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The Effect of Legal Financial Obligations on Reentry Experiences

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TABLE OF CONTENTS

ABSTRACT	ii
ACKNOWLEDGEMENTS	iv
CHAPTER ONE: INTRODUCTION TO LEGAL FINANCIAL OBLIGATIONS	1
CHAPTER TWO: THEORETICAL FRAMEWORK AND REVIEW OF THE RELEVANT LITERATURE	14
CHAPTER THREE: DATA AND METHODOLOGY	33
CHAPTER FOUR: FINANCIAL OBLIGATIONS AND THEIR CONTEXT	54
CHAPTER FIVE: FINANCIAL OBLIGATIONS AS A BARRIER TO REENTRY ...	92
CHAPTER SIX: SOCIAL SUPPORT AND PERSONAL CONSEQUENCES	131
CHAPTER SEVEN: CRIMINAL JUSTICE CONSEQUENCES	156
CHAPTER EIGHT: POLICY IMPLICATIONS AND RECOMMENDATIONS	187
REFERENCES	197
APPENDICES	213
APPENDIX A	213
APPENDIX B	222
APPENDIX C	223
APPENDIX D.....	224

ABSTRACT

In 2010, over 700,000 offenders were released from prison (Guerino, Harrison, and Sabol, 2012), and on any given day over seven million individual are under some form of correctional supervision (Glaze, 2011). Research has documented the collateral consequences of transition such as diminished employment prospects and limited housing availability. Fiscal concerns have shifted some of the costs of prosecution and correctional supervision to the offender, resulting in accumulation of legal financial obligations. However, little research has examined of the effect of legal financial obligations on reentry outcomes. This study has two broad goals. The first objective was to document the prevalence and context of legal financial obligations among a contemporary sample of individuals under supervision in the community. Second, the effects of financial obligations on reentry are considered. Overall, most offenders have financial obligations and struggle with employment. Second, legal financial obligations produce additional barriers to reentry. Legal responsibilities can limit social mobility, negatively impact views of the criminal justice system, and increase stress and negative emotions. However, the effect of legal fees on recidivism is mixed. The work concludes with suggested policy modifications that may mitigate negative consequences of legal financial obligations.

DISCLAIMER

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CHAPTER ONE: INTRODUCTION TO LEGAL FINANCIAL OBLIGATIONS

Over 2,000,000 individuals are paroled from prison or sentenced to probation every year (Glaze, Bonczar, and Zhang, 2010), and in 2010 prison release rates exceeded prison admissions (Guerino, Harrison, and Sabol, 2012). The criminal conviction has significant consequences for offenders. As Klein (1979: 181) expressed “All social programs run the risk of yielding unintended consequences; unwanted side effects are not the province solely of medical practitioners.” In the past decade, researchers have identified the hidden costs of felony conviction citing employment challenges, restrictions on housing, and weakened support systems (Naser and Visher, 2006; Pager, 2003; 2007; Petersilia, 2003; Pinard, 2010; Raphael, 2011; Roman and Travis, 2004; Taxman, 2003; Thacher, 2008; Travis, 2005).

Legal financial obligations result from a variety of stages throughout the criminal conviction and sentencing process. Legal obligations include legal fines, restitution, judicial fees, and child support that accrued during an incarceration sentence. This dissertation has two goals. First, it documents the nature and amount of financial obligations among a release sample. Second, it examines the effect of legal financial obligations on various dimensions of reentry (i.e., employment, stress, family relationships) and continued involvement in the criminal justice system.

Increasingly, states are implementing policies that allow for increased financial sanctions (Bannon, Nagrecha, and Diller, 2010; Rosenthal and Weissman, 2007), yet only a modest amount of research addresses the effect of legal financial obligations on post-conviction outcomes. The failure to consider the effects of legal financial obligations on reentry is problematic for several reasons. First, payment of economic sanctions is a

challenge, where diminished employment prospects and earnings potential limit the ability to meet economic expectations (Pager, 2007; Western, 2006). Second, the accumulation of legal financial obligations can magnify collateral consequences offenders already face as a result of a criminal conviction. For example, Beckett, Harris, and Evans (2008) indicate the presence of legal financial obligations on a credit check limited the ability for offenders to find suitable housing and further weakened employment prospects. Previous research suggests most offenders have some type of financial obligation resultant from a felony conviction, and the amount owed continues to increase during incarceration and supervision (Harris, Beckett, and Evans, 2008; Rosenthal and Weissman, 2007). Limited research considers why the presence of legal financial obligation matters, or how it is an important mechanism to consider during reentry.

This dissertation focuses on explaining the effects of legal financial obligations on various dimensions of reentry. While some research suggests financial obligations can impact recidivism (Gordon and Glaser, 1991; Yu, 1998), this dissertation seeks to help explain the process by which that may occur. It explores how legal financial obligations impact mechanisms that can inhibit criminal behaviors, such as stable employment or housing, positive emotions, and supportive family relationships. Further, it examines how legal financial obligations may add to the general pressures that occur after a felony conviction or contribute to further association with the criminal justice system.

SOURCES OF LEGAL FINANCIAL OBLIGATIONS

Monetary penalties for breaking the law are not a new phenomenon in the criminal justice system. Various manifestations of monetary sanctions have been present

since the earliest days of corrections (Hillsman, 1990; Morris and Tonry, 1990). O'Malley (2009) points out financial sanctions were partially displaced by the advancement of prisons. More recently, it has been noted offenders face a wide assortment of potential financial responsibilities that result and accumulate from a felony conviction. Subsequently, the phrase 'legal financial obligations' covers a collection of monetary assessments that may be administered at various points of a sentence (Beckett, Harris, and Evans, 2008). Court costs, restitution, and fines may be part of the determination of the sentence (Bannon, Nagrecha, and Diller, 2010; Rosenthal and Weissman, 2007). During an incarceration term, some states have instituted policies that charge offenders for their term in the institution (Bannon, Nagrecha, and Diller, 2010; Beckett, Harris, and Evans, 2008). Upon release or during a probation term, supervision fees and mandatory program costs may become the responsibility of the offender (Rosenthal and Weissman, 2007; Ruback and Bergstrom, 2006). Both during an incarceration sentence and post-release, child support obligations can quickly accumulate as a result of limited means of payment (McLean and Thompson, 2007; Ovwigho, Saunders, and Born, 2005). These different categories of legal financial obligations fall under a broad umbrella termed 'legal financial obligations' (Beckett, Harris, and Evans, 2008; Harris, Evans, and Beckett, 2010), or economic responsibilities that somehow result from or are impacted by a criminal conviction.

One of the most traditional and recognizable economic sanction is the fine, where the intent is to be a specific deterrent that reduces the likelihood of further criminal behavior (Hillsman, 1990; Samuels, 1970). Fines act as a deprivation of pleasure as opposed to a physical punishment (O'Malley, 2009). Research often recognizes the utility

of fines, as their flexible nature allows punishment to be tailored to a specific crime or offender (O'Malley, 2009; Ruback and Bergstrom, 2006). Judges have substantial discretion in their imposition. Traditionally, fines have been used as an alternative to imprisonment but more recently have acted as a supplemental sanction added to probation, jail and incarceration (Beckett and Harris, 2011; Gordon and Glaser, 1990; O'Malley, 2009). Often associated with misdemeanors (Ruback and Bergstrom 2006), fines are increasingly being used for felony convictions and assessed as part of the sentence (Beckett and Harris, 2011).

Restitution is another form of financial penalty and was designed to remunerate the victim and community (Ruback and Bergstrom, 2006; Ruback, Ruth, and Shaffer, 2005). The use of restitution gained popularity in response to victim's rights movements, and is considered to have rehabilitative purpose by allowing offenders to make reparation for their crime (Ruback and Bergstrom, 2006). Offenders who demonstrate an ability to pay and commit crimes that have a tangible cost, such as burglary, are more likely to receive restitution orders as part of their sentence (Outlaw and Ruback, 1999; Ruback, Shaffer, and Logue, 2004).

Nontraditional forms of legal financial obligations are also gaining popularity. Recent trends shift financial responsibilities for court processes from the state to the offender. Whereas fines and restitution have more variation in assessment as part of the sentence, the imposition of fees has less discretion (Bannon, Nagrecha, and Diller, 2010). The timing of the various fees can occur at a variety of points during the sentencing process, and originate from a variety of sources.

Court costs are a common inclusion of criminal sentences (Bannon, Nagrecha, and Diller, 2010; Ruback and Bergstrom 2006). Many states use a flat fee system of court costs, having a set amount charged for misdemeanor or felony cases (Bannon, Nagrecha, and Diller, 2010; Rosenthal and Weissman, 2007). In addition, approximately half of the states use application fees, where offenders are charged to some degree for court-appointed defense attorneys (Family Life Center, 2008; Wright and Logan, 2006). Charges for attorneys are wide ranging and can be anywhere from \$20 to \$750, depending on the jurisdiction and criminal charge.

Some states also have levied fees for jail stays and incarceration sentences (Bannon, Nagrecha, and Diller, 2010; Beckett, Harris, and Evans, 2008). Research suggests charging offenders for jail and incarceration terms sends offenders out into the community with an accumulated correctional debt (Beckett, Harris, and Evans, 2008; Family Life Center, 2008; Harris, Evans, and Beckett, 2010). Even states that have not adopted statutes to recoup incarceration and jail costs often implement supervision fees for offenders under community supervision. While intended to help defray expenses for programs and administrative costs associated with supervision, offenders may still be mandated to pay for various classes, drug tests, polygraphs and other aspects of supervision in addition to a flat monthly fee (Banner, Nagrecha, and Diller, 2010; Becket, Harris, and Evans, 2008; Rosenthal and Weissman, 2007; Ruback and Bergstrom 2006).

The assessment of fees is primarily a response to budgetary concerns, transferring the fiscal obligation from the state to the offender. Although each fee is typically described as a nominal amount, evidence indicates small fees can accumulate quickly. Research suggests offenders can be responsible for up to 17 different types of financial

obligation at various points throughout their sentence, including defense attorney fees, drug testing, court costs, mandatory classes or therapy, and supervision fees (Banner, Nagrecha, and Diller, 2010; Harris, Evans, and Beckett, 2010; Ruback and Bergstrom, 2006).

A final source of legal financial obligation is child support. Over half of incarcerated offenders have children (Bureau of Justice Statistics, 2008). Many have court-ordered financial responsibility for their children that is rarely suspended for a term of incarceration (Cammett, 2006; Cavanaugh and Pollack, 1997; Ovwigho, Saunders, and Born, 2005). Even for parents who owe child support and are not in prison, research suggests payment of child support is challenging for individuals of lower socioeconomic status. For example, the child support expectation can exceed 20% of monthly earnings (Cavanaugh and Pollack, 1997; Levingston and Turetsky, 2007). Ovwigho, Saunders, and Born (2005) indicate child support arrearage for incarcerated parents is often more than double than that of non-incarcerated parents. As it is not uncommon that child support obligations often make up a large proportion of monthly earnings, the issue of paying child support after release from prison as well as the back child support that accrued during an incarceration term, makes this form of financial obligation particularly important to consider.

Researchers have noted a strong relationship between child support arrears, poverty and incarceration (Cavanaugh and Pollack, 1997; Ovwigho, Saunders and Born, 2005). Overall, research suggests the accumulation of child support debt is a common problem for incarcerated offenders and it can be difficult to waive or readjust the child support order during and after incarceration (Cammett, 2006; Cavanaugh and Pollack,

1997; CLASP, 2007, Levingston and Turetsky, 2007; McLean and Thompson, 2007). Levingston and Turetsky (2007) suggest up to half of incarcerated parents continue to owe child support during their sentence. Child support obligations continue after incarceration, and the child support order often fails to adjust for the limitations in earnings offenders may have post-incarceration (Cammett, 2006; CLASP, 2007). The accrual is legally justified because criminal behavior is considered voluntary, so reduction of expectation or a suspension during incarceration is difficult, uncommon and confusing (Cammett, 2006; Cavanaugh and Pollack, 1997; McLean and Thompson, 2007; Pirog and Ziol-Guest, 2006).

The commonality of these categories of legal financial obligations is that they all contribute to the legal debt an offender may owe, meaning the offender would not have the economic obligation without a criminal conviction. In the case of child support, the financial responsibility would not be to the extent it is had the conviction not occurred. Although it is important to note different types of monetary penalties have varying theoretical and practical purposes and justification, I only briefly discuss these differences. Rather, the focus of this dissertation is the general outcomes that can emerge as a consequence of the cumulative effect of legal financial obligations. Subsequently, legal financial obligations are discussed from this point on in a more general sense. The many financial penalties that can be assessed simplifies into a debt offenders owe resultant from their involvement in the criminal justice system.

PREVALENCE OF LEGAL FINANCIAL OBLIGATIONS

It is difficult to report who owes what and where on a large scale because financial penalties can be assessed at many points during trial, sentencing, and

supervision. Further, permissible impositions and amounts vary greatly between jurisdictions. However, what is consistent is that in any form, legal financial obligations are becoming normative in general and in many cases legally mandatory (Bannon, Nagrecha, and Diller, 2010; Harris, Evans, and Beckett, 2010).

Evidence suggests both the frequency and amount of legal financial obligations have increased in the past decades. Durose and Langan (2004) report 25% of persons convicted of a felony in state courts in 2000 received a fine in addition to an incarceration sentence and 12% had a restitution order. Further, other research reports up to 84% of adults on probation receive an additional financial penalty (Bonczar, 1997; Harris, Evans, and Beckett, 2010). Using a national inmate survey, Harris, Evans, and Beckett (2010) suggest a conservative estimate of 66% of offenders in prison had received an economic sanction in addition to their incarceration sentence. They report many of these cases are the result of court costs, but also point out roughly 25 - 30% of imprisoned offenders are also responsible for fines or restitution. From this literature, it seems evident that many offenders are responsible for some type of legal financial obligation.

Accounts are less consistent in reports of how much offenders typically owe, and research suggests there is a high degree of variability in the amount of the economic sanction across offenders and jurisdictions. In an evaluation of monetary penalties in Washington State, Harris, Evans, and Beckett (2010) found the average amount a felony offender owed for supervision fees, court costs and additional court ordered fees is approximately \$2,500, but the median was \$1,110. Diller, Greene, and Jacobs (2009) found the average supervision fees offenders owed in Maryland to be about \$750, and McLean and Thompson (2007) report average restitution obligations in a single

jurisdiction totaled \$3,500. Others report that child support debt can double during an incarceration term, and is often between \$10,000 and \$20,000 (CLASP, 2007; Ovwigho, Saunders and Born, 2005). Rosenthal and Weissman (2006) report a single DOWI conviction in New York totals over \$7,000 in fees and fines. Some imply these are conservative estimates, as legal debt generally continues to accumulate through interest, accrued penalties for nonpayment, and continued involvement in offending (Beckett, Harris, and Evans, 2008; Diller, Greene, and Jacobs, 2009; Harris, Evans, and Beckett, 2010; Rosenthal and Weissman, 2006).

Further, research suggests that not only does the amount of legal financial obligation vary by jurisdiction; differences also emerge across individual offenders and offenses. General research on sentencing demonstrates differences in overall sanctioning based on age, race and gender, suggesting young, black males typically receive harsher sentences than their counterparts for similar offenses (Bushway and Piehl, 2001; Pettit and Western, 2004; Steffensmeier, Ulmer, and Kramer, 1998; Ulmer and Johnson, 2006).

Correspondingly, evidence suggests there are also differences in the assessment of legal financial obligations. Beckett, Harris, and Evans (2008: 33) point out “convicted defendants with similar legal histories and conviction charges are assessed very different fees and fines...”, citing gender, racial and contextual differences. Despite existing legislation that mandates certain financial penalties for all offenders, studies continue to demonstrate offender characteristics matter in regard to who receives economic sanctions (Ruback, Shaffer, and Logue, 2004). Net of offense type, offenders with higher incomes, more education and of an older age tend to be more likely to receive an economic penalty such as restitution (Gordon and Glaser, 1991; Lurigo and Davies, 1990; Olson and

Ramker, 2001; Ruback and Bergstrom, 2006) or receive financial sanctions as an alternative to prison or jail (Gordon and Glaser, 1991). This phenomenon is generally explained by the assumption that this type of offender is more likely to have better employment and is more anchored in the community, resulting in a higher likelihood of payment (Outlaw and Ruback, 1999; Waldfogel, 1995). Additionally, men seem to be somewhat more likely to receive some sort of economic sanction (Beckett, Harris, and Evans, 2008; Ruback et al., 2004), though the effect is not particularly strong. In that regard, Ruback and colleagues (2005) found women were more likely to be ordered to pay restitution, but not fines. Similar to broader evaluations of sanctioning (Bontranger, Chiricos, and Bales, 2005; Steffensmeir, Ulmer, and Kramer, 1998), racial differences are important in considering the imposition of legal financial obligations, although the evidence is inconsistent. Some studies suggest whites are more likely to receive an economic sanction (Gordon and Glaser, 1991; Olson and Ramker, 2001; Ruback et al., 2005), while others have found increased financial penalties for Hispanic offenders (Beckett, Harris, and Evans, 2008), and some have found no racial or ethnic variation (Outlaw and Ruback, 1999; Ruback et al., 2004).

Most research suggests nonviolent offenders, particularly those with drug offenses, had increased amounts of fees and fines associated with their sentence (Beckett, Harris, and Evans, 2008; Family Life Center, 2008), although Gordon and Glaser (1991) report drug offenders received financial penalties less frequently and in a lesser amount. The Family Life Center (2008) reports a felony drug charge can result in over \$750 in fines and fees. Property crimes also typically receive higher financial penalties in association with their sentence (Beckett, Harris, and Evans, 2008; Ruback, Shaffer, and

Logue, 2004). Research seems to suggest offenders who commit quantifiable offenses such as property theft receive financial sanctions, particularly restitution (Outlaw and Ruback, 1999; Ruback, Shaffer, and Logue, 2004). Prior literature is somewhat scarce in evaluating offense differences in the use of legal financial obligations. It is plausible there are differences in the use and effect of financial obligations among various offenders and offenses.

Despite variability in reports of the application and amount of legal financial obligations, the current literature demonstrates some consistencies. First, monetary penalties are rarely used as a solitary sanction for criminal behavior but instead used more often as a supplement to probation and prison sentences (Bonczar, 1997; Harris, Evans, and Beckett, 2010; Petersilia, 1997). Second, most offenders are responsible for some type of legal financial obligation, particularly those who are under some form of correctional supervision (Beckett and Harris, 2011; Diller, Greene and Jacobs, 2009). Finally, despite the inclusions of mandatory financial obligations, there still seems to be variance between offenders based on demographic and offense characteristics, although most offenders receive some sort of economic obligation as a result of their felony conviction. The normative condition of legal financial obligations is important to consider, particularly as it relates to reentry outcomes.

OVERVIEW OF THE CURRENT STUDY

The potential effects of the increased financial responsibilities have been only minimally considered in empirical research. This dissertation seeks to add to the existent literature that evaluates legal financial obligations as a result of a felony conviction by using both quantitative and qualitative data. Specifically, this dissertation considers the

amount of legal financial obligations offenders have, how it varies between offender and offense, and how legal financial obligations impact reoffending. Qualitative analyses evaluate the consequences of legal financial obligations apart from recidivism, including the effect they have on family and social relationships, opportunities for employment and housing, reactions to the criminal justice system, and experienced stress.

Chapter Two provides a theoretical framework for understanding the potential effects of legal financial obligations. Also included in Chapter Two is a presentation of the current literature that examines consequences of legal financial obligations. Chapter Three presents the methodological and empirical foundation of the study. Chapter Four describes the background of legal financial obligations, describing overall legal debts and monthly legal obligations. It also demonstrates the circumstances in which offenders pay legal financial obligations, briefly discussing employment characteristics and challenges in the labor market. Chapter Five examines individual consequences resultant from legal financial obligations. The chapter includes a discussion of employment consequences, blocked opportunities for upward social movement, the reactions offenders have to legal financial obligations, and how legal debts contribute to stress. Chapter Six discusses the social supports offenders have and how they assist in payment for legal financial obligations. It continues by describing the consequences that result from the increased financial dependence, including augmented feelings of obligation and a decreased sense of masculinity. Chapter Seven illustrates the consequences relevant to the criminal justice system, describing perceived sanctions for nonpayment of legal financial obligations and examining the relationship between legal financial obligations and recidivism. Chapter

Eight concludes by making recommendations for policy modification or improvement as a result of the consequences demonstrated throughout the dissertation.

CHAPTER TWO: THEORETICAL FRAMEWORK AND REVIEW OF THE RELEVANT LITERATURE

This chapter begins by discussing the theoretical framework that guides the understanding of the potential effect of legal financial obligations on reentry outcomes. It then moves to a review of literature that describes how and why financial obligations impact transitional experiences.

THEORETICAL FRAMEWORK

The theoretical discussion will cover two theoretical perspectives, social bonding theory and general strain theory. As McGloin and Decker (2010: 153) suggest, “considering the issue from a variety of perspectives certainly deepens knowledge and provides a conceptual framework for empirical work.” By using complementary perspectives, the intent is to develop a more comprehensive understanding of the many possible consequences of legal financial obligations.

Using criminological theories to evaluate potential consequences of legal financial obligations differs from a penological approach. Rather than evaluate sanctioning in the form of rehabilitation or ‘just deserts’ as is traditional in penological literature (Vidmar and Miller, 1980) this discussion takes a broader theoretical approach to evaluate nonlegal and latent consequences of economic sanctions. It uses an individual level approach, focusing on outcomes for the offender instead of the reaction to, impact of, and broader meaning of punishment for the larger social group at the macrolevel. As Garland (1991: 116) suggests, results outside of “what works” or “what is just” also matter. Age-graded social control and strain perspectives are appropriate to guide this discussion, as the propositions are relevant to evaluate unintended extralegal

consequences for individuals with legal financial obligations (see Merton's 1949 discussion of latent benefits and dysfunctional costs).

Social Bonds and Cognitive Change

Theories of social control help shape expectations about extralegal consequences of legal financial obligations. Hirschi (1969) suggests the question control theories answer is "why don't they do it?" While deterrence theory assumes a sanction will inhibit criminal action, evidence also suggests that extralegal processes affect social actions (Grasmick and Bursik, 1990; Grasmick and Greene, 1980; Pratt et al., 2008). Social bonds are an example of extralegal processes that impact behavior. Specifically relevant to this dissertation, the accumulation of legal financial obligations resultant from a criminal conviction has the potential to impact various social bonds.

In its origins, social bond theory proposes that increased levels of attachment, commitment, involvement, and belief combine to form a social bond that inhibits criminal or delinquent behavior (Hirschi, 1969). More relevant to the current research, however, is to evaluate social control in adulthood as well, an extension that been the focus of recent scholarship (Giordano, Cernkovich, and Rudolph, 2002; Laub and Sampson, 2003; Sampson and Laub, 1993). Sampson and Laub (1990) suggest mechanisms such as education, work, marriage, parenthood, and community investment act as informal controls in adulthood. This contrasts juvenile measures of social control such as school and parental attachment (Hirschi, 1969). The consistent idea is that informal sources of control impact behaviors throughout the life course, but the mechanism of control changes with age and experience.

The age-graded informal social control theory proposed by Sampson and Laub (1993; Laub and Sampson, 2003) is of particular interest for this discussion. This theory suggests social ties matter throughout the life course, and can both positively and negatively impact deviant behaviors and trajectories. It recognizes change and dynamics of social ties, that they are “malleable across the life course” (Laub, Sampson and Sweeten, 2008: 323). Laub and Sampson (2003) are careful to explain it is not only the presence of informal controls, such as being married or having a job, but that the quality or investment in the bond that changes behavior. This is similar to Coleman’s (1988) arguments regarding social capital: the quality of relationships matter for positive effects to take place as opposed to just being present. Similarly, scholars argue that it is the mechanism of commitment to employment or an intimate partner that is crucial to understanding behavior. When the social bond is strong and positive, individuals are less likely to engage in deviant behavior. Researchers differ in their interpretation of the mechanism by which inhibition of criminal behavior occurs. For example, Warr (1998) suggests marriage decreases time spent with delinquent peers whereas Sampson and Laub (1993; Laub and Sampson, 2003) suggest the attachment to the relationship (intimate partner or family) or employment inhibits criminal behavior due to a provision of stability and investment. Regardless of the process by which decreased deviance occurs, positive social bonds play an essential role.

Combining social bonds and theories of cognitive change, social bonds also play a role in altering cognitive processes, leading to desistance from crime. Sampson and Laub (1993; Laub and Sampson, 2003) and Warr (1998) focus primarily on the provisions of the social bond; others propose that the self is also important to consider. That is, the

cognitive processes resultant from social bonds also play a role in affecting behavior (Giordano, Cernkovich, and Rudolph, 2002; Giordano, Schroeder, and Cernkovich, 2007; Maruna, 2001). Social bonds give offenders a sense of self and increased responsibility, both key components of the desistance process (Laub and Sampson, 2003; Maruna, 2001). Laub and Sampson (2003: 146) point out:

...the transition from adolescence to adulthood advance a new sense of self and a new identify as a desister from crime or, more aptly, as a family man, hard worker, and good provider.

Similarly, Maruna (2001) argues cognitive transformation resultant in seeing the self as no longer deviant is essential to desistance, where individuals are able to recognize themselves as law-abiding citizens. When others (i.e., family, intimate partner) also see the new self, the positive change is fully able to occur. In their proposed theory of cognitive change, Giordano, Schroeder, and Cernkovich (2007) place much more emphasis on the individual and changing thought processes as opposed to actions or characteristics of the social bond. The cognitive processes stem from Mead (1934) and Goffman's (1963) originating arguments, where the presentation and recognition of self help explain perpetuation or change in behaviors.

Ultimately, however, social bonds in adulthood provide a variety of incentives to refrain from criminal behavior: structure and routine (including taking time away from deviant others), a mechanism for cognitive change and altered perception of self, and something to commit to or invest in (Bahr et al., 2010; Giordano, Cernkovich, and Rudolph, 2002; Giordano, Schroeder, and Cernkovich, 2007; Laub and Sampson, 2003; Maruna, 2001; Sampson and Laub, 1993; Warr, 1998). All of these are mechanisms that can and do inhibit criminal behavior.

Legal financial obligations may positively or negatively impact social bonds. Family, including intimate partners and children are common sources of informal social control in adulthood (Massoglia and Uggen, 2010; Sampson and Laub, 1993; 2003). Family is also an essential component of reentry, because families are a common source of housing, emotional, and financial support (Braman, 2007; Morris and Tonry, 1990; Naser and Visher, 2006; Travis, 2005; Visher, La Vigne, and Travis, 2004). Visher, La Vigne, and Travis (2004) report close to 75% of returning offenders receive financial assistance from their families. Increased financial responsibilities may require even more family support. Morris and Tonry (1990:113) suggest:

The offender's need to seek help may bring his troubles to the attention of those most likely to be concerned and supportive... Thus, ironically, imposition of fines on at least some impecunious offenders may serve preventive ends by catalyzing family and social support.

The second mechanism that legal financial obligations could impact is employment. Employment provides practical benefits such as a structured schedule or routine. It also provides a sense of legitimacy and fulfillment (Laub and Sampson, 2003; Maruna, 2001). Legal financial obligations may affect employment by acting as a stimulus, or an added pressure to gain employment. Although it is the commitment to employment that matters (Farrall, Godfrey, and Cox, 2009; Laub and Sampson, 2003; Sampson and Laub, 1993), the added motivation to seek out work may increase the likelihood of reaping positive employment benefits. Employment is a challenge for offenders with a felony conviction (Raphael, 2011; Pager, 2003; 2007), but the benefits of maintaining steady work are high in terms of reducing criminal behavior (De Li and Mackenzie, 2003; Laub and Sampson, 2003; Uggen, 2000). Considering theoretical mechanisms then, legal financial obligations may act as a facilitator to strengthen adult

social bonds by encouraging family connections and employment acquirement. In other words, legal financial obligations have the potential to unintentionally create opportunities and environments that augment social controls.

The increased presence of legal financial obligations may also weaken social controls. Rather than benefitting family relationships, an increased financial dependence on family could diminish the social bond. Despite the willingness of families to house and support returning offenders, tension is often increased as a result of having to face the immediate problems of returning offenders (Braman, 2007; Travis, 2005). Research suggests families often struggle to financially support the offender (Bahr et al., 2010; Braman, 2007; Naser and Visser, 2006). Additionally, although motivation may increase for offenders to obtain employment, it may not benefit social controls. The type of employment may not be adequate either in quality or economic benefits (Bahr et al., 2010). This limits the potential positive contributions of employment. Further, because of the added financial burden, extended working hours may be necessary in order to fulfill financial expectations. Although stable employment contributes to decreased offending, (Hepburn and Griffen, 2004; Laub and Sampson, 2003; Laub, Nagin and Sampson, 1998; Sampson and Laub, 1993; Uggen, 2000), substantially increasing work hours could negatively impact attachment as work can take time away from family, spouses, and children. Separation may weaken the bond (Giordano, Cernkovich, and Rudolph, 2002; Laub and Sampson, 2003; Laub, Nagin, and Sampson, 1998; Sampson and Laub, 1993).

Strain

General strain theory also informs the understanding of the potential consequences of legal financial obligations. Early versions of strain theory suggest the

failure to achieve a satisfactory financial state was a dominant source of strain (Cloward and Ohlin, 1960; Merton, 1938). Agnew's general strain theory extends this work (Agnew, 2008). General strain theory suggests strains result from three general events: (1) individuals are blocked from the completion of positively valued goals, (2) a removal of positive stimuli, and (3) negative stimuli are introduced into an individual's life (Agnew, 1992; 2006). As a result of the strain or stressor, criminal behavior occurs either as a coping measure or as a way to ease the strain (Agnew, 1985; 2006). Strains are "events or conditions that are disliked by individuals," both generally as objective strains and more or less for particular individuals (Agnew, 2008: 4).

General strain theory has a clear relevance for reentry. Offenders are often blocked from positive goals, such as housing upon return to the community (Roman and Travis, 2004). Felony convictions can also introduce negative stimuli such as poor employment prospects and discrimination in the employment process (Pager, 2003; 2007). Recent explanations of general strain theory suggest that some strains are more or less likely to be associated with criminal engagement, including stressors that individuals view as unfair and strains that create criminally inclined coping measures (Agnew 2006; 2008; Shinkfield and Graffam, 2010). Further, characteristics such as individual coping skills, social support systems, and peer associations can mitigate the relationship between crime and strain (Agnew, 2001; 2006; Broidy, 2001; Jang and Johnson, 2003). Recent empirical tests suggest the direct relationship between strain and delinquency is not as strong without considering the moderating effects of individual and situational characteristics (Agnew and Sellers, 2004; Broidy, 2001). In particular, the emotion strain produces is highly relevant to the engagement in crime or delinquency (Agnew, 2006;

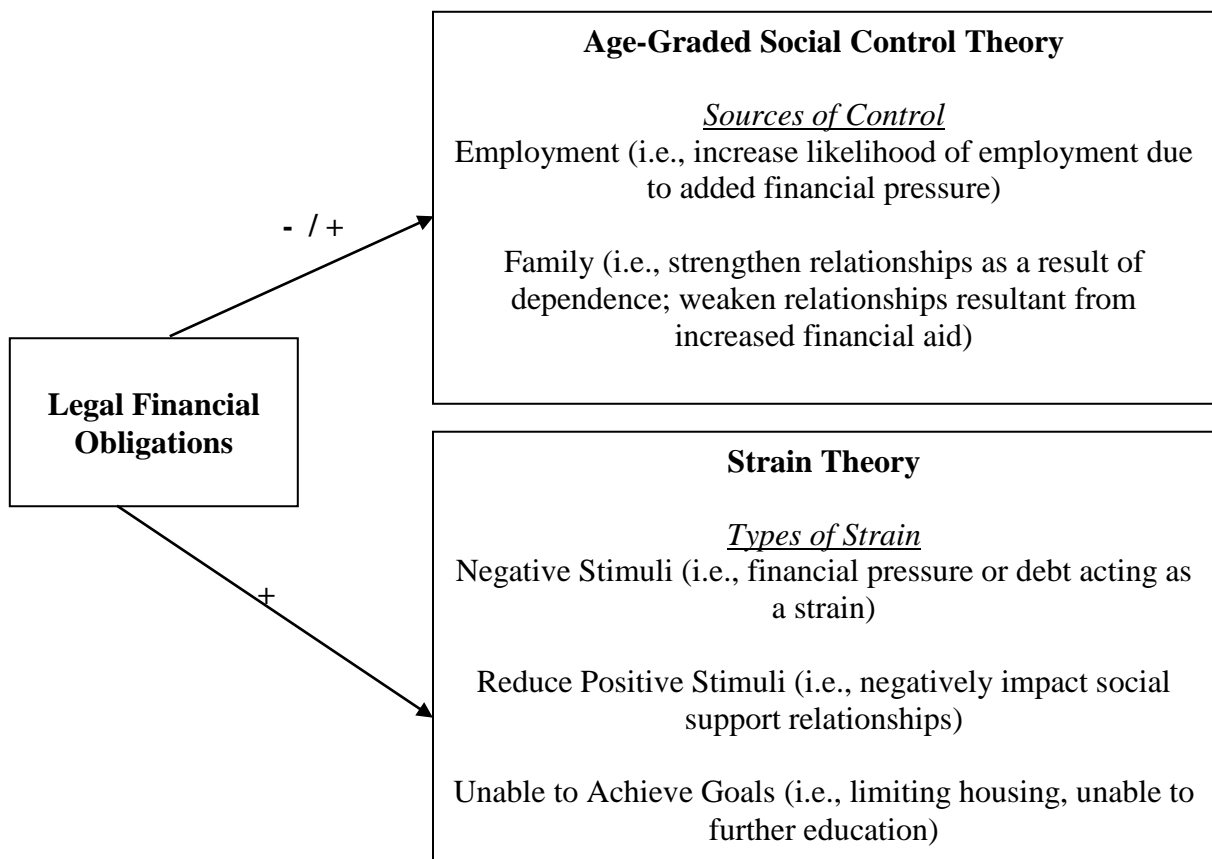
Broidy, 2001). For example, anger resultant from events perceived as unfair produces more negative coping mechanisms (Broidy, 2001). Although general strain theory is typically related to and tested on juveniles and related to delinquency (Agnew and White, 1992; Mazerolle and Maahs, 2000; Piquero and Sealock, 2010), the theory could feasibly extend to strains and stressors faced by adults (Broidy, 2001; Jang, 2007; Jang and Johnson, 2003).

The presence of legal financial obligations as a dimension of a felony conviction may further contribute to the three general strains identified by Agnew (1992; 2006). Legal financial obligations may restrict the ability to accomplish positively values goals by further blocking educational opportunities or diminishing housing prospects (Beckett, Harris, and Evans, 2008). Legal financial obligations typically represent a negative stimulus, as financial responsibilities continue and debt accumulates after a felony conviction. For example, legal debt can accumulate to over \$10,000 (Diller, Greene, and Jacobs, 2009). This may lead to the development of negative emotions, such as anger or frustration (Agnew, 2006). These negative emotions often lead to more deviant coping mechanisms, such as crime or substance use (Broidy, 2001; Phillips and Lindsay, 2009). Finally, legal financial obligations could lead to the loss of positive stimuli. Increased reliance on family or friends for financial support could lead to loss of social support in general (Braman, 2007; Naser and Visher, 2006), removing positive forces. Encountering these strains essentially leads to states conducive to criminal coping mechanisms, particularly in the context of financial stress.

Theoretically, legal financial obligations have the potential to affect mechanisms identified in age-graded social control and general strain theories. Figure 1, presented

below, gives a visual representation of how legal financial obligations may impact the mechanisms of informal social control and strain. Although this dissertation does not test theoretical outcomes or mediating factors, it is significant to understand legal financial obligations affect circumstances that may lead to (or inhibit) criminal or deviant behavior.

Figure 1. Theoretical Impact of Legal Financial Obligations



REVIEW OF THE RELEVANT LITERATURE

The theoretical outcomes proposed provide an illustration of the potential effect legal financial obligations can have on reentry. Existing literature has begun to

empirically examine the consequences of legal financial obligations. Research suggests financial obligations in themselves act as a barrier to reentry, emerging as a hidden consequence of a felony conviction (Beckett and Harris, 2011; Diller, Greene, and Jacobs, 2009). The review proceeds in three phases. First examined is a review of how legal financial obligations act as a barrier for transitioning offenders, describing the challenges offenders face in paying their legal financial obligations due to their economic context. The second part of the literature review describes the effect of legal financial obligations on dimensions of reentry, such as employment and family relationships. The review concludes by describing the relationship between legal financial obligations and criminal justice consequences such as technical violations and reincarceration.

Economic Challenges in Payment

The introduction of this dissertation demonstrated the scope and prevalence of legal financial obligations. What is also important to understand is the economic context in which offenders are responsible for legal financial obligations. Individuals under correctional supervision often reflect economically disadvantaged populations (Wakefield and Uggen, 2010). Offenders often come from areas of disadvantage (Clear, 2007), and typically return home to the same or comparable residences in terms of economic opportunities (La Vigne et al., 2003). These economically depressed areas with more limited employment opportunities (Visher and Courtney, 2006) make payment of legal financial obligations more difficult. Aside from coming from disadvantaged circumstances, offenders typically have limited financial bases. They receive little assistance from the state post-conviction, have minimal savings, and rarely receive sufficient financial management counseling (Austin, 2001; Maruna, 2001; Petersilia,

2003). Evidence indicates legal financial obligations further exacerbate limited economic opportunities. Harris, Evans, and Beckett (2010) suggest legal financial obligations perpetuate poor economic circumstances and further stratify social classes, trends already resultant from felony convictions (Wakefield and Uggen, 2010).

Legal financial obligations also present difficulty due to limited opportunities in the employment spectrum and diminished earnings potential (Holzer, Raphael, and Stoll, 2003; Pager, 2003; 2007; Western, 2002). The mark of a felony record can have substantial implications for employment. Offenders are often ill-suited in terms of employable characteristics, including poorer job qualifications, a greater degree of substance dependence, and more severe health issues (Petersilia, 2003; Western, Pettit, and Guetzkow, 2002; Western, 2006). Further, research also documents how the presence of a felony conviction can be a strong disincentive in employer hiring decisions (Blumstein and Nakamura, 2009; Holzer, Raphael, and Stoll, 2002; Pager, 2003; 2007; Pager, Western, and Sugie, 2009). Criminal records are becoming increasingly more public and significantly impact employment and housing opportunities (Blumstein and Nakamura, 2009; Clark, 2007; Petersilia, 2003). Using an experimental design, Devah Pager (2003; 2007) demonstrated that employers were half as likely to hire a job applicant with a felony conviction when compared to an applicant with identical qualifications but without a criminal record. Similarly, Raphael (2011) suggests incarceration sentences not only interrupt employment progress and limit qualifications and experiences, but that employers often express discretion in hiring and have little incentive to hire those with a felony background.

Evidence also indicates the quality of employment offenders obtain is typically underwhelming, frequently reflective of part-time or low-paying employment (La Vigne, Visher, and Castro, 2004; Visher, La Vigne, and Travis, 2004; Western, 2002; Western and Pettit, 2002). Although research links employment to reduced criminal behavior (Laub and Sampson, 2003; Uggen, 2000), underemployment or work with limited commitment opportunities does not provide the same benefit (Bahr et al., 2010). Further, felony convictions cause disadvantage in earnings potential. Western (2002; 2006) estimates comparing those serving time in prison earn about 15% less in wages compared to their nonincarcerated counterparts and about 30% less annually. These effects are particularly salient for minorities (Pager, 2007; Western, Pettit, and Guetzkow, 2002) and for offenders with multiple convictions (Nagin and Waldfogel, 1998).

Evidence demonstrates that making payments toward legal financial obligations is challenging for offenders. Research suggests only about half of offenders pay economic sanctions in full (Outlaw & Ruback, 1999; Ruback et al., 2006). Visher, La Vigne, and Travis (2004) report that one fifth of parolees had legal debts that outweighed their monthly income. One report from Beckett, Harris, and Evans (2008: 43) states "...I figure out I'll be paying till I'm past 30 years old. And I've been doing it [paying] since I was 18." In general, research indicates making legal financial obligations likely presents difficulty due to the disadvantaged circumstances offenders reside in, poor employment prospects, and limited income opportunities.

Dimensions of Reentry

Sociologist Robert Merton (1949) suggests a single purposive social action, such as incarceration, can yield functional and dysfunctional as well as manifest and latent

outcomes. The era of mass incarceration has produced a variety of collateral consequences that differ from the intended outcome of crime control. These collateral consequences have increasingly been the focus of research, where many continuing punishments post-incarceration have been identified as a result of a criminal conviction (Harris and Keller, 2005; La Vigne, Visher, and Castro, 2004; Travis, 2002). Offenders with a felony conviction face difficulties in employment, housing, and family relationships (Braman, 2007; La Vigne, Visher, and Castro, 2004; Roman and Travis, 2004; Travis, 2005; Visher, La Vigne, and Travis, 2004), all of which could be considered “side effects” (Klein, 1979: 181) of a criminal sanction. In the context of the challenges and struggles offenders face during their transition, legal financial obligations often contribute to the cumulative disadvantage offenders amass after a felony conviction.

Described in the preceding section, offenders face legal and perceptual barriers to employment (Pager, 2003; 2007; Petersilia, 2003; Raphael, 2011; Travis, 2002). Some evidence indicates legal financial obligations can magnify the documented challenge. Running criminal background and credit checks is a common practice for employers (Blumstein and Nakamura, 2009). Harris, Evans, and Beckett (2010) suggest aside from general background checks for offender status, legal financial obligations have a sizable impact on credit scores. Subsequently, the appearance of legal debt on background checks can discourage potential employers from hiring offenders with high legal financial obligations (Bannon, Nagrecha, and Diller, 2010; Beckett, Harris, and Evans, 2008; Diller, Greene, and Jacobs, 2009). Legal financial obligations can also affect motivations to obtain steady employment. Cammett (2007) reports wage garnishment can take up to

65% of a monthly income to make payments towards legal debt. As a result, some offenders reported having *less* incentive to obtain employment, recognizing the majority of their earnings would result in payment toward legal financial obligations (Beckett, Harris, and Evans, 2008; Harris, Evans, and Beckett, 2010; Holzer, Offner, and Sorensen, 2005).

Finding affordable and stable housing also proves challenging for offenders post-incarceration (Roman and Travis, 2004), also resultant from both legal (Petersilia, 2003; Rubinstein and Mukamal, 2002; Travis, 2002) and subjective explanations. Paralleling employment trends, background checks are becoming an increasingly common procedure in housing applications. Some research indicates building managers have reservations about renting to convicted felons (Clark, 2007; Petersilia, 2003; Roman and Travis, 2004; Thacher, 2008). As a result of the difficulty in obtaining housing, offenders are reliant on temporary solutions, often staying with family or in shelters (Beckett, Harris, and Evans, 2008; Metraux and Culhane, 2004; Visher and Courtney, 2006). Similar to employment challenges, potential housing managers can be deterred by the presence of legal financial obligations. Building managers are increasingly using credit checks to evaluate potential renters (Clark, 2007; Thacher, 2008; Travis, 2005), and legal debt raises concern about payment capabilities (Beckett, Harris, and Evans, 2008; McLean and Thompson, 2007). An interviewee from an evaluation of financial obligations by Beckett, Harris, and Evans (2008: 44) reports, “I’m having a hard time finding an apartment because I have bad credit from these LFOs (legal financial obligations).”

Felony convictions limit social circumstances of offenders and hinder opportunities for upward social movement. For example, most states bar offenders with a

drug conviction from public housing, welfare benefits or public assistance, and for a period of time limit civil liberties such as voting rights or other representations of civic participation (Mauer, 2002; Rubenstein and Mukamal, 2002; Travis, 2002; Uggen, Manza, and Thompson, 2006). Felony drug convictions can also restrict access to student or bank loans, which diminishes opportunities for social advancement (CLASP, 2007; Travis, 2002). Legal financial obligations can magnify the difficulty in improving social mobility. Bannon, Nagrecha, and Diller (2010) report offenders who default on payments, because it is considered a probation or parole violation, can be restricted from public assistance sources such as Temporary Assistance for Needy Families and Supplemental Security Income. Research also indicates financial obligations make it difficult to pay for materials that may aid upward social movement; monetary penalties act as an obstruction to better opportunity because payments take priority over things such as education, buying a house, or obtaining specialty licenses (Beckett, Harris, and Evans, 2008; Harris, Evans, and Beckett, 2010; McLean and Thompson, 2007).

Finally, social support is a critical dimension of reentry. Offenders rely heavily on a variety of social supports after a felony conviction, such as family, intimate partners, and friends (Baer et al., 2006; Bahr et al., 2010; Braman, 2002; Visher et al., 2004). Systems of social support often provide material support such as housing, transportation, and financial assistance. Researchers often classify these forms of support as instrumental, or tangible in nature (Cullen, 1994; Lin, 1986; Vaux, 1988). Offenders also often require emotional or expressive forms of support such as advice or persons to confide to (Cullen, 1994; Vaux, 1988). These social supports are often linked to success during reentry, with more positive supports related to a reduced likelihood of recidivism

(Bahr et al., 2010; Hepburn and Griffen, 2004). A great deal of research focuses on familial support during reentry, and challenges the offering of support can produce. Research suggests provisions of instrumental support present difficulty for the families of offenders (Braman, 2007; Naser and Visher, 2006; Bahr et al., 2010), eventually weakening the support system (Braman, 2002; 2007; Naser and Visher, 2006).

Previous research indicates a felony conviction adds strain to family and other social relationships, but accounts differ in their illustration of how legal financial obligations present additional stress on family relationships. Visher, La Vigne, and Travis (2004) found that despite a heavy reliance on family for financial support, most returning offenders report still report family relationships of high quality. Other research suggests legal financial obligations typically present a negative impact on the family or intimate partner. Offenders forced to continually borrow money from family and friends weakened the network of social support (Harris, Evans, and Beckett, 2010). Further, the failure to pay child support specifically may result in a legal barrier, where delinquent parents are restricted from seeing the children for whom they have financial responsibility (CLASP, 2007).

Overall, a criminal record can act as a mechanism for social exclusion, preventing offenders from obtaining suitable employment, housing, public assistance, and adequate social support (Pager, 2007; Pager, Western, and Sugie, 2009; Petersilia, 2003; Travis; 2005). Emerging research suggests legal financial obligations may further intensify the mark of a criminal record. Rosenthal and Weissman (2007) point out that ultimately the conclusion up to this point is that legal financial obligations act as yet another roadblock for offenders returning home from prison and adds to challenges already documented.

Criminal Justice Consequences

Often, past behaviors predict future behaviors evidenced by high rates of rearrest and reincarceration (Langan and Levin, 2002). Persons already under correctional supervision frequently return to prison on technical violations (Austin, 2001), particularly in California (Petersilia, 2003). Legal financial obligations are an added condition of supervision, and constitute another potential cause for probation or parole revocation. Specifically, failures or delays in payment constitute grounds for revocation or reincarceration. Research conflicts in describing the relationship between nonpayment of legal financial obligations and sanctioning efforts. Some literature suggests there are minimal consequences for failure to pay. Although research indicates a certainty in the assessment of financial obligations (Morgan, 1995; Wheeler et al., 1990), there is less consistency in their collection (McLean & Thompson, 2007; Langan, 1994; Wheeler et al., 1990). Case precedent backs the lack of certainty or severity of penalty for nonpayment. A Supreme Court ruling allows probation revocation for lack of payment only for “willful nonpayment,” or in other words, incarceration cannot be the immediate outcome for those who are unable to pay “through no fault of his own” (*Beardon v Georgia*, 1983: 461). As a result, some reports indicate the penalty for nonpayment is often a waiver or a minor note in a supervision report (Langan, 1994; Morgan, 1995; Ruback & Bergstrom, 2006).

Other evidence, however, suggests there are significant consequences for offenders who are unable to make payments on legal financial obligations. There is research that implies unpaid debts can be used to lengthen the supervision period (Bannon, Nagrecha, and Diller, 2010; Diller, Greene, and Jacobs, 2009). Harris, Evans,

and Beckett (2010) report despite the completion of a probation or parole sentence, unpaid legal debts flagged background checks to make it appear that individuals remained under correctional supervision. The accumulated legal financial obligations maintained the connection to the criminal justice system and left the record open. Further, individuals who default on their payments can face additional interest fees, seizure of assets, or revocation of a driver's license (CLASP, 2007; Pirog and Zioli-Guest, 2006).

Nonpayment can also trigger reincarceration, technical violations, or brief jail sentences (Diller, Greene, and Jacobs, 2009; Harris, Evans, and Beckett, 2010). Some suggest the use of additional punishment is not reserved for repeat or serious fee defaulters, but indicate up to two thirds of offenders jailed or incarcerated for nonpayment are first time offenders or had made conscious efforts to pay (Family Life Center¹, 2008). Further, offenders can face criminal penalties in addition to civil court litigation resultant from nonpayment (Levingston and Turetsky, 2007).

Evidence suggests the consequences of nonpayment can further compound financial obligations. Nonpaying offenders who receive additional jail or incarceration sentences also acquire added fees in states that charge for lodging offenders (Bannon, Nagrecha, and Diller, 2010; Family Life Center, 2008). Further, when nonpayment does not result in incarceration, legal financial obligations can accrue due to interest charges and late fees (Bannon, Nagrecha, and Diller, 2010; Diller, Jacobs, and Greene, 2009). Ultimately, researchers have found that financial obligations can extend involvement in the criminal justice system and contribute to a cycle of debt (Bannon, Nagrecha, and Diller, 2010; Beckett, Harris, and Evans, 2008).

¹ The Family Life Center report was completed in conjunction with the Brennan Center for Justice at the New York University Center for Law. Information was provided by the Rhode Island Department of Corrections and qualitative interviews with jailed individuals.

Taken together, research suggests financial obligations have important effects. They act as an additional barrier for offenders to overcome which is difficult due to challenges in employment and earnings potential. They also impact other obstacles that offenders typically face as a result of a felony conviction, including employment, housing and criminal justice consequences. Overall, there are both consistencies and discrepancies in the literature regarding financial obligations resultant from a felony conviction. While financial obligations are normative in some form for most offenders, the amount reported is highly variable. Further, while some effects of financial obligations are presented here, there have been some arguments that the impact of financial obligations has been somewhat overstated (Ruback, 2011). Research describing the consequences aside from recidivism is fairly scarce. Additional study in the area of legal financial obligations will contribute to a more comprehensive understanding of the effects of legal debt.

CHAPTER THREE: DATA AND METHODOLOGY

The goal of this dissertation is to (1) examine the variation in the assessment and accumulation of legal debt that occurs as a result of a felony conviction, and (2) identify the consequences that result from the accumulation of legal financial obligations. To examine these questions, this dissertation incorporates both quantitative and qualitative data. Specifically, examination of quantitative data answers questions of the amount of legal financial obligations offenders have and describes the variation between offenders and offenses. The goal of the quantitative analysis is to evaluate recidivism, examining the relationship between legal financial obligations and criminal justice outcomes. The use of qualitative data answers questions of the different effects legal financial obligations have after the felony conviction, including the impact on family relationships, employment and housing opportunities, and perceived criminal justice consequences.

The primary source of data comes from in-depth interviews with offenders who have a felony conviction. The use of interview data to provide both qualitative and quantitative data has been used in previous research (Decker and Van Winkle, 1996; Small, 2011). Quantitative data is drawn from specific questions asked during the interview, which provided close-ended responses that were numerically coded and compiled into a database. In-depth interviews also provide rich qualitative data, as the interviews incorporated a range of open-ended, non-numerical questions.

The use of both quantitative and qualitative data serves a complementary purpose of research (Carcelli and Greene, 1993; Small, 2011). This is appropriate, as this dissertation seeks to explain different but related aspects of legal financial obligations. The first step is evaluating the scope of legal financial obligations using quantitative data

provided by offenders and corroborated using official records. By first understanding the extent and variation in offender legal financial obligations, the effect they have on transitional experiences is better understood.

The first section of this chapter describes the sources of data. The explanation of the data includes a summary of the data collection processes and preliminary descriptions of the sample. The second segment of the chapter explains the concepts and analytic strategies used in this dissertation. First, this dissertation utilizes quantitative analyses to fully understand the scope of legal financial obligations, their relationship to employment status and income, and differences between offenders based on demographic characteristics and offense types. Given the nature of the past data collection efforts, I take care to describe the unique challenges legal financial obligations present to sex offenders. Second, qualitative data analysis identifies themes related to the effects of legal financial obligations, focusing on employment experiences, family relationships, and involvement with the correctional system.

DATA

The data for this project are primarily gleaned from qualitative interviews. Three projects combined to supply the data. The main project, *Sex Offender Residency Restrictions*, was designed to look at broader reentry needs among offenders with a felony conviction. While it focused primarily on sex offenders, it also included a comparison sample of offenders convicted of personal, property, and drug related crimes.

In 2010, 97 semi-structured in-depth interviews were completed at seven different sites within the state of Missouri with both sex offenders and non-sex offenders. The sites included five probation and parole offices, a community release center, and one prison.

The final sample consisted of 97 convicted offenders, 74 (76.3%) of which were sex offenders and 23 (23.7%) who were convicted of drug (8.2%), personal (7.2%), and property (8.2%) offenses. Further, 62 offenders were on parole, 22 were incarcerated, and 13 were on probation.² In the summer of 2011, an additional 18 interviews were completed with offenders participating in a local reentry initiative, *St. Vincent de Paul*. Participants were personal (41.2%), property (17.6%), and drug-related (35.3%) offenders. In general, the purpose of both *Sex Offender Residency Restrictions* and *St. Vincent de Paul* projects were to examine reentry experiences.

Although the interviews included questions regarding legal financial obligations and their effects, the specific focus of these early projects was broader in nature. Researchers examining legal financial obligations typically use interviews specifically focusing on legal debts and their impact on experiences after conviction (See Beckett, Harris, and Evans, 2008; Diller, Greene, and Jacobs, 2009). Therefore, an additional 20 interviews were completed in February of 2012 to focus more specifically on themes relevant to legal financial obligations. Further, participants added more variety of offenses, offsetting the high proportion of sex offenders resultant from the main project of this data. Most of the supplemental interviews comprised of violent or personal offenders (45.0%), followed by property (35.0%), and drug-related offenses (20.0%). The 20 additional interviews specific to legal financial obligations added to the already rich data provided by previous data collection efforts.

² Although those with a probation sentence did not serve a carceral term, they are still important to this research. The criminal conviction still disrupts the lives of these offenders in terms of employment and residential difficulties. They still face challenges similar to those with serving time in prison, though arguable to a lesser degree. When possible in the results, I differentiate between parolees and probationer reentry experiences; however, the overall conclusions remain generalizable to all those with legal financial obligations.

Interview Methodology

A data collection plan was developed to provide information on a wide variety of offenders from different parts of the state, completing interviews at eight unique locations.³ Cooperation from supervising officers was a large part of the interviewing process for all projects.⁴ The supervising officer identified offenders who fit the criteria of the research and asked the offender either during their scheduled meeting to be part of the study or to come in on the specific day the interview team was present to conduct interviews. Interview days were planned on primary report days or when probation and parole officers had a wide variety of clients coming in for their monthly appointments. The goal was to capitalize on the increased office population and cultivate more participation by making the timing of the interviews more opportune. Although a randomized sampling design is ideal in quantitative research methods, in field research this is often not possible, nor desirable (Corbin and Strauss, 2008; Miller, 2005). As the purpose of the research was to evaluate officially sanctioned offenders, recruiting participants through official agencies provided a sample from the population of interest.

To initiate voluntary participation, the supervising agent gave a brief description of the project and asked the offender if they had an interest in participating in a research study. The supervising officers also informed the potential participants they would receive monetary compensation for their participation.⁵ If the offender agreed to

³ *Sex Offender Residency Restrictions* used seven locations. *St. Vincent de Paul* was an eighth location, and the supplemental legal financial obligation specific interviews used a location already used in *Sex Offender Residency Restrictions*.

⁴ In the case of the *St. Vincent de Paul* interviews, the program directors acted in the role of the supervising agent. Interviews were conducted on the night of a monthly meeting, and offenders were notified ahead of time of an opportunity to participate in a research project.

⁵ Participants received \$20 at the completion of the interview as compensation for their time and participation. The use of incentives in field research is common practice (Decker and Van Winkle, 1996;

participate, the interviewer met with the individual in a private interview room located on-site. The interviewer provided a more detailed description of the purpose of the study, an explanation of the topics that would be discussed, and informed the participants that their responses would be kept confidential. All participants signed an informed consent form that demonstrated their voluntary participation and understanding of the potential risks and benefits of the study. Interview length ranged from 25 minutes to just over three hours, but typically lasted approximately one hour. Each interviewer digitally recorded the interview for later transcription.

Interviews were semi-structured in nature, meaning an interview guide provided a baseline to guide the interview. *Sex Offender Residency Restriction* interviews utilized an interview guide adapted primarily from the Urban Institute *Returning Home* study (see Visher, La Vigne and Travis, 2004), and also incorporated material from additional research projects by Horney, Osgood, and Marshall (1995) and Griffen and Armstrong (2003).⁶ The interview guide evolved throughout the interviewing process, but consistently included both close and open ended questions. During the interview, researchers filled in the interview guide and took special care to record answers and data regarding the quantitative-oriented close-ended questions. The interview guide also incorporated a sizeable number of open-ended questions that allowed for extensive probing during the interview. I developed a specific guide for interviews targeting legal financial obligations. It was similar to the guide used in the previous projects, though included more questions and probes specific to financial aspects of reentry (see Appendix

Harris, Beckett, and Evans, 2010). \$20 was established as the incentive, considered attractive and valid in accounting for the time spent in the interview but not so high as to coerce participation.

⁶ Notably, the interview guide did not include a life history calendar, but did question about past experiences in addition to current reentry focused questioning.

A). A theoretical sampling strategy guided the development of the interview guide (Corbin and Strauss, 2008), where concepts and themes identified from early data collection are incorporated into additional interviews.⁷ The newly adapted interview guide expanded on questioning how legal financial obligations affected familial and intimate partner relationships as well as including general information about the financial circumstances of the individual.

Interviews began by discussing immediate reentry experiences and reactions to adjusting to life after either an incarceration or probation sentence. The interviews progressed to inquire about employment status and experiences, housing circumstances, and environmental perceptions. A portion of the interview also examined family, intimate partner, and peer relationship support during the transitional period. During the interview the researcher also collected information about the offense, criminal history, and other background characteristics.⁸

Embedded in the interview guide were questions directly relevant to this dissertation. I created questions based on previous literature (see Beckett, Harris, and Evans, 2008; Diller, Greene, and Jacobs, 2009). The interviewer questioned offenders about what type of monies the offender owed to the state and inquired about the general effect of various financial obligations on transitional experiences. Participants were specifically questioned about child support obligations, and were asked to report their monthly obligations and debt accrual. To avoid leading respondents into predetermined

⁷ Appendix A provides a copy of the interview guide for the legal financial obligation interviews. It was adapted from the interview guide used in the early interviews. The new questions targeted effects (themes) that emerged from the preliminary coding of the previously collected data.

⁸ A small portion of the sample was comprised of probationers. During the interview process, questions regarding reentry were reframed to examine more specific experiences resulting from a felony conviction and spending time under correctional supervision.

categories, their reports of effects and consequences were primarily open-ended. Moderate probing based on their initial reaction to the impact of legal financial obligations provided additional information about various consequences that result from financial responsibilities. A preliminary test of the interview guide was given to six offenders on the first day of interviewing to evaluate timing and flow of the interview, and to identify problems with the structure or wording of questions. Minor adjustments were made to the interview guide, and a finalized version was used for the remainder of the interviews.

Data Compilation and Coding

As previously described, the research team noted demographic characteristics as well as answers to close-ended and quantitative questions. From these recorded data, a quantitative database was created to compile information about variables of interest. Table 1 demonstrates how the current sample compares to the statewide population of supervised offenders.

Similar to statewide correctional populations, whites comprised most of the sample. The sample is underrepresented in women, and is slightly older than the incarcerated population. The samples are moderately comparable in educational attainment, mental health issues, and substance abuse histories. The largest differences come from crime type and the amount of time spent incarcerated. In sum, the data for the analyses in this dissertation come from 134 interviews.⁹ Each interview, in some way,

⁹ Originally, it appeared we had 135 separate interviews. In total, we had 134 unique participants. Close examination of the data revealed one offender was interviewed as part of *Sex Offender Residency Restrictions* and *St. Vincent de Paul*. He was coded quantitatively as a single interviewee, using primarily his *Sex Offender Residency Restriction* interview, but also carefully examining his responses using the *St. Vincent de Paul* interview guide for supplemental information.

examined the effects of legal financial obligations on transitional experiences of offenders with a felony conviction.

Table 1. Comparison of Sample to Statewide Offenders under Supervision (2010)

	Current Sample (n = 134)	Missouri Incarcerated Population (n = 30,415)	Probation and Parole Population (n = 70,914)
Race			
<i>Black</i>	29.9%	39.6%	28.6%
<i>White</i>	70.1%	58.0%	69.5%
Gender			
<i>Male</i>	97.0%	92.3%	77.4%
<i>Female</i>	3.0%	7.7%	22.6%
Age (in years)	38.5	37.2	<i>Not Available</i> ¹⁰
Education (has high school diploma)	60.4%	67.7%	<i>Not Available</i>
Mental Health Problem	36.4%	46.0%	<i>Not Available</i>
Substance Abuse	78.1%	88.5%	84.4%
Crime Type			
<i>Personal/Violent</i>	16.2%	38.4%	13.2%
<i>Sex Offense</i>	56.2%	15.8%	3.6%
<i>Property</i>	13.8%	24.0%	41.8%
<i>Drug</i>	13.8%	17.7%	34.7%
Time Served (in months)	64.1	35.5	<i>Not Applicable</i>
Currently Unemployed	44.0%	<i>Not Applicable</i>	34.1%

Supplemental Data

Ultimately, triangulation of the data was a goal of this dissertation, to be able to compare the financial obligations of the interview sample to broader quantitative data. Due to the nature of assessment of legal financial obligations, however, finding appropriate and comprehensive data to evaluate legal financial obligations proved to be a challenge. According to the Missouri Sentencing Advisory Commission and the Missouri Department of Corrections, a central source that gives information about how much offenders owe in terms of all various financial obligations does not exist. This is due partially because of the variation in the timing of different assessments (i.e., some may

¹⁰ Specific data were unavailable to calculate average age of the probation and parole population. However, 65.5% of the supervised population is under the age of 40.

be part of the sentence while others may be implemented after serving an incarceration term as part of additional supervision costs). Some agency data was incorporated into this research, primarily to verify and supplement self-reported legal financial obligations. Case.net is a resource for public information about charges and criminal sentences for all offenders. This includes assessed court costs, restitution orders, victim harm funds, and fines that were part of a sentence as well as whether payment had been completed. Although offenders were asked specifically about their various assessed legal financial obligations, many of the obligations failed to be reported.¹¹ I had enough information (i.e., name and charge information) from each offender to match most participants to their public record and supplement their self-reported data with their sentencing costs.

Limitations of the Data

Addressing the data limitations is an important part of any research study. Of primary concern is the small sample size for the quantitative analysis. Although recent evaluations of mixed-methods approaches have been receptive to a small sample size (Small, 2011), it still presents a concern. Second, generalizability is an issue. Women are vastly underrepresented and the offense distribution is highly skewed with an overrepresentation of sex offenders. As a consequence, generalizations are limited across offense type and in particular, gender. Finally, the data are heavily reliant on self-reported legal financial obligations. Human memory is imperfect, particularly on events or assessments occurring over a longer period of time (Menard, 2002). Offenders may have forgotten long ago restitution orders and fines, as well as fees that have already been

¹¹ Omissions were likely not intentional. Rather, costs assessed as part of the sentence were likely to be forgotten. Therefore, the case.net data provided a valid source of information for those who had forgotten their costs and a validity check for those that estimated their assessed costs.

paid. The extent of legal financial obligations is likely underestimated based on self-report data. This underestimation makes the potential findings perhaps even more salient, as they come from reports and perceptions of lower legal financial obligations.

MEASURES

Operationalizing Legal Financial Obligations

This research defines *legal financial obligations* as financial responsibilities that are mandated as part of sentencing, accrued during adjudication, and assessed as part of supervision strategies. Prior research differs in defining legal financial obligations. A large proportion of previous studies evaluate a single type of legal financial obligation, such as restitution, fines, or fees. They also typically focus on recidivism as the outcome measure (Gordon and Glaser, 1991; Outlaw and Ruback, 1999; Taxman and Piquero, 1998; Waldfoegel, 1995). This dissertation examines financial obligations in their entirety, examining their cumulative effect on various dimensions of reentry outside of recidivism. Therefore, a more comprehensive operationalization of legal financial obligations is appropriate for this research. Further, child support is typically a significant portion of the financial obligation an offender may have (McLean and Thompson, 2007). Previous research has omitted child support orders and accruals in their analyses, focusing instead on penalties that were a direct result of the criminal conviction (Beckett, Harris, and Evans, 2008; Diller, Greene, and Jacobs, 2009). The current research includes measures of child support, because a large proportion of offenders are noncustodial parents. They often continue to incur financial responsibilities relevant to their child/children during incarceration.

To examine legal financial obligations, I constructed singular and increasingly complex measures. First, a series of dichotomous and continuous variables were created to examine sentencing costs. Offenders were coded as having court costs, restitution, fines, victim harm funds, or application fees (*yes = 1*) as part of their sentence. Completion of payment was also included (*yes = 1*) and if appropriate, the amount assessed. A dichotomous variable of having sentencing costs was created if the offender had record of any costs related to their official sentence.¹²

Second, supervision costs were assessed. A second series of dichotomous variables established if offenders were currently financially responsible for intervention fees, polygraph tests, drug testing, or mandated programs (*yes = 1*). When applicable, two continuous variables illustrating the amount were constructed. This was either a measure of one-time assessment costs (e.g., a substance abuse assessment) or a monthly total for programs or drug testing (e.g., a \$35 per week class totaled \$140 monthly). A final dichotomous variable was created to establish whether offenders were responsible for any supervision costs (*yes = 1*).

Finally, I created measures of general and monthly legal financial obligations. A summation of unpaid sentencing costs, intervention fees, and other legal obligations (e.g. electronic monitoring, jail board bills) reflected general *legal debt*. A second measure of legal debt included unpaid child support (*legal debt including child support*). Next, measures of *monthly obligation* were constructed to examine the typical payments offenders were responsible for each month based on program fees, intervention fees, and other legal monthly expectations (e.g., drug testing). A second variable included monthly

¹² As previously described, Case.net was heavily utilized to verify and supplement self-reported sentencing cost data.

child support obligations, summing monthly obligations and the reported child support order (*monthly obligation including child support*). Therefore, the data provide four general measures of legal financial obligations: (1) the total monthly payment expectation, including child support, (2) the total monthly payment excluding child support orders, (3) the total accrual of legal financial obligations, including child support arrears, and (4) the amount of legal debt excluding child support accrual. Further breakdowns of these groupings compared categories of debt, breaking down those with no debt and comparing those with moderate and high levels of legal debts and monthly obligations (Appendix C provides a reference table).

The creation of these measures was primarily a result of participant responses. Offenders were asked to detail specifically what types of fees or fines they owed, how much they were on a monthly basis, as well as a total amount of legal debt. Participants also reported if they were responsible for child support, the amount of the monthly order, and [if applicable] the total amount of child support arrears. While self-report data established a baseline for the amount of legal financial obligation, the measure is not ideal. Missouri Case.net supplemented the data and acted as a reliability check. The assessed fees and fines that were part of the sentence were recorded as part of the judgment. If the sentence included fees, fines or restitution, this was verified if the offender reported it. If the offender omitted or failed to report the monetary portion of their initial sentence it was added to the file.¹³ Case.net verification did not provide additional data on monthly expectations, but assisted in establishing initial sentencing costs and payment records.

¹³ 21 cases were unmatched to sentencing data. This resulted from interstate cases (crimes committed outside of Missouri), cases from more than fifteen years ago (case information not always available), and a few cases with common names and offenses that could not be reliably matched.

Recidivism

There are a number of ways to measure recidivism, including new offenses, new arrests, and technical violations (Maltz, 1984). Debates continue about the validity of different measures and what they represent. This dissertation utilizes two measures of recidivism. First, *return to prison* captures more deviant behaviors. Offenders who returned to prison or had their probation revoked for any reasons were coded as returned to prison¹⁴. New offenses and convictions were included in this measure, as well as more serious or an accumulation of technical violations. *Return to prison* is a more restrictive measure of recidivism that encompasses more serious deviant behaviors committed during supervision. Second, *technical violations* represent those who violated at least one condition of parole. Conditions of supervision include a wide range of behaviors, including mandated program attendance, required meetings with the supervising agent, maintaining employment, restrictions from association with other felons, and abstinence from substance use. Offenders who had at least one violation recorded were coded as committing a technical violation. Both of these outcomes are dichotomous measures of recidivism used in logistic regression models (*failure = 1*).¹⁵ The time to failure was also calculated, examining the time period from time of release to the date of return to prison or technical violation (*in days*). These measures were calculated in days and utilized in Cox-Proportional Hazard models, described in the analyses portion of this chapter.

¹⁴ Only four offenders had new offenses recorded. Most returned to prison coded as technical violations as opposed to a record of a new offense with the Department of Corrections.

¹⁵ A third dichotomous variable was also created to measure *any recidivism*. This captured those who had either a technical violation or a return to prison. There was a great deal of redundancy, with only one offender who returned to prison without a technical violation on record as well. This measure was used to compare recidivists to those with no failure on record, but not included in the primary models of the dissertation.

Additional Variables

A number of other variables are included in relation to legal financial obligations. Of primary interest are control variables that are also typically associated with failure, or have importance in sentencing outcomes (Gendreau et al., 1996; Giordano et al., 2002; Laub and Sampson, 2003; Petersilia et al., 2007). Demographic variables used *race* as a dichotomous measure (*nonwhite* = 1) and *age* (in years) as a continuous variable representing age at the time of release from prison. Although other studies incorporate additional racial comparisons, there was not enough representation in the dataset to distinguish between white, Hispanic and African American.¹⁶ Due to the nature of the sample, a control for offense type was also included (*sex offender* = 1). Measures of education and employment were also included (*high school graduate* = 1; *employed at the time of interview* = 1) to represent individual qualities associated with higher success. Measures of social support included family instrumental support and intimate partner support, coded as one if the offender reported receiving material forms of support such as residential or financial assistance or having an intimate partner. A measure of criminal history was the final variable included in the models, measuring the number of times the individual had been incarcerated.¹⁷ Appendix C provides a full description of the variables used in the quantitative analyses. Table 2 provides general descriptive statistics for the sample, including additional background and social support variables.

Parolees comprise most of the sample, with 73.5% having been incarcerated and released. The sample is predominately male, which is partially an artifact of the nature of the data collection that targeted sex offenders. On average, offenders had been out of

¹⁶ Demographic data provided by the Missouri Department of Corrections.

¹⁷ Individual achievements, employment, social support perceptions, and criminal history are reliant on self-reported data.

prison for approximately 18 months at the time of the interview, and had been incarcerated 1.87 times in their lifetime. Almost two thirds of the sample (60.4%) had at least a high school diploma or a GED, and 40.3% reported being employed at the time of the interview. The average wage was over the state minimum of \$7.25 per hour, but varied among participants. Most respondents had children, and about a fifth of the participants were married. Most offenders lived either with an intimate partner or with family.

Table 2. Descriptive Statistics for the Current Sample

Variable	Mean/Frequency	S.D.	Range
Type of Supervision			
<i>Parole</i>	73.5%		
<i>Probation</i>	9.8%		
<i>Incarcerated</i>	16.7%		
Offense Category			
<i>Sex Offender</i>	56.2%		
<i>Personal Crime</i>	16.2%		
<i>Property Offender</i>	13.8%		
<i>Drug Offender</i>	13.8%		
Age	38.52	12.35	20 – 70
Gender (<i>male</i>)	97.0%		
Race (<i>nonwhite</i>)	29.9%		
Time Served in Prison (<i>in months</i>)	64.11	78.42	0 – 360
Time Since Release (<i>in months</i>)	17.95	22.34	0 – 131
Past Incarcerations	1.87	1.33	0 – 7
Currently Employed	40.3%		
High School Diploma	60.4%		
Has Children	72.0%		
Number of Children	2.72	1.50	1 – 7
In Intimate Partner Relationship	41.1%		
Living With			
<i>Intimate Partner/Spouse</i>	20.0%		
<i>Family</i>	37.6%		
<i>Self</i>	18.4%		
<i>Other</i>	4.0%		
<i>Supervised</i>	14.4%		

ANALYSES

This dissertation employs both qualitative and quantitative analytic strategies. Although qualitative analyses are the central focus of the dissertation, quantitative analyses contextualize the qualitative findings. Quantitative analyses demonstrate the scope of economic responsibilities of offenders, and the relationship they have to offender characteristics as well as offense types. Qualitative analyses identified themes and relationships within the data in relation to legal financial obligations, focusing on how offenders pay their financial obligations and the consequences, the impact of legal financial obligations on upward social movement, increases in experienced stress, and how offenders react to their legal debts.

Qualitative Analyses

Qualitative analyses are a central part of this dissertation. The use of qualitative analyses allowed for a broader examination of legal financial obligations. Qualitative analyses are inductive in nature, meaning answers emerge from the data rather than deductively sought out. In analyzing the data, I employed a modified grounded theory approach. Grounded theory refers to an inductive methodology that works from raw data, using coding processes to identify themes and conclusions (Charmaz, 2006; Corbin and Strauss, 2008). This dissertation utilized a modification of grounded theory, as it deviates from the original propositions. I rely only moderately on theoretical sampling¹⁸, and incorporate more literature and theory than is typically used in guiding the research.

¹⁸ Theoretical sampling refers to the back and forth process of interviewing, where initial interviews help reformulate questions. Additional interviews are conducted, and questions continue to be refined (Corbin and Strauss, 2008). The data collection and analysis is more of a simultaneous process than was used in the data collection procedures described here.

To analyze the data, open coding schemes were used on each transcription.¹⁹ Open coding allowed for careful assessment of the data, where small pieces of the data are interpreted and given a code that describes the action or event. Codes were created from the data, as opposed to preselecting groupings to categorize the information (Charmaz, 2006; Corbin and Strauss, 2008). Concepts within the data emerged during the coding process, and were grouped to form categories to represent themes that arose in the data (Corbin and Strauss, 2008).

Categories that describe the various effects or outcomes of legal financial obligations were identified. Broad categories of *employment outcomes*, *social support relationships*, *added stress*, *blocking opportunities*, *legal financial obligation reactions*, and *criminal justice consequences* were identified. Files were created to separate the identified themes and subcategories within the broader themes were created from more focused coding (Berg, 2009; Miller, 2008). This dissertation also utilized a constant comparison method, evaluating if and how the effects of legal financial obligations differed among contexts and individuals (Corbin and Strauss, 2008). This method helped clarify emergent themes, and aided in identifying variations or deviant cases.

Quantitative Analyses

The data allow for a variety of quantitative analyses, although a small sample ($n = 134$) limits statistical power. The primary questions examined using the quantitative data collected include:

¹⁹ This dissertation utilized NVivo, a software program that aids in organizing unstructured data. Transcribed interviews were uploaded into the program, and open-coding was possible on the data. The result is grouping of relevant data into various files that can be analyzed to more rigorously identify themes and connections among the data.

- 1) What is the prevalence and amount of legal financial obligations?
 - 2) How do legal financial obligations vary between offenders and offenses?
- and
- 3) What are the criminal justice consequences of legal financial obligations?

The quantitative analyses begin with descriptive analysis of legal financial obligations to answer the first two questions posed (see Chapter Four). Frequencies and amounts of legal financial obligations are presented, followed by analyses of offender and offense differences. The review of the literature demonstrated financial obligations typically vary between offenders as well as offense types (Beckett, Harris, and Evans, 2008; Ruback, Shaffer, and Logue, 2004). This dissertation provides comparisons of financial obligations based on offender characteristics, focusing on age, race, and education. It also compares the financial obligations in terms of offense type, particularly focusing on the differences between sex offenses and other categories of offending. Research suggests sex offenders face additional challenges in the employment spectrum, maintaining social support, and obtaining suitable housing (Brown, Spencer, and Deakin, 2007; Robbers, 2009; Hughes and Burchfield, 2008). Comparisons of the financial obligations sex offenders have to other offenses demonstrate additional collateral consequences sex offenders typically face.

The third question required more sophisticated analyses. Recidivism data provides information about technical violations and returns to prison, as well as the timing of each event. Some evidence suggests legal financial obligations may increase the likelihood of failure (Beckett, Harris, and Evans, 2008). Several types of analysis were used to evaluate the effects of legal financial obligations on recidivism. Initial analyses used

logistic regression, an appropriate method as the dependent variables were two dichotomous measures of reoffending (Menard, 2002). Further analyses used Cox-Proportional Hazard modeling, a form of survival analysis. This uses time to failure as the dependent variable to evaluate how legal financial obligations affect the timing of recidivism (Cox, 1974; Singer & Willet, 2003). Although the sample size is somewhat smaller than is considered ideal, Small (2011) reports mixed-methods research approaches are increasingly incorporating regression analysis techniques despite small sample sizes, and producing valid results.

Logistic regression analyses progress in three steps, using two dichotomous measures of failure (i.e., committed a technical violation; returned to prison) as outcome measures. The first set of models incorporates two dichotomous variables of sentencing costs and supervision costs (*yes = 1*) to examine their relationship with recidivism outcomes. Second, a series of models examining general legal debt (using dichotomous, categorical, and continuous operationalizations of general legal debt described in the preceding section) were estimated. Finally, the relationship between monthly obligations and recidivism was examined, again using a series of operationalizations of monthly obligations. The timing of failure was also considered with Cox Proportional-Hazard modeling.²⁰ Survival analysis measures whether there are differences in the length of time to failure, or in other words, if legal financial obligations affect the time to a new offense. The hazard ratio calculates the risk of offense at a particular time (Cox, 1972; Fox; 2002; Singer & Willet, 2003), in this data, the continuous time is days. The final day of data collection was April 1st, 2012. Often, a return to prison for a technical violation is

²⁰ Recidivism data is collected only as part of *Sex Offender Residency Restrictions* (n = 97). For the additional interviews, official data were not available and/or the time frame was insufficient to adequately examine failure.

for a short period of time and it is possible an offender could be reincarcerated and released within the follow-up time period. However, once offenders commit a technical violation or are returned to prison, they are omitted from the sample. The same progression of analyses that were used for logistic regression model was also used to examine the relationship between legal financial obligations and the timing of failure.

Finally, supplemental quantitative analyses are incorporated throughout the dissertation to give descriptive context to the qualitative findings. For example, offenders describe difficulty in making payments toward their legal financial obligations. Quantitative descriptions of employment circumstances and the quantification of social support illustrate the context in which offenders make payments toward legal financial obligations. Interview procedures allowed for a variety of close-ended questions that provided an assortment of measures that emerged to be relevant to legal financial obligations. The interviews collected information about employment status, as well as other dimensions of employment including the type of job that was obtained, the typical amount of hours worked, and wage information. The nature of support from family and friends was questioned and coded evaluating whether the support was material (i.e., housing, financial, transportation) or expressive (i.e., advice, provision of a confidant) in nature. These measures give context to many of the findings that emerged from the qualitative data, including impact on social support networks and difficulties in payment toward legal financial obligations.

Overall, this chapter summarized the sources of data used for analyses in this dissertation. Qualitative data analyses identified themes that emerged in regard to effects or consequences of legal financial obligations, including effect on social support

relationships, perception of criminal justice consequences, and a variety of miscellaneous latent consequences. The quantitative analyses examine the establishment of legal financial obligations, evaluate the relationship legal financial obligations have to various dimensions of reentry such as employment and income, and examine the relationship between legal financial obligations and recidivism during correctional supervision. The remaining chapters fully discuss these analyses and the implications of the results. The dissertation concludes with a summary of the findings and policy recommendations.

CHAPTER FOUR: FINANCIAL OBLIGATIONS AND THEIR CONTEXT

Offenders have a multitude of financial obligations; however, research suggests that many have challenges repaying debts. The purpose of this chapter is to describe the extent of legal financial obligations and document the income of offenders. Together, these data help illustrate the consequences that emerge from legal debts.

First, I present a breakdown of legal financial obligations, examining the types and amounts of various costs associated with fines, court, and supervision costs. Child support as a financial obligation and the unique problems it can present is also discussed. Second, the chapter characterizes the financial circumstances of offenders, examining the sources of offender personal income. Included in this section is a brief discussion of the offender employment status and challenges. The final segment of the chapter describes the lack of financial management skills among the sample. The chapter closes by describing ways to improve the financial management skills of offenders.

FINANCIAL OBLIGATIONS OF OFFENDERS

Legal financial obligations include a range of costs including fines, restitution, supervision costs, and public defender fees. Further, financial obligations outside of legal debts can accumulate, particularly when serving an incarceration term. This section first presents the different types of legal financial obligations, highlighting the frequency of assessment and the typical amounts offenders owe. Individual differences are also examined. The section concludes by describing financial expenses outside of legal obligations, and how offenders prioritize payment.

Sentencing Costs

There was high variability in the assessed sentencing costs (see Table 3). Judges have discretion in determining court costs and can dictate whether to include court costs as part of the sentencing decision. For this sample there was an almost even split between those who were assessed court costs and those who were not, where 49.1% of offenders had been levied court costs. Other sentencing costs resulted from restitution, fines, application fees, and victim compensation funds. Offenders were most likely to have costs for the victim compensation fee, and least likely to have restitution orders and fines. More than 80% of the offenders in this research had a victim harm fund fee included in their sentence.²¹ About a third of participants, 33.3%, had a requirement to pay a fee for the cost of their public defender. The most common type of assessed sentencing costs was a victim compensation fee.²²

Table 3. Sentencing Costs

	Assessed (frequency)	Amount (mean)	S.D.	Range	Paid or Current
Court Costs	49.1%	\$586.79	(1547.92)	5 – 9,000	37.8%
Restitution	12.8%	\$2963.38	(5813.36.12)	30 – 20,000	41.7%
Lawyer Fee	33.3%	\$321.22	(228.51)	50 – 1,000	14.7%
Fines	8.2%	\$764.60	(1128.39)	100 – 2,755	20.0%
Victim Harm	84.6%	\$55.03	(23.87)	10 – 240	54.2%
Other	34.6%	\$4426.39	(4560.41)	120 – 12,436	00.0%
Total Sentencing Costs	79.1%	\$1093.55	(2978.05)	10 – 20,000	

²¹ Court cost information was first asked directly of the offender. During the post-release interview, few reported having court costs as part of their sentence. As a validity check, I used Case.net to verify offender accounts. Data was found for 76% of the sample and the database was updated accordingly. Information regarding application fees, restitution orders, fines, and victim compensation were also verified using this source.

²² The state of Missouri uses a Crime Victims' Compensation Fund program (CVC). All offenders convicted of a felony are eligible to be assessed a victim's harm fund fee as part of their sentence. The amount is dependent on the class. Class A and B require a \$68 charge; Class C and D felonies are assessed \$46 (Missouri Department of Public Safety, 2011).

Court costs averaged approximately \$586, though some offenders were assessed as little as \$5 and up to \$9,000.²³ Less than half of those assessed court costs had a record of completed payment. Fines and restitution were the least commonly levied costs and less than half had documentation of completed payment. Public defender fees also varied ranging from \$50 to \$1,000. Judicial discretion, economic circumstance of the offender, and the number of court appearances all contribute to the public defender fee total. Only 14.7% of those with public defender fees had successfully paid their assessment. Victim harm funds had the greatest rate of completed payment, and had the lowest average amount, at \$55.03. Other costs associated with sentencing were typically reflective of accumulated charges for serving time in jail. The final measure examined total sentencing costs, created by totaling the previous individual assessments in each category. The average offender had just over \$1,000 in fines and fees but there was a great deal of variation between offenders. This average was driven upwards by a few outliers that had significantly higher restitution orders and jail costs.²⁴

Post-Conviction Costs

Legal financial obligations can also be assessed post-incarceration or during probation terms (see Table 4). Most offenders were assessed an intervention fee. Missouri charges intervention fees for offenders under correctional supervision in the community; these monies are used for drug testing, transitional housing, and substance abuse treatment (Missouri Department of Corrections, 2012). Two-thirds of offenders are responsible for monthly intervention fees, and the remainder had their fees waived.

²³ Standard court costs vary by jurisdiction. Judicial discretion may also reduce the court costs amount.

²⁴ When cases are dropped that have higher than \$10,000 in sentencing costs the average amount drops to \$664.03. This amount is more representative of what the average offender owes in fees at the outset of the sentence.

Intervention fees are typically \$30 per month, though in some cases may be adjusted upward for those with accumulated fees and unpaid sentencing costs. For those unable to pay the monthly obligation, it is not uncommon for the fees to quickly accumulate. Only about a third of reporting offenders were current on their intervention fees, however statewide reports suggest a higher rate of payment with about 64% of billed intervention fees collected (Missouri Department of Corrections, 2012).²⁵

Although the \$30 monthly intervention fee is a mandated and uniformly applied amount, a great deal of variation exists in practice. All parolees are granted a three month grace period before the initiation of the intervention fee. After the 90 day period, waivers may continue for the basic intervention fees at the discretion of the parole officer. This is where differences emerge. Some offenders report being granted a waiver due to continued unemployment, while others say their parole officers do not take into consideration lack of income and continue to require payment. For example, 60% of offenders were unemployed, but only 24% were given a waiver. One notable case demonstrated the significance of discretion. Moving from Kansas City to Saint Louis, Bernard, who owes about \$90 in accrued intervention fees, changed supervising agents. The new agent did not continue his waiver, and he accumulated months of unpaid intervention fees. It was not uncommon for offenders to have experiences with multiple parole officers, which led to perceptions of inconsistent treatment.

Outside of intervention fees, some offenders are required to pay for additional supervision costs. Some offenders in the sample were mandated to pay for class or treatment fees, polygraph testing, and mandated electronic monitoring. Over one third

²⁵ Not all participants were directly asked about their current intervention fee status ($n = 31$). If it was not mentioned in the interview, I was unable to code the response. Being behind in intervention fees may be overestimated, and the statewide report may be a better representation of current payment status.

(39.3%), reported being responsible for treatment costs, in addition to monthly intervention fees.

Table 4. Post-Conviction Costs²⁶

	Assessed	Amount	S.D.	Range	Paid or Current
Intervention Fee	67.9%	\$30.04	(0.47)	30 – 35	35.5%
<i>Waived</i>	23.8%				
Any Additional Fees	48.1%				
Polygraphs		\$250.00	(0.00)	250 – 250	
Classes (<i>Monthly</i>)	33.3%	\$122.05	(40.05)	15 – 240	
Classes (<i>One Time Fees</i>)		\$147.14	(126.19)	40 – 380	

The nature of the sample can partially explain both the frequency and amount of costs and fees. Sex offenders under correctional supervision in Missouri are required to pay for court ordered treatment. The cost of the program is \$35 per week, or typically \$140 month.²⁷ Further, sex offenders who are disallowed from being around children may have additional treatment costs. Frank, convicted of sexual assault and possession of a controlled substance, explains “They tried to make me go to that therapist again. I had to pay for all that....it cost me like \$150.”

Non-sex offenders also reported program payments in addition to intervention fees, often a one-time assessment or evaluation fee for substance abuse or anger management classes. Randall, who already paid a substance abuse assessment fee of \$125, explains his parole officer anticipated sending him to additional classes. He

²⁶ This table consists of breaking down specific post-supervision costs. These questions were not specifically asked of all interviewees. Much of the data is derived from the final round of legal financial obligation specific interviews, and additional cases were coded if the offender had brought it up or the interview had specifically asked, deviating slightly from the interview guide. As a result, the percentages presented are most likely underestimating the additional fees offenders have responsibility for.

²⁷ Program fees are based on weekly expectations rather than a monthly fee. Variation came from months having either four or five weeks, making monthly obligations fluctuate slightly.

explains that his supervising agent “Decides whether you need treatment or education. She said it’d probably be education which would probably be another hundred and twenty dollars. For like two days.”

Finally, sex offenders may also incur other costs. Sex offenders who have a child victim are restricted from spending time with children under certain ages. Family members have an option to complete a course that certifies them to be a supervisor for the sex offender for situations that include children. After course completion, the sex offender is allowed to be around children in the presence of the supervisor. The course costs \$350. Arthur, a sex offender who owes \$19,300 in legal debt, points out “Squeeze that into a budget, cause it’s 300 some odd dollars.” Although not a requirement, many offenders prefer to have someone take the supervisor class so they can attend family functions and other social gatherings.

Child Support

Child support proves particularly challenging. Nationally, over half of those incarcerated in state and federal facilities have children (Schirmer, Nellis, and Mauer, 2009). In this study, 72.0% of participants had children, and of those 57.9% were court ordered to pay child support (see Table 5). The average child support order was \$276.42 per month. Offenders in this sample were overwhelmingly behind on their child support payments, averaging over \$12,000 in owed child support obligations. Statewide, incarcerated noncustodial parents owed an average of \$177.77 per month, lower than the average amount owed by offenders in the current sample (Missouri Child Support Enforcement Agency, 2011). Offenders reported having anywhere from 30% to 50% of their paycheck garnished by the state.

Table 5. Child Support

	% / Mean	S.D.	Range
Has Children	72.0%		
Child Support Ordered	57.9%		
Child Support Order	\$276.42	221.95	1 – 1,015
Behind Child Support	90.0%		
Total Child Support Debt	\$12,751.25	12864.51	40 – 50,000

The findings are consistent with previous research that has linked incarceration and child support arrearage (Cammett, 2006; Ovwigho, Saunders, and Born, 2005). Child support payments are not put on hold during an incarceration term, as the state generally considers the incarcerated state a voluntary condition (Cavanaugh and Pollack, 1997). As a result, even for offenders who are current on their child support at the time of their incarceration, child support obligations frequently accrue during the prison sentence. In this research, 90% of offenders with child support orders were behind and just over a third discussed the rapid accumulation during their prison sentence.²⁸ Joseph, who pays \$173 a month but is unsure of his total child support debt, explains “I was released behind on it, I tried to write them and have them suspend it until I got out while I was locked up for 5 years, but it just built up.” Bernard owes \$12,000 in child support arrearage. He describes his experience, saying “Yeah, it accumulated. That’s when they went, they started, they never did any adjusting to it. Even though I had asked them to, because I was indigent and incarcerated.”

Noncustodial parents have few options to address their child support debts. Wage garnishment is common. After getting a modification reducing his child support order by \$100 per month with the help of his parole officer, Clarence reports:

²⁸ The first round of interviews did not directly ask about accumulation during incarceration. After reviewing interviews and initial codes, this theme began an emergence and the subject was more thoroughly explored in the supplemental and legal financial obligation focused interviews.

They said a thousand and some odd dollars and she [supervising agent] explained to me that they would probably modify that as well, because they was under the impression that I was still getting the same amount of income. And so they're working on, she said it might be June or whatever, but they are working.

Adjusting back pay is an unlikely and even more difficult process. Some offenders are hesitant to even address the issue, not wanting to draw attention to their case. Earl owes \$640 per month for child support and owes \$10,000 overall in child support debt. After questioned about whether he was attempting to reduce his order, Earl expressed a reluctance to further damage his relationship with the custodial parent as well as bring further attention to his arrearage. He explains: "I'm not going to, I'm not shaking that cage right there."

Child support obligations comprise a significant portion of legal financial obligations, and are an important consideration. The difficulty in modification or adjustment often contributes to further accumulation of debt, and offenders expressed great frustration with their child support arrearage.

Overall Legal Financial Obligations

It is clear those with a criminal conviction can quickly amass a variety of expenses and legal debts. The previous sections evaluated specific types of legal financial obligations. This section focuses on accumulated legal financial obligations, evaluating monthly responsibilities as well as overall debt. When looking singularly at financial obligations such as victim harm funds or program assessment fees, amounts can seem insignificant. Gathered together, legal financial obligations can quickly accumulate. Gerald, a property and drug offender who owes the state \$568 in sentencing costs and additional \$8,000 in child support for his two children, illustrates:

I owe the court system for public defender, I owe child support, I owe the county jail incarceration fees, I owe intervention fees, I owe medical bills....the list goes on...treatment bills.

Gerald’s example demonstrates the gradual accumulation of legal financial obligations throughout the duration of his sentence. His sentencing costs are unpaid, he has accumulated various fees throughout his supervision, had child support accrue during his incarceration term, and has additional debts unrelated to his conviction. As a result, offenders typically have both monthly and general legal financial obligations.

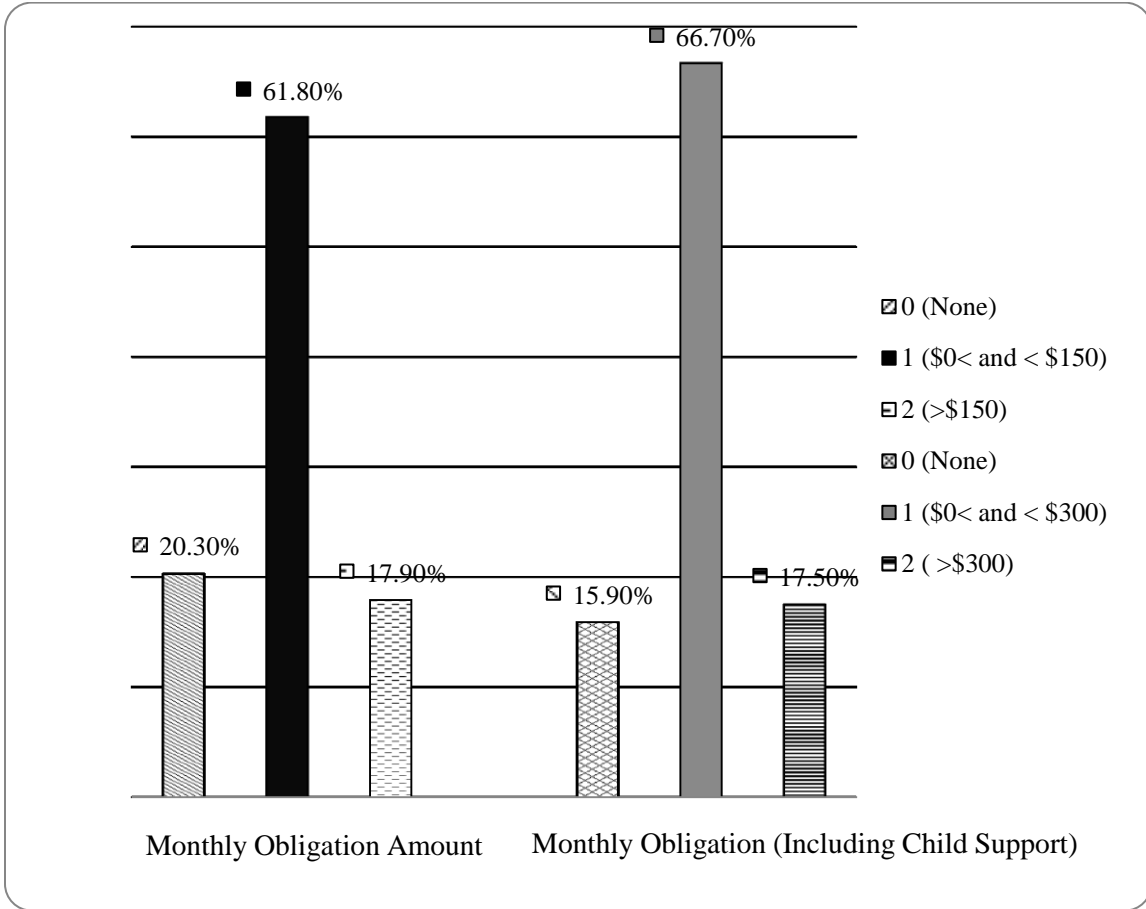
Table 6 demonstrates four illustrations of general legal financial obligations. Monthly financial obligations without child support average out to \$59.64, but when considering the additional of child support the figure substantially increases to \$157.25.

Table 6. Total Monthly Obligations and Legal Debt

	Mean	S. D.	Range
Monthly Obligations (without child support)	\$59.64	64.28	0 – 270
Monthly Obligations (with child support)	\$157.25	191.58	0 – 1,045
Overall Debt (without child support)	\$1288.68	3185.57	0 – 20,000
Overall Debt (with child support)	\$5019.10	9568.32	0 – 50,318

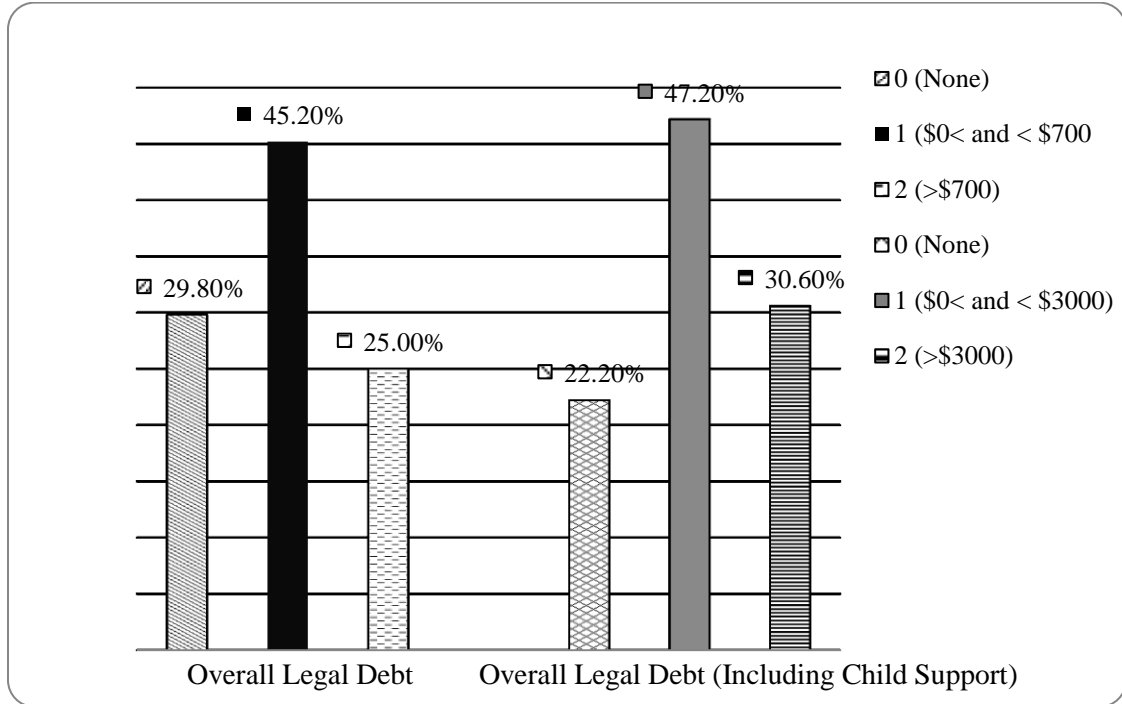
The majority of the offenders had moderate monthly obligations, trichotomized into three levels of obligation (see Figure 2). The first level consisted of those with no monthly obligation (20.3%). Almost two thirds of offenders, 61.8%, had moderate monthly obligations, of less than \$150 not including child support. Finally, 17.9% have high monthly obligations of more than \$150. Similar patterns emerge when including child support to the monthly obligation total.

Figure 2. Frequency Distribution of Monthly Obligations



A comparable trend occurs when comparing the general legal debt offenders have, both with and without child support. Average debt not including child support was just over \$1,000, and including child support arrearage tripled the average debt. Figure 3 illustrates a frequency distribution, demonstrating most offenders had no or moderate legal debt (less than \$700 not including child support, less than \$3000 including child support).

Figure 3. Frequency Distribution of Overall Legal Debts.



Monthly obligations resulted from a summation of weekly class amounts and monthly intervention fee costs. Overall debt totaled unpaid sentencing costs as well as other reported unpaid fees, including board bills, polygraph tests, and electronic monitoring costs (Appendix C provides a full description of all variables describing legal financial obligations).

Group Differences

It is also worthy to examine if there are differences in legal financial obligations based on offender and offense characteristics. Some patterns appear when looking at offense differences in the assessment and amount of sentencing costs, illustrated in Table

7.²⁹ Chi square tests revealed as a category of offense, sex offenders are less likely to have sentencing costs as part of their sentence. Specifically, they are less likely to have restitution, fines and victim harm fund fees added to their sentence. Further, the average amount of victim harm assessments for sex offenders is less than other offenses (not shown), where sex offenders on average paid \$51.47 to the victim's compensation fund and non-sex offenders on average had orders of \$60.76. Sex offenders were also more likely to have supervisions costs and had significantly higher monthly fees without the inclusion of child support. As noted, sex offenders had mandated weekly class and treatment payments, and these requirements likely explain the differences in monthly fee amounts.³⁰

Table 7. Differences in Legal Financial Obligations by Offense Type

	Sex Offenders	Non Sex Offenders
Sentencing Costs [^]	73.7%	86.2%
<i>Court Costs</i>	47.4%	50.9%
<i>Restitution</i> [^]	7.1%	18.9%
<i>Lawyer Fee</i>	33.9%	32.7%
<i>Fines</i> [*]	3.5%	16.7%
<i>Victim Harm Fund</i> ^{**}	72.9%	94.6%
Supervision Costs [^]	77.6%	63.8%
<i>Intervention Fee</i>	73.7%	60.0%
<i>Waived Fee</i>	19.7%	29.1%
Overall LFOs		
<i>Monthly (no child support)</i> ^{***}	89.05 (66.63)	32.18 (20.19)
<i>Monthly (with child support)</i>	184.25 (169.00)	140.91 (217.38)
<i>Overall (no child support)</i>	1047.15 (2902.83)	1559.78 (3486.27)
<i>Overall (with child support)</i>	5844.63 (10831.63)	4025.09 (7776.46)

*** p<.001; ** p<.01; * p<.05; [^] p<.10

²⁹ Chi square tests and t-tests were done for each category of sentencing costs, comparing sex offenders to all other types of offenses. I also ran tests comparing across more broken down offense categories, but no significant differences reflecting contrasts between offenses emerged. This is likely due to low frequency rates in certain categories of sentencing costs, and the normative assessment of the victim harm fund.

³⁰ T-tests compared sentencing amount costs for both offense and racial comparisons. Unless noted, no significant differences emerged. Additional chi-square tests revealed no differences in payment completion.

Racial differences also emerged. Table 8 demonstrates the racial differences in assessment and amount of legal financial obligations. White offenders were more likely to have restitution orders, but no other racial differences emerged when looking at the imposition of and amount of sentencing costs. In addition, white offenders were more likely to have any type of supervision cost, and they had higher monthly fee amounts both with and without the inclusion of child support. Nonwhite participants were more likely to have their intervention fees waived; therefore, it is consistent that white offenders have a higher monthly obligation.

Table 8. Differences in Legal Financial Obligations by Race

	Non-White	White
Sentencing Costs	71.4%	80.5%
<i>Court Costs</i>	53.8%	51.5%
<i>Restitution*</i>	0.0%	16.4%
<i>Lawyer Fee</i>	34.6%	35.8%
<i>Fines</i>	0.0%	5.9%
<i>Victim Harm Fund</i>	92.3%	82.1%
Supervision Costs [^]	62.9%	79.3%
<i>Intervention Fee</i>	60.0%	75.0%
<i>Waived Fee*</i>	38.2%	17.9%
Overall Legal Financial Obligations		
<i>Monthly (no child support)**</i>	44.74 (46.99)	78.51 (62.79)
<i>Monthly (with child support)[^]</i>	125.66 (137.75)	189.89 (206.03)
<i>Overall (no child support)</i>	1187.81 (3460.68)	1549.49 (3402.64)
<i>Overall (with child support)</i>	3527.21 (8190.59)	6367.46 (10668.42)

*** p<.001; ** p<.01; * p<.05; [^]p<.10

Other Expenses

Offenders under correctional supervision are also responsible for day-to-day living expenses. This section describes the typical incidentals, other than state obligations, that offenders reported. Specific information about these types of costs and the prioritization of their expenses is primarily drawn from interviews specifically focusing on legal financial obligations of offenders ($n = 20$).

Offenders under probation supervision, as well as those who served an incarceration term, have a range of expenses. Table 9 provides a description of how much offenders typically have in overall expenses as well as their prioritization of each obligation.³¹ The most commonly cited expenses include rent, utilities, food, and phone costs. Most offenders however, were unable to report specific contributions to housing and food costs. During questioning about expenses, Joel, convicted of robbery and owing \$4,500 to the state, explains:

Joel: When I chip in, I chip in about \$100, \$150.

Interviewer: Do you have to help pay for utilities, or cable, anything like that?

Joel: Yeah, but not right...I don't have the money right now for that stuff.

Table 9. Typical Monthly Expenditures

(n = 20)	Mean	S. D.	First Priority
Rent	\$243.50	254.10	47.4%
Utilities	\$92.50	123.84	15.8%
Food	\$37.50	87.17	5.3%
Phone	\$19.50	30.73	0.0%
Car	\$69.44	127.16	10.5%
Monthly Legal Financial Obligation	\$69.23	61.71	10.5%
Child Support	\$276.42	221.95	10.5%
Total Monthly Expenses	\$706.82	652.62	

Joel's limited financial contribution to the household was a common occurrence, and illustrated the high dependency offenders have on family and friends for material support. In fact, 61% of offenders reported currently living with family, an intimate partner, or friends. Most of those who were living with family and intimate partners

³¹ During the legal financial obligation specific interviews, interviewers asked each respondent about their typical expenses using a checklist. If they had the responsibility, most gave specific amounts. After establishing their standard monthly obligations, interviewees were asked which expense they considered most important.

reported contributing marginally to rent and taking little responsibility for grocery and utility expenses. Offenders primarily reported financial responsibilities for their cellular phone costs, legal financial obligations, and child support.

Offenders who report they are able to cover their expenses are overwhelmingly dependent on family, friends, and the government. This implies that in some sense, the general financial responsibilities of offenders are limited. They receive housing support and owe very little for utility and car expenses. Highly reliant on others for housing and basic living expenses, their legal financial obligations are one of the few steady monthly demands. Despite the limitation in bills, offenders still face difficulty with their legal financial obligations, as Brandon, a sex offender who has a monthly obligation of \$170, explains “I mean if I didn’t have the free rent, wheeshh, it’d be tough.”

In addition to basic expenses, offenders frequently reported other sources of debt. The primary source of debt originated from medical and hospital bills, and averaged about \$1,800. Many offenders had to estimate their debt amounts, unable to give a specific owed value. Theodore, for example, was prompted about his debts outside of legal financial obligations:

Interviewer: What about any other financial obligations you might have-do you have any credit card debt? Any hospital bills? [Respondent Nods]. Hospital bills? How much do you think those are?

Theodore: Uh...

Interviewer: Do you have a guess?

Theodore: In the thousands.

Interviewer: So like \$1000, or \$5000?

Theodore: More than that.

Interviewer: So like \$10,000?

Theodore: Probably like 5.

Interviewer: Was that for a hospital stay or something?

Theodore: A few hospital stays.

A few offenders reported some credit card and school debt, but medical attention was the dominant source of debt outside of legal financial obligations. Miguel thought he had medical bills, but similar to Theodore, had a vague idea of how much he owed:

Interviewer: Okay. So. Do you have any other kinds of debt- credit card debt, hospital bills?

Miguel: I'm sure I got hospital bills.

Interviewer: Okay. How much do you think those are?

Miguel: Sshhhhee....3...probably like 6 to 8,000.

The concern for these financial obligations was minimal and often only reported as an afterthought when questioned specifically if offenders had credit card debt or medical bills.

Housing costs were the first priority for offenders. Respondents explained a roof over their head was the most important aspect of their lives, often citing the need to provide for the family in some sense. Housing is also an essential step in securing a more normative lifestyle, as Calvin, a property offender who owes \$870 to the state, describes.

Interviewer: So how would you prioritize these? What's the most important thing to pay every month?

Calvin: I would say the place of residence. If I ain't got nowhere to live, then how can I do anything?

Similarly, Joel elaborates:

Interviewer: Yeah, what are your priorities? I mean, what are the first things that you definitely pay for on a month to month basis?

Joel: Rent. The first thing I pay for is rent. And then, once my rent's paid, I make sure my utilities are caught up and all that. Make sure I'm okay where I'm at, so I don't have to worry about my living situation. And then I go back to the intervention fees and all that.

The second most frequently cited priorities were car expenses, child support, and other legal financial obligations. Offenders explained transportation costs as essential to have a reliable way to work or search for employment. Legal financial obligations also were mentioned, as offenders recognized the potential legal consequences for nonpayment. After being asked what gets paid first if he had a shortage of income, Edwin, who pays \$277 a month in legal obligations, pointed to the legal financial obligation box on the interview guide and explains "I'm staying out of jail." Chapter Seven more thoroughly discusses the full implication of legal consequences for nonpayment, but those who feared criminal justice sanctions were more likely to prioritize legal financial obligation payments. Others dismissed their obligations to the state, identifying basic living expenses as more important than their intervention fees or accumulated legal debt. In response to questioning how important his obligations to the state were, Randall explains:

Oh...that's gonna be on the low end. That would be on the low end of my list. That's what I tell them, that's what I told my last PO. My kids and my household are gonna come first before this. Like if I don't have it at the end of the month, I'm not gonna take \$30 to pay an intervention fee and my daughters or my rent need to be paid. That's crazy.

For the most part, offenders were most likely to prioritize housing costs. While legal financial obligations were noted, and also considered to have some importance they did not rise above the need to provide stability and physical support for family. Further,

despite the limited expenses or only partial rent and utility payments offenders typically contribute, the minimal financial contributions of the offenders to household expenses remained the top priority.

This discussion demonstrates the financial obligations offenders typically have, both to the state as well as their day to day living expenses. Offenders have a variety of expenses, including legal financial obligations. The next sections focus on sources of income. First, the types of initial funds offenders rely on post-conviction is discussed followed by an examination of employment circumstances. Employment is the most ideal source of income offenders depend on to fund their expenses, yet many face a variety of challenges obtaining steady income post-conviction.

INITIAL FUNDS

Initial funds refer to the monies offenders immediately rely on to begin making their payments for legal financial obligations, and maintain daily living expenditures. Despite the grace period for some types of obligations, such as intervention fees and board bills, other responsibilities begin immediately, including child support and accumulated sentencing costs. This section briefly considers sources of initial income offenders report during their release from prison (see Table 10).

The majority of state prisons release inmates with “gate money,” or monies that offer a financial start for offenders, although these amounts vary by state. Missouri provides \$5.00 in gate money, nicknamed cigarette money. The purpose of the \$5.00 is to provide an opportunity for the inmates to purchase a snack or soda, or pack of cigarettes (or other incidentals) during their travel. The state covers in-state travel expenses. Barry,

who served two years in prison for sale of a controlled substance and owes \$529 per month for legal financial obligations, explains:

It's for...I guess to get a soda. They gonna give you a bus ticket from wherever county you fail from, that's where you gotta go back to...Now if you get a ride, you don't get the money for a bus ticket. You just get \$7.50. And that's it.

Such a small amount does not provide a significant financial start, and offenders spoke of their gate money dismissively. In fact, several did not use their gate money and some had trouble activating the debit card supposedly holding their \$5.00.

A second source of initial income comes from activities during incarceration. Inmates have the potential to earn some monies during their prison sentence by working or attending classes. Offenders without a high school diploma or GED earn \$7.50 per month, and those with their diploma earn \$8.50. Those with work release assignments earn higher wages (Personal Communication, 2012). Offenders have the potential to bank wages earned during incarceration. Earned money, or monies left on their books are given to the offender upon release from the institution. Bernard owes \$1,045 per month, primarily for child support. He discusses his money earned during incarceration as being initially beneficial, explaining "It helped out for...I mean the money I had on my books, it helped me out, least for three weeks." Bernard was the exception. Although most offenders earn wages during their incarceration term, few (15%) leave prison with accumulated earnings. The amount is quite small given the stats presented in Table 10.

Table 10. Sources of Initial Funds ³²

<i>(n = 20)</i>	%	Average	S.D.	Range
Gate Money	60.0%	\$22.54	26.05	\$2 - \$76
Prison Savings	15.0%	\$22.50	13.91	\$7.50 - \$35.00
Pre-Conviction Savings	30.0%	\$1384.40	1697.62	\$22 - \$3700
Borrowing ³³	35.0%	\$330.00	0.00	\$330

Offenders do not save during prison for several reasons. First, individuals who owe child support have their wages garnished while serving their carceral term, going from \$7.50 to \$5.00 per month. Others who owe court costs and restitution also have their prison earnings garnished. Barry explains “If you spent any amount of time in prison, any money that you owe the court, they kind of take it off your books before.” This explains how some offenders manage to pay their sentencing costs during incarceration, but limits their potential initial funds upon release. Finally, many feel little need to save the money that is on their books, preferring to spend their wages at the prison commissary. Edwin, who owes \$29,783 in his legal financial obligations, reports “I spent it. Just enjoying life.” Rather than look toward the future and build up savings, many choose to use their prison earnings for personal items, including hygiene products and some personal luxuries.

A third potential source of initial funds comes from pre-incarceration earnings or savings. Offenders face difficulty in accumulating a solid financial base and budgeting legal financial obligations, challenges that began prior to conviction and continued after release. Overwhelmingly, offenders reported little in financial savings. Ronnie, who pays \$30 a month but owes \$6,406 in total legal financial obligations, illustrates this, saying

³² Questions of specific sources of initial funds were asked of only the legal financial obligation specific interviews. These descriptive statistics are based only 20 interviews and reports.

³³ Only one respondent had a specific amount he reported borrowing, though 35% of the respondent reported actively seeking out financial help from others. Responses to how much were vague and imprecise.

“Coming home to losing everything, car, job. Coming home with \$22 to your name. That sucks.” Few respondents reported having money in savings that existed prior to their incarceration. Only 25% of offenders reported unemployment prior to incarceration or conviction, which only partially accounts for the lack of savings. Using savings to pay legal financial obligations early in the sentencing process, poor wages and economic circumstances prior to prison, and generally weak financial management skills all resulted in a poor financial state post-incarceration.

As a result of limited access to gate money, prison earnings, and pre-incarceration savings, offenders frequently turn to family and friends for immediate financial support. Respondents were comfortable with immediate dependence on others, describing family and friends as typically supportive. Barry discusses his immediate financial situation:

“Why save it? I feel like that’s another excuse I can ask somebody...it’s like okay, I ain’t got no money, just getting out of this jail. Somebody help you out you know.” Don, owing \$1,010 in accumulated legal financial obligations and \$155 to the state per month, reports being initially being highly dependent on others explaining “ I mean my family got me some money, some spending money, but I didn’t have like steady income. Until I found a job.” Don’s example demonstrated while families provided initial financial support, it was not enough to meet legal financial obligations in addition to more substantial personal costs.

Overall, offenders face immediate financial challenges upon release from prison. With little assistance from the state and few accumulated savings, interviewees highlighted the challenges in making payments for financial obligations coupled with the challenge of finding employment. Therefore, offenders employ a variety of methods to

pay their legal financial obligations. The next section describes nonstandard employment measures offenders utilize to supplement their income.

CONTINUING SOURCES OF INCOME

It is difficult to evaluate legal financial obligations without also considering their sources of economic support. Research has consistently documented the economic struggles offenders face during their transition home (Petersilia, 2003; Travis, 2005; Visher et al., 2004). Similarly, participants in this research also struggled with gaining steady employment. This section outlines the employment characteristics offenders report and concludes by describing the challenges they face in seeking a steady income.

Typical Employment

Prior to their conviction, almost three-fourths of offenders were employed, reliant primarily on labor or service oriented jobs. Offenders reported a range of qualifications and employment backgrounds, though most had notable employment limitations (see Table 11). Since release, about 60% of offenders reported having employment at some time and 40.3% reported current employment at the time of the interview. On average, it took offenders just under one year to obtain a job. Most worked in service and labor oriented jobs, such as factory work, construction, or fast food restaurants. The large majority of those employed reported full-time work, and worked an average of 37.8 hours per week at a mean wage of \$10.13.³⁴ This is above the Missouri state minimum wage of \$7.25 (Missouri Department of Labor and Industrial Relations, 2011), though the median wage was \$8.00 and mode was \$7.00. Offenders struggle with limited wage

³⁴ Average hourly wage is an adjusted figure. Including all reported cases, the mean wage was \$12.23. This was being driven by outliers, with a high value of \$77 and a low value of \$1. Dropping the extreme cases ($n = 2$) provided a more representative demonstration of earnings.

opportunities, as Donald describes “It’s tough enough having to pay to go back and forth to a minimum wage job that doesn’t pay full time hours, but then to be taxed by that too...” Even those who report having a steady income describe it as enough to meet basic expenses, as opposed to putting money aside for nonessential expenses or to apply toward debts. After being asked if their income was enough to cover their monthly expenses, Jesse replies “Actually yes and no. To live, yes. No to cover the expenses because I have other expenses from going to prison.”

Table 11. Employment Characteristics

	Mean / Frequency	S. D.
Education (has HS Diploma or GED)	60.4%	
Employed Pre-Incarceration	74.6%	
Employed Since Release	66.4%	
Number of Jobs	1.40	1.53
Currently Employed	40.3%	
Reported Job Commitment ³⁵	3.73	1.47
Length of Time to Find Job (in months)	11.27	30.71
Weekly Hours	37.36	14.95
Hourly Wage	10.13	5.10
Perception of Discrimination	68.4%	

Employment Challenges

Although the majority of offenders cited employment as being very important, some respondents were not actively seeking out steady work. First, about 15% of offenders reported dependency on disability or supplemental security income, and several were seeking out SSI assistance.³⁶ Reliance on supplemental security income resulted

³⁵ Job commitment was ranked on a scale of one to five, with one being “just a job” and five being “highly committed.”

³⁶ Direct questioning about his source of income was not included in the standard interview guide. Quantitative coding of the data revealed a higher frequency of dependence on SSI than anticipated, and we later tried to capture the phenomenon.

primarily from physical and mental health limitations. The time consuming process of obtaining SSI presented challenges. Initiating the payment process took upwards of six months to a year, and this process was particularly long for offenders who did not have SSI or disability prior to their incarceration. During that period, those seeking out SSI had minimal income. Jacob, convicted of possession of a controlled substance and currently under an intervention fee waiver, describes “I’m on disability. It didn’t start immediately, but I knew it was gonna kick back in.” Reliance on disability and SSI is not an uncommon experience in the general population. In Missouri, 137,167 people in 2011 relied on either form of assistance, and nationally, 8.1 million people received disability or SSI (U.S. Social Security Administration, 2012). The purpose of the government assistance is to financially assist in food and shelter needs for individuals who are physically unable to work or obtain adequate income.

Second, four interviewees expressed no interest in gaining employment. After experiencing continued rejection, Alexander, who owes \$1,250 to the state not including child support, explains his desire to be self-employed as an entertainer, stating “I’m not even looking for a job right now. I’m gonna start my own business and go from there.” Others had quit their current job because of problems with a supervisor or dislike of the duties, despite not having other employment secured. These cases had a stable support system to carry them through times of unemployment, and likely felt more secure in not having a job as they were able to turn to family for steady financial support. They also had fewer dependents heavily counting on their financial provisions.

Overall, the high unemployment rate of offenders is not reflective of a lack of motivation. As previously described, gaining employment can be a time consuming

process. In this sample it took nearly a year on average to find a job, and offenders were heavily dependent on temporary job placement services. Although offering some income, this type of work rarely led to long-term and more permanent employment. The temporary services were unable to provide neither sufficient hours nor wages. Edwin expresses his frustration saying “This once, twice a week sucks. It’s for the birds, but it keeps a couple dollars in my pocket.” To find more permanent employment, offenders utilized a variety of methods, including going door-to-door asking if places were hiring and relying on references from friends and family.

The low frequency of employment among these offenders is consistent with prior research (Holzer, Raphael, and Stoll, 2003; Pager, 2007). Offenders face challenges in the workplace for a variety of reasons. This research revealed several barriers consistently identified by offenders: discrimination, limited skills and qualifications, and an overall poor economy.

Over-two thirds of offenders reported facing discrimination based on their conviction history. Offenders sensed that the stigma of their conviction impeded their employment opportunities. Often, they explained interviews and application processes as going well until having to disclose their felony status. Luis describes his experience:

I couldn’t get a job nowhere. I mean a lot of places are doing background checks and they see something like that on my record, and it’s boom- there’s no...no we don’t want him. We don’t even want to take the risk or nothing.

A second challenge to employment stems from the vocational qualifications of offenders. Similar to pre-incarceration employment experiences, offenders primarily reported working in construction, fast food, and factory type jobs as opposed to more professional employment sectors that typically require additional skills and provide a

higher rate of pay. The reliance on unskilled labor is expected given 38.8% of participants did not have a high school diploma or GED and only about 25% had any college experience. Dennis describes:

It's hard to come out and find a regular job. Based on different qualifications or background checks and I know I'm kind like between a rock and a hard place with trying to do that since I'm an ex-offender now.

The limited educational and vocational experiences of the offenders reflect the broader trends of convicted felons (Lynch and Sabol, 2001; Petersilia, 2003). The constraints of educational and vocational training experiences greatly restrict the type of employment offenders are equipped for, thereby limiting potential earnings and advancement opportunities (Solomon et al., 2004). The likelihood of improving employment prospects is not high with only about 47% of offenders reporting participation in job programming during incarceration, which included working for the prison.

Finally, broader economic circumstances made employment more difficult for respondents. At the time of the release for many offenders, the United States was experiencing a recession (United States Bureau of Labor Statistics, 2012). Unemployment rates were high nationwide and particularly affected young adults. Respondents were aware of the general economic depression and were reluctant to blame their entire unemployment status on their felony conviction or unstable work histories. They also cited the difficult economy as problematic. It is challenging to untangle the broader effects of a depressed economy with the intersection of poor skills and a felony record. It is reasonable to suggest, however, felony status presents additional challenges in a poor economy with fewer employment prospects hiring.

In sum, considering the legal financial obligations is important, particularly when also reflecting on the challenges offenders face in employment. Offenders likely face problems paying legal financial obligations due to limitations in personal income. Barry, a drug offender who owes \$569 per month, explains:

Here it is- you're just making minimum wage, and they just take in half of that. And then the first thing you say is how am I supposed to survive or how am I supposed to meet the obligations when everything I make, you take.

Further, Charles, who pays \$30 per month, points out "Everything is hard to pay when you only make \$1100 a month. You know, rent's \$550." Participants were consistent in describing the difficulty of paying legal financial obligations in addition to other expenses while dependent on limited income. Limited income contributes to the general challenge of payment toward legal financial obligations as well as the difficult offenders have with financial management. The final portion of this chapter examines a reason outside of employment offenders often struggle with their legal financial obligations.

MONEY MANAGEMENT

Precarious financial states and difficulty in paying legal financial obligations partially results from diminished income opportunities, but is also reflective of a general lack of money management skills. The inability to save and budget money was not a unanimous problem, but the majority of offenders described challenges in adequately managing finances. Delving further into the data, it became clear that even those who did not readily admit to having challenges with budgeting their money struggled with financial planning, particularly considering long-term financial needs. The result of these

struggles can lead to nonpayment of legal financial obligations, potentially compounding debts.

Budgeting

The majority of offenders struggled with money management skills. This was evidenced by admittance of forgetting about bills, particularly monthly intervention fees or monthly payment plan set ups. Ricky describes being behind on his intervention fees “You kind of tend to forget about it, because they’re not hounding you about it. That’s why I gotta start making payments.” Ray, convicted of first degree robbery and owing \$30 per month, explains “Man, I can’t save a dime if I wanted to.” Ray is also currently behind on his intervention fees. Other themes emerged when asked to imagine their financial state without state monthly payments. Respondents often remarked they would purchase more clothes or take a trip, as opposed to saving the money or applying the funds to better opportunities. Alexander, who has \$200 monthly payments to the state, replied “I would save it, I would save it for a trip out of the country.” Although saving money is a positive behavior, the desired use of the money is impractical. Instead of addressing Alexander’s \$3,250 legal debt, he would apply the money to a vacation. Similarly, Theodore indicates that financial obligations limit opportunities, and is no longer able to “Go out to the mall. Go to clubs.” Again, rather than consider paying his \$560 sentencing costs, Theodore would spend his money on personal luxuries. This suggests a trend for immediate satisfaction as opposed to exhibiting more forethought into money management.

There were several reasons offenders struggled with financial planning. First, the need to budget expenses emerged as an unpracticed skill. Derek, out of prison only three

months, describes his experience, “I was overwhelmed by the whole process. The shopping process and trying to figure out the cheapest and what’s the best buy. It was overwhelming.” Benjamin, owing \$50,000 in child support arrearage and \$318 in other legal debt, further illustrates:

You know when I first came out it was tough because you know- almost a whole decade of them telling me what I can and can’t have and now it’s like you know I can walk into Wal-Mart and buy whatever I want.

After serving a period of incarceration and living on fixed incomes (and even more limited choices), offenders coming home suddenly have a world of opportunities. These opportunities often translate into more pleasurable things to spend money on than state mandated legal financial obligations.

Second, there was a sense of indifference about the individual’s economic state and their legal debts. For those with exceptionally large legal debt, there was little prioritization of payment and a general understanding that it would simply always be there. Randall illustrates this saying “So until I can get a job and pay it off, it’s just going to be a number to me. And I haven’t even sat down and even thought how much I owe them yet.” Therefore, creating a budget and applying funds failed to take on importance due to the lack of ability to pay.

While most participants expressed difficulty with money management, there were a few divergent cases. Those that had well-paying jobs in a professional arena prior to incarceration or their conviction demonstrated an ability to create and follow a budget. These offenders reported experiences in employment sectors such as accounting or retail management. These cases historically had been financially self-sufficient prior to their conviction, at times living outside of the state of Missouri and previously non-reliant on

family support. One notable case gained budgeting experience during his incarceration. Jose, who served 24 years in prison for forcible rape and robbery, explains his ability to cover his intervention fees:

When I was in prison, I was part of the NAACP, that's pretty much, that's what I did was balance the books, I made sure they had enough money for programs through donations. So from my experience running that, I learned how to balance my tips...got what I need, got what I want...I make sure that I have \$20 or \$30 left in my pocket.

Participants were generally aware of their money management deficiencies.

Offenders were grateful for payment plans set up by the courts or their supervising agent. Those who did not have such a plan expressed a desire for one. Although respondents recognized their own weaknesses in money management, most envisioned a future of financial stability, particularly in relation to the elimination of their legal debt. The next section describes how this ideal of a stable financial state can become a reality.

Getting Help

Several programs exist to address money management skills, particularly as they relate to payment of legal financial obligations. This section outlines three reported methods offenders can utilize in order to assist in their general financial planning skills: correctional programs, payment plans, and social service agency services.

There are a variety of programs and services that offenders can experience during their time under correctional supervision. Many of these focus on life skills, and include elements of budgeting and money management. Edwin, convicted of aggravated assault with \$277 monthly payments, explains his experience with a mandated transitional assistance class:

Yeah, actually, I was BSing [bullshitting] at first. And then the more I read, and started answering the questions, I was like, okay, this is making sense. You know what I mean. And they should you how to budget your money and set, set not long term goals, but short term goals.

The court or supervising agent can also mandate money management classes for individuals who demonstrated difficulty in making payments toward financial obligations. In particular, nonpayment of child support resulted in additional court ordered courses for Larry, who owes \$15,000 in arrearage. Larry describes “If he encourages it, tells me I have to do it. But, I mean, I don’t figure I need it, but it never hurts to do. Might help me out.”

The second form of assistance was the development of payment plans. Offenders worked with both the courts and the supervising officer to develop an appropriate plan. Offenders interpreted the plans as an agreement and stressed the importance of keeping an open line of communication with and demonstrating effort to the agencies. Alexander explains he owes the court “\$50 a month. And child support. And they charge me whatever I can pay a month. As long as I’m paying something, I’m not going to court.” Offenders varied in their reactions to the reasonableness of their expected payments. While most considered the expectation realistic, those that continued to struggle with a steady income felt the arranged payment plan was taxing. Randall, who had no steady income, criticized his obligations, expressing “They set up a payment plan, and that’s still steep too. Cause it’s like unemployment, like, I can’t pull money, I can’t give money that I don’t have. So like, you know, it’s impossible.”

Not everyone, even those behind on sentencing costs and supervision costs, had a payment plan in place. There were no significant differences when comparing having a payment plan and being behind in legal financial obligations, indicating payment plans

are not exclusively offered to only those struggling with making payments.³⁷ Qualitative analyses revealed almost unanimously that those that did not have one thought it would be beneficial. There was a strong desire for assistance in money management, echoing the earlier theme of awareness of personal struggles with managing finances.

Child support debt proved to be particularly challenging with receiving help for payments and adjustments. Although modifying the child supports order can be difficult, there are options offenders turn to in order address their debts. More positive reports from offenders described openly communicating with the Department of Family Services to set up reasonable payment plans. Further, most suggest that attempts to pay, even if lower than expected do not go unnoticed, and attempts to show that they are trying to pay have positive benefits. Others have sought out services in the community that are willing to help pay on back child support orders.

These services cannot accommodate everyone however, and many offenders are left to face their child support debt alone. Further, child support debt, similar to legal financial obligations overall are difficult to eliminate. Unlike credit card debt or home mortgages, bankruptcy is not an option for legal debts. In an exchange, Barry explains his frustration with the limited options to address the large child support bill:

Barry: But you have to meet these obligations. You know, give me a chance to get these things off my back. I wish I could do like everybody else, and I'm gonna tell you what everybody else do. They just file bankruptcy. You know. And that makes them look like a good guy. But yet it's a bigger bill than mine. But they give them a solution. But then you have no solution for this. Oh you just gotta pay it. But what about the people that left a \$100,000 debt, \$50,000. All they can do is file bankruptcy.

³⁷ These comparisons were based only on interviews focusing on legal financial obligations. Earlier interviews did not specifically inquire about payment plans though some participants raised questions and described experiences. Therefore qualitative analyses use these additional interviews but they could not be feasibly included in the quantitative comparisons.

Interviewer: Right, because bankruptcy doesn't take care of child support.

Barry: Right. You see what I'm sayin. You know, they ain't doin nothing but just walking away from a big bill. You gave them a way out. But for child support, you don't have a way out.

A unique segment of the sample was given assistance through a particularly innovative program available in the city of Saint Louis. St. Vincent de Paul recognizes the difficulties offenders face post-incarceration and offer assistance in a variety of dimensions such as housing, employment referrals, and therapy referrals. Specifically, this program gave transitioning offenders primarily housing and financial assistance, setting them up in apartments and paying their rent for the first six months. Gradually, the offenders took on increased financial responsibility, paying a higher percentage of rent as time went on. The progression of the program allowed for offenders to learn budgeting and money management skills, while still receiving aid. Leon, who is debt free but owes \$638 per month for child support, praised the program:

What I like about St. Vincent de Paul, they don't carry you all the way. They put expectations on you which I think is good....I like that they give you increasing levels of responsibility because given to my own devices, if I was to get a year of everything, who knows if I would've been working or looking for a job.

Overall, modifications to legal financial obligations can be a challenge. Once accumulated, offenders are typically responsible for their debt and monthly obligations can be difficult to reduce. There are ways, however, in which expected payments can become more manageable. Different services and programs may aid in limiting the potential effects of legal financial obligations, and recommendations are more fully discussed in the concluding chapter.

CONCLUSIONS

This chapter documents the financial burdens of offenders, including legal financial obligations to the state and other forms of debt and living expenses. Establishing the range of costs offenders face provides a background for findings presented in the remaining chapters. I found that offenders have a wide range of legal financial responsibilities, and that there is a great deal of variation in the amount offenders owe. This is consistent with other evaluations of legal debt (Beckett, Harris, and Evans, 2008; Diller, Greene, and Jacobs, 2009; McLean and Thompson, 2007). Legal financial obligations are meaningful for several reasons. Prior literature suggests the accumulation of debt is likely to be long-standing. Harris, Evans, and Beckett (2010) indicate offenders with legal financial obligations live in a state of economic disadvantage, and their future income prospects are limited. As a result of the limited means of payment, legal debts remain on the record for a longer duration.

In light of the employment and overall income challenges offenders face, financial waivers take on a significant role. Parole officer discretion primarily determined waiver allowance as opposed to the individual circumstance of the offender. Bannon, Nagrecha, and Diller (2010) point out it is not uncommon for courts and supervising agents to express reluctance in granting waivers. Hesitation in allowing waivers may result from the budgetary pressures supervising agents feel and increased perceptions of the importance of collection (Morgan, 1996). The benefits of waivers, particularly considering that supervision fees often go uncollected (Bannon, Nagrecha, and Diller, 2010; Morgan, 1996; Thompson and McLean, 2007), should also be considered as more

comprehensive and uniform application of waivers may serve to reduce the accumulation of legal financial obligations.

Expenses outside of legal financial obligations proved to be minimal. The exception was a high prevalence of medical debt outstanding from a time prior to the conviction. This type of debt is unsurprising given research suggests the high risk lifestyle of offenders can lead to increased health problems, diseases, and accidents that require medical attention (Hammett, Roberts, and Kennedy, 2001; Mallik-Kane and Visher, 2008). Few expressed concern for the accumulated medical debt and were not making a current effort to make payments. Immediate expenses, then, were quite limited. Offenders were heavily reliant on family and government assistance which greatly reduced their personal expenses. This is consistent with prior research that demonstrates offenders typically have a high dependence on family for housing and financial assistance (Metraux and Culhane, 2004; Visher and Courtney, 2006). In this research we find that the expenses offenders have the greatest responsibility for are some housing costs and legal financial obligations. With few other expenses, we would anticipate offenders to then be able to focus on their legal financial obligations; however responses suggested a contrast to the expectation. Rather, respondents made a concentrated effort to contribute to household expenses, and still lacked the ability to pay for their monthly legal financial obligations. One reason the prioritization of contributing to household expenses was in recognition for the extensive material support the offenders knew they were receiving. Harris, Beckett, and Evans (2010) also found it was more important for offenders to give back to those who were providing assistance as opposed to prioritizing legal financial

obligations. Legal debts to the state seemingly fail to gain significance in comparison to those who provide visible support.

Having to choose where finances went was unsurprising when considering the employment challenges described by offenders. In the second part of the chapter, I find that although financial obligations vary, income challenges were common.

Offenders have few financial resources post-conviction. The state provides little in initial funds, and few have savings. Although struggles with initial funds are typical for offenders post-conviction (Petersilia, 2001), this makes payments toward legal financial obligations more difficult. Despite the temporary waiver given for intervention fees, other obligations such as child support and owed sentencing costs are not put on hiatus. One reason the deficit in early funds is critical is due to a lack of ability to change their financial state. Subsequent segments of this chapter demonstrated the challenges offenders face in gaining stable and sufficient employment.

Offenders described several reasons for unemployment and economic struggles. Limited qualifications and vocational training restricted employment opportunities and few programs during incarceration or during supervision allow for improving this circumstance. Holzer, Raphael, and Stoll (2003) explain it is not uncommon for offenders to lack employment skills, have limited work experience, have poor educational backgrounds, and report increased mental health and substance abuse challenges. Further, a high proportion of offenders described experiencing discrimination based on their conviction status. Their felony conviction acted as a barrier to both to getting a foot in the door or reacquiring employment at previously welcoming businesses. Devah Pager (2003; 2007) clearly illustrates the impact a criminal label can have on obtaining

employment. She found a felony conviction can reduce the chances of a callback or job offer by up to 50% (2007: 70). Finally, the poor economy during the timing of this research also played a role in financial challenges. In 2010 the unemployment rate for Missouri was 9.6%, identical to the national unemployment rate (United States Bureau of Labor Statistics, 2011). Rates were even higher in St. Louis City and Kansas City where high concentrations of offenders return to (Missouri Department of Labor and Industrial Relations, 2011). Construction and manufacturing sectors were particularly impacted by the recession, suffering larger increases in unemployment compared to more professional-oriented areas of employment (United States Bureau of Labor Statistics, 2011). Analyses demonstrated offenders are heavily dependent on these types of employment. As a result, a modest hiring outlook for the general population did not bode well for persons with a felony record and poor qualifications. The legal debt offenders have can weigh heavily considering how employment challenges offenders face, limited sources of income, and diminished earning potential combine to limit the ability to address the state-ordered financial obligations (Harris, Beckett, and Evans, 2010).

The chapter concluded by examining one prominent reason offenders struggled to pay legal financial obligations. Effective money management skills are a necessity, however most interviewees reported struggling with budgeting and managing expenses, including legal financial obligations. These difficulties begin prior to the conviction and compound during and post-incarceration, where offenders are typically dependent on limited income and have a variety of debts (Harris, Beckett, and Evans, 2010; McLean and Thompson, 2007). Further, there was a lack of uniformity in payment plan opportunities, despite the common occurrence of being delinquent on intervention fees

and other monthly payments. Although payment plans can be demanding (Bannon, Nagrecha, and Diller, 2010), they do provide a structure for offenders and an opportunity to address legal debts.

Without appropriate money management abilities, the consequences of legal financial obligations, including how offenders make payments toward legal financial obligations, are potentially long lasting (Harris, Evans, and Beckett, 2010). Many offenders participate in correctional programming, but most programs focus on substance abuse or education (Petersilia, 2003). Few programs fully address offenders' financial management needs. Although some offenders had the option to take courses to rectify their skill deficiency, the opportunity was not widespread. Without having a payment plan in place and little possibility to build a financial management skill set, payments for legal financial obligations becomes increasingly more challenging.

In sum, this chapter detailed the specific legal financial obligations that offenders are responsible for, placing their existence in the context of additional financial responsibilities and the limited sources of income offenders are dependent on. The remaining chapters focus on the consequences of this economic situation, detailing the specific consequences of having legal financial obligations with limited means to pay them. The next chapter examines individual consequences of having legal financial obligations, focusing on how legal debt can make reentry more difficult.

CHAPTER FIVE: FINANCIAL OBLIGATIONS AS A BARRIER TO REENTRY

A primary goal of this dissertation is to examine the effect of legal financial obligations on experiences post-conviction. A number of latent consequences emerged resultant from legal financial obligations, ranging from employment motivations to blocked housing opportunities to impacting views of the criminal justice system. Legal financial obligations primarily intensify challenges faced by convicted offenders, combining with other general pressures of reentry. Ultimately the negative consequences resultant from legal financial obligations creates conditions that may be conducive for future criminal behaviors.

This chapter begins by describing the effect of legal obligations on employment outcomes. It describes the general ways outside of standard employment that offenders make payments toward legal financial obligations, and focuses on how legal financial obligations affect employment motivations of offenders. Respondents were frequently dependent on nontraditional sources of employment, finding temporary day work for wages given “off of the books.” Motivations for employment varied, balancing between a determined drive to gain income to help in payment toward legal financial obligations and a disincentive as a result of recognition of garnished wages or little take home pay.

The chapter continues by discussing the effect of legal financial obligations on opportunities for upward social movement. Legal debts harm personal funds by diminishing the capability of offenders to build a financial base or obtain adequate housing, as well as by redirecting funds away from transportation or educational opportunities to payments toward the state. Legal financial obligations also impact the perceptions offenders have of the criminal justice system, particularly when they are

viewed as unfair. Finally, legal financial obligations add stress to reentry experiences, intensifying an already difficult transition (Shinkfield and Graffam, 2010; Visher and Travis, 2003).

EMPLOYMENT CONSEQUENCES

Employment is the most traditional source of income. Chapter Four described the difficulties offenders face in gaining employment, and more than half of the offenders in this sample were not employed at the time of the interview. There are a variety of barriers that exist that stymie the employment process, leading to states of unemployment or underemployment. As a result, offenders engage in a variety of secondary types of employment in order to meet their expenses, including legal financial obligations. Legal financial obligations also affected motivations to find employment, where the added financial pressure acted both as an incentive and deterrent to finding steady employment.

Informal and Secondary Employment

While only 40% of offenders reported current employment in the traditional labor market, some clients engaged (10%) in informal work as a means of income.³⁸ For some, referrals from family and friends were vital to find this work. Others simply went door to door in neighborhoods finding a few hours of work engaging in mowing, hauling, and painting. These jobs resulted in cash payments, and were not considered a source of steady employment. Rather, they provided enough income for the basics such as utilities and gas bills, and also including legal financial obligations.

³⁸ *Informal work* was coded based on those who were unemployed and reported finding informal employment opportunities such as temporary yard work. Others who were employed also reported engaging in additional supplementary work, but were not coded as dependent on informal work. Therefore, the 10.4% is likely underestimating the frequency of informal work engagement, particularly those that relied on informal employment in addition to standard waged employment.

Although not the only reason, the added expenses of legal financial obligations contributed to incidences of taking on second jobs, additional hours, and secondary labor to supplement income. Eugene, who owes \$546 to the state and \$42 monthly, reported currently being employed as a welder, earning \$9 per hour and working 35 hours per week. He described his wages as insufficient to cover his expenses, and explains to increase his income he relies on:

Just going and helping people work on things at their houses and things like that. Some of my grandma's friends, they have something they need fixed around their house; needing a tree cut down or just odds and ends.

Already employed nearly full-time, Eugene spent much of his free time seeking out nonstandard employment for additional income. Marcus also had employment, but depended on earning tips at a car wash in addition to his \$4 per hour wage. He describes his concern with paying his court costs:

Interviewer: So what are your plans right now to get that court cost covered?

Marcus: Work temp jobs, wash cars, whatever I have to do. Right now I'm working at a car wash. I'm submitting applications everywhere.

In addition to his part-time car wash job, Marcus was making solid efforts to find an additional full time job recognizing his inadequate wages. Gary, who was unemployed at the time of the interview, describes his experiences taking on a second job to meet his child support obligations that were \$250 per month:

Interviewer: Do you remember about how much a month?

Gary: I can't really say, all I know is they was taking about a hundred and some dollars out of my check each week, plus I was paying for their insurance, and that was \$50. So I would say over \$200.

Interviewer: Was that ever a challenge when you were on parole?

Gary: Mmhm.

Interviewer: Just kind of keeping up with it?

Gary: I had to work two jobs.

Turning to informal sources for employment was a common phenomenon for offenders. They often recognized their lack of full time hours and lower wages were insufficient to meet legal financial obligation expectations in addition to other expenses. To rectify the situation, additional hours, second jobs, and informal work provided an opportunity for additional income. Often, family and friends were essential in directing participants to friends and neighbors who needed work done. These nontraditional employment opportunities provided enough to somewhat supplement the income of the participants but were not enough to rely on for all expenses.

Employment Motivations

When offenders face unemployment or underemployment and do not make enough money to pay their obligations, they often enter informal labor markets. Thus far, it is evident offenders struggled with employment, taking long periods of time to obtain a steady job, and even when employed competing for full time work and adequate wages. Overall, offenders face difficulty in obtaining suitable wages to pay legal financial obligations and often engaged in obtaining second jobs, nontraditional employment, and even economic crimes (Chapter Seven fully examines illegal sources of income). Legal financial obligations produce additional employment consequences, primarily relevant to employment motivations.

For some, financial obligations diminished the motivation to obtain employment. Offenders recognized that earned income would go to the state to pay for legal financial obligations as opposed to directly benefitting the individual. Calvin describes his disinterest in trying to get any additional income, as he knows his future paychecks will be subject to high garnishment. He explains "...they, to my understanding, once you do have a job and you're working, they take it from your taxes." Similarly, Barry states "If I get another job, it just takes more. So I still don't meet the obligations that I'm demanded to meet. Because the more I make, the more you take." Those with large child support debt in particular are less likely to find added motivation to seek out employment. Marcus, who owes \$36,000 in child support arrearage, explains his initial disincentive to find work after seeing approximately 50% of his wages garnished:

Marcus: Yeah, initially I'll be honest. It made me uh- the first time they took half my check. But now I realize I'm gonna have to, I'm gonna have to work two jobs. I'm gonna have to deal...but I'll be honest, first time, made me sick.

Interviewer: It made you not want to work?

Marcus: Yeah.

Although Marcus eventually overcame his hesitations and later expressed excitement about meeting his financial obligations, he was not alone in his dismay at the high garnishment percentages and state fees. James illustrates a more extreme example, quitting his steady job as a result of wage garnishment:

...I'm not paying it. When I was working, they took their money, I didn't have no problem. Cause I found out they were taking money from me, and quit my job. Cause they were taking money from me.

Miguel owes \$5,568 in legal debts. He describes his weakened motivation to find steady employment saying "Because I look at it like I'll be working for nothing. Cause, you

know, everything's gonna be gone." Essentially, the presence of legal financial obligations acted as a disincentive for steady and legal work, due to the fear of garnishment of the paycheck.

For some, positive coping mechanisms emerged. The majority of offenders expressed legal financial obligations positively impacted their employment attitudes. Respondents recognized the immediate need for steady income, evaluating their immediate debt and anticipating additional future monthly payments. Clifford illustrates his motivation to find steady employment, recognizing both the need to pay his \$15,705 in legal debts as well as find a job for personal satisfaction:

I know I need a job- I know I need a job for myself. But I need a job to keep me out. But I need a job for myself. I mean, I need to take care of myself too. I mean, I'm trying to take care of everything else. But I need to take care of myself...I'm gonna be homeless, without a job, with all this money back on me again.

Respondents reported feeling pressure to obtain income, but did not express that the pressure was inherently negative. Edwin, who owes \$277 per month, describes positive motivational effects from legal financial obligations:

Interviewer: Overall, considering you still owe for restitution, court costs, and things like that...Has that affected your life at all? Can you think of any good or bad examples, having financial obligations?

Edwin: Keep me looking for work.

Interviewer: Is that a good thing?

Edwin: Yeah. Very positive.

Similarly, Randall explains legal financial obligations increase his employment enthusiasm:

Like I wanted, like I said in the beginning, get this over and done with so I can, won't have to pay the state of Missouri all this money and move on

with my life. I'm more motivated and I was just telling my parole officer that...

Many reported that steady employment would serve to reduce their debt and be a positive force in their life. Further, those who obtained employment and made payments reported feeling additional motivations and a sense of satisfaction. Marcus owes \$36,713 to the state, primarily for child support arrearage. After making determined efforts to find employment and make payments on accumulated legal financial obligations, he explains his newfound excitement stating "It's now been close to two years, and I'm starting to see some change." The employment drive continued, and respondents expressed excitement at seeing visible progress in reducing legal debts.

Employment is a critical domain of reentry, strongly related to reduced recidivism and desistance from crime (Laub and Sampson, 2003; Uggen, 2000). Legal financial obligations clearly have an impact both on the motivations to gain work and then to maintain a steady income. This has important implications for experiences during reentry that are discussed in the conclusion of this chapter.

LIMITING OPPORTUNITIES FOR UPWARD MOBILITY

Legal financial obligations also restrict opportunities for upward social mobility. Previous research demonstrates offenders struggle with critical dimensions of reentry. Employment challenges, difficulty obtaining housing, overcoming poor credit and background checks, and an inability to obtain better education or transportation are all notable barriers offenders face (Petersilia, 2003; Travis, 2005). Some research suggests legal financial obligations directly impact these dimensions, restricting employment opportunities or being grounds for denial of housing (Diller, Greene, and Jacobs, 2009;

Harris, Beckett, and Evans, 2010). Although this research found limited effects of direct impediments, having legal financial obligations did act as a block to engagement in opportunities or negatively impacted dimensions of reentry that aid upward social movement.

Unstable Financial States

Legal financial obligations compounded financial struggles in several ways. First, legal financial obligations contribute to a basic cycle of debt. Earlier chapters demonstrated offenders face challenges in paying legal financial obligations. When offenders miss a monthly obligation, the balance continues to accumulate. Dennis explains simply forgetting about his intervention fees quickly resulted in quick accumulation of unpaid fees: “I let it stack up on me, I mean seriously, I let it stack up on me, it’s \$120 right now. So I’m like, oh, my God.” Unpaid legal financial obligations can quickly amass and be difficult to completely pay off. Second, respondents had many financial responsibilities apart from legal fines (see Chapter Four for a more detailed discussion of expenses). When offenders do prioritize their legal obligations, it can occur at the expense of other financial responsibilities. Explaining that his monthly legal payments never slide, Marvin describes leaving household bills unpaid and building debt in other ways:

Basically what I do is to balance it out, I’ll pay...like during the summer I’ll pay half of the electric bill each month as it builds up. And I’ll catch up with that as I’ll pay half of the gas bill in the wintertime. So I kind of like, I break it up. So I still catch up. I don’t care about credit at this point in time. So I just do the best I can.

For offenders who prioritize legal financial obligations, other expenses tend to suffer. Those more concerned with other expenses allow for legal financial obligations to

accumulate. The result is an accrual of some sort of debt, which offenders view as holding them back. Jesse explains “Well I have to pay off all of my debt in order to move forward.” Although some offenders expressed ambivalence about their high legal debts, most respondents recognized their debts could restrict their lives in some way.

Continued payments toward legal debts also equate into difficulty accumulating a stable financial base. Leroy describes:

If I did have a job, that \$30 instead of going on gas, I’m living check to check anyway. I have to put it towards that. Or, like, how I was doin’ hauling and stuff like that. If I take \$30 outta that, I be broke for real.

Leroy’s example demonstrates offenders already typically live in a precarious financial state. If they are receiving a paycheck, the majority of the funds go toward their expenses, including legal financial obligations. Very little income, if any, is set aside as savings. Many offenders are behind on payments of legal financial obligations; those that are able to meet their monthly obligations are able to do just that. There is little opportunity to put money aside into a savings account. Marcus explains what he would prefer to do with his monthly obligations:

Interviewer: What would you normally do if you didn’t have your court costs and your child support?

Marcus: One would be more of a savings. Maybe some additional recreational items.

Legal financial obligations can also impact credit scores. Many offenders had no credit history, and prior financial experiences limit their ability to obtain a credit card. The lack of a strong, stable credit history makes applying for housing and employment increasingly difficult. Alfred explains “I mean it’s been so long since I’ve rented a place, you know, no credit, I didn’t have bad credit, I just didn’t have any credit, right?” After

being questioned about credit card debt, Barry points out “They ain’t gonna give me a credit card.”

Further, failure to pay legal fees can reduce credit scores. This is particularly true for individuals who default on child support payments. Edwin, who owes \$25,000 in child support debt, describes his experience attempting to purchase a car and the exchange with the salesman:

He said man, that child support, everything you went through, but you got a big flag cause of child support. And they say because you won’t pay your child support, you’re not gonna pay your car payments so we can’t give you the car. I was like, I thought we got all this straightened out. It’s still on your credit Edwin.

Impact on Housing Prospects

Legal financial obligations can evoke barriers to housing. Building managers are increasingly relying on credit checks to screen for rental housing. A criminal background and a poor line of credit hinder the ability of offenders to obtain suitable or affordable housing. John, who is currently under a waiver for his supervision fees, explains his choice of housing was influenced by the landlord: “He owns his own property and he requires a \$900 deposit. Because he doesn’t do a credit card or a background check.”

John further depicts previous struggles with searching for a residence:

They said, they didn’t even get an opportunity to get to the criminal part or that information because once the credit, credit came back, that was it. That was pretty much what they, all they needed to know.

Ricky, who owes \$283 per month, describes his awareness of the possibility that poor credit may restrict his housing opportunities:

Interviewer: Have you had any trouble renting places, or anything like that in terms of background checks or credit checks?

Ricky: No...I just kind of know my way around things. Like if I know they're going to stipulate me being a problem, I just won't put my name down. I'll let her do that.

Interviewer: Have you had to do that very often?

Ricky: Twice.

Both John and Ricky illustrate strategies offenders employ to get around credit checks. In John's case, he pays substantially more to establish financial stability with the landlord.

Both housing and employment applications are increasingly subject to background and credit checks (Petersilia, 2003; Thacher, 2008; Travis, 2004). Evaluations by Beckett, Harris, and Evans (2008) and Diller, Greene, and Jacobs (2009) suggest legal financial obligations raise concern during the credit check, blocking housing and employment applications. John and Ricky were two of only a few respondents who described such an event. This may be due to either the legal financial obligations having a minimal impact on applications, or the offender may have little idea that their financial records could be a problem for either housing or employment.

Offenders expressed a diminished capability to obtain their own housing outside of credit and background checks. Respondents reported being able to maintain their finances, but were unable to move forward. Offenders indicated that having independent living arrangement was a priority, yet paying monthly legal financial obligation restricted their ability to achieve their ambition. Brandon, a sex offender who pays \$170 per month, explains "I could use that other \$150 - \$175. That could go very far into getting my own place." Barry currently lives with his sister. He illustrates his inability to obtain his own residence and frustration with the situation:

Barry: I want my own. You know, you know it's hard, but I want my own. It's not like having your own. Living with somebody can never be permanent because at any given time you'll find they can be like, well you need to get your own. Just so happened that people love me. They're trying to support me, help me...But it's not like having your own.

Interviewer: Okay. So you've never tried to seek out your own apartment or anything?

Barry: Not to the extent because it's just not there. You know, when you add it up, it's not there. So, you can't get blood from a turnip if there's none there.

Missed Opportunities

Aside from being turned down for loans due to poor credit from legal financial obligations, many offenders are unable to afford their own transportation. Miguel demonstrates multiple restrictions he faces due to his legal financial obligations:

Interviewer: What kinds of things would you do? What kinds of things are you not doing now that you would do before?

Miguel: I don't have a car. Really don't have spending money for everyday. Just kind of like day to day.

Miguel's description suggests he would prefer to get his own transportation, and he simply does not have enough income for daily expenses he previously took for granted. Miguel was unemployed at the time of the interview and resented his dependence on his family for financial support.

Nonpayment of legal financial obligations, particularly child support, can also result in revocation of driver's licenses. Lawrence explains the effect of legal financial obligations on his life stating "They took my license away. So I had to go back and get that. Then they took them away again since I got laid off my job." Having unpaid fines on his record, Jerome says "I'm not allowed to get my license here until I get them

cleared.” The lack of transportation and legal ability to transport the self may result in fewer employment opportunities, dependent on public transportation and others for transport to work (Holzer, Raphael, and Stoll, 2003).

Gerald owes \$568 in legal debts and an additional \$8,000 in child support arrearage. He explains he is able to stay out of prison, but not the release center: “I’m doing what it takes to stay out, but to stay out, I have to work and live here [release center]. There’s no way I could get out on my own.” Gerald further elaborates about his legal financial obligations: “They keep me from getting out, and getting on my own. They contribute to it. I won’t say that alone keeps me from getting out.” Often, the legal financial obligations contributed to the greater financial problems respondents described.

Finally, some respondents described a desire for further education, but reported being unable to go to school as a direct consequence of having legal financial obligations. Loans can be more difficult to get due to poor credit, particularly in addition to criminal backgrounds. More commonly, there was a reprioritization of finances. An immediate need for income to avoid severe consequences for nonpayment modified educational plans for the duration of legal debt. In this exchange regarding education, Barry explains:

Interviewer: Did you get your GED?

Barry: No.

Interviewer: Did you want to?

Barry: I don’t know. At one time I did, then I got kind of discouraged [sic]. My thing it now I’m...I’m pursuing it now...I don’t know. Sometimes you kind of look at reality. You know, that era of my life kind of passed. You know what I’m saying, right now, I need a job. I got bills. They’re like go to school at night, you can do this and that. Alright, but you can do that. If I can, I’ll find two jobs. Because yes it would help me out, yes it would produce all of it- yes I understand that. But for now, I

just want to try to get some of these obligations met. And once my life becomes more settle, then I'll look back. Put it at the top of the list.

Ronnie sums up how legal financial obligations affect his life, particularly in restricting opportunities for advancement:

It's a waste of my money. That I could use to enroll back in school or something. Money I could have...buy me some better clothes to go on better job interviews. Maybe buy me a car. You know what, maybe pay my gas bill down. It's \$1200.

Ronnie views his legal financial obligation monies as useless where the funds could be better used to address other challenges in his life. Similarly, Elizabeth explains where she feels limited as a result of paying legal financial obligations:

It makes it a little more difficult, because I don't have a vehicle of my own. I'd rather save up for school and pay it all together, because I'm used to paying things with cash, up front. But um, other than that, it's just you know, things I really, really need, or really not necessarily want, but I need my own place so I can have my kids back because they live with my mom and dad. You know, a car, my schooling, everything I want to do takes money- that I ain't got because of having to pay all these groups and everything like that. So it's just, a pain in my rear end.

Overall, legal financial obligations magnified reentry challenges already documented. Offenders typically come from disadvantaged background where opportunities are already somewhat limited. Additional blocks to social mobility not only diminish the capability of payments toward legal financial obligations, but also keep the individual in the same economic circumstance.

REACTIONS

Respondents articulated intense reactions to their assessed legal financial obligations. The response offenders have to legal financial obligations can have significant impacts on the overall views they have of the criminal justice system, and may

help explain the differential likelihood of payment of different obligations. This section explores the reaction offenders have, noting the differences between those who consider the fees fair and those who consider the added financial burdens unfair. Throughout the discussion, there is a consideration of differences in reaction to different categories of legal financial obligations.

Acceptance and Fairness

Some interviewees indicated they considered legal financial obligations a fair part of their sentence. Two types of respondents described acceptance of legal financial obligations. First, those who had steady employment in a sector they were comfortable in and were earning higher than average wages had more optimistic responses about legal financial obligations. Second, offenders who demonstrated repentance for their crimes, or displayed an acceptance of the consequences for their actions were more tolerant of their legal financial obligations. Calvin illustrates his acceptance of his court costs and intervention fees, saying “I have no problem with it. I have no problem with it. I mean, it’s- it’s part of the consequences for the actions I took.” Alexander readily admits to his crime, stating “Well, you committed the crime...you do the time...and you pay the fine.” Bernard agreed, explaining “You do have to give back to the state what you did, you know.” He later continued, explaining the practicality of the legal financial obligations “It’s something that you owe. Even though you might feel bad about it, it’s something that you owe because they did take care of you.” These examples illustrate that while offenders in this group were not necessarily happy to have legal financial obligations, they recognize the legitimacy of their assessment. Respondents who viewed their legal financial obligations as fair also explained their purpose as having a rehabilitative or

deterrent effect. In this exchange Miguel explains he understand his costs, and sees a valuable purpose:

Interviewer: So in general, how do you feel about having financial obligations as part of your sentence?

Miguel: It's stressful, because I don't have it. But at the same time I know what I did, so I have to own up to it.

Interviewer: Okay. Do you think that the financial obligations serve any kind of purpose?

Miguel: Yeah.

Interviewer: What kind of purpose?

Miguel: Responsibility. Discipline.

Miguel illustrates the idea that even though payment can be difficult, some offenders feel legal financial obligations have a justifiable place in the criminal justice system.

Looking at specific categories of legal financial obligations, offenders were most accepting of sentencing costs. Court costs in particular drew an ambivalent response, likely because these were often paid early in the process. There was a general acceptance that their conviction came at a cost to the state, so most were tolerant of paying sentencing costs to the court. In particular, offenders had an actively positive or understanding perception of restitution and victim harm funds. Joel explains:

Joel: Yeah, I'd rather pay my restitution before I pay my intervention fee.

Interviewer: Why?

Joel: Cause at least I know, I don't know for sure, for sure- but at least I know in some type of way that person's getting some of that money back.

Offenders with restitution obligations viewed them as an agreement, and those who had victim harm fund orders recognized their crimes had a victim and accepted the financial

responsibility. However, there were a few deviant cases where offenders expressed frustration with the automatic victim harm assessment to their case. Randall explains in response to what types of legal financial obligation he had “A victim’s fee. Which there was no victim. They feel like the state of Missouri is the victim. Even if you don’t- still got to pay them. So that’s like, \$65.” He later elaborates:

I can understand the court costs. But you do a victim’s fee, and it’s not really a victim? That’s insane. That’s crazy. Like, I don’t see why they’re charging you- cause it’s all going to the courts anyway. So it’s like they’re just getting more and more money out of you. That’s all they’re doing.

In particular, offenders convicted of drug offenses viewed their crimes as victimless and were frustrated with the automatic assessment. For the most part, however, offenders accepted their sentencing costs as fair.

Participants also supported child support orders. Offenders were able to appreciate direct benefits of their mandated financial responsibilities towards their children. Issues typically arose when payments accumulated during the incarceration sentence and offenders emerged with high arrearage. Offenders typically prioritized their child support payments as a legal financial obligation of high importance. Bernard explains “My child support is more important than the intervention fees. To me. It should be to any man. Because kids need...someone.”

For only a few, child support brought out increased resentment towards the system. The offenders described feelings of bitterness directed at a system telling them they need to be financially responsible for their children. These cases implied that they would take on that responsibility without the interference from the state. Louis state: “I wish I didn’t have to go through child support. I can take care of my kid without having to go through child support.”

Unfairness and Frustration

The majority of respondents expressed feelings of unjustness and resentment towards legal financial obligations. Offenders portrayed the justice system as a moneymaking enterprise, suggested legal financial obligations continued a punishment already enacted, and felt their debts trapped them in the system. First, respondents depicted the criminal justice system as corrupt, using correctional clients to make money. Marcus describes his views about the intervention fee stating “I think that’s totally wrong. I don’t see any productive purpose, other than to put more money in the state pocket.” Participants raised questions of hidden fees and the desire to accelerate plea deals in order to keep offenders under supervision and paying fees. Frank, who owes \$30 per month and \$260 overall in legal debt, felt deceived by the system. He was particularly frustrated with his legal financial obligations, demonstrated in this discussion:

Interviewer: You talked a little bit about money, but what do you have to pay on a regular basis?

Frank: \$30 a month intervention fee for being on probation that they don’t tell you about till you get here....And I pay \$100 for court costs and fines—that’s \$160 a month. Until I get off paper. But that’s a hidden fee and that’s not right because they don’t bring up in court when they say you want to take this plea deal, you want to take this probation? And then they give you a hearing, they tell you you have nothing else to do but walk your probation, and then they tell you well, now you gotta pay \$30 a month. Well if you do this you gotta pay \$30 a month. And they should be up front with it. And they don’t.

The second issue raised was a feeling that legal financial obligations constituted an ongoing punishment. Legal obligations served as a method to continue maintaining controls over the offenders and issue a secondary penalty. Troy explains “I know it’s really just designed, really to control populations and to keep with the people that’s

undesirable and troubled.” Ricky in particular felt the system was overly punitive in regard to his owed legal financial obligations:

It’s bullshit. This whole system is bullshit. I understand that I messed my life up, that I made a wrong choice. But it’s a trap. I’m sitting here, doin’ good, and I’m still, I’m totally a different person than what I used to be. But I’m still facing possible house arrest, or Honor Center. Just because of the stipulations that the parole board makes. And like paying... I paid every day that I walked them yards. Maybe I should, I understand I still have the time to walk down until my sentence is over. But why should I pay to be on parole? Why should I pay to help you guys pay for these classes so you can get more money off the classes when somebody signs their name. Each time somebody signs their name you get more money.

Participants who felt legal financial obligations were unfair consistently claimed that they had done their time and their legal financial obligations served to trap offenders in the system for a longer period of time. Randall explains “You know, cause they supposed to go to prison to pay your debt to society, but when you still get out, you still paying.” Similarly, Eugene illustrates “I went through hell to get mine, I made it. I come out here and it’s like I’m being punished again.” Jack, who had accumulated intervention fees explains his payment default saying “I feel I came here and did my time, so that was enough.”

They also believed that the mandated debt was unfair in light of their unstable economic circumstances. They deemed the extra fees for mandated classes and intervention fees as excessive when their supervising officer had documentation of their economic struggles. Ricky further explains his frustration stating:

But we shouldn’t have to pay, not a dollar a day to be on parole. Really. I mean, it’s bad enough- I mean gas is \$4 a gallon, and if you smoke, 5, 6 bucks a pack. Children. And you know I’m never gonna be able to get that good of a job. You know. I mean, I go out and do it. And I’m not complainin’. But I am tainted. And I’ll always know that. So why make it even that much more hard on us. Do you want us to be productive members of society or not? So it doesn’t make sense to me.

Far and above any other type of legal financial obligations, offenders expressed the greatest frustration with intervention fees. They recognized little benefit from their monthly \$30 fee paid to a central processing agency. This result was nearly unanimous, regardless of whether the respondent had difficulty making the payment or not. Brian, who is able to meet his monthly payments, explains “It gives me the problem of giving it to somebody that shouldn’t have it.” Jay illustrates “I think that the \$30 a month is kind of- not an exorbitant amount, but I think it’s kind of a rip off, or ridiculous.” Offenders raised questions of the criminal justice system using intervention fees specifically as a method of conspiring against their clients. They also had little comprehension of the purpose of the intervention fees. Barry expresses his frustration about intervention fees, demonstrating his lack of comprehension of the function of his monthly obligation:

I think they’re taking advantage of a bad situation. Because they will say that all that money is sitting up and they don’t know what to do with it. Why they collecting it? Anytime you got that much money sitting up and it’s not really been put back into the community, you shouldn’t have no money. With today’s economy and society, that money could be going to help someone. Send me to a class and say you’ll give me this. Or you know, teach me something. And you know, use it to help somebody. Or something....Because it was a good idea to collect all this money, but what are you really doing with the money? You can’t even tell us what you’re doing with it.

Barry’s example illustrates the widespread failure to connect paying monthly intervention fees and reduced additional costs associated with their supervision. With the exception of sex offenders, few had to pay a monthly or weekly class fee, for their drug testing, or other services provided by the probation and parole office. Very few respondents recognized the link between intervention fees and reduced costs elsewhere. Those that did see the connection expressed frustration because they did not receive a benefit from

the intervention fees, having no mandated drug testing or classes. Others demonstrated a misconstrued understanding of where their monthly supervision fees went. Some felt their money went towards prison and jail improvements, whereas others felt the monthly fee directly benefiting their supervising correctional agent. Marcus for example describes his perception of the use of intervention fees stating “Even our parole officers are getting new laptops, that we’re paying for because of the \$30 a month. And new cars, and new this, new that.” Intervention fees presented as an unknown entity that offenders saw as being uniformly applied with little feeling of a direct benefit.

One of the principal frustrations offenders had with the intervention fee resulted from a conception they were paying for their freedom. Joel expresses his aggravation with the system, explaining “I feel like most of it is really bullshit. Like the intervention fee, I’m basically paying them to be on probation time. And court costs...it’s a bunch of bull.” Edwin explains:

The restitution. I understand because I hurt that man. You know what I mean. So, he has, he had a doctor’s bill. If I had not hurt him he wouldn’t have had that bill. So that’s on me. But as far as...the intervention- I got to pay you to be free. That sucks. You know what I mean? I have to pay you \$30 so I can have my freedom.

Theodore was somewhat indifferent to court costs and application fees, but felt he completed his sentence and wondered “Why should we have to pay to be on papers?”

Tommy sums up his frustration with the continued punishments elaborating:

Yeah, I don’t think that’s fair that we have to pay for our freedom. We paid our debt by doing the X amount of time we’ve done. But I don’t understand where this \$30 is going to. It’s bad enough that they’re taking it from us from the courts, then turn around and take it from us on the back end because we’re out in society. If I calculate it up, I probably owe \$1200, so where is the \$1200 going? It’s not going in no escrow account in my name [laughs]. I don’t believe it’s fair, but it’s part of the system.

Although some offenders felt paying the \$30 was worth it to not be in a cell, the majority resented paying an intervention fee to remain free.

As a group, sex offenders were particularly vocal about their views. Sex offenders are mandated to complete a class that can continue for an undefined period of time, and it is not covered by their additional monthly intervention fees. Adam, who had been out of prison for 18 months, expresses his frustration with his mandated sex offender program: “And you have to pay for it. So those are the things that affect me, and I get a little ticked off about.” Jesse describes he already took the class during his two year incarceration term, and he now has to continue to pay. He was frustrated stating:

I believe that if the state’s going to enforce this, we have to do it, I don’t believe we should be accountable to pay for it. I went to prison, I did nine months of this class in prison. And I come to the street and I have to do the rest of my time in this class.

Chapter Four demonstrated that sex offenders have higher monthly obligations, as well as higher one time fees resultant from required annual polygraph tests and possibly funding supervisor classes. Donald describes his interpretation of sex offenders as a group, stating: “We’re just getting picked on right now. Because they can. We’re in the limelight now.” They view themselves as being continually punished, particularly in comparison to offenders with other categories of offense. Brandon illustrates his perception of the unfairness of extra costs directed at only sex offenders:

I did an extensive program, successfully, and learned a lot about me and how I spiraled out of control. Now I go and go to a counselor that makes a living off of sex offenders, pretty much solely now, so there’s now a business generated, solely on the backs of sex offenders that can’t even afford to live in their own home.

Overall, offenders described primarily negative reactions toward legal financial obligations. In particular, intervention fees drew the greatest criticisms due to a lack of

understanding of the purpose as well as a resentment of paying for freedom. The conclusion of this chapter discusses the implication of increased negative perceptions of the criminal justice system in the context of procedural justice and legitimacy.

STRESS

The final portion of this chapter discusses the role legal financial obligations play in increasing stress in the lives of offenders and the resultant consequences. Reentry in itself is a stressful experience (Seiter and Kadela, 2003). Released from prison into a likely different world from when they entered, offenders can be overwhelmed and ill-suited to adapt to the changed neighborhoods and relationships they left behind (Rose, Clear, and Ryder, 2002). Legal financial obligations and the limited resources to address them increase the strain and stressors offenders face.

Prevalence of Stress

Legal financial obligations presented as negative stimuli for offenders (Agnew, 2006), increasing their perceived level of stress. When questioned about their legal financial obligations, 54.9% of respondents described their financial obligations as stressful.³⁹ Different situational circumstances such as employment and employment were expected to be related to reported stress resultant from legal financial obligations. Pearson correlations demonstrated those with a higher total debt (including child support) were more likely to report feeling their legal financial obligations as stressful, and the relationship approached statistical significance ($p = .057$). There were no significant differences when considering legal debt without child support, nor monthly payments.

³⁹ Direct questions regarding the state of stress were asked of the St Vincent de Paul interviews as well as the legal financial obligation focused interviews ($n = 37$).

Similarly, there was no statistically significant relationship in reported economic stress between those who were currently employed and those who were not.

Offenders associated various emotions with their experienced stress, primarily negative. Joel, a violent offender who owes \$4,500 to the state for his legal financial obligations, explains his feelings toward debt: “Kind of pissed off. Mad. Yeah. I mean, you say stressed, stressed. Kind of anxious and anxiety.” Ronnie is a property offender who owes \$8,606 in legal debts. He also reported feeling stress due to his legal financial obligations and echoes Joel stating “It make me feel...pissed off. Like literally pissed. Because you come home to nothing.” Anger and frustration were common responses to the stress offenders felt.

The increased stress resulted from being unable to pay for legal financial obligations and feeling incapable of providing for their families as a result of their more limited funds. Legal financial obligations were not the only source of strain post-conviction, but were a contributing factor to increased stress. In this exchange Joel describes how his financial obligations create strain:

Interviewer: Does owing that money, in addition to some of your monthly payments, does that affect your life at all?

Joel: Yes, it's very stressful.

Interviewer: Very stressful?

Joel: Yeah. Trying to make ends meet. And just constantly reminded of it. Where you've been, what you did.

Joel's example demonstrates the common frustration with being unable to pay for obligations. His legal financial obligations exaggerated his financial struggle, and also served as a continued reminder of his criminal past. Similarly, respondents expressed

frustration because although they were making an effort to meet their obligations they continued to fall short. Mario has been out of prison for four years but has been unable to maintain steady employment. He describes a strained relationship with his parole officer, as she exerts pressure on Mario for payment despite his unemployment status.

But when you know I'm not working, and I'm showing you this here [describing his job seeking efforts]. That I'm doing, trying- why would you put this pressure on me? I'm worried about you, I'm worried about over here.

Mario's example illustrates frustration with his supervising agent for her failure to recognize his efforts to obtain employment, and thereby having improved means to pay his legal financial obligations.

Qualitative analysis helped to explain the limited quantitative relationship between reported stress and debt. Offenders with the largest debts often felt indifferent as opposed to stressed. Offenders in this situation took on the perspective that they could not change it, and felt it wasted energy to resent the imposition of their legal financial obligations. Ronnie explains:

I have intentions of one day giving them the money, but as of right now- I mean it's not affecting me. I mean, I don't even really think about the money that I owe them because...why worry about paying somebody else some money and I can't even pay for #3 on the McDonalds value meal.

Strain was limited for those with more experience with the criminal justice system. They viewed legal financial obligations as simply a part of being under correctional supervision. Leroy explains "I don't care. You know, it don't bother me none." Earl demonstrates his acceptance in this exchange:

Earl: I mean, I'm paying it. I mean, life still goes on. I mean I don't sit here and dwell on it. It's one of those things where- I pay child support. And if I was to gripe about child support, then I'd be nothing but a griper. So there are other things to worry about. I mean, if you think about

something long enough, it will drive you crazy. When there's nothing you can do about it- it is what it is. You just do it, and. Put it out of your mind.

Interviewer: So it hasn't been particularly negative, or...

Earl: No, I'm not going hungry to pay for it or anything like that. Nothing like that. Part of the game.

Offenders viewed being under correctional supervision as essentially a series of hoops to jump through. These offenders recognized the obligations, but had little assessment of the added stress.

Further, rather than express anxiety about legal financial obligations, offenders felt that since they could not change the situation it was not worth the effort of stress. Don, an unemployed property offender with a legal debt of \$1,010, explains "It doesn't really affect me. It's just something I have to do." There was acceptance that they had monthly obligations, as well as overall debt to the state. They felt the situation was partially a result of their own actions, and acknowledged the debt but did not allow it to affect their lives, including adding stress. Edwin, who was unemployed at the time of the interview and owes a total of \$29,783, describes his feelings "I mean, I don't feel good about it, but I don't feel bad at the same time." He wanted to eliminate the debt from his life, but recognized without a steady source of income there was little he could do to address his legal financial obligations. Randall illustrates his feelings, seeing his legal debt of \$1,065 as currently inconsequential:

I haven't even sat down and totaled all this up. Shit. I've...I'm not gonna let it stress me out. It'll get paid when it gets paid. Just like the bill collectors. It's okay calling and harassing me, but if I don't have the money to give you, then I don't have the money to give you. It's just that simple. There's nothing I can do about it.

Finally, some expressed neither stress nor indifference to legal financial obligations. This group consisted primarily of offenders who were capable of paying legal financial obligations. Eric explains it stating his intervention fee is “an inconvenience,” but not particularly difficult. Offenders in this category viewed the expenses as nominal in nature. Daniel, for example, described his payments stating “The only fees I had was \$35 a month which isn’t a hassle. \$35 a month is not a big deal.” They were not positive about having to pay; rather, it just did not make a large impression in their response. Edwin described feeling neither good nor bad about his fees explained “We know what we did to get there, right? And then we know what’s waiting on us when we get out.” Those who had had no stress accepted that their financial ability to pay was an advantage and empathized that others who had more limited incomes would probably struggle more. In regard to his intervention fees, Carl illustrates:

Really they don’t have a negative impact on me, I think they’re reasonable for my situation because I make enough money to pay them. I could see it being a problem for people having trouble getting jobs.

Consequences of Strain

For those who reported stress, a variety of mental and behavioral consequences emerged. The stress resultant from legal financial obligations exacerbated existing health problems, including mental illness. It also produced a variety of coping mechanisms, both positive and negative in nature.

For some participants, stress aggravated health problems. Mental health diagnoses were prevalent in the sample with 36.1% of the offenders self-reporting a professional

diagnosis of mental illness, with frequent diagnoses of depression and bipolar disorders.⁴⁰

Qualitative analyses revealed added economic pressures complicated mental health problems, increasing the likelihood of depression episodes in particular. Leroy describes his experiences with depression, and his limited success with medication:

Interviewer: So you're still working on paying those [accumulated legal financial obligations and other bills] too. Would you consider your current economic situation stressful?

Leroy: Real stressful.

Interviewer: How does it make you feel?

Leroy: Uh, depressed a lot.

Interviewer: Do you do anything about that? How do you come out of depression, or how do you handle how you're feeling?

Leroy: Medication I guess.

Interviewer: Medication- are you on medication for depression?

Leroy: Mmhhh.

Interviewer: Does that seem to be working?

Leroy: Sometimes.

Those without a professional mental illness diagnosis also reported negative emotions possibly indicative of a poor mental state. Miguel explains the relationship between his financial obligations and his mental state as "It made me feel messed up." In consideration of his economic state, Alexander notes "It makes me feel...I mean...let me think of the perfect word...it make me feel...hopeless I guess. Yeah, hopeless." Bernard

⁴⁰ Questions regarding mental health were asked as part of the sex offender interview project but were not included on subsequent interview guides for *St Vincent de Paul* and legal financial obligation specific interviews. Therefore, the estimated rate of existing mental health problems is likely underestimated. As further support of this assumption, qualitative analyses of the additional interviews further revealed mental health issues though participants were not directly asked about diagnoses.

further explains “Some days you just get to that point where you just shut yourself up and just basically doubt yourself.” These examples illustrate the negative emotions legal financial obligations can produce, impacting the condition of mental health.

Stress was also linked with behavioral responses. Specifically, offenders felt that drug and alcohol use would reduce their stress. Clifford has several open cases resulting from nonpayment of child support, and currently owes \$15,706 in arrearage. He explains his turn towards substances to relieve financial stress:

I mean, I thought I was going back to prison again when I went back to [court], they were telling me this that, here- coming in here. I get scared every time I walk in the building. And it's here I am, I'm going back. And I'm a man who is really trying. I never been a thief. Never been, I mean, I don't- I want to work. And I'm so stressed out, and I don't take my medications. And I don't, I don't ever want to do meth again. I've been doing- so I thought my head was gonna bust out, smoking a blunt. I was just...so...and I did. And it was so stupid. And now that can affect me too, and something else that I'm worrying about.

In this case, Clifford admitted to using marijuana, but throughout the interview he also explained alcohol and cigarettes were also instrumental in reducing stress. However, his coping mechanisms, while immediately effective, produced additional stress and worry about consequences he may face. Those that do not engage in illicit coping measures understand how it may occur. Edwin illustrates his view of those who feel too much pressure saying:

And when you get out here stressing about what you owe....and now listen, that's just gonna drive you to do something stupid and go back to prison. Especially if you don't have your head on right.

The reported stress also produced positive behavior changes and coping mechanisms. First, offenders described how the stress of legal financial obligations resulted in improving their focus. Offenders described feeling changed priorities as a

result of their stress, focusing on improving family relationships and evaluating the bigger picture. Their future and improving their circumstances increased in priority.

Calvin, a property offender who has a legal debt of \$870, explains his coping mechanisms with stress:

I try to do something positive with my kids. Like we would go to the park or something like that. The other day, I took them to my grandmother's house. And we went and fed the ducks, all that stuff.

Offenders also frequently turned to faith to cope with stress. Barry, a drug offender who owes \$569 per month and earns \$7 per hour as a cook, explains "I have just learned to really depend on my source, which is God. And he's been providing." With little other recourse or income, offenders turned to higher powers that are often cited as a positive source of social support. In response to questions about his coping mechanisms,

Bernard also elaborates:

I just pray. You know, I'm big on that. So I just pray about it. And can't do nothing about what you cannot change. I just deal, pray, and it helps ease me.

The use of positive coping mechanisms and behavior change was a more frequently described outcome of stress than those who turned to more illegal measures. Others described more indifference about their stress, reporting doing little or nothing in response to their elevated strain.

CONCLUSIONS

This chapter focused on consequences of legal financial obligations at the individual level. Legal financial obligations most frequently produced negative effects, having important implications for transitional experiences. Legal financial obligations impacted employment attitudes and opportunities, diminished the capacity for upward

social movement, influenced views of the criminal justice system, and increased the stress offenders experienced.

Offenders frequently report taking on jobs both as a substitute for as well as outside of their full-time employment in order to meet obligations. For those who are unemployed, this nontraditional employment is their only means to meet legal financial obligations. Although a common practice (Breese, Ra'el, and Grant, 2000; Rose and Clear, 2002), the informal and secondary economy limits offenders in a number of ways. Research suggests reliance on informal employment diminishes wage opportunities, fails to provide benefits (i.e., health care; social security; pensions), and essentially lacks legal protection (Kucera and Roncolato, 2008; Portes and Sassen-Koob, 1987; Wachter, 1974). Informal work lacks stability and steady wages, limiting the income of offenders. Limited opportunities for advancement or engagement in formal employment result from embeddedness in the informal sector (Ferber and Waldfogel, 1998; Kucera and Roncolato, 2008; Wachter, 1974). Informal employees rarely receive specialized training and work is often contingent on seasonal demand. The informal sector is highly transient in nature and employees lack stability (Ferber and Waldfogel, 1998; Portes and Sassen-Koob, 1987). Wachter (1974) in particular describes secondary employment is subject to higher turnover due to less investment by both employee and employer.

Aside from limited practical benefits from informal employment, theoretical implications of the reliance on informal employment are also important to consider. A small group of respondents described having positive employment effects from having legal financial obligations, becoming more motivated to seek out a job and keeping it when seeing visible progress in addressing their legal debts. Latent consequences are not

uniformly negative, and these positive results are encouraging. Research consistently documents employment is important in reentry experiences, providing a stable income, reducing leisure time, and giving offenders a positive entity to commit to (Travis, 2004; Sampson and Laub, 1993; Solomon et al., 2000; Uggen, 2000). These benefits all serve to help improve success post-conviction and reduce recidivism (Bushway and Reuter, 2001; Sampson and Laub, 1993; Uggen, 2000). The positive pressure to gain employment is not only economically beneficial but can also have additional positive effects in terms of recidivism. However, legal financial obligations also produced negative employment motivation consequences. High risk of garnishment and recognition that a substantial portion of the paycheck would go to paying for legal financial obligations acted as a disincentive to obtain employment. This discouragement is problematic, as it diminishes the ability to pay legal financial obligations as well as reduces the likelihood of experiencing positive effects of employment.

Further, although the added hours of work are hours that provide legitimate and productive activities, there are limitations. Sampson and Laub (1993) point out it is not only having employment that produces positive desistance and social benefits. Rather, the stability employment provides and the investments individuals demonstrate in their occupation are key components. The majority of the employed participants in this research were dependent on low wage work in labor and service industries. Few reported having a high attachment or commitment to work, reflecting a diminished investment in employment. Those dependent on informal and secondary labor markets reported inconsistent work and a high degree of job instability. These employment characteristics

likely limit the potential positive benefits demonstrated by prior research (Bushway and Reuter, 2001; Sampson and Laub, 1993, Uggen, 2000).

Legal financial obligations generally limited opportunities for upward social mobility. While previous research on legal financial obligations found that their presence directly impeded employment and residential opportunities (Harris, Beckett, and Evans, 2011; Diller, Greene, and Jacobs, 2009), those themes did not strongly emerge in this research. However, legal financial obligations redirected funds away from potentially beneficial dimensions of transition. Offenders were unable to build up financial savings, obtain good credit, find their own residence, obtain transportation, and further their education. These findings were consistent with earlier research (Diller, Jacobs, and Greene, 2009; Harris, Beckett, and Evans, 2011). Essentially, legal financial obligations restricted the ability for offenders to obtain individual stability. It is not uncommon for offenders to face obstacles to upward social mobility, stuck in disadvantaged circumstances (Harding et al., 2011). Legal financial obligations contributed to the continued economic insecurity. Few savings and limited credit options compel offenders to continue living paycheck to paycheck, limiting opportunities to improve money management skills or build up a solid financial base. Harris, Beckett, and Evans (2011) suggest the increased legal debt continues a cycle of disadvantage that becomes even more difficult to rectify. Similarly, offenders in this research had limited financial means, and will likely experience a cumulative effect of being in debt.

Being unable to afford their own residence is likely a positive effect immediately after release from prison, as families provide a positive source of support and may inhibit criminal behaviors (Harding et al., 2011; Petersilia, 2003). Many expressed a desire to

eventually find their own residence, however, and were unable to do so due to financial limitations. Legal financial obligations played a large role in restricting offenders from gaining independence. The lack of eventual independence limits the likelihood of permanently gaining economic stability (Harding et al., 2011).

Offenders were also unable to direct funds toward obtaining their own reliable source of transportation. This required offenders to continue to depend on either others or public systems for transport. By having restricted methods of transportation, research suggests offenders face employment boundaries. Unable to seek potentially better paying jobs due to geographical limitations, offenders may have to take lower paying jobs that they are less committed to (Holzer, Raphael, and Stoll, 2003). Other reports indicate putting aside educational aspirations, either due to financial limitations or because obtaining a steady income took priority. Educational advancement can improve employment opportunities, opening up jobs that both pay better and allow for advancement (Solomon et al., 2004; Visher et al., 2004). Redirecting funds away from educational opportunities to legal financial obligations limits the opportunities offenders have for upward social mobility.

Overall, legal financial obligations contribute toward the cumulative continuity evident in the lives of offenders (Sampson and Laub, 1997). Early involvements in the justice system typically limit opportunities later in life, including educational, employment, earnings potential, and personal relationships (Sampson and Laub, 1997; 2003; Uggen and Wakefield, 2003; Western, 2002). Legal debts are not the only challenge offenders face, both prior to and after conviction. In other words, legal financial obligations perpetuate already precarious circumstances, including poor credit,

diminished educational achievements, and modest housing opportunities. These are all dimensions that when successfully navigated, allow for upward social movement (i.e., better employment, stable housing in more economically advantaged areas). Further, inability to improve social circumstances can lead to a sense of hopelessness where offenders feel unable to move forward (Maruna and LeBel, 2010). Research suggests punitive sanctioning efforts often functions by cutting off opportunities (Sampson and Laub, 2003; Maruna and LeBel, 2010; Uggen and Wakefield, 2003; Western and Pettit, 2010). Ultimately, legal financial obligations amplified the ongoing challenges and opportunity blocks (also see Harris, Evans, and Beckett, 2010) and essentially magnified the already existent marginalization.

One consistent finding was the strong reactions offenders articulated about their financial obligations. Specifically, legal financial obligations affected the offenders' perception of the criminal justice system. Some respondents felt the imposition of legal financial obligations fair and others had little to no opinion about their presence. The majority of offenders, however, felt that legal financial obligation were primarily unfair. The exception to this was restitution, and the main contributor to the perception of unfairness was intervention fees. Prior literature suggests the feelings of unfairness, particularly for fee assessment is common (Morgan, 1995; Ruback et al., 2006). The feeling of paying to be free as somewhat worth it is also consistent (Morgan, 1995). Although offenders considered the imposition of supervision fees punitive in nature, having the freedom somewhat tempered the negative expressions.

Considering the light in which offenders view legal financial obligations is important considering the implications of procedural justice literature. Procedural justice

literature ties closely to legitimacy and suggests that compliance to authorities, including the police and courts, is more likely when citizens have more positive evaluations of the process (Tyler, 1990; 2003). Overwhelmingly, offenders typically viewed supervision costs as unfair. Compliance rates are likely to go down due to the negative view offenders take of legal financial obligations, as they perceive the way in which they are enforced as unfair. Tyler (1990; 2006) outlines dimensions of procedural justice, and legal financial obligations violate several of them. First, offenders feel as though they had little representation or a voice in the process in which they are given. Because legal financial obligations, and intervention fees in particular, are typically automatically assessed, offenders feel they have no voice. Having little control in the decision making processes diminishes the confidence offenders have in the system. Further, illustrated in Chapter Four, there are inconsistencies in the way legal financial obligations are imposed. Consistency in procedures is a key component of procedural justice, where offenders feel inconsistency represents bias in the system (Barrett-Howard and Tyler, 1986; Tyler, 1990; 2006). Specifically, the imposition of waivers represents discretion in the system, and offenders struggle with the inconsistency. The result of the reduced perception of legitimacy in the system is important. Examinations of whether procedural justice does impact behaviors are supportive of the propositions. Notably, Paternoster et al (1997) discovered lower recidivism rates among those who viewed their encounters with the police as fair, despite differentiation in outcome. Further, Laub and Sampson (2003: 184) indicate persistent offenders often characterized the justice system as “unfair” or “corrupt.” Offenders similarly depicted legal financial obligations in their descriptions. I am not implying the negative perceptions of legal financial obligations, and more broadly

the criminal justice system, will directly lead to persistent deviant behavior. Rather, the negative portrayal may eventually contribute to behaviors, combining with other problematic circumstances resultant from legal financial obligations.

Finally, offenders reported an increase in their stress as a result of legal financial obligations. Reentry in itself is a stressful experience (Shinkfield and Graffam, 2010; Visser and Travis, 2003), and legal financial obligations increase the experienced strain. Agnew (2006) suggests strain develops from three conditions: loss of something valued, negative stimuli, and inability to achieve desired goals. Theoretically, we would expect to see negative consequences result from this increased strain. In the case of legal financial obligations, crime may either remove the negative stimuli (i.e., earning enough income to address or fulfill legal financial obligations) or alleviate the experienced stress (i.e., engaging in illicit behaviors to cope with the strain). Deviant behaviors do occur in order to lessen the feelings of stress. Clifford in particular expressed turning to drugs and alcohol as a coping mechanism. Existent research suggests substance use is not an unusual coping behavior (Cerbone and Larison, 2000, Hoffman and Su, 1997; Phillips and Lindsay, 2009). Few offenders reported actively engaging in illicit behaviors as a result, there were consistent responses of negative emotions such as anger and frustration. These are emotions also associated with reentry (Shinkfield and Graffam, 2010), and are increased due to added financial stress. Agnew (2006) suggests emotions can be a consequence of strain and may be a precursor to future criminal behavior if the strain does not decrease.

Frequently, however, illicit behavior was not the normative response to criminal behaviors, and positive coping behaviors more frequently emerged from the strain

produced by the negative stimuli. Agnew (2006:56) suggests that perceptions of inconsistent and non-severe punishments are less likely to result in criminal coping mechanisms. Although Chapter Seven more fully discusses the application of punishments, offenders may perceive sanctions for lack of payment nonthreatening. As a result the risk of criminal behavior is identified as too high. Further, the lack of criminal engagement as a result of the stress or strain may also be a result of the high levels of perceived family support. Agnew (2006) suggests social support can be an important mediating factor in how individuals respond to crime. Chapter Six illustrates the high levels of perceived family support reported by offenders, which may mediate the effects of the perceived stress. Family support may not only offer financial assistance, but may also allow for a noncriminal outlet for stress caused by legal financial obligations (Cullen, 1994; Lin, 1986; Vaux, 1988).

There were a number of offenders who reported feeling little stress from financial obligations. Theoretically, this may be better understood as an avoidance of the problem (Harnish et al., 2000) where respondents chose to ignore their legal financial obligations rather than worry. While immediately effective, evidence suggests the use of avoidance as a coping mechanism may increase the duration or extent of the strain (Harnish et al., 2000; Phillips and Lindsay, 2009). Offenders that choose to not think or react to their legal financial obligations may eventually be under the stress of financial obligation for a longer period of time. This is especially likely when considering many offenders who took on an attitude of indifference had higher overall legal debts. Eventually, the strain may lead to more noticeable emotions and produce negative coping mechanisms.

Overall, this chapter demonstrates a wide variety of individual consequences resultant from legal financial obligations. While some consequences (improved employment motivations and positive coping mechanisms of stress) were positive in nature, more unintended negative effects emerged such as increased stress, reduced perceptions of legitimacy, and blocks to opportunities. Ultimately, these negative consequences all have important implications for desistance from crime. Chapter Seven examines the direct relationship between legal financial obligations and recidivism. However, these findings suggest legal financial obligations can contribute to conditions that are eventually conducive to criminal behavior.

CHAPTER SIX: SOCIAL SUPPORT AND PERSONAL CONSEQUENCES

The results presented in Chapter Five suggest that legal financial obligations can result in a variety of individual consequences. Many of these consequences hinder reentry experiences and may lead to a higher probability of criminal behavior. Legal financial obligations also affect broader dimensions of the reentry transition. Offenders typically rely on a variety of social support systems after conviction. This chapter examines the offender social support system, and the financial support these networks provide. The results summarized in this chapter illustrate how legal financial obligations can affect offender support systems, focusing on families, intimate partners, and friends.

SOCIAL SUPPORT

Offenders returning to the community often rely on others for a variety of means of support, including financial. Post release, offenders typically turn to three sources for financial support: family, friends, and intimate partners. This section describes the types of social support offenders report receiving and the perceived consequences of financial dependence.

Respondents described the various sources and types of support they receive. Many indicated accepting both material and emotional support. Two types of support are the focus of this analysis: expressive and instrumental (Lin, 1986; Vaux, 1988). Expressive support includes those who indicated their social supports provided emotional support, such as having someone to confide in or go to for advice. Instrumental support includes those who received physical forms of support, such as housing, transportation or financial help (see Table 12).

Table 12. Description of Support Variables

Variable	Description
Instrumental Support	Material support such as housing, financial, or transportation help.
Expressive Support	Support such as advice, listening, confidant.
No Perceived Family Support	Offenders perceived no instrumental or expressive support from family, intimate partners, or family.
Perceived Level of Support ⁴¹	Perception of how helpful family, intimate partner, or friends were during transitional experience.
Living With	Self-Reported currently living with family, intimate partner, or friends.
Reported Borrowing	Specifically reported borrowing money from family, intimate partner, or friends.

Table 13 describes the types of general support offenders receive, broken down into segments of support from friends, family, and intimate partners. Both instrumental and expressive supports are critical for reentry experiences, however material forms of support are of particular interest in this research. Provisions of instrumental support are more likely to produce financial benefits for offenders, and may directly contribute to payments toward legal financial obligations.⁴² When possible, I focus specifically on cases in which social support was used to address legal financial obligations; however offenders typically need financial assistance in nearly every dimension of their life. Therefore, it is plausible that at least a portion of the financial assistance offenders report receiving contributes toward payments of legal financial obligations, although offenders tended to speak much more generally of their financial situation.

⁴¹ Perceived level of support represents the offender's assessment of how helpful their family, intimate partners, and friends have been during their transition from prison to home, or after the conviction. Respondents were asked to rank their social support on a level of one (lowest) to five (highest). It did not distinguish what type of support; rather it is a general measure of overall perceived helpfulness.

⁴² Ideally, expressions of financial support would be individually coded. This was not possible due to the way in which the questions were asked. Many mentioned financial support, but most participants were not directly asked if they received financial assistance or not.

Table 13. Social Support⁴³

	%/Mean	S.D.
Family Support		
<i>Instrumental</i>	51.9%	
<i>Expressive</i>	72.9%	
<i>No Perceived Family Support</i>	20.1%	
Perceived Level of Family Support ⁴⁴	4.20	1.40
Living with Family	54.1%	
Borrow from Family	55.0%	
Friend Support		
<i>Instrumental</i>	15.3%	
<i>Expressive</i>	43.2%	
<i>No Perceived Friend Support</i>	55.9%	
Perceived Level of Friend Support	2.94	2.20
Living with Friends	4.0%	
Borrow from Friends	20.0%	
Intimate Partner Support		
<i>Instrumental</i>	45.1%	
<i>Expressive</i>	88.1%	
<i>No Perceived IP Support</i>	9.5%	
Have IP	41.1%	
Perceived Level of IP Support	4.63	0.86
Living with IP	13.5%	
Borrow from IP	35.0%	

Family

Research consistently documents the vital role family plays in post-incarceration experiences (Baer et al., 2006; Visher et al., 2004). Participants in this research had a great deal of family support, and 79.9% said they received some form of support from their family. Ranking family help on a scale from one to five, two-thirds perceived their family as providing the highest level of support, and overall averaged a score of 4.20.⁴⁵ When probed more closely about specific forms of support offenders received from their

⁴³ Frequencies calculated based on an N of 134, aside from borrowing reports. Specific borrowing questions were asked only of the legal financial obligation specific interviews ($n = 20$).

⁴⁴ Perceived level of support represents the offender's assessment of how helpful their family, intimate partner, or friends have been during their transition from prison to home, or after the conviction. Respondents were asked to rank their social support on a level of one (lowest) to five (highest). It did not distinguish what type of support; rather it is a general measure of overall perceived helpfulness.

⁴⁵ The ranked question was phrased to ask about general family support on a scale of one to five: "Has your family (parents, siblings, aunts, uncles, nieces, nephews, cousins, et cetera) been helpful in the transition back to the community?"

family, both instrumental and expressive themes emerged. In total, 72.9% reported receiving expressive support from family including advice, general encouragement, and being willing to listen. Instrumental support was also common, with 51.9% of participants recognizing material forms of support provided by the family, such as housing, clothing, and transportation assistance. In addition, 37.7% of offenders lived with family at the time of the interview. Having been out of prison for two years, Leroy explains “They support me, like if I want to go put in a job application at- try to find me a ride or give me bus fare. I don’t know. They’re just there for me.” Qualitative analyses revealed financial assistance was a common provision from family in addition to other material supports.

The financial support provided by the family was not necessarily a new phenomenon for the participants, as they recognized financial aid from their families often began prior to incarceration. Eric, who served almost five years in prison and owes \$30 per month, explains “I did have victim’s compensation that had to be paid when I first committed my crime. My family took care of that for me.” The financial support often began during incarceration and continued upon release.

Offenders reported that their needs were greatest immediately after release. For those out of prison longer, they were more likely to turn to family for small amounts for assistance, such as bus fare or spending money. Some families were able to provide larger amounts for those recently released from prison. Troy, who was released from prison two months prior to the interview and owes \$3,600 to the state, describes how his family pulled together to provide immediate resources:

Troy: So it’s been very helpful for my aunt, and my sisters, and my brothers to come together and just be there for me. Take me shopping, get

clothing and stuff like that, and utilize the other resources. And then they were saving for me. Til I came home.

Interviewer: Oh really? So they had a little account for you?

Troy: Yeah. And a little next egg for me. Like \$3,500. Something for me to come home to, so I can go buy me a car and get clothing. You know, all the little stuff that I need. Put a little money in my pocket.

Participants portrayed their families as willing to provide financial assistance, particularly for their legal financial obligations. Aaron, who is debt free, explains the \$30 a month can be a challenge, but he receives assistance, saying “I get through it. Family members be helping me out.” Similarly, Andrew, who had been out of prison for two months and currently had his intervention fee waived, anticipated getting assistance. Andrew states: “But on something like that, for the \$30 a month, I probably have enough family support to be sure, you know, to pay that.”

Two rationales explain the strong support among families. First, offenders reported their families recognized a change in the individual. Barry explains the support provided to him and the reason why, describing “People see that you’re trying, they’re willing to help.” Similarly, Ricky, who had been to prison multiple times, most recently on parole violations, clarifies his situation stating “Basically they know that I’m not up to what I used to be up to, so, so that makes all the difference.” Offenders perceived their families as being willing to provide financial assistance to maintain the behavior modification. This leads into the second reason emerging as a justification for families to offer financial support. The threat of severe legal consequences, such as incarceration, for default in payment was a motivation to provide financial aid. Elizabeth owes \$130 per month, and indicates when absolutely necessary, her family will provide assistance. This

was particularly true for her legal financial obligations. This exchange illustrates the aid family will provide when consequences may be punitive:

Interviewer: You've said thought that they have provided, like housing. When they are being helpful, what kind of – do they do for you?

Elizabeth: They help me with, you know, my bills. If I don't have the money to take my polygraph test next month, my dad's going to loan me the \$250 to take it. So they are very, very helpful when I need it. Or when it's absolutely necessary.

Later, she fully explains:

Interviewer: When they do help, do you think that it's helpful in you staying straight on probation, like abiding by your conditions?

Elizabeth: Yeah, when they help it helps a lot. Because if they didn't help me and I didn't have the money, for like my polygraph test, I could get a violation for that. And I, they don't want it and I don't either.

Two obstacles emerged to explain those who did not receive support from their family for their financial obligations. First, some offenders often reported that they were reluctant to accept aid from family. Glenn, who pays a \$30 monthly intervention fee, describes his hesitancy to accept financial assistance: "That's just myself and pride. I can, but I don't. I don't want to burden, put no more burden on anyone if I don't have to." Offenders already viewed themselves as a burden on their family, receiving housing and other general forms of support. Accepting additional financial support for their legal financial obligations they viewed as more insignificant was not worth further indebting themselves. Earl, who owes \$10,000 in back child support, explains:

No, I mean I've never asked for money. And that's probably a simple pride thing too. Cause there are other things that...I don't ask for money, but housing has been provided, and food. And things like that, transportation at times.

Joel describes his family as willing to help, as he owes \$4500 in legal financial obligations, but elaborates his own issues stating “They want to help if they can, but it’s like, it’s a personal thing. I just don’t like asking people for money.” Jennifer, who owes \$130 per month, was unwilling to ask for help, but had reached no other choice at the onset of her parole:

Yes, I don’t like to ask anybody for anything. I will do without before. I think it was she found out that I needed it and that was the only reason I took it. At first she had to do it. I didn’t have anything. She had to be the one to bring me to class, she had to pay my parole. She had to take me to those places and when I got my first job, I started paying rent.

The second barrier to familial financial support for legal financial obligations resulted from the poor economic circumstance of the family. Offenders frequently come from disadvantaged conditions and return to the same economic state. Some families are able to adjust, even when it is a struggle as Barry explains “They was making sacrifices, you know, trust me, they was making big sacrifices. You know, because it ain’t like they got a lot of money.” Andrew, who also had a family willing to sacrifice, explained “She [his grandmother] does what she can do for me financially. She’s not well off, but she’ll...if I allowed it she’d go into debt. So anything she can do, she does.” For others, the family is often willing but unable to assist with the legal debts offenders struggle with. That helps explain why the large majority of offenders receive expressive support from their families, but only about half are able to tangibly display the types of support their families offer. Alexander, with a legal debt of \$1,250 and owes \$236 per month, describes the limitation of his family support in this exchange:

Interviewer: What about your grandma, would you ever go to her for a quick loan?

Alexander: No, she...No, she don’t have no money.

Interviewer: So that's more of a difficulty- finding people that could, feasibly lend you the money.

Alexander: Yep.

Overall, the majority of participants described their families as being helpful. Not everyone had family support, however, and some relied on multiple forms of support including friends and intimate partners. The remaining sections of other support detail the nature and differences in these other forms of social support in comparison to family provisions.

Intimate Partners

Intimate partners can also be an important source of emotional and financial support. Intimate partner relationships were less prevalent than strong familial ties with 17.2% married and 23.9% in an intimate partner relationship. About one fifth of the sample was currently living with their intimate partner, and 45% reported receiving instrumental forms of support from their partner.⁴⁶ Twice as many, 88.1%, received expressive support from their intimate partner. This was also a higher percentage than those receiving expressive support from family. Jesse, who pays \$170 per month, recognizes the direct support he received from his girlfriend, explaining "If it wasn't for her, me coming out of prison- I would probably ended up back in prison. Not being able to pay fines and everything else." It is not only those with large monthly obligations that receive financial help from intimate partners. Leonard's legal financial obligation is a \$30 per month intervention fee. He also received help from his girlfriend for his legal financial obligations in addition to covering other expenses, stating "When I met her, she

⁴⁶ Of those in an intimate partner relationship, 40.7% were living with their spouse or intimate partner.

was helping me pay my intervention fees, she was helping me get clothes and stuff that I needed.”

Unlike the hesitation in directly asking friends or family for financial support, offenders were less reluctant to accept money from intimate partners. Offenders felt financial assistance provided by family and intimate partners was more freely offered, and there was little expectation to directly repay these sources of support. Rather, offenders felt obligated to help in other ways, repaying financial assistance with exchange and household assistance. Leroy, who owes the state \$400, describes the exchange he has with his girlfriend, whom he lives with:

Leroy: Like I used to do stuff around the house for her. And like I used to get paid for it. So it was like I was working for real.

Interviewer: So kind of an exchange, you’d help out and she’d give you a little financial support?

Leroy: Yeah. Cause she knew I didn’t have no job and she knew I needed some money too. But they seen how hard I was trying though, that was the thing. That’s why they was helping me out. Cause the y seen how hard I was trying to find a job.

For intimate partners in particular, there was a sense of equality in the partnership, despite the limited financial contribution the offender extended toward expenses. Bernard explains it was much more natural going to his wife for financial help:

Interviewer: Who do you go to first if you need some assistance?

Bernard: I would go to my wife first.

Interviewer: Do you think that she’s in the most economically able spot to help, or is that just a relationship you have?

Bernard: Just the relationship we have.

Friends

Offenders frequently reported having few or no friends when questioned about peer support. Often, they had separated themselves from pre-incarceration friends, citing them as bad influences. When evaluating helpfulness of friends during transition, results indicated friends failed to be helpful receiving an average rating of only 2.94 out of five. Only about 15% of interviewees noted their friends offered instrumental support. Qualitative analyses indicated those who did maintain friendships had little inclination to seek them out as a financial resource, recognizing their probable inability to provide help. Others were unwilling to accept financial support from friends, hesitant to indebted themselves to others in any way. Exceptions came when offenders viewed the financial assistance as freely given as opposed to borrowing with an expectation to pay the monies back. Participants were much more comfortable accepting financial assistance that was freely offered. Ronnie explains the financial help he received from friends, stating:

But that's not borrowing, they gave it to me. I don't want to borrow from anybody, cause I'm not trying to get myself in debt. Why get myself in debt, and I can't pay a debt.

Ronnie's example demonstrates the reluctance interviewees had to accumulate additional debt, and their association between borrowing money and indebtedness. Financial support from friends differed from family and intimate partners in connotation. Friend support was less sought after and less accepted because offenders viewed friendships relationships differently than familial ties. Offenders felt receiving money from friends was reflective of borrowing with a repayment expectation, whereas financial assistance from family and intimate partners was more freely offered. Those who did receive financial assistance from their friends were less likely to borrow from family and did not

have intimate partner support. Justin, a sex offender who had been out of prison for 10 months, describes help he received from his friends for treatment classes, explaining “They were by my side so like if they had the money to pay for a program...they’ll give me money. And I tell them I’ll pay them back and they told me it’s okay.” This indicates there were fewer resources for these participants to turn to, explaining these exceptions to the general trend of nonfinancial support from friends.

CONSEQUENCES OF FINANCIAL SUPPORT FROM SOCIAL SOURCES

The preceding section demonstrated offenders rely on a variety of social institutions for various forms of support. Specifically, offenders rely on primarily family and intimate partners for financial support, which often benefits payments toward legal financial obligations. The consequences of the high dependence on social supports for direct and continued financial assistance can have important consequences. This section describes how financial dependence impacts relationships as well as changes individual self-perception and perceived social roles.

Relationship Impacts

Legal financial obligations can extend financial dependence, potentially damaging relationships between offenders and their support systems. Offenders perceived that the majority of support systems had little problem with providing financial support. As described in the section discussing family support, many times social support systems are prepared to support those who are willing to change and demonstrating effort. Barry indicates his reliance on family for financial support in exchange for household help was beneficial:

Barry: I get it, and I try to give it back so if I ever need it again. I try to do work for it. Whatever I can offer. Move, cut the grass, take out the trash. Paint. Whatever I can. So I just don't ask for it, say you got some work I can do. That's how I get it.

Interviewer: Has that had any effect on your relationship with anybody? Strained?

Barry: Become stronger.

Interviewer: Become stronger?

Barry: Yeah. Because they see, you know, I'm not just asking for a handout, but you're willing to give them something for what you're asking them to give you.

There were a few cases in which borrowing strained the relationship. Offenders reported feeling insecure with themselves, noting less overt ways in which the family reminded them of their financial dependence. Miguel's total debt, including child support arrearage, is \$5,568 and he is responsible for \$160 per month payments. He reported his family would "Like talk back and forth, bullcraping, you know," insinuating he faced constant reminders about his dependence.

Problems with providing financial aid were a result of two conditions. First, offenders who depended on family supports for a longer duration were more likely to report a strained relationship, particularly when the family was not financially stable. Noting his family provided a lot of instrumental assistance but faced their own expenses, Mario, who owes \$2,720 for restitution and electronic monitoring fees, explains "I know it has to be stressful...And retirement, you're working on saving. You don't want to do this here for the rest of your life." Mario had been out of prison for four years and was still receiving financial assistance from his family. His example illustrates the recognition

some offenders had that their social support networks had their own financial demands outside of assisting a transitioning offender.

Second, offenders who had previously failed on supervision or had been given a chance had more difficulty acquiring financial support. Adam, a sex offender who had been to prison four times and incurred multiple violations, describes the reluctance his family had to provide financially: “Oh, help from family- and family is kind of leery about it. You know, givin’ up money. They’ll help you in other ways, but they don’t want to give money.” Having failed in the past, Adam’s family was still emotionally supportive. They were hesitant in continuing to offer financial support, possibly viewing it as a wasted effort. Although only a few offenders reported limited financial help due to prior failures, future criminal behaviors may eventually reduce future financial assistance for more offenders.

The potential for child support debt to impede the relationship between child and parent is important. Overwhelmingly, the accumulation of child support debt had little negative effect on parent-child relationships. Respondents indicated that the custodial parent was understanding and sympathetic to the challenges faced by the noncustodial parent. Bernard, who owes \$12,000 in child support explains his family “Has a better understanding than most...for the most part they understand.” Further, and less altruistically, the noncustodial parent also recognized that pursuit of litigious consequences would be even more detrimental. As several offenders explain, there is even less chance of payment when the offender is reincarcerated.

However there were two exceptions. Earl owes \$10,000 in child support arrearage. He described the deterioration of his relationship with the mother of his child

was facilitated by his lack of financial support. As a response, she grew increasingly bitter and withheld visitation rights. Eventually she moved away with the child and refused contact. Edwin, who owes \$25,000 in child support, was the other exception. However, rather than a bitter split and a resultant geographical move, his ex-partner was forced to move closer to family who could provide financial and material support. Edwin explains:

She was just, she was by herself with two kids, and she was struggling, so she moved to where she had more support. That's the way I look at it. We were cool before I went to jail.

Although the motivation and move did not stem from bitterness or anger, it did result in negatively impacting the relationship between the father and child. Aside from these rare exceptions, offenders had little perception of damaged relationships with either the former partner or child as a result of nonpayment of legal financial obligations.⁴⁷

The presence of legal financial obligations also affected personal relationships. Offenders with substantial debt indicated that they were less likely to seek out intimate partner relationships. Respondents implied their financial instability translated into an inability to contribute to an equal partnership in a relationship. Derek illustrates his hesitation in seeking out an intimate partner:

Right now, it's kind of my choice. Not saying I can go out the front door and get a girlfriend just like that. I'm not stable enough, whether it's financially, emotionally, spiritually, or whatever. I just don't feel that I'm ready for that.

Further, stemming from the negative self-perception described in the previous section, offenders primarily felt that they would not be able to be the 'man', or main provider in

⁴⁷ The described impact (or lack thereof) on social support relationships is defined by the perception of offenders. Interviews were not conducted with family, intimate partners, or friends. Providers of financial assistance and other forms of support may have a contrasting report of the strain or damage to the relationships, particularly in the case of custodial parents who are owed a great deal in back child support.

the relationship. The interviewees characterized the legal financial obligations they had as baggage, or as something negative to bring into an intimate partner relationship. Clifford describes:

Women and sex is the last thing on my mind. Don't get me wrong, I'm not gay, I love women. But how can it help if you can't find a woman- how can a woman be interested in a person like me? All the bills, all the debt, the flag up? Sh...not even worth it.

The final potentially positive relationship legal financial obligations affected were the relationships between offender and their supervising officer. Probation and parole officers have a difficult role, balancing rule enforcement and social assistance.

Traditionally at least a portion of their function has been that of support (Petersilia, 2001; Seiter, 2002), but underlying emotions of resentment toward the supervising officer came through in the qualitative data. Some offenders held their supervising agent responsible for their legal financial obligations. Reminders to pay intervention fees were viewed as pressure. Interviewees expressed their views in terms of role conflict, where the respondent wanted to view the parole agent as a positive help but felt instead they were creating more difficulty and challenge during transition. Bernard expressed frustration with his parole officer after miscommunicating about legal financial obligations stating "But that, that's all stressful to you. And it makes you be hateful toward your officer."

In general, it is clear that offenders are dependent on a variety of resources for financial support. Many respondents received direct financial assistance from family, friends, and intimate partners to assist in paying legal financial obligations. Social support systems seemed willing to assist the offender, resultant from perceived positive behavioral changes as well as to help the offender avoid additional sanctions. The majority of respondents perceived little to no impact on their relationships with social

supports as a result of their provision of financial assistance, and in some cases the relationships strengthened.

Changing Roles as a Result of Financial Dependence

Offenders expressed having individual problems resultant from their increased financial dependence on social support networks. Specifically, legal financial obligations affected offenders' sense of self. Respondents demonstrated difficulty in reconciling who they were before, as a provider or giver, with their current role as a receiver of funds. Jay explains:

They've [service provider] been very good to help us, and like I say, before I got into this situation I always try to, donate my time or participate up at the church or school. So I guess...you know, now I'm on the receiving instead of the giving end.

Similarly, Troy explains his altered role:

Interviewer: Why was it hard for you to accept that [financial help] to begin with?

Troy: Cause I'm- might be prideful. I've always been the type of person that does for them...So I guess they saw me that they'll support me too. But it just, I'm always, I'm a giver. I'm more of a giver, not a taker.

Previously viewing the self as the benefactor, it was a considerable change in self-perception for Troy to become the beneficiary. Within this difficult transition, feelings of inadequacy were common. Theodore illustrates this, stating "I feel like I should be able to take care of myself." Respondents expressed resentment of feeling obligated to others. After questioning if he would go to his family for financial assistance with his unpaid intervention fees, Leroy responds "I feel like I be a burden if something like that...If they feel like they need to give me whatever I'm asking for." Rather than feeling as part of the family, respondents felt they were inconveniencing their support system. Bernard

illustrates “I feel like I’m more of a burden over here, they can’t have their own privacy and things like that.”

Primarily relevant to feelings of masculinity, the increased dependence resulted in feeling weakened, or in Joel’s words: “It kind of make me feel like less of a man. I can’t provide for myself.” Bernard explains his frustration with relying on his wife for help with his legal financial obligations:

Bernard: I don’t feel like a man. I mean, ever since I came home, it’s just, I don’t feel like that man I was. To where, okay, we’re gonna take care of this, we’re gonna do this. Cause everyone needs some help. Especially if you call yourself in a relationship, you’re getting married. You gotta do your own. So I just don’t feel like I’m being that.

Interviewer: You feel different because you’re not providing?

Bernard: Yeah, it’s like she’s providing certain things for me. And just ain’t...

Interviewer: And that’s different than what you’ve had in the past?

Bernard: Right. I never been down with no one taking care of me.

In particular, participants expressed frustration with their inability to care for their children and also concern that their reliance on family for financial assistance was likely causing additional strain to the caretakers. Bernard has monthly obligations of \$1,045 and a child support debt of \$12,000. He explains his stress, stating: “I’m used to taking care of my kids. And not being able to is hard.” Mario further elaborates stating “You put the strain not only on me, but also my family.” Mario’s description demonstrates a concern of financially draining his family. Respondents expressed frustration with their own financial situation and how it affected their family.

Offenders had to reconcile their familial roles and personal self-image as a result of legal financial obligations. Overall, legal financial obligations increased the

dependence on the others, resulting in a more negative view of self. The inability to provide for themselves or their family made respondents feel devalued. It was also a contributor to the general stress described in Chapter Five. Miguel was convicted of robbery and owes \$160 per month and additional \$5,568 in legal debt. He illustrates the stress of heightened financial dependence: "Cause I wanted to have, you know, I don't like asking for anything. And that's what I have to do. So finance is really a problem right now." Feeling as though they were failing on an individual level, and being unable to meet legal financial obligations increased strain. Quantitative analyses demonstrated similar findings. Those who received instrumental or material support from their family and intimate partners were more likely to report feeling more economic stress as a result of their legal financial obligations ($p < .05$).

Finally, legal debts also affected feelings of normalcy. Legal financial obligations prevented them from engaging in normative behaviors, common for those without a criminal record. Barry describes his frustration with directing extra funds toward the criminal justice system:

There's a bunch of things I can't do. You know, I have um, I can't go to the movies, or I can't go and splurge or treat myself. Or- I'm not able to live a life where I have a social life. I'm not able to really see the fruits of my labor. Because I'm not able to buy things that would allow me you know, extra. I just got to get the essentials.

Oscar explains things he feels he misses out on:

Like you know, own a vehicle. Or think about going to you know, eating out a bit or just messing around a little bit. You know, other things that the average person may do or enjoy- these things I can't, certain little amenities, I can't.

Legal financial obligations served as a constant reminder of involvement in the criminal justice system and that with owed legal debt they remained on the fringes of society.

CONCLUSIONS

Social supports are an important dimension of reentry, and offenders frequently turn to others for help. Families often provide housing, clothing, and emotional support (Braman, 2002; Farrall, Godfrey, and Cox, 2009; Naser and Visher, 2006; Visher, La Vigne, and Travis, 2004; Rose and Clear, 2002). Interviewees repeatedly described depending on family for both material and emotional support. It is important to note that offenders were generally highly dependent on social support networks for material support and that it was not only legal financial obligations that facilitated this dependence. Rather, legal financial obligations exacerbated the economic circumstances and likely in some ways contributed to increased financial dependence on social support networks. Consequently, despite difficulties encountered in disentangling the data to determine exactly where offenders directed the financial assistance provided by social supports, it was clear that in many cases financial support directly benefited legal financial obligations.

Prior research indicates continued reliance on others for financial support can eventually damage otherwise supportive relationships (Beckett, Harris, and Evans, 2010; Naser and Visher, 2006). Contrasting previous findings, offenders perceived few negative effects on family, intimate partner, and friend relationships resultant from increased financial dependence. Possibly, continued financial dependence may threaten relationships in the future, a phenomenon not captured here. More than half of the

sample, 58.7% had been out of prison for twelve months or less. This reduced time frame may not be reflective of long-term dependence that may impair supportive relationships. Further, only offenders offered data and perceptions; no information was collected from the social support networks. The providers of the instrumental support may report differing perceptions and explanations than offenders, particularly in regard to their impact on the relationship.

More optimistically, however, direct support for legal financial obligations has encouraging implications for reentry. Social support, and family support in particular, has been linked to reductions in criminal behavior (Berg and Huebner, 2011; Farrall, 2004; Hepburn and Griffen, 2004; Visher and Travis, 2003). Dependence on family can be a benefit, as family support can improve chances of success by engaging the individual in a familial role (Visher and Travis, 2003). Families also increase social capital by assisting in employment and other transitional dimensions (Bahr et al., 2010; Berg and Huebner, 2011; Harding et al., 2011; Rose and Clear, 2002). Further, even the perception of positive financial support is likely to benefit the individual. Although the providers of social support were not interviewed as part of this research, offenders portrayed their families and other sources of social support as happy to provide aid. Research suggests the perception of positive social support is key, as it gives offenders a sense of support, that they do have others to count on even if it not a reality (Lin, 1986; Vaux, 1988).

The reasons offenders perceived their social support systems as willing to provide financially also are theoretically positive. Specifically, offenders felt their support systems recognized behavioral and cognitive change. Maruna (2001; Maruna and LeBel, 2010) suggests external acceptance of personal change is essential to the process of

desistence. It is meaningful when others recognize the change in an individual, or have faith in their alteration. The social support systems offering financial assistance as a result of a recognized behavioral change is both instrumentally and symbolically important. Overall, increased reliance on family seemingly did not harm the relationships between the offender and the provider of social support, allowing the benefits of supportive relationships to continue.

However, although offenders suggested their social supports did not resent providing financial assistance and that relationships did not suffer, offenders themselves felt differently. Respondents increasingly felt like a burden with continued reliance on family as a result of their poor financial situation. This was especially true for offenders who continually relied on family for financial help for legal debts and extended residential provisions. As offenders feel increasingly dependent and burdensome, this may lead to withdrawal from the supportive atmosphere. Leery of receiving too much, offenders may isolate themselves from positive social supports that typically benefit reentry experiences, specifically inhibiting reoffending (Hepburn and Griffen, 2004).

This was particularly true for offenders who reported reluctance in seeking out intimate partner relationships. Relationships prior to incarceration are difficult to maintain during and after prison (Petersilia, 2003). Respondents described difficulty engaging in intimate partner relationships post-incarceration, partially as a result of having legal debt. Offenders who had large amounts of legal debt felt unprepared to pursue intimate partner relationships. Research suggests positive intimate partner relationships post-conviction can be beneficial for males (Sampson and Laub, 2003; Sampson, Laub, and Wimer, 2006; Visher, 2004; Warr, 1998), though findings about the

mechanisms by which this occurs differ. Age-graded social control theory suggests quality intimate partner relationships play a significant role in the desistance process, acting as an informal social control (Laub and Sampson, 2003; Mackenzie and De Li, 2002; Sampson and Laub, 1993; Sampson, Laub and Wimer, 2006). Warr (1998) suggests intimate partners decrease the time spent with delinquent peers and decreasing the opportunity for criminal behavior. Regardless of the mechanism by which the reduction of criminal behavior occurs, research is consistent in describing positive effects from having a quality relationship with an intimate partner. Feeling unable to seek out quality relationships may hinder the potential positive effects these relationships can provide during transition.

Relatedly, offenders experienced a change in their familial role. This not only hindered their feelings of worth in seeking out an intimate partner, it also impacted their perception of their place in the family. This change is important, considering the perception of family displacement causes offenders to feel uncomfortable in their reentry experiences (Arditti and Parkman, 2011; Harman, Smith, and Egan, 2007; Visser and Travis, 2003). In their evaluations of economic sanctions, Ruback and colleagues (2006) found offenders consistently expressed frustration that their legal financial obligations restricted them from adequately providing for their families. Similarly, this research demonstrates that the inability to financially provide for the family caused negative feelings and essentially challenged their masculinity. This inability to be a real 'family man' may limit mechanisms of cognitive change and limit desistance processes (Massoglia and Uggen, 2010).

The high degree of financial dependence, including turning to others to help pay legal financial obligations, changed the respondents' self-perception, primarily damaging their self-esteem. This negative perception can be problematic for offenders post-conviction. Tenets of labeling theory suggest self-image and perceived stigma have serious implications, potentially leading to additional deviant behaviors (Goffman, 1963; Mead 1934). Joel's example provided evidence of the ability of legal financial obligations to act as a continued reminder of the deviant self. The inability to separate the self from the ascribed label may lead to a self-fulfilling prophecy. In his qualitative research, Maruna (2001) suggests for offenders to fully desist and become normative members of society, they go through a positive cognitive change where they no longer view themselves as deviant. The persistent presence of legal financial obligations may restrict the offender from fully completing the cognitive change, which makes complete separation from the criminal lifestyle more difficult (Maruna, 2001; Uggen and Wakefield, 2003). Massoglia and Uggen (2010) suggest inability to reach normative adulthood markers, such as steady employment or cohesive marriage, demonstrates a failure to be responsible or self-supportive. Ultimately this limits the desistance process, and maintains the deviant self-image.

Relatedly, due to payment of legal financial obligations, offenders also felt incapable of engaging in normative behaviors. Restrictions from simple luxuries and increased dependence on others made the respondents feel continually displaced. Although Chapter Four illustrated the general lack of money management skills as problematic, there was a sense of frustration with not being able to purchase what "normal" (i.e., non-felon status) people spent their money on. While frivolous spending

should not be encouraged, the inability to purchase basic necessities or even minor luxuries caused offenders to recognize they are unlike others who have fewer debts. The sense of criminal self persisted when offenders redirect their earnings back to the criminal justice system as opposed to engaging in “civic participation” (Rose and Clear, 2002: 192). While seemingly insignificant, missing out on normative behaviors left offenders continuing to feel as though they existed on the margins of the public. Although presented on a different plane in this research, it is not uncommon for offenders to fail to feel fully reintegrated based on their criminal status and restrictions (Rose and Clear, 2002; Uggen and Wakefield, 2003; Uggen and Manza, 2005). When offenders are restricted from rights and activities non-felons have free access to, such as voting or running for public office, often a feeling of stigmatization and exclusion persists (Rose and Clear, 2002; Uggen and Manza, 2005). It may be more difficult to form a prosocial identity (Uggen, Manza, and Behrens, 2004). Uggen and Manza (2005) are careful to explain although restrictions and limitations from engaging in normative activities are not necessarily a detriment to criminal engagement, it adds to general feelings of not belonging. Eventually, restrictions from normative activities may make it difficult to shed the criminal label and fully desist from crime (Maruna, 2001; Uggen and Wakefield, 2003; Uggen, Manza, and Behrens, 2004).

Social support systems are an essential element of reentry, providing a variety of emotional, material, and particularly significant, financial help. Earlier chapters clearly illustrated the unstable financial circumstances of offenders, and respondents frequently reported turning to family, friends, and intimate partners for financial assistance. Although difficult to untangle, at least a portion of the financial help is resultant from and

contributes to legal financial obligations. Fortunately, from the perception of the offenders, this has limited negative effects on the supportive relationships. However, offenders themselves felt effects from their increased financial dependence and precarious economic state. They felt burdensome to their support system, and hesitant in seeking out positive personal relationships. Frequently, feelings of masculinity were challenged and offenders felt a fundamental shift in their familial role. While these consequences can negatively impact the general lives of offenders, they may also eventually lead to criminal justice consequences. The next chapter examines how legal financial obligations contribute to success during correctional supervision.

CHAPTER SEVEN: CRIMINAL JUSTICE CONSEQUENCES

The previous chapters described the effect of legal financial obligations on reentry transitions. This chapter examines the relationship between legal financial obligations and involvement in the criminal justice system. The first portion of the chapter examines consequences for nonpayment of legal financial obligations as perceived and experienced by offenders. The second segment focuses on quantitative analyses, examining if legal financial obligations predict recidivism. The final section of the chapter describes how legal financial obligations can lead to additional crimes committed by offenders, specifically for economic gain.

CONSEQUENCES FOR NONPAYMENT

The first section of this chapter describes the perceptions of consequences for non-payment of fines. Most offenders acknowledge that failure to pay legal financial obligations can result in sanctions, but offenders indicate differences in the severity and certainty of the consequences. Further, offenders indicated that defaulting on legal financial obligation payments may indirectly trigger technical and law violations. For example, when offenders are unable to meet their obligated program payments, they may be prohibited to attend class and incur technical violations as a result. Finally, nonpayment of legal financial obligations may lead to extensions in correctional supervision, as offenders can remain under correctional supervision until financial obligations are met.

Violations and Revocations

Nonconforming to probation or parole conditions are grounds for technical violations. Edwin, who owes \$4,783 to the state, describes defaulting on legal payments violates a recorded promise stating “So you know if you don’t pay that money, you’re getting violated. You signed and agreed to this.” Eventually, accumulated violations may result in revocation. Joel, a violent offender who owes \$4,500 in legal financial obligations, has had several violations during his time on parole, including positive urinalysis and not paying intervention fees. He makes a strong effort to pay his legal financial obligations and explains “I know in my head they can violate me. I can go back in lockdown.” Randall is under both probation and parole supervision, owes \$280 a month in legal financial obligations, and has a debt of \$1,067.50 to the state. He anticipates increasingly severe punishments for lack of payment on his legal debt:

They write up violations, then you know they go through the procedures of you know, what they do as far as you know, having to report more. Then you start getting uh, probably placed on house arrest. That can lead to you revoking your probation or parole.

Jim, a drug offender who is current on his various legal financial obligations, describes his potential for revocation:

Interviewer: So what happens if you don’t pay?

Jim: It’ll be a violation first, and she’ll be telling me to like, like I gotta pay or if the \$120 hadn’t been paid, then they’ll tell you like well you gotta pay or you’re gonna have- have a violation. And if you don’t pay again, she’ll send me to the judge or the board, saying that it’s failure to pay. And then whatever the judge or the board recommends, that’s what they’ll go along with. Whatever deal it is.

Respondents who reported receiving violations expressed frustration with their efforts to abide by the rules and were still sanctioned. James, a property offender who pays \$30 per month plus child support, explains:

And that's the only thing I see bad on my record right now. It's just, I owe them \$30. I ain't never missed an appointment, I came to class. I never drop dirty. I do everything she asked me to do. That's the only thing I see a strike on me there. The intervention fee.

Interviewees felt there was little recognition of the economic challenges offenders faced, and that their probation or parole officer was looking to somehow sanction their clients.

Randall illustrates his frustration:

It's been bad just on behalf that right now I'm not employed. And by them hanging these fines over me and expecting me to pay this money. It's only, it's a catch 22...And they really don't have any resources for the employment, for real. They don't have any places where they're going to guarantee that you're gonna get jobs, or be on you about getting jobs. They're more worried about getting' their money out of you. That \$30 a month.

Those who were more fearful of probation or parole revocation were more likely to prioritize payments on monthly legal financial obligations, recognizing the threat of reimprisonment. David, a drug offender who has a legal debt of \$1159.50 explains:

Now they're going after people for just, for lots smaller amounts of money than they used to. Like they're putting people in jail and stuff, and not letting them out until they pay it.

Further, Lance, who owes \$30 a month to the state and has an additional \$300 in other legal debt, describes:

You gotta pay that \$30 a month in intervention fees and that's a must. That's a worry on me to make sure I got that money to take care of that. You know I wanna do everything I'm supposed to do while I'm on parole, to keep me from going back there.

Arthur, a sex offender who owes \$300 in legal fees and an additional \$19,000 in child support arrearage, describes his fear of revocation and frustration with his situation:

I mean, especially when I was off of work, trying to, do it because they want their money, and if you don't pay 'em, then you don't. Either they can revoke you for not paying 50 bucks, and that's stupid too. I mean if you put somebody out on the street and tell 'em, hey go succeed, but pay us to do it. And they can't, you gonna throw 'em back because they can't pay you 50 bucks? And they're trying? I mean to me you're not telling 'em anything telling 'em you don't care, you know?

He further elaborates, explaining "I didn't break no laws, I didn't do nothing extraordinarily, except didn't pay you 50 bucks, and you're gonna throw me back in prison for it?"

Open communication and determined efforts to pay mitigated the fear of sanctioning. Individuals felt their supervising agent recognized positive efforts to abide by all conditions of supervision. Bernard feels his parole officer does show concern about his intervention fees, but focuses more on the broader context, saying "They're looking at the whole picture, seeing if you're doing what you're supposed to do out here." Eric, whose monthly obligation is \$30, anticipates few problems, stating: "My understanding is as long as you don't just try not to pay them, you're not going to get revoked over it." Alexander, a drug offender with monthly payments of \$290, explains the potential for violations in this exchange:

As far as violations wise, it could. It could violations wise. But it hasn't yet. As of right now it hasn't. Because, you know, I do what I can, when I can. And they've been pleased with that so far, as far as my officer.

Similarly, Marcus, a property offender with a legal debt of \$3,673, describes his concentrated effort in abiding by parole conditions:

Marcus: Normally in this position, you could get violated. And sent back.

Interviewer: But she hasn't done that yet.

Marcus: No, and I keep clean drops and whatever she asks me to do, I do. I'm not trying to dodge her.

Interviewer: Are you worried about getting a violation?

Marcus: No, no.

These examples illustrate that some hold the view that their officers are more concerned with the broader picture, reviewing behaviors outside of nonpayment of legal financial obligations before recommending revocation or recording technical violations. Offenders with a favorable view of their parole officer suggested their efforts of payment did not go unnoticed, even when not complete. They felt much less threat of technical violations or revocation as a result of missing payments of legal financial obligations.

In general, the perceived threat was more prevalent than actual revocations. Mario, a property offender with \$2,720 in legal debt, explains nonpayment of legal financial obligations threatens revocation "It'll be a problem- my officer told me you gonna get locked up. And they- they don't...but they tell you that." The warning, however, was effective in its ability to encourage payment from offenders making an effort to abide by their supervision conditions. Vincent, who owes \$500 a month in legal financial obligations, explains "You know, you always have this fear if you can't pay 'em, that they're gonna lock you up again." Clifford owes \$855 per month and has a debt of \$15,706.50, including child support. He feels his parole officer has been very helpful but is still fearful of defaulting on payments:

She made a comment just the other day, that I accidentally- I think she said it out loud. It was hell, I don't know why they even let you out. Cause I had so much stuff. I'm scared that she's gonna put me right back in.

Although revocation of probation or parole and technical violations are a continual hazard for offenders under correctional supervision, nonpayment of legal financial obligations rarely resulted in recorded technical violations and even more infrequently revocations. Most self-reported revocations resulted from multiple technical violations, often including nonpayment of legal financial obligations. Juan, an unemployed sex offender, describes “See, I got sent back this time for missing three of the meetings, sex offender meetings, and a \$45 intervention fee. And he sent me back. You know, he was a strict PO.” Although Juan was behind in his legal financial obligations, his example demonstrates it is typically a combination of several restricted behaviors that result in more severe sanctioning.

The exception to limited reality of sanctions was defaulting on child support payments. Nonpayment of child support was enforced more than failure to pay on other legal financial obligations. Miguel, convicted of armed robbery and has monthly obligations totaling \$160, has multiple legal financial obligations. He feels although he is behind on all of his obligations that his biggest threat is nonpayment of child support:

Miguel: Well, on the February 6th, I start school. So, on those, like uh, like I have some fines from Hazelwood that I have to get paid off. And it's like almost \$650. The state evaluation is gonna be paid for, and the substance abuse- I mean anger management will pay for.

Interviewer: So you're behind so far on everything.

Miguel: MmHm.

Interviewer: So what happens if it continues to stay that way?

Miguel: Well if I'm not able to pay on the things I'm supposed to pay, my PO probably will write me up for it.

Interviewer: Okay. And what about your child support if you don't pay that?

Miguel: That, I probably will go to jail. If I let it get too outstanding.

At the time of the interview, Miguel was only \$500 behind on child support debt but had \$5000 in legal costs. He was much more concerned with the consequences of nonpayment of child support despite comparatively higher legal debt not including child support.

Nonpayment of treatment or program fees may also result in technical violations and revocation of supervision. Chapter Four illustrated offenders may be financially responsible for mandated programs in addition to their intervention fees. Offenders who are unable to meet these expenses face restrictions from attending class or treatment sessions, which in turn result in technical violations. Jim, convicted of drugs and weapons charges, describes his frustration with being unable to attend a substance abuse class due to limited income:

She just violated, let the parole board know I wasn't attending class. It was a \$150, I said I just got out, no employment. So how am I gonna pay this, and you tell me to go to this class and they want \$150 money order the day of the class, and I'm not gonna pay that. And she's like, well, I'm gonna have to violate you.

George, a sex offender who owes \$170 per month, explains program fees have an immediate expectation of payment:

They waive the fees for the first few months, but that's only for your intervention classes. You violate your parole if you don't do it. But you can't go to class unless you have the money.

Indirectly, nonpayment of program fees can result in criminal justice consequences.

Edward illustrates the demand:

They waive my intervention fees, but I have to pay to come to group, and when you first get out of prison, it's four times a month, at \$25 a week. So that's \$100 a month. And if you don't have a job, that's boom. And if you

can't pay your fees, they kick you out of group okay. And then they send you back to court. Well, the judge decides well, you just go back to prison, with a violation.

These examples illustrate that nonpayment for mandated programs result in offenders not attending their classes, which leads to technical violations and revocations. Offenders indicated the combination of nonpayment of program fees and subsequent failure to attend class resulted in a higher frequency of sanctions. This is likely because it is violating multiple conditions of supervision; not only are offenders not paying their monthly supervision fee, they are also not attending their mandated programs.

Extension of Supervision

Nonpayment of legal financial obligations may extend the duration of a supervision sentence. Jay, a property offender owing approximately \$20,000 in restitution, explains "I guess if I don't make the restitution by the end of the probation period, I'll probably have to go before the judge, you know, and have issues there." Jay was aware his probation period could extend if his restitution obligations were not met. Often, offenders are required to remain under correctional supervision until court ordered financial obligations are paid in full.⁴⁸ Joel illustrates this, stating "You stay on until all of your fees have been paid." Randall also describes staying under correctional supervision explaining "They won't even let you off until you pay for it, what you owe them." As described in Chapter 4, legal financial obligations, particularly intervention fees, can quickly accumulate which makes the probability of continued supervision more likely.

⁴⁸ Missouri uses an indeterminate sentencing structure. Often, offenders are afforded early parole termination. Unpaid legal financial obligations may prevent this early discharge.

Kenneth, a sex offender, explains “I see other people are caught in a debt loop, that’s the other thing that they keep catching. A guy just got extended because he can’t pay.” Staying under supervision results in continuing to pay the \$30 monthly intervention fee. The extension not only keeps offenders under supervision for a longer period of time, but may also further compound legal debt. Once under correctional supervision, offenders recognize the difficulty in disentangling themselves from the criminal justice system. Gerald, a drug and property offender who owes \$8,568, states “It keeps me from getting out.” Harold, who owes \$80 a month, further elaborates “Once you’re in debt with the state, it’s a wrap. Actually. Unless you can pull yourself out of debt, it’s a wrap.”

Nonpayment of child support can also result in subsequent law violations. Harold illustrates the difficulty of child support in particular, stating: “Now if you don’t pay child support, now it’s another case. They just made it harder for some of us to stay out of the system, actually.” With two current open cases for nonpayment of child support, Clifford was an extreme example of consequences resultant from defaulting on child support obligations. He recently served time in prison for nonpayment of child support, and continues to struggle to meet his monthly obligations. This exchange illustrates how failure to make child support payments have increased his time under correctional supervision:

Interviewer: So you had mentioned before you’re kind of afraid right now if you don’t pay, get to paying your child support, you’re going to go back to prison. What’s the rest of your parole on this case? How much time do you have to serve?

Clifford: Four years. I got a five year bit. My backup [child support arrearage case], I’m doing my backup right now. I’ll be on parole for my backup. It was a five year backup. I did a year already, so I got four years on parole. And then with the child support case in Bowling Green, I just pled guilty, I’m on probation, so I’m gonna do that too.

Interviewer: How long is that probation?

Clifford: Five years. Or until the money's paid up. \$15,000, something like that.

Overall, nonpayment of legal financial obligations can potentially result in criminal justice consequences and a continuing cycle of debt.

RECIDIVISM⁴⁹

It is important to consider if legal financial obligations empirically predict recidivism. These analyses move beyond qualitative perceptions of sanctioning to examine broader relationships between legal financial obligations and recidivism. Analyses use both logistic regression and Cox Proportional Hazard models to evaluate two dichotomous outcome measures of recidivism. There is continued debate about the most ideal way to measure recidivism (Maltz, 1984). Recidivism measures frequently include rearrests, returns to prison for new offenses, and technical violations (Langan and Levin, 2002). This research uses two dichotomous outcome measures: return to prison and technical violations. Logistic regression analyses use dichotomous outcome measures to capture the occurrence of an event (*yes = 1*), and survival analyses use the date of violation or return to prison as the outcome measure to examine the timing of the event. The survival period was calculated using the date of release from prison to the date of the offense or violation (*in days*) (refer to Chapter Three for a full review of the quantitative methodology).⁵⁰

⁴⁹ Recidivism models include only participants from the sex offender residency restriction project ($n=97$). Recidivism data were not made available for other projects.

⁵⁰ The follow up period for the offenders varies, as offenders ranged in their timing of release from 1 to 131 months prior to the interview. The final day of data collection or available record of failure was April 1st, 2012.

First, *return to prison* comprised of new offenses and technical violations that were severe enough to revoke probation or parole. New offenses capture the most serious deviant behaviors; however, the frequency of this event was too low to reliably use in regression models as an outcome measure ($n = 4$). Therefore, a composite measure of more serious technical violations and new offenses was a proxy for more serious deviant behavior (*reoffender = 1; days to return to prison*). Almost a quarter of the sample, 23.5%, returned to prison for either a new offense or due to technical violations. Table 14 illustrates the frequency of recidivism, as well as time to failure.

Table 14. Timing and Occurrence of Recidivism (n= 97)

	%	Mean (S.D.)	Range	Time to Failure (S.D.) (in days)	Range
New Offense	4.1%			317.50 (271.71)	62 – 600
Technical Violations	49.5%	3.04 (4.69)	0 - 19	521.55 (365.04)	0 – 1362
Return to Prison	23.7%			567.73 (427.23)	0 – 1370
Any Recidivism	50.5%			250.75 (364.56)	0 – 1362

This research also considers recorded technical violations (i.e., traveling without notice, being unemployed, associating with other felons, drug use, and failure to pay intervention fees). Almost half, 49.0%, of the sample committed a technical violation (*violation = 1; days to violation*). Table 15 gives a breakdown of the various types and frequencies for the first recorded technical violation.⁵¹ The most frequent violations included lack of employment, associating with other felons, and drug use. Failure to attend class, missed appointments, and failure to abide by court-specified conditions may fall into each of these categories. The official records demonstrated failure to pay intervention fees resulted in few technical violations. Looking at those with multiple

⁵¹ Any recorded technical violation is considered a failure; the dependent variable of technical violation does not differentiate between levels of severity of the technical violation.

violations, similar patterns and frequencies emerged, with supervision strategies, drugs, and laws being frequent technical violations (see Appendix D). Those returned to prison due to technical violations were most frequently returned with multiple violations and in the categories of drug, reporting-directives, and supervision strategy violations.⁵²

Table 15. Frequency and Type of Violations

	Violation 1 (n=48)
No Violations	51.0%
Violators	49.0%
<i>Laws</i>	6.1%
<i>Travel</i>	1.0%
<i>Residency</i>	1.0%
<i>Employment</i>	9.2%
<i>Association</i>	11.2%
<i>Drugs</i>	9.2%
<i>Weapons</i>	2.0%
<i>Reporting- Directives</i>	11.2%
<i>Supervision Strategies</i>	9.2%
<i>Intervention Fees</i>	2.0%
<i>Special Conditions</i>	9.2%

Both logistic regression and Cox survival analyses were employed to examine the relationship between legal financial obligations and recidivism. The analyses proceed in three stages. The first model examines how general costs, either supervision or sentencing, affect recidivism. Second, I examined the effect of overall debt resulting from legal financial obligations. Finally, I evaluated how monthly legal financial obligations impacted recidivism. Table 16 provides descriptive statistics comparing the differences in offender characteristics by recidivism.

⁵² A third dichotomous variable was created. This was a composite measure of *any recidivism*, comprised of those who committed either a new offense or technical violation. Half of the sample, 50.0%, had some recorded recidivism though there was a great deal of overlap. Only one person was in the return to prison group and not the technical violation group. Although the descriptive statistics are shown in Table 16, additional regression analyses are not shown in the text. Appendix D contains additional tables; the results do not differ from the predictors of technical violations.

Table 16. Descriptive Statistics⁵³ (n = 97)

	Any Recidivism (n = 49)	No Recidivism (n = 48)	Returned to Prison (n = 23)	Technical Violation (n = 48)
Offender Race (<i>nonwhite = 1</i>)*	44.9%	25.0%	34.8%	45.8%
Offense (<i>sex offender = 1</i>)	81.6%	72.9%	78.3%	81.3%
Age	37.10 (12.74)	39.40 (11.90)	37.72 (12.13)	37.17 (12.87)
Education (<i>has H.S. Diploma = 1</i>)	73.5%	81.3%	69.6%	72.9%
Has Intimate Partner	32.7%	39.6%	34.8%	31.3%
Family Support	53.1%	41.7%	47.8%	54.2%
Number of Times in Prison	1.86 (1.17)	1.69 (1.19)	1.91 (1.16)	1.88 (1.18)
Currently Employed	44.9%	35.4%	56.5%	45.8%
Sentencing Costs	77.6%	70.8%	73.9%	79.2%
Supervision Costs**	85.7%	60.4%	82.6%	85.4%
Legal Debt (<i>continuous</i>) (<i>not including child support</i>)	1258.84 (2140.63)	887.06 (2720.87)	462.78 (771.78)	1258.84 (3140.63)
Legal Debt 2 (<i>continuous</i>) (<i>including child support</i>)	4369.42 (9758.28)	5606.50 (10178.75)	5435.56 (12716.61)	4369.42 (9758.28)
Legal Debt (<i>dichotomous</i>) (<i>yes = 1</i>)	76.2%	77.5%	85.0%	76.2%
Legal Debt 2 (<i>dichotomous</i>) (<i>yes = 1</i>)	77.8%	79.5%	82.4%	77.8%
Legal Debt Range (<i>not including child support</i>)				
<i>No Legal Debt (reference)</i>	28.2%	25.7%	18.8%	28.6%
< \$0 and > \$700	51.4%	62.9%	68.8%	51.4%
> \$700	20.0%	11.4%	12.5%	20.0%
Legal Debt Range (<i>including child support</i>)				
<i>No Legal Debt (reference)</i>	22.2%	18.4%	17.6%	22.2%
< \$0 and > \$3000	50.0%	52.6%	52.9%	50.0%
> \$3000	27.8%	28.9%	29.4%	27.8%
Monthly Obligation Amount (<i>not including child support</i>)	66.59 (60.71)	82.52 (65.83)	69.26 (67.07)	66.90 (61.31)
Monthly Obligation Amount (<i>including child support</i>)	160.29 (156.04)	161.69 (170.61)	160.00 (167.63)	162.54 (156.88)
Monthly Range				
<i>No Monthly Obligation</i>	12.5%	19.5%	4.5%	12.8%
< \$150	79.2%	64.1%	81.8%	78.7%
≥ \$150	8.3%	19.5%	13.6%	8.5%
Monthly Range (<i>including CS</i>)				
<i>No Monthly Obligation</i>	0.0%	7.3%	0.0%	0.0%
< \$300	83.7%	70.7%	82.6%	83.3%
≥ \$300	16.3%	22.0%	17.4%	16.7%

*** p<.001; ** p<.01; * p<.05; [^]p<.10 (Comparing Any Recidivism to No Recidivism)

⁵³ Returned to prison and technical violations are not mutually exclusive categories as some offenders fall into both returned to prison and technical violation columns. Chi square tests and independent samples t-tests were run to compare *any recidivism* to *no recidivism*.

The models also included control variables that are often associated with failure including race, age, offense type, education level, social support measures, criminal history, and employment status. Appendix C includes a full description of the variables, including the different operationalizations of legal financial obligations, recidivism, and control variables.

Sentencing and Supervision Costs

The first stage of analyses examined whether having sentencing costs (*yes = 1*) and supervision costs (*yes = 1*)⁵⁴ predicts the occurrence of technical violations (see Table 17) net of other factors.⁵⁵ Nonwhite offenders and offenders convicted of a sex offense were more likely to recidivate and violate conditions of parole. Offenders who reported family support were more likely to have technical violations. In addition, supervision costs were significantly and positively related to recidivism. Those with supervision costs were seven times more likely to commit a technical violation than those with no supervision costs associated with their sentence. None of the variables significantly predicted returns to prison.

⁵⁴ Although the \$30 intervention fee is mandated for all offenders under community supervision, a variety of conditions allow for a waiver including unemployment and reliance on disability.

⁵⁵ Diagnostic tests were run for all models. Evaluations of the sentencing and supervision costs revealed no issues with multicollinearity. Tolerance values were less than one and no Variance Inflation Factor (VIF) exceeded two. A conservative cutoff of four typically indicates multicollinearity; no VIF approached this limit (Fox, 1991).

Table 17. Logistic Regression for Sentencing and Supervision Costs

	Returned to Prison	Odds Ratio	Technical Violation	Odds Ratio
Offender Race (<i>nonwhite = 1</i>)	-.07 (.58)	.93	1.42 (.58)*	4.15
Offense (<i>sex offender = 1</i>)	.02 (.66)	1.02	1.10 (.65)*	3.00
Age	-.00 (.03)	.99	-.01 (.02)	.99
Education (<i>has H.S. Diploma = 1</i>)	-.79 (.59)	.45	-.85 (.60)	.43
Has Intimate Partner	-.39 (.56)	.68	-.85 (.53)	.43
Family Support	.32 (.55)	1.38	1.02 (.54) ^λ	2.78
Number of Times in Prison	.22 (.24)	1.24	.27 (.23)	1.31
Currently Incarcerated	-.65 (.85)	.52	-1.01 (.73)	.37
Currently Employed	.78 (.63)	2.18	.35 (.58)	1.41
Sentencing Costs (<i>had costs = 1</i>)	-.27 (.61)	.77	.25 (.60)	1.28
Supervision Costs (<i>has costs = 1</i>)	.71 (.71)	2.04	2.00 (.71)**	7.36
-2 Log Likelihood	98.671		106.692	
Cox & Snell R Square	.075		.249	

*** p<.001; ** p<.01; * p<.05; ^λ p<.10

A series of survival analyses were estimated to consider differences in the length of time to failure (Cox, 1974; Fox, 2002; Singer & Willet, 2003). To interpret the hazard ratio, a positive relationship signifies the failure is quicker. That is, nonwhite coded as one and white as zero, a positive coefficient indicates nonwhites fail more quickly. For age, a negative coefficient signifies younger offenders fail more quickly. Cox regression analyses, measuring the impact of various predictors on the length of time to failure, had similar results to logistic regression. This was particularly true when examining the impact of sentencing and supervision costs. Individuals with supervision costs committed more technical violations, and they also failed more quickly. Table 18 illustrates the results from the analyses. Having an intimate partner delayed the time to a technical violation, but individuals with family support failed more quickly. Offenders employed at

the time of the interview were returned to prison more quickly, but education acted as a protective factor. Participants with a high school diploma returned to prison less quickly. Neither having sentencing costs nor supervision costs was significantly related to return to prison.

These results are somewhat consistent with qualitative findings. Offenders spoke somewhat dismissively of their sentencing costs, often failing to recall having them. However, when speaking of sanctioning and reactions, interviewees were much more responsive about their monthly obligations. They recognized an immediate need for consideration, acknowledging the potential sanction. As regression analyses suggested those with supervision fees committed more technical violations, these fears were somewhat validated.

Table 18. Cox Survival Analyses for Supervision and Sentencing Costs

	Returned to Prison	Odds Ratio	Technical Violation	Odds Ratio
Offender Race (<i>nonwhite = 1</i>)	-.13 (.53)	.88	.60 (.34) [^]	1.83
Offense (<i>sex offender = 1</i>)	.26 (.55)	.77	.26 (.40)	1.31
Age	-.00 (.02)	1.00	-.02 (.02)	.98
Education (<i>has H.S. Diploma = 1</i>)	-.84 (.52) [^]	.43	-.44 (.37)	.64
Has Intimate Partner	-.81 (.50)	.44	-.64 (.35) [^]	.53
Family Support	.64 (.48)	1.90	.61 (.35) [^]	1.85
Number of Times in Prison	.16 (.19)	1.17	.13 (.14)	1.14
Currently Incarcerated	.00 (.78)	1.00	-.31 (.51)	.74
Currently Employed	1.06 (.61) [^]	2.89	.18 (.38)	1.20
Sentencing Costs (<i>had costs = 1</i>)	-.02 (.54)	.98	.11 (.41)	1.11
Supervision Costs (<i>has costs = 1</i>)	.45 (.63)	1.56	1.02 (.47)*	2.78

*** p<.001; ** p<.01; * p<.05; [^] p<.10

Overall Debt

The second stage of analyses considered the impact of overall legal debt on recidivism. Legal debts were operationalized in multiple ways to fully examine the phenomenon (see Appendix C for a review).⁵⁶ Analyses using continuous measures of legal debt, both including and excluding child support arrearage, revealed no significant relationships with failure (not shown). Control variables had consistent results with other models that evaluate supervision and sentencing costs as well as monthly obligations. No measures of overall legal debt were significant in any model; in fact, significance was not even approached.

Dichotomous measures of debt (*have legal debt = 1; high debt > \$700 without child support; high debt with child support > \$3000*) also were not significantly related to dichotomous measures of neither recidivism nor time to failure. Models comparing those with no debt to those with moderate (*legal debt > \$0 and < \$700; legal debt with child support > \$0 and < \$3000*) and high levels of debt (*legal debt > \$700; legal debt with child support > \$3,000*) also had no significant results relevant to failure (not shown). The goal of breaking down overall legal debts was to isolate cases with significantly higher debt. However, the comparisons revealed no significant relationship between overall legal debt and recidivism.

The lack of significant results for overall legal debt is somewhat surprising. Considering increased financial strain is considered a type of stress conducive to increased deviant behavior (Agnew, 2006), we would expect to see more recidivism

⁵⁶ Data collection relied primarily on self-reporting. Some difficulties emerged due to missing data and vague responses. This was particularly true when coding the type and amount of various types of legal debt. While sentencing costs were coded from court records, identifying debts resultant from unpaid intervention fees, some sentencing costs, and other legal obligations was reliant on offender recollection and admittance.

associated with higher legal debt. However, the results do coincide with qualitative findings. Offenders with comparatively higher legal debt expressed indifference toward their obligations, and acknowledged little ability or motivation to address it. Therefore, acts of deviance were unlikely. Second, child support frequently and substantially increased debt. Again qualitative findings suggested recognition that sanctioning offenders would have little monetary benefit; supervising agents may have been reluctant to assess sanctions for nonpayment. Simply, debts were too high, or unlikely to be paid in the broader scheme of behaviors.

Monthly Obligations

The final stage of analyses evaluated how monthly obligations affected recidivism (review Appendix C for a full description of all monthly obligation variables). Table 19 demonstrates how different levels of monthly obligation relate to recidivism.

Demographic results were similar to earlier analyses, where nonwhite offenders and sex offenders were more likely to commit technical violations. Intimate partner relationships acted as a protective factor, reducing the likelihood of committing a technical violation. Receiving instrumental support from family increased the likelihood of committing a technical violation and reporting current employment was related to a higher probability of returning to prison.

Analyses also incorporated a categorical measure of monthly legal obligations. Those with no monthly obligation (*monthly obligation* equals \$0) comprised the reference category. Comparing those with moderate monthly expenses (*monthly obligations* >\$0 and <\$150) we see those with moderate monthly expenses are more likely to fail compared to those with no monthly obligations. The odds ratio indicates

those with moderate monthly obligations failed three times more often than those with no monthly obligation. Comparing high monthly obligation amounts (*monthly obligations* \geq \$150) to those with none, there was no significant relationship with failure.

Table 19. Logistic Regression: Monthly Ranges and Recidivism

	Returned to Prison	Odds Ratio	Technical Violation	Odds Ratio
Offender Race (<i>nonwhite = 1</i>)	-.24 (.60)	.78	1.17 (.58)*	3.21
Offense (<i>sex offender = 1</i>)	.21 (.67)	1.23	1.48 (.69)*	4.41
Age	-.00 (.03)	1.00	-.01 (.02)	.99
Education (<i>H.S. Diploma = 1</i>)	-.57 (.62)	.57	-.72 (.64)	.49
Has Intimate Partner	-.47 (.56)	.63	-1.07 (.53)*	.35
Family Support	.40 (.56)	1.49	1.14 (.55)*	3.11
Number of Prison	.06 (.25)	1.05	.12 (.24)	1.12
Currently Incarcerated	.03 (.90)	1.03	-.27 (.80)	.76
Currently Employed	1.01 (.64) ^λ	2.76	.74 (.60)	2.10
Monthly Range of Obligation				
<i>Zero (reference)</i>				
< \$150	.17 (.72)	1.18	1.25 (.70) ^λ	3.49
\geq \$150	-1.00 (1.02)	.37	-.17 (.90)	.85
-2 Log Likelihood	92.469		99.577	
Cox & Snell R Square	.076		.232	

*** p<.001; ** p<.01; * p<.05; ^λ p<.10

Cox regression analyses demonstrated that categories of monthly obligations were not significantly related to the timing of recidivism, though having an intimate partner delayed technical violations (see Table 20). No other variables were significantly related to the timing of committing a technical violation. In estimating returns to prison, only employment was a significant predictor. Having employment accelerated the return to prison, which contrasts some prior research (Laub and Sampson, 2003; Uggen, 2003). No other variables were significantly related to the timing of returning to prison. Having

moderate or high monthly obligations was not significantly related with the timing of failure for either returning to prison or committing a technical violation; only the overall occurrence of committing a technical violation as depicted in the logistic regression model.

Table 20. Cox Regression: Monthly Obligations Categorized and Time to Failure

	Returned to Prison	Odds Ratio	Technical Violation	Odds Ratio
Offender Race (<i>nonwhite = 1</i>)	-.31 (.53)	.73	.41 (.35)	1.51
Offense (<i>sex offender = 1</i>)	-.13 (.60)	.88	.37 (.42)	1.44
Age	.01 (.02)	1.01	-.02 (.02)	.98
Education (<i>H.S. Diploma = 1</i>)	-.51 (.56)	.60	-.16 (.41)	.85
Has Intimate Partner	-.89 (.52)	.41	-.60 (.35)*	.49
Family Support	.69 (.50)	1.99	.60 (.35) [^]	1.82
Number of Prison	-.02 (.21)	.98	.00 (.14)	1.00
Currently Incarcerated	.86 (.83)	2.37	.45 (.39)	1.57
Currently Employed	1.28 (.59)*	3.60	.44 (.39)	1.56
Monthly Range				
<i>Zero (reference)</i>				
< \$150	-.35 (.64)	.71	.28 (.45)	1.33
≥ \$150	-1.30 (.92)	.27	-.62 (.64)	.54

*** p<.001; ** p<.01; * p<.05; [^] p<.10

In the majority of the analyses, the included controls produced consistent and expected results. Nonwhite offenders and sex offenders were more likely to commit technical violations and fail more quickly compared to white offenders and those convicted of drug, property, and personal crimes. Offenders with a high school diploma and a reported intimate partner were less likely to commit technical violations. Better education may result in fewer technical violations and returns to prison because offenders have a better opportunity for employment. They may also have fewer classes to take and

fewer opportunities for technical violations. Having a positive spouse has also been linked to reduced recidivism (Laub and Sampson, 2003; Warr, 1998). This research was consistent in demonstrating that having a partner benefitted the offender, and may be a consequence of the stability provided by the intimate partner.

Contrary to expectations, instrumental family support and those currently employed, though not consistently significant throughout the models, was associated with increased technical violations. This may be a result of the family enabling the offender. Subsequently, the individual was less able to provide for themselves and failed to be accountable for their behaviors. Those who were employed were more likely to commit technical violations and return to prison. Although employment is typically associated with reduced recidivism (Uggen, 2000), theoretical propositions help explain the positive relationship between employment and recidivism (Sampson and Laub, 2003). The relationship may be resultant from the type of employment offenders obtain, unable to provide adequate wages or a sufficient institution to commit to (Bahr et al., 2010; Farrall, Godfrey, and Cox, 2009). Further, Farrell, Godfrey, and Cox (2009) suggest employment may boost social activities, leading to increased time spent with peers and a potential increase in more deviant behavior.

NEW CRIMES

Official records revealed few relationships between legal financial obligations and recidivism. During interviews, however, some participants indicated that legal financial obligations did influence their decision to commit economic crimes such as drugs sales and burglary. Offenders in this research varied between flat out denial and refusal to resort to criminal income, expressing an understanding of the temptation and considering

it a reasonable alternative to legitimate employment, and a small population of those who admitted to criminal activities to help cover their legal financial obligations.

Only Legal Income

A small group of participants completely distanced themselves from criminal activity to supplement their income, particularly in relation to paying legal financial obligations. First, people who had never resorted to crime for economic gain denied being tempted to do so now. Jason, who is currently debt free, explains his difficulty meeting child support obligations prior to incarceration: “I never was a thief or robber or anything like that. It was difficult because you know we had to do without, in some instances, to pay it.” Jason is an example of the few who had no history of resorting to illegal means to gain additional income. Others reported illegal sources of income prior to their conviction, but did not consider it a current option. They cited that reliance on that type of money was stressful and not worth the high risk of further legal consequences. For example, Alan, who has yet to pay his \$46 in sentencing costs, recognized that selling drugs was an easy alternative, but was tired of prison and the long periods he had spent under correctional supervision. After being questioned as to whether he experienced temptation to engage in criminal behaviors to pay for obligations, Alexander explains “I mean, [laughing]...I just know the outcome of the situation, so...”. Refusal to partake in criminal behaviors was primarily due to the threat of sanction and respondents refused to take an interest in illegal sources of income as a result.

The Temptation

Others recognized the attraction of using crime as a supplement to support their legal financial obligations, though maintained they were not engaging in criminal behaviors. Some participants indicated they had previously become accustomed to a steady source of illegal income, explaining the temptation. Their reported income prior to their conviction was often much higher than the low-wage work they were later dependent on. Joshua, currently unemployed, owes \$12,482 in legal debt and pays \$430 per month in legal financial obligations. He describes his necessary income, saying “Because I know if I get a job, it’s going to lead me to selling drugs. I have to get a job at least \$12 to sustain.” Recognizing the improbability of obtaining those wages, Joshua was forthcoming in admitting his involvement in criminal behavior to sustain his preferred lifestyle. Criminal lifestyles prior to incarceration or supervision were reliant on hustling schemes and drug money, both of which can pay more than \$12 an hour. For example, Theodore self-reported monthly earnings of approximately \$6,500 prior to his incarceration. At the time of the interview he was working only 21 hours per week at \$7 an hour for a total of approximately \$588 per month. The change in income proved to be a challenge for transitioning offenders. Melvin, who pays \$100 per month, explains “I’m used to having more because of the lifestyle I chose to live as far as selling drugs and stuff like that.”

Offenders also recognized the temptation as a viable solution to a Catch-22. They viewed the risk as potentially acceptable, realizing nonpayment of their legal financial obligations can lead back to prison. Randall illustrates the problem:

It’s just been bad on behalf that right now I’m not employed. And by them hanging these fines over me and expecting me to pay this money. It’s

only, it's a catch 22. They basically put you back out here, to make- they catch you back up to send you back to prison because they figure you, you can't work, you can't find any employment so you going to either commit another crime trying to you know, pay this, pay these fines, or support your kids. Or you're gonna, you know, do something that sends you back to prison. That gets you back locked up. And they don't really have any resources for the employment, for real.

Later in the interview, Randall further elaborates:

It's up to you- they're not going to tell you to go out and commit a crime- but in so many ways, they're kind of forcing you to do it. They'll tell you- you have to pay this, you have to pay this, you have to pay this... And you're... have any money- I'm looking for work, but nobody's hiring me and it's the only thing they care about.

Essentially, respondents viewed the potential for earning money via criminal means to pay expected obligations as a potentially tolerable risk, since prison could be the outcome in either scenario. The decision to try for the easy money versus the high risk did present a conundrum for some participants. During the interviews it was evident that some go through a strong internal debate, questioning whether the easy money is ultimately worth it, at the risk of getting caught and reimprisoned. Joel points out it would be easy to return to his previous methods, explaining when questioned about challenges of reentry as "Returning to my old ways to like make money. Paying these fees, and staying clean and positive." Harold, a drug offender living in transitional housing, explains that easier money is always an option, explaining his ease of income that he can "Come out and can stand by my brother's gang. Selling weed." He was not engaging in drug sales at the time, but knew there was an easy fallback option if things became more challenging.

There was a general consensus that resorting to illegal behaviors constituted a great risk that most were hesitant to take. Acknowledging the temptation of illegal

sources of income, most offenders were unwilling to risk their freedom at this point in time.

Committing Crimes

A very small proportion of the participants admitted to engaging in criminal behavior as a consistent method to increase their income. Even those that had obtained employment recognized the enormity of their debt, and counted on criminal behavior to supplement their earnings. Joshua, who pays \$430 a month in legal obligations including child support, explains that “It’s hard to get off parole without selling crack again.” Further on in the interview he admits, “You know, I know for a fact that I’m always going to sell drugs. Because I’ll never catch up with my child support.” Joshua was rare in his admittance that heavy legal financial obligations motivated illegal behaviors.

Without going into detail, others vaguely implied they had a variety of ways to get money. When pressed for an explanation, these participants preferred not to answer or elaborate, likely concerned about confidentiality despite earlier assurances from the interviewer. For the most part, offenders were aware of the potential illegal sources of income, having experience with it in the past or conscious of the potential easy money. Most also acknowledged their reluctance to engage in criminal behaviors, unwilling to further involve themselves in the criminal justice system.

CONCLUSIONS

The goal of this chapter is to illustrate offender perceptions of criminal justice consequences of legal financial obligations, examine the quantitative relationship between legal financial obligations and recidivism, and consider self-reported criminal

engagement resulting from economic motivations. The majority of offenders are aware that nonpayment of legal financial obligations can lead to criminal justice sanctions, though offenders differ in their perception of the likelihood of consequences. Overall, offenders felt nonpayment of legal financial obligations deepened their involvement in the criminal justice system. This primarily occurred by extending the duration of supervision, as few offenders directly reported technical violations or revocations for nonpayment of legal financial obligations. Quantitative examinations using records from the Missouri Department of Corrections verified the limited record of technical violations for nonpayment of legal financial obligations. Regression analyses suggested there is little relationship between legal financial obligations and the event or timing of recidivism. However, those with supervision costs and those with moderate monthly obligations committed more technical violations overall. Finally, it was uncommon for offenders to report economically motivated criminal behavior, though many expressed an understanding of the temptation to do so.

Once convicted of a felony, disentanglement from the criminal justice system proves difficult (Petersilia, 2003; Travis, 2004). Research demonstrates that recidivism rates are high among offenders. In a nationwide evaluation of reoffending, Langan and Levin (2002) demonstrate up to two thirds of offenders are rearrested within three years after their release, and half are reconvicted. Probation and parole violations are also frequent. Readmissions to prison for probation and parole violations are on the rise, as opposed to admissions for new crimes (Austin, 2001). For example, in California, up to two thirds of offenders returning to prison committed technical violations (Petersilia, 2003). Legal financial obligations are an additional condition of probation or parole that

can result in increased technical violations. The opportunity for failure may eventually contribute to increases in returns to prison.

The findings in this chapter suggest at this point, legal financial obligations have a mixed relationship with recidivism. Qualitative findings indicated few revocations and recorded technical violations directly resulting from nonpayment of legal financial obligations. Quantitative findings, however, demonstrated those having supervision costs were more likely to commit technical violations overall. This suggests that although few offenders had recorded technical violations directly resultant from nonpayment of legal financial obligations, having supervision costs causes other categories of technical violations. Qualitative analyses help explain this outcome. Sentencing costs were not significantly associated with failure in the models. Qualitative analyses revealed supervision costs presented more challenges for offenders. Whereas sentencing costs were often paid during the incarceration period or early in the sentence, supervision costs were ongoing. Lack of payment for supervision costs can directly result in violations, though official records revealed few recorded violations for intervention fees. However, technical violations can result from missing mandated classes. Therefore, it seems more probable lack of payment toward classes resulted in the failure. This would result in technical violations in prevalent categories, such as supervision strategies or reporting and directives. Ultimately, having the increased financial responsibilities during supervision resulted in additional technical violations.

Additional regression analyses yielded few significant relationships between legal financial obligations and recidivism. Various operationalizations of legal debts were not significantly related to any measure of recidivism. This was at first a surprising result,

where there was some expectation that higher amounts of debt would lead to a higher risk of failure. However, these results may be explained by the sense of indifference described in previous chapters. Qualitative analyses revealed some offenders displayed a lack of consideration for legal financial obligations, particularly in relation to general legal debt. The majority were not driven to commit economically motivated crimes (i.e., new offenses) to address their legal debts. Further, supervising agents may be less likely to begin revocation proceedings or record technical violations for nonpayment of legal financial obligations for those with large amounts. Incarcerating offenders who have high legal debts is unlikely to result in additional payments, and may not be worth the effort of the supervising agent. Data limitations are also important to note in evaluations of legal debts. Dependent on self-reporting, amounts of general legal debt were approximations. Although the dichotomous measure of having any legal debt or not was not significant in analyses, future research should continue to include evaluating recidivism outcomes relevant to increased amounts of legal financial debt.

Offenders were more likely to demonstrate concern about their monthly obligations. Quantitative analyses confirmed this, where moderate monthly expenses were associated with a higher likelihood of technical violations. Those with high levels of monthly obligation had no significant relationship with either measure of recidivism. Although I expected increasingly higher monthly obligations would be positively related to recidivism, several reasons may explain why only moderate monthly expenses are associated with failure. Supervising agents may be hesitant to initiate revocation processes for offenders with higher monthly obligations. They may recognize that technical violations and returns to prison would not result in payments for those with

increased financial responsibilities. Second, and more optimistically, offenders with higher monthly obligations may have additional focus in their lives, concentrating on abiding by their supervision conditions. The higher monthly obligations may have acted as a motivation for offenders to abide more fully by their conditions of supervision, instilling discipline and responsibility in their lives.

Qualitative analyses revealed additional consequences relevant to legal financial obligations. Although technical violations and revocations were rare, many reported feeling threatened by sanctioning efforts. This sufficiently motivated offenders to make payment efforts. For some, challenges in payment compelled respondents to increase communication with their supervising agent. For those working to find employment and making conscious efforts, this facilitated a positive relationship between the individual and the probation or parole officer. Even when struggling to meet the obligations legal financial obligations provide an opportunity to demonstrate effort, as offenders are eager to avoid violations and revocation.

Less positive consequences also emerged. Nonpayment of legal financial obligations can result in extension of the anticipated correctional supervision period. There is some indication that there are benefits to remaining under supervision. Conditions of supervision restrict offenders from behaviors that may lead to criminal engagement, and the more structured environment may thereby inhibit deviance (Seiter, 2002). However, there are various negative effects that also come with being under correctional supervision, as the extended period places offenders in circumstances where potential for failure magnifies (Petersilia, 2003). Secondly, and particularly relevant to this research, continued supervision can compound legal debts. The result is a difficult to

break cycle of supervision, and limited means to separate from the criminal justice system.

Inability to pay for and attend classes results in technical violations and potentially revocation. It also produces additional negative consequences. The lack of program exposure comes at a price of denying offenders a potentially needed treatment. Mandated programs are assumed to address a cognitive or behavioral problem or to improve life circumstances. When unable to attend substance abuse or anger management classes, offenders are unable to make the change. By failing to change the condition assumed to be associated with the criminal behavior, the likelihood for recidivism increases.

Finally, continued involvement in the criminal justice system can result from new offenses. While few participants readily admitted to engaging in crime to supplement their income, others did note the temptation. The small proportion of offenders who resort to illegal sources of income as well as the justification for it is consistent with findings by Harris, Beckett, and Evans (2010). Threatened with severe consequences for failure to pay legal financial obligations, offenders are caught in a Catch-22. Some fully take on that mindset, feeling it is better to risk illegal behaviors to pay for legal financial obligations as opposed to do nothing and also receive sanction. Feeling pressured by the accumulation of legal debt, some recognized few other options. Resorting to criminal activities for financial supplements to meet legal obligations is a clear hindrance to reentry success, as the likelihood for failure or revocation increases.

In conclusion, legal financial obligations have relevance to criminal justice consequences. At first glance, the consequences offenders describe experiencing seem

mitigated. Few reimprisonments result from lack of payment of legal financial obligations; rather they are often a contributing factor. When closely examining the effects however, the criminal justice consequences of legal financial obligations are primarily related to continued entanglement within the system. This effect has significant implications. Continued supervision keeps offenders under conditional rules for a longer period of time. While this may be beneficial, such as continued restricted association with possibly poor influences and restraint from using drugs and alcohol, it can also be potentially problematic. Living under supervision conditions offers a greater opportunity to fail, possibly leading to reincarceration. Additional time under supervision can continue to lead to employment challenges, and may also compound legal debt. Offenders continue to pay supervision fees, while still addressing their previously accumulated debt. Essentially, the imposition and accumulation of legal financial obligations has a number of consequences that increase involvement with the criminal justice system.

CHAPTER EIGHT: POLICY IMPLICATIONS AND RECOMMENDATIONS

Legal financial obligations have important implications for reentry experiences. While economic sanctions have long been part of the criminal justice system, we have clearly seen an escalating shift of the economic responsibilities of prosecution and correctional supervision to offenders. However, little research addresses the outcomes of increased legal financial obligations. The findings presented throughout this dissertation suggest the prevalence, context, and consequences of legal financial obligations make reentry experiences more challenging.

Overall, we see that legal financial obligations vary greatly between offenders, though most have some obligation to the state. Importantly, due to limited funds resultant from poor employment prospects and general financial shortcomings, payment of legal financial obligations becomes increasingly difficult. This makes the consequences of legal financial obligations progressively more important to consider.

In general, offenders face a wide variety of collateral consequences after a felony conviction (See Mauer and Chesney-Lind, 2002; Petersilia, 2003; Travis, 2005). Findings from this research suggest that legal financial obligations can exacerbate the challenges and difficulties offenders face after their conviction. Legal debt restricts opportunities in dimensions of employment, housing, education, and personal relationships. These are all elements of reentry that when successfully navigated can provide opportunities for upward social movement as well as positive behavioral changes. Although some positive consequences emerged from legal financial obligations (i.e., positive coping mechanisms, employment motivations), overall, legal debts make reentry and life after conviction more challenging. With limited means to address legal financial obligations, the

consequences likely sustain for a longer period of time. Ultimately, because many of the findings in the dissertation suggest they precede circumstances favorable to additional challenges and even deviant behavior, it is important to address ways to mitigate negative consequences.

POLICY RECOMMENDATIONS

This policy discussion outlines three general ways in which policy could be adjusted to improve the circumstances of offenders and limit the negative effects of legal financial obligations. First, enacting ways to modify or adjust debt congruent to the capabilities and circumstances of the offenders is a significant way to regulate legal financial obligations. Second, improving the accessibility or execution of financial services will also benefit those with legal debts. Third, adjustments to criminal justice consequences may be necessary. Keeping offenders under correctional supervision for a longer period of time typically presents additional challenges for individuals; other strategies to address unpaid legal debts may be more beneficial. Each of these approaches is discussed in more detail.

Addressing Legal Debts

Chapter Four clearly established the prevalence and magnitude of legal financial obligations in Missouri, and highlighted the challenges offenders face in gaining a steady income. Poor employment prospects translate into challenges in paying legal financial obligations. Several strategies could be employed to combat the issues of limited incomes and the described struggles offenders face in payment of legal financial obligations.

First, implementing day fines may be a useful alternative to standard fees. Jurisdictions typically have set court costs, and the state of Missouri uses a standard \$30 monthly supervision fee. As opposed to using set fees, taking into consideration income or earnings potential may reduce the likelihood of offenders being unable to pay legal financial obligations and further accumulation of debt. Utilized primarily in Western European nations, day fines consider the daily wages of individuals and assess fines accordingly (Bureau of Justice Statistics, 1996; Hillsman, 1990). The day fine system essentially equalizes the sanction across socioeconomic classes. Although mandated fees and court costs are not necessarily intended to be punitive, offenders do differ in their abilities to pay legal financial obligations. For someone with a high wage job, \$30 a month differs in its impact compared to someone who is either out of work or dependent on part time employment. A broader range of intervention fees would equalize the charges among offenders and may alleviate some financial struggle. Further, a study by the Bureau of Justice Statistics (1996) suggested the consideration of individual income increased collection rates of economic sanctions. Findings in this dissertation suggested nonpayment of legal financial obligations was not uncommon; implementing day fines may not only balance legal financial obligations, but also increase rate and completion of payment. Also improving criminal justice outcomes, Turner and Greene (1999) suggest the use of adjusted fines decreased technical violations and rearrests among their sample.

If adjusting supervision fees based on income is unworkable, reconsidering the strategy of waivers may be useful. Benefits may emerge from extending the grace period of intervention fee waivers. The three-month delay for payment of intervention fees was established to allow offenders to adjust to reentry and gain steady employment. Findings

suggest it took offenders considerably longer than three months to gain employment. An extension of the automatic waiver period to coincide with employment experiences would likely benefit the offender by minimizing accrual of unpaid intervention fees. An alternative to lengthening the waiver period would be to improve consistency in leveraging fees. Several participants described having their intervention fees waived at the time due to insufficient income, but this waiver was not uniformly applied to all unemployed offenders past the three-month waiver period. For those who do not have their fees waived and are unable to pay, their time under supervision typically extends. Either lengthening the intervention fee waiver period or improving consistency in waivers for those with limited means of payment would likely assist in moderating accumulated legal debt.

There is also inconsistency in mandating program fees in addition to standard intervention fees. Sex offenders consistently have required class payments, however other categories of offense have little pattern of assessment of additional supervision fees (e.g. program fees, specialized drug testing). There was some suggestion extra fees were dependent partially on the timing of release and the chance that inclusive mandated classes were not at capacity. If there was no availability, offenders were still required to participate in the program; however they gained financial responsibility for the program fees. With high numbers of individuals under correctional supervision, classes are often full. Supervising agents could waive intervention fees for offenders who are also financially responsible for mandated programs.

A final method to mitigate negative consequences is to specifically address child support obligations. Chapter Four demonstrates including child support in total monthly

obligations as well as overall legal debt drastically increases the financial obligations of offenders. Evidence suggests enforcement of nonpayment on child support is increasing (Holzer, Offner, and Sorensen, 2005; Pirog and Zioli-Guest, 2006). Pirog and Zioli-Guest (2006) point out it is difficult to balance the benefit to the custodial parent and child while limiting the cost to the noncustodial parent. As a result, debates continue in regard to suspending or modifying child support orders during incarceration (McLean and Thompson, 2007; Pearson, 2007; Pirog and Zioli-Guest, 2006). Missouri statutes currently allow for consideration of incarceration status in regard to child support modification (Pearson, 2007); however findings suggest incarceration is rarely a sufficient reason for adjustment during the carceral term. Child support orders based on income prior to criminal conviction are fairly unrealistic for offenders to meet post-conviction, demonstrated by employment challenges and general overall earnings potential as a result of criminal conviction (Pager, 2003; Western, 2006). The result is accumulated debt, long-term consequences in credit checks and extended supervision by the criminal justice system.

Although child support arrears cannot be excused (Pearson, 2007), modifications to monthly orders would help address legal debt. In light of the fact that child support arrearage and resulting garnishment acts as a disincentive for legitimate employment (Holzer, Offner, and Sorensen, 2005; Pearson, 2007), policy adjustments addressing child support payments seem quite beneficial. Modification procedures should begin upon incarceration, to limit the accumulation of debt. Orders should continue to be adjusted post release, to consider the limited economic circumstances of the offender (McLean

and Thompson, 2007). Findings suggest individuals financially prioritize their children; making child support obligations more feasible may benefit both the child and the parent.

Improving Services

Aside from considering ways that legal financial obligations could be reduced or made more realistic, policy considerations should also note ways service provisions could aid in payment of legal debt. Travis (2005) points out a primary objective of probation and parole supervision should be to assist offenders in setting themselves up for longer term success. There are several opportunities directly relevant to managing legal financial obligations that would contribute to this goal.

Financial management skills are a fundamental issue offenders struggle with. Few interviewees reported participation in programs directly addressing budgetary skills. Missouri includes child support financial counseling as part of their reentry programming (Pearson, 2007), however extending financial management counseling to a wider range of offenders and circumstances could be beneficial. Further, payment plans should be a consistent element of reentry plans. Some offenders have child support obligations, supervision fees paid to a central processing agency, and unpaid sentencing costs. It can be difficult to manage how much is owed and to whom. Turner and Greene (1999) found helping offenders organize and manage their accumulated legal fees improved both the rate and amount of payment. Most offenders admitted to having difficulty managing their money and expressed help would be welcome, consistent with other evidence (Beckett, Harris, and Evans, 2008; Maruna, 2001). By either improving budgeting instruction or implementing functioning payment plans, supervising agencies have an opportunity to assist offenders in building money management skills.

Changing the function of intervention fees may also be a useful strategy.

Introducing the use of savings accounts would be beneficial, as participants indicated holding few financial savings. Taking a percentage of intervention fees and applying it toward savings may produce a valuable product at the end of the supervision term.

Transitional plans include long-term goals, and the money could be reserved specifically for application toward those goals. Funds could go towards redressing the blocked opportunities, such as providing a deposit on an apartment, subsidizing schooling, or assistance in payment for transportation.

Services should also focus efforts directly on employment assistance. Clearly demonstrated both within this research as well as broad reentry literature, offenders face numerous challenges with employment (Holzer, Raphael, and Stoll, 2003; Pager, 2007; Western, 2006). This directly impedes payment of legal financial obligations. By improving employment opportunities for offenders, the probability that more funds will be directed toward legal financial obligations increases. In the majority of the interviews, offenders expressed employment limitations as the biggest challenge they face during reentry. They also expressed an expectation of receiving more help from supervising agencies in employment endeavors. By improving employment skills, or incorporating additional employment components into existing classes, both employment outlook and ability to pay legal financial obligations improve.

Finally, a portion of the interviews used in this research had opportunity to be a part of a local service that assists offenders coming home from prison. St. Vincent de Paul allows offenders to gradually take on financial responsibility for their housing costs in addition to other expenses. The overall opinion of this program was quite high, and the

benefits were apparent. Although recidivism data was not available for these participants, offenders did express that the program allowed them to learn to budget and gain a sense of personal responsibility. While it is not financially realistic to expect all offenders with a criminal conviction or even all offenders returning home from prison to have an opportunity for such a program, efforts should be made to continue to create programs providing this type of assistance. Rather than only offering financial help, St Vincent de Paul had a mutual expectation with their clients that provided broader benefits.

Supervision Adjustments

Finally, adjustment to criminal justice consequences may be useful. Although revocation of probation or parole as a direct result of defaulting on legal financial obligations was rare, they do contribute to technical violations. Violations for nonpayment should be carefully considered, particularly if the offender is doing well in other areas of supervision. Further, punitive action for lack of payment continues the cycle of involvement in the criminal justice system, and by extension, can further compound legal debt (Beckett, Harris, and Evans, 2008; Diller, Greene, and Jacobs, 2009; McLean and Thompson, 2007).

The practice of keeping offenders under correctional supervision until their legal financial obligations are paid should be eliminated. Petersilia (2003) points out completion of a supervision term benefits offenders, as the stigma of parole permeates many facets of life. It can restrict employment prospects and be harmful to the self-image of the offender. Rather than keeping offenders under correctional supervision at the expiration of their sentence for accumulated intervention fees, it may be beneficial to release them from supervision conditions (Diller, Greene, and Jacobs, 2009). The legal

debt would still be there, but involvement in the system would be more limited. As supervision stands now, it is much easier for offenders to extend their time under supervision rather than earn early release. Petersilia (2003) recommends implementing strategies for earlier release from supervision; the current management of legal financial obligations can produce the opposite effect.

CONCLUSIONS

This dissertation began by detailing the large numbers of individuals under correctional supervision that will face reentry challenges. The findings presented in this dissertation suggest legal financial obligations produce a variety of consequences. Although some positive effects emerged (i.e., employment motivations and positive coping mechanism), most consequences were negative in nature. They often served to exacerbate existent reentry challenges, making transitional processes more difficult. Further, the developing circumstances are likely conducive to conditions related to eventual crime or deviance. Despite the limited quantitative findings denoting a direct relationship between legal financial obligations and criminal behavior, the findings presented throughout the dissertation suggest legal financial obligations can generate circumstances conducive to crime. Specifically, negative attitudes and emotions may ultimately result in criminal coping mechanisms. At the very least, legal financial obligations appear to impede or negatively affect mechanisms essential to the desistance process such as personal relationships, cognitive change towards a non-criminal self, and set up additional employment difficulties. Notably, legal financial obligations contribute to keeping offenders in a perpetual cycle of debt with little chance of improving their economic or social circumstances.

As fiscal concerns remain an integral part of the criminal justice system, it is unlikely that the popularity of legal financial obligations will decrease. There are opportunities, however, to modify policy to make legal financial obligations more manageable or decrease the negative latent consequences. This topical area will continue to hold an important role in criminal justice research. With increasing rates of prisoners released from prison and remaining under correctional supervision, collateral consequences will endure. Additional research will allow us to fully understand the wide-ranging consequences and the potential duration of legal financial obligations, a quickly emerging and important collateral consequence of a criminal conviction. Continuing to evaluate the consequences of increased legal debt is important to understand, particularly when legal financial obligations magnify other documented challenges offenders face. Future studies should continue to develop ways to make positive policy changes, ultimately balancing fiscal responsibility with limiting reentry challenges.

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APPENDICES

APPENDIX A

Interview Guide for Legal Financial Obligation Interviews

PRISONER REENTRY: CHALLENGES OF LEGAL FINANCIAL OBLIGATIONS

*The purpose of this interview is to document the challenges you have faced as you've moved back to the community, and in particular examine some of the financial challenges and obligations that have arisen. I want to emphasize that this interview is for research purposes only. Everything you discuss with the interviewer is **CONFIDENTIAL**, meaning the discussion will not be disclosed to your parole agent, the Department of Corrections, or any other law enforcement agency.*

Release from Prison:

Can you tell me about your release from prison?

- What were some of the problems that you faced during the first 24 hours when you were released from prison?
- Probe: – such as where to live, money, getting around (transportation)
 1. How did you deal with these problems?

What was your financial situation/immediate source of money coming out of prison?

- Gate money?
- Earned money in prison?
- Savings?
- Borrowing?

***Current Obligations and Debt:** In this section, I'd like to discuss with you the financial obligations you have had as part of your sentence, and as a result of being on supervision. I also want to talk about generally how they may or may not have affected your life.*

Do you owe legal financial obligations? Y/N

What type of legal financial obligations do you have?

Specifically, as part of your sentence did you have:

___ Court costs?	If so, how much? _____	Paid? _____
___ Restitution?	If so, how much? _____	Paid? _____
___ Application/lawyer?	If so, how much? _____	Paid? _____
___ Fines?	If so, how much? _____	Paid? _____
___ Other?	If so, how much? _____	Paid? _____

What were they?

As part of your parole, do you pay for:

- | | |
|---|---------------------------------------|
| <input type="checkbox"/> Polygraph? | If so, how much/many in a year? _____ |
| <input type="checkbox"/> Drug testing? | If so, how much per month? _____ |
| <input type="checkbox"/> Intervention fees? | If so, how much per month? _____ |
| <input type="checkbox"/> Other fees? | If so, how much per month? _____ |
- Specify:

Are you currently enrolled in any treatments, classes or programs?

- a. What are you enrolled in?
- b. What is the purpose?
- c. How often are classes?
 - a. How do you get to the treatment/program?
 - b. How long have you been in the program? How long is the program?
- d. Are you financially responsible for the class, treatment, program?
 - a. **If yes**, how much per week/session?
 - b. **If no**, have you ever had to pay for treatment/program/classes?
- e. Is the treatment/class/program mandatory?
- f. What is the most/least helpful part of this programming?

Do you have kids? Yes No

- a. If yes, how many kids do you have? _____
- b. Are you court ordered to pay child support for your kids? Yes No
- c. How much do you pay per month? _____
- d. Are you behind in your child support? Y/N
 - i. How much do you owe? _____
 - ii. How much did you owe before you went to prison? _____
 - iii. How much accumulated during your time in prison? _____
- e. Did your kids visit you while you were in prison? Yes No
 - i. How often?
- f. Do you currently live with your kids? Yes No
- g. **If no formal court arrangement**, are you financially responsible for your kids without being ordered by the court? Yes No Sometimes
- h. How so? (i.e., what do you pay for; how much per month)
- i. How did your incarceration affect your relationship with your kids?

- j. Has your owing of child support affected your relationship with your family or children? How so?

Overall, considering you owe (*see above/previous answers*), do you think owing money to the state has affected your life at all? Y/N

How have these financial obligations affected your life on parole? Can you think of an example (good or bad) of how paying LFOs have affected your life?

You owe for (*review the different types of LFO reported on page 1*) Are there certain financial obligations that are more difficult, or affect your life differently?

Which ones? Why?

Are you able to pay for costs associated with your sentence and supervision (in general, are you able to meet your monthly payments?)?

Do you have a payment plan? Y/N

Is that something you set up with your parole officer, or the courts?

Do you think it works? Can you think of any ways you could improve the system?

Are you behind in your payments? Which ones/how much? _____

Have you had any problems with being behind?

Do you know what happens if you do not pay? Please describe.

Do you have plans to pay back the fines/obligations (accumulated debt)?

- If yes, how so?

- If no, why not?

Is your current economic situation stressful? Do legal financial obligations contribute to this at all? How do?

What are your typical monthly expenses?

- \$___ Rent/Utilities
- \$___ Food
- \$___ Phone
- \$___ Child support
- \$___ Car expenses (payment, gas, insurance)
- \$___ LFOs
- \$___ Other?

Please specify:

How do you prioritize these (what importance do you place on each of these)?

Are there things you feel you cannot do because of the legal (additional) financial obligations that you have?

Probe: Such as? How would your life be different if you could do these things?

HOUSING: Next I'd like to talk to you about where you live, and how you came about living where you do as well as expenses associated with it.

Where did you live following release from prison (first week)

- ___ Single Family Home ___ Shelter
- ___ Supervised Facility ___ Multi-Unit Home (such as apartment, townhouse, etc)

Do you still live there? How many times have you moved since your release from prison?

If not, where do you currently live?

- Single Family Home Shelter
 Supervised Facility Multi-Unit Home (such as apartment building, townhouse, duplex, etc.)

How much do you have to pay for this residence?

How many times have you moved prior to residing at your current address? _____

Would you consider your current housing arrangement temporary or permanent?

- **If temporary**, why?
 - Where do you plan to reside once this arrangement ends?

Are you currently living with someone? **If yes**, what is the nature of this relationship?

What is your current address

- Have you had help locating your current housing situation? If so, from whom?

Did you have difficulty locating a place to live after your release?

- In your housing search, did the landlord conduct a background and/or credit check?
- Have your legal financial obligations shown up on credit checks?
- Have you ever faced any difficulty obtaining housing because of the debt you owe?

Did the nature of your current offense affect your ability to find a suitable living arrangement (any restrictions)?

Did you live in a temporary housing facility (like a half way house) at any time following release from prison? YES/NO

- **If yes**, how long was your transitional stay (please denote approximate days/months)?

- Were you financially responsible for any part of your stay there? If so, what did you have to pay?

EMPLOYMENT: Now, related to what you owe, both to the courts as well as other financial obligations, I would like to talk a little bit about your employment and sources of income.

- Before your incarceration**, did you have a job? _____
- a. What type of work did you do? _____
 - b. Was this a full time job or part time? (FT/PT) _____
 - c. How long did you work at this job? (Months) _____
 - d. Were you paid on payroll or were you paid cash?

Did you have a job at the time of your arrest? Yes / No

Since your release, have you been employed? Yes / No

- a. How many jobs? ___ ___
- b. After release from prison, how long did it take to find a job?

 - a. Did you have any help in finding this job (Probe: In-prison program or family member)?
- c. Are you currently employed? ___ Yes ___ No
- a. Describe your current primary job?

- b. In total, how many hours per week do you work? ___ ___
 - a. What is your hourly wage? _____
 - i. Is your current employment enough to cover your monthly expenses? If not, how do you pay for your additional expenses?
- c. Are your wages garnished at all?
 - a. If so, how much? What for?
- d. **If not employed**, what are you doing for income? What are you doing to find a job?

Have you experienced discrimination or stigma as part of the employment process? How so?

- a. **If YES**, Have potential employers expressed negative view toward ex-offenders? Have employers mentioned your specific crime?
- b. Did your employer run a background check on you?
Probe: Did your debt show up? Did your employer ask you about it?
- c. To your knowledge, have your legal financial obligations affected your ability to get jobs? How so?

For your primary job, would you describe this as just a job or work that you are committed to?

Just a job	1	2	3	4	5	Very committed
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Why do you feel that way?

Have your legal financial obligations affected your motivation to find a job?
How so?

What is the highest grade you have completed in school? _____

Did you receive your GED while in prison?

Did you take any college courses while in prison?

Did you receive any vocational/employment training while in prison?

How have your training/classes in prison benefited you in seeking out employment outside of prison?

SUPPORT: *I'd also like to talk about the type of support you may or may not receive from your family and friends during your transition from prison to home.*

Has your family (parents, siblings, aunts, uncles, nieces, nephews, cousins, etc) been helpful in the transition back to the community?

Not at all helpful 1 2 3 4 5 Very helpful

- a. How do they help? (Probe: emotional, financial, housing)? (please provide examples)

What is your current marital/relationship status?

Married Single Partnered Divorced
 Widowed Separated

Are you currently involved in a relationship?

a. How long have you been in the relationship?

a. If involved in an intimate partner relationship, please provide more information on the nature of support you feel from your current relationship. Has the support been positive or negative?

b. Can you describe the kind of support do they provide (housing, emotional, financial)?

Since your release from prison, have your friends been supportive? How do they help? (Probe: emotional, financial, housing)

If you have trouble meeting your expenses what do you do to cover them?

Do you ever borrow money from your family?

Do you ever borrow money from an intimate partner (wife, girlfriend, boyfriend)?

Do you ever borrow money from your friends?

- If not, why not?

- If yes, how much do you typically borrow? How often?

- Has it affected your relationship with your family/friends? How so?

REACTIONS: Finally, I'd like to discuss how you feel about the different financial obligations you may have as a result of your felony conviction.

So, looking at what you owe, you owe (*page 1*) as a result of your crime.

How would you describe your feelings about these obligations?

- What do you think about the financial obligations you have/had as part of your sentence (court costs; application fees; restitution)?
- What do you think about financial obligations you have as a result of spending time in prison/under supervision? What purpose do you think they serve?

Probes: Do you differentiate in your mind the different legal financial obligations you have? Do they have different meaning? Do you have different motivations to pay? Which ones do you think are most important to pay? Why?

Background Information, Demographics

How long have you been out of prison? _____

- How long were you in prison? _____
- Was this your first time in prison? _____
- How old were you when you first went to prison? _____

Why were you in prison? _____

- Have you had a new arrest since your release to parole?
- Have you had any parole violations as a result of your most recent offense? **If yes**, what were the violations (drugs)?

Is there anything else you would like to tell me about?

**APPENDIX B
SOURCES OF DATA**

Source of Data	Collection Strategy	Data Description
<i>Sex Offender Residency Restrictions</i>	Semi-structured interviews	Provides numerical self-reports of financial obligations [quantitative]; also provides data for qualitative analysis
<i>St. Vincent de Paul</i>	Semi-structured interviews	Provides numerical self-reports of financial obligations [quantitative]; also provides data for qualitative analysis
<i>Legal Financial Obligation Specific</i>	Semi-structured interviews	Will provides numerical self-reports of financial obligations [quantitative]; also provides data for qualitative analysis
Case.net	Verification of fees	Serves as a reliability and validity check for self-report LFOs from completed interviews
Missouri Child Support Enforcement	Summary data	Additional data allows for triangulation and a broader perspective of LFOs

APPENDIX C
MEASURES AND OPERATIONALIZATIONS

Legal Financial Obligation Measures	Description
Sentencing Costs	Dichotomous measure of having one or more of court costs, restitution, application fees, fines, or other unspecified sentencing costs (<i>yes = 1</i>).
Supervision Costs	Dichotomous measure of having one or more of intervention fees, treatment or program costs, polygraph tests, or drug testing (<i>yes = 1</i>).
Monthly Obligation Amounts	Continuous variable totaling monthly supervision fee amounts and calculated monthly program costs.
Monthly Obligation Amounts (With Child Support)	Continuous variable totaling monthly supervision fee amounts, calculated monthly program costs and also including monthly child support orders.
Monthly Range	Categorical variable comparing those with less than \$100 in monthly obligation amounts to those with moderate (\$100 -\$200) and high (more than \$200) monthly obligation amounts.
Monthly Range (With Child Support)	Categorical variable with the same amount categories as monthly range, but including child support in the monthly obligation calculations.
Legal Debt	Continuous variable including unpaid sentencing costs, accumulated supervision costs, and other obligations such as electronic monitoring or unpaid jail board bills.
Legal Debt (With Child Support)	Continuous variable adding unpaid child support to the amount of general legal debt.
Legal Debt High	Dichotomous variable comparing those with high legal debt (greater than \$700) to those with no or low legal debt (less than \$700).
Legal Debt High (With Child Support)	Dichotomous variable comparing those with high legal debt including child support (greater than \$3000) to those with less or no legal debt (less than \$3000).
Additional Variables	
Race	Dichotomous variable (<i>nonwhite = 1</i>).
Offense	Dichotomous variable comparing sex offenders to those convicted of drug, property, and personal offenses (<i>sex offender = 1</i>).
Age	Continuous variable based on age at the time of release from prison.
Education	Dichotomous variable considering those with a high school diploma or a GED (<i>high school diploma = 1</i>).
Has Intimate Partner	Dichotomous measure of self-reporting having an intimate partner (relationship or spouse) or not (<i>has intimate partner = 1</i>).
Number of Prison	Continuous measure of number of times the inmate reported being incarcerated.
Currently Employed	Dichotomous measure of employment status at the time of the interview (<i>employed = 1</i>).

APPENDIX D

Table D1. Technical Violation Frequencies (Full)

	Violation 1	Violation 2	Violation 3	Violation 4	Violation 5	Violation 6	Violation 7	Violation 8	Violation 9	Violation 10
No Violations	51.5%	57.7%	62.9%	71.1%	77.3%	78.4%	82.5%	83.5%	84.5%	88.7%
Violators	49.5%	42.3%	37.1%	28.9%	22.7%	21.6%	17.5%	16.5%	15.5%	11.3%
<i>Laws</i>	6.1%	7.1%	3.1%	6.2%	2.1%	4.1%	2.1%	4.1%	3.1%	3.1%
<i>Travel</i>	1.0%	1.0%	0.0%	2.1%	1.0%	0.0%	0.0%	1.0%	0.0%	
<i>Residency</i>	1.0%	2.0%	3.1%	0.0%	1.0%	0.0%	2.1%	1.0%	0.0%	2.1%
<i>Employment</i>	9.2%	0.0%	1.0%	0.0%	0.0%	1.0%	0.0%	0.0%	0.0%	0.0%
<i>Association</i>	11.2%	1.0%	1.0%	2.1%	1.0%	1.0%			1.0%	2.1%
<i>Drugs</i>	9.2%	8.2%	2.0%	2.1%	5.2%	2.1%	2.1%	2.1%	1.0%	
<i>Weapons</i>	2.0%	0.0%	0.0%	0.0%	0.0	0.0%	0.0%	0.0%	0.0%	0.0%
<i>Reporting-Directives</i>	11.2%	4.1%	3.1%	5.2%	4.1%	4.1%	1.0%	1.0%	2.1%	1.0%
<i>Supervision Strategies</i>	9.2%	11.2%	14.3%	4.1%	4.1%	4.1%	5.2%	3.1%	4.1%	0.0%
<i>Intervention Fees</i>	2.0%	0.0%	2.0%	0.0%	0.0%	1.0%	1.0%	0.0%	2.1%	1.0%
<i>Special Conditions</i>	9.2%	7.1%	7.1%	7.1%	4.1%	4.1%	4.1%	4.1%	2.1%	2.1%
	Violation 11	Violation 12	Violation 13	Violation 14	Violation 15	Violation 16	Violation 17	Violation 18	Violation 19	
No Violations	91.8%	91.8%	92.8%	93.8%	95.9%	95.9%	97.9%	97.9%	97.9%	
Violators	8.2%	8.2%	7.2%	6.2%	4.1%	2.1%	2.1%	2.1%	2.1%	
<i>Laws</i>	1.0%	0.0%	2.1%	1.0%	0.0%	1.0%	0.0%	0.0%	0.0%	
<i>Travel</i>	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
<i>Residency</i>	0.0%	0.0%	0.0%	1.0%	0.0%	1.0%	0.0%	1.0%	0.0%	
<i>Employment</i>	0.0%	1.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
<i>Association</i>	0.0%	1.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
<i>Drugs</i>	2.1%	0.0%	1.0%	0.0%	1.0%	1.0%	0.0%	1.0%	0.0%	
<i>Weapons</i>	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
<i>Reporting-Directives</i>	0.0%	2.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
<i>Supervision Strategies</i>	3.1%	3.1%	0.0%	2.1%	1.0%	1.0%	1.0%	0.0%	1.0%	
<i>Intervention Fees</i>	0.0%	1.0%	1.0%	1.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
<i>Special Conditions</i>	2.1%	0.0%	3.1%	1.0%	2.1%	0.0%	1.0%	0.0%	1.0%	

Any Recidivism Results

Table D2. Regression Results for Any Recidivism and Sentencing and Supervision Costs

	Logistic Regression	Odds Ratio	Cox Regression	Odds Ratio
Offender Race (<i>nonwhite = 1</i>)	1.40 (.59)*	4.06	.61 (.34)	1.84
Offense (<i>sex offender = 1</i>)	1.39 (.66)*	4.03	.37 (.41)	1.44
Age	-.02 (.02)	.99	-.02 (.02)	.98
Education (<i>has H.S. Diploma = 1</i>)	-.89 (.61)	.41	-.36 (.37)	.70
Has Intimate Partner	-.64 (.52)	.53	-.55 (.34)	.58
Family Support	.84 (.53)	2.32	.53 (.34)	1.69
Number of Prison	.26 (.23)	1.30	.15 (.13)	1.16
Currently Incarcerated	-1.23 (.73) [^]	.29	-.29 (.50)	.75
Currently Employed	.10 (.58)	1.11	.08 (.37)	1.08
Sentencing Costs (<i>had costs = 1</i>)	.02 (.59)	1.02	-.01 (.39)	.99
Supervision Costs (<i>has costs = 1</i>)	2.02 (.71)**	7.52	.99 (.46)	2.69
-2 Log Likelihood	106.71			
Cox & Snell R Square	.25			

*** p<.001; ** p<.01; * p<.05; [^] p<.10

Table D3. Regression Results for Any Recidivism and Monthly Obligation Ranges

	Logistic Regression	Odds Ratio	Cox Regression	Odds Ratio
Offender Race (<i>nonwhite = 1</i>)	1.12 (.59) [^]	3.06	.41 (.35)	1.51
Offense (<i>sex offender = 1</i>)	1.79 (.70)*	5.99	.52 (.43)	1.68
Age	-.02 (.02)	.98	-.02 (.02)	.98
Education (<i>has H.S. Diploma = 1</i>)	-.81 (.66)	.44	-.10 (.41)	.91
Has Intimate Partner	-.81 (.52)	.45	-.55 (.34)	.58
Family Support	.96 (.55) [^]	2.62	.48 (.35)	1.61
Number of Prison	.11 (.24)	1.12	.02 (.14)	1.02
Currently Incarcerated	-.46 (.81)	.63	.54 (.54)	1.71
Currently Employed	.54 (.60)	1.72	.39 (.38)	1.47
Monthly Range				
<i>Zero (reference)</i>				
< \$150	1.30 (.70) [^]	3.67	.18 (.46)	1.20
≥ \$150	-.56 (.89)	.77	-.79 (.64)	.46
-2 Log Likelihood	100.91			
Cox & Snell R Square	.218			

*** p<.001; ** p<.01; * p<.05; [^] p<.10