Financial Restrictions

Compliance-Based Practices · https://www.gmuace.org/appropriateness-statement-package/compliance-based-practices/financial-restrictions/

(Fines, Fees, and Restitution)

Fines – The evidence is inconclusive

Fees – The evidence is inconclusive

Restitution – The evidence is inconclusive

Summary of the Evidence

- The evidence for effects of fines, fees, and restitution on recidivism is inconclusive.
- There is limited evidence that shows crime-reducing effects, but there is evidence of the *harmful effects* of fines, fees, and restitution.
- Unpaid fines, fees, or restitution can lead to a host of negative consequences for clients, such as revocation, which make reintegration difficult.
- Fines, fees, and restitution are monetary sanctions meant to punish, redeem, and draw revenue from individuals on supervision.

What Are Financial Restrictions (Fines, Fees, and Restitution)?

- Monetary sanctions are the most common form of punishment imposed by the justice system. They fulfill both symbolic and practical functions, including retribution, deterrence, restoration, and revenue generation.
- Fines, fees, and restitution are three different forms of monetary sanctions.
- ***Fines*** are financial punishments assessed by a judge upon conviction for any level of offense.
- ***Fees*** can be imposed on clients by courts or service agencies to recoup costs such as drug testing, treatment, probation services, etc.

- ***Restitution*** is intended to compensate victims for crime-related costs such as damage to property, medical expenses, or others. There are two forms:
  - ***Direct Restitution*** is paid to the victim for some quantifiable harm.
  - ***Indirect Restitution*** is paid to the state for disbursement to victims who apply for compensation.

- Although restitution is meant as a symbol of accountability on the part of the client toward the victim, victims often do not receive these funds.
  - Victims often must apply for restitution, which can be an onerous process.
  - Often if the victim has a criminal record, they are not eligible for restitution.

How Are They Used?

- Fines are used as a punishment for criminal behavior.
- Fees are used to generate revenue or cover required services.
- Restitution is designed to be a restorative act that allows the individual to accept accountability for their crime.
- Fines, fees, and restitution are imposed by the court. As such, supervision officers often have no power to control them.
- Supervision departments impose fees on clients for the purposes of revenue generation.
- Often a client's readiness to be discharged from supervision is tied to their payment of supervision fees. A client may have their supervision extended for an inability to pay their fees.

How Can They Be Used to Monitor Compliance?

- Paying court fines, fees, and restitution, as well as supervision fees are typically stipulated in the conditions of supervision.

How Can They Be Used as a Supervision Tool?

- Supervision fees are standard practice for many supervision departments.
- There is no evidence that fines, fees, or restitution contribute to the rehabilitative purposes of supervision.

- Nonmonetary restitution allows the client to volunteer their time to tasks that improve their community. This may be a preferable option for the many clients with limited financial resources.

What Are the Costs of Financial Restrictions?

- There are no costs to the justice system for issuing fines, fees, and restitution.
- The costs of fines, fees, and restitution to the client can include
  - extra financial burden
  - punitive responses to failing to pay
  - increased difficulty of reintegrating into society

What Do Supervision Staff Think?

- Supervision staff report that fines are
  - sometimes appropriate for all low-risk clients and
  - sometimes appropriate for all medium- to high-risk clients.
- Supervision staff report that fees are
  - sometimes appropriate for all low-risk clients and
  - sometimes appropriate for all medium- to high-risk clients.
- Supervision staff report that restitution is
  - always appropriate for all low-risk clients except those with serious mental illness or those in the intimate partner violence special population, for whom it is sometimes appropriate, and
  - always appropriate for all medium- to high-risk clients.

What Should You Expect When Using Financial Restrictions?

- There is limited evidence that fines, fees, or restitution reduce recidivism.
- Fines, fees, and restitution can be a burden for an individual, making it more difficult to reintegrate into the community.
- Unpaid monetary sanctions can lead to the following consequences:

    - driver’s license suspension
    - loss of voting rights
    - wage garnishment
    - supervision violations
    - incarceration
- Difficulty reintegrating into society can lead to nonpayment of fines, fees, and restitution. Nonpayment of these monetary sanctions can lead to consequences that make it even more difficult to reintegrate. In this way, fines, fees, and restitution can create a negative cycle for a client.

Are Financial Restrictions Evidence-Based Practices?

- No.

What Do People Formerly Involved in the Criminal Legal System Think About Financial Restrictions?

- People with lived experience in the criminal legal system (the “criminal justice” or “legal” system is referred to as the criminal legal system in this document) report that fines are
    - never appropriate for all low-risk clients and
    - sometimes appropriate for all medium- to high-risk clients except those in a general violence special population, for whom they are never appropriate.
- People with lived experience in the criminal legal system report that fees are
    - never appropriate for all low-risk clients and
    - sometimes appropriate for all medium- to high-risk clients except those with serious mental illness or in a general violence special population, for whom they are never appropriate.
- People with lived experience in the criminal legal system report that restitution is
    - never appropriate for all low-risk clients except those with serious mental illness or in an intimate partner violence special population, for whom it is sometimes appropriate.

- sometimes appropriate for all medium- to high-risk clients.

Communication That Strengthens the Officer-Client Relationship (Messaging)

- If your agency has a sliding scale for fees, the officer should discuss it with the client and advocate for reduced fees.
- Officers should express their understanding of the extra burden placed on clients by fines, fees, and restitution.
- Officers should speak to their clients about the purpose of fines, fees, and restitution, explaining the reasoning behind each.
- Officers should distinguish restitution from fines and fees as a means to be accountable for their actions.

Special Considerations When Using Financial Restrictions with Subpopulations

Gang-Involved

None

General Violence

None

Intimate Partner Violence

None

Serious Mental Illness

None

Substance Use Disorder

None

Similar Topics

Overall Compliance-Based Practice Implementation Considerations

Collateral and Employer Contacts

Drug Testing