and Goals. (1973). *Report on corrections*. Washington, DC: Government Printing Office.
- Office for Victims of Crime. (1998). *New directions from the field: Victims' rights and services for the 21st century*. Washington, DC: U.S. Department of Justice.
- Olson, D. E., & Ramker, G. F. (2001). Crime does not pay, but criminals may: Factors influencing the imposition and collection of probation fees. *Justice System Journal*, 22, 29-46.
- Olson, D. E., Weisheit, R. A., & Ellsworth, T. (2001). Getting down to business: A comparison of rural and urban probationers, probation sentences, and probation outcomes. *Journal of Contemporary Criminal Justice*, 17, 4-18.
- Outlaw, M. C., & Ruback, R. B. (1999). Predictors and outcomes of victim restitution orders. *Justice Quarterly*, 16, 847-869.
- Petersilia, J. (1997). Probation in the United States. In M. Tonry (Ed.), *Crime and justice: A review of research* (Vol. 22, pp. 149-200). Chicago: University of Chicago Press.
- Petersilia, J., & Turner, S. (1993). Intensive probation and parole. In M. Tonry (Ed.), *Crime and justice: A review of research* (Vol. 17, pp. 281-335). Chicago: University of Chicago Press.
- President's Task Force on Victims of Crime. (1982). *Final report*. Washington, DC: Author.
- Rothman, D. J. (1971). *The discovery of the asylum: Social order and disorder in the new republic*. Boston: Little, Brown.
- Ruback, R. B. (2004, June). Economic sanctions in Philadelphia. *Federal Probation*, 21-26.
- Ruback, R. B., Ruth, G. R., & Shaffer, J. N. (2005). Assessing the Impact of Statutory Change: A statewide multilevel analysis of restitution orders in Pennsylvania. *Crime and Delinquency*, 51(3), 318-342.
- Ruback, R. B., & Shaffer, J. N. (2005). The role of victim-related factors in victim restitution: A multi-method analysis of restitution in Pennsylvania. *Law and Human Behavior*, 29, 657-681.
- Ruback, R. B., Shaffer, J. N., & Logue, M. A. (2004). The imposition and effects of restitution in four Pennsylvania counties. *Crime and Delinquency*, 50, 168-188.
- Ryan, J. P. (1980). Adjudication and sentencing in a misdemeanor court: The outcome is the punishment. *Law and Society Review*, 15, 79-108.
- Shapiro, C. (1990). Is restitution legislation the chameleon of the victims' movement? In B. Galway & J. Hudson (Eds.), *Criminal justice, restitution, and reconciliation* (pp. 73-80). Monsey, NY: Willow Tree Press.
- Smith, B., Davis, R., & Hillenbrand, S. (1989). *Improving enforcement of court-ordered restitution*. Chicago: American Bar Association.
- Spaulding, K. R. (1989). "Hit them where it hurts": RICO criminal forfeitures and white-collar crime. *Journal of Criminal Law and Criminology*, 80, 197-292.
- Taylor v. Rhode Island, 101 F. 3d 780 (1st Cir. 1996).
- Tonry, M., & Lynch, M. (1996). Intermediate sanctions. In M. Tonry (Ed.), *Crime and justice: A review of research* (Vol. 20, pp. 99-144). Chicago: University of Chicago Press.
- United States v. Bajakajian, 524 U.S. 321 (1998).
- United States v. Ursery, 518 U.S. 267 (1996).
- Van Voorhis, P. (1985). Restitution outcome and probationers' assessments of restitution: The effects of moral development. *Criminal Justice and Behavior*, 12, 259-287.
- Waldfogel, J. (1995). Are fines and prison terms used efficiently? Evidence on federal fraud offenders. *Journal of Law and Economics*, 38, 107-139.

- Weisheit, R. A., Wells, L. E., & Falcone, D. N. (1995). *Crime and policing in rural and small-town America: An overview of the issues*. Washington, DC: Bureau of Justice Statistics.
- Wheeler, G. R., Hissong, R. V., Slusher, M. P., & Macan, T. M. (1990). Economic sanctions in criminal justice: Dilemma for human service? *Justice System Journal, 14*, 63-77.
- Wheeler, G. R., & Rudolph, A. S. (1990). New strategies to improve probation officers' fee collection rates: A field study in performance feedback. *Justice System Journal, 14*, 78-94.
- Williams, M. R. (2002). Civil asset forfeiture: Where does the money go? *Criminal Justice Review, 27*, 321-329.
- Young, W., & Brown, M. (1993). Cross-national comparisons of imprisonment. In M. Tonry (Ed.), *Crime and justice: A review of research* (Vol. 17, pp. 1-50). Chicago: University of Chicago Press.