U.S. Department of Justice
National Institute of Corrections

A National Study on the Effect of Supervision Fees on Probation Agency Operations Technical Report

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320 First Street, NW
Washington, DC 20534

www.nicic.gov

A National Study on the Effect of Supervision Fees on Probation Agency Operations
Technical Report

July 2024

Cooperative Agreement No. 22CS16GLM4

National Association of Probation Executives

National Institute of Corrections

COLLEGE OF SOCIAL WORK | THE UNIVERSITY OF UTAH
Utah Criminal Justice Center

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Accession # 033097

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ABSTRACT

Community supervision fees are collected by agencies across the country to supplement strapped local and state budgets. The role these fees play in agency budgets varies dramatically across jurisdictions. The Utah Criminal Justice Center (UCJC), in collaboration with the National Institute of Corrections (NIC) and the National Association of Probation Executives (NAPE), conducted interviews with probation executives across the United States to determine how fees drive agency budgets and how some states can move away from the practice. A qualitative content analysis of the interviews was conducted to focus on the roles that fees play in agency budgets, other methods of funding, how fees are collected, if and how fees can be waived, and what alternate sources of funding are used by agencies that do not collect fees. Results will be presented based on type of jurisdiction (centralized/state-level or decentralized/county/municipality) to illustrate how some jurisdictions have successfully reduced reliance on fees, while others have remained beholden to their use. This information is critical for state legislatures and local governments to use in the production of sound public policy and oversight over probation supervision practices.

BACKGROUND

Monetary sanctions in criminal justice largely fall under three types: (1) fines, (2) fees, and (3) restitution. Frequently, court-ordered debts are tied to various correctional philosophies, including retribution, deterrence, and restorative justice[i]. In addition, these monies are sometimes used to generate revenue for the operation of central criminal justice functions. Fines, fees, and restitution, often referred to as legal financial obligations (LFOs) in the existing literature, are mandated debts placed upon justice-involved people, often regardless of their ability to pay. LFOs can be applied at all stages of the criminal justice system, from arrest, pretrial supervision, jail, probation, and prison to post-release supervision/parole. In some jurisdictions, monetary sanctions can have a major effect on individuals due to it being included in court-ordered conditions of community supervision[ii]. As a result, individuals' supervision can be revoked if they fall behind on or miss a payment. Further, these debts can grow substantially through late fees and accrued interest if added to original debt amounts. Given the limited incomes and poor financial health of most individuals on community supervision, LFOs are especially burdensome,[iii] particularly among justice-involved women and women of color caring for dependent children[iv]. In fact, Nystrom[v] demonstrated that such court-ordered fines and restitution in the state of Utah were associated with increased revocation rates of individuals on felony probation, net of other criminogenic factors, particularly for women.

The widespread nature of LFO-related problems has been highlighted by national organizations such as the Vera Institute of Justice[vi], the Fines and Fees Justice Center, the Brennan Center for Justice, and the Robina Institute of Criminal Law and Criminal Justice[vii]. Moreover, significant efforts are being made nationwide among state legislatures to consider, and possibly reduce or eliminate, the fees that individuals on supervision must pay. For instance, in 2022 Utah Senate Bill 210 was introduced to eliminate the assessment of monetary fines and fees in juvenile court cases. Also in 2022, the New Mexico legislature introduced House Bill 81, requiring the court to assess a person's ability to pay any fine, fee, or cost at the time of sentencing and to create a presumption of indigency.

For persons on probation or parole, fees are often charged for the purpose of offsetting the costs of supervision[viii]. While states typically create statutory boundaries around fee amounts and the consequences for failing to pay, jurisdictions typically have broad discretion for setting and enforcing fee collection. The use of supervision fees to support the fiscal operations of community correction agencies has expanded because of shrinking local and state budgets and the high costs associated with increases in mass incarceration[ix]. Supervision fees may vary based on the offense type and the conditions assigned to individuals on probation[x]. Additional fees can be assessed based on, for example, electronic monitoring, intensive supervision, and ongoing drug urinalyses.

As an emerging area of inquiry in criminal justice, the nature and use of community supervision fees has been investigated by few researchers. Most studies define supervision fees as a composite measure of economic sanctions, fines, and restitution[xi]. Thus, studies focusing solely on the nature and effect of community supervision fees are scarce. What is known is problematic for community corrections as a whole. For instance, in a study originally funded by the Robina Institute of Criminal Law and Criminal Justice, Ruhland's[xii] journal manuscript title aptly summarizes one of the problems: "Social Worker, Law Enforcer, and Now Bill Collector:

Probation Officers' Collection of Supervision Fees." In an analysis of focus groups and interviews with 74 probation officers from four jurisdictions in Texas, Ruhland[xiii] found that a central day-to-day function was the collection of supervision fees, with an opportunity cost of focusing on rehabilitative skill building with individuals. Scholars have concluded that it is difficult to understand how probation officers can be expected to achieve healthy coaching relationships with individuals on supervision[xiv] while also being their debt collectors.

The current study examines the structure and effect of collecting supervision fees on agencies that provide adult felony probation. The report presents results from a national study exploring how probation agencies set fee amounts, make modification decisions regarding collection and enforcement, and use felony probation fees. The specific study objectives are to:

1. Understand the role supervision fees play in the operations and budgets of agencies that provide felony supervision.

2. Characterize the formal and informal structures that determine how fees are collected, modified, and disbursed.

3. Describe the incentives for, and mechanisms through which, states have eliminated fee collection.

METHODS

State-Focused Approach

The Utah Criminal Justice Center (UCJC) collaborated with the National Institute of Corrections (NIC) and the National Association of Probation Executives (NAPE) in the design of the study (i.e., sampling and recruitment, outreach, interview and survey guide, data collection strategies, etc.). As there is no singular approach to the administration of community supervision across the United States, the research team focused on each state as one unit of analysis, recognizing that doing so poses both benefits and drawbacks. The state-level focus allowed us to identify thematic approaches across each state, while understanding nuances that emerge depending on whether there is state-level supervision for community supervision or county or regional-level administration. UCJC identified one state-level stakeholder from each state to participate in the study. Depending on the organizational structure of community corrections in a given state, this was most commonly a director of corrections or a representative from a state-level commission on criminal justice. Those identified individuals were recruited to complete an online survey (i.e., "State Stakeholder Survey") and/or interview and to upload any relevant state policies regarding the collection or use of community supervision fees. In states where administration is split between state and county agencies, representation was sought from both levels. In states where probation is organized at the local level, participants were recruited from statewide professional organizations and the directors of county-based community supervision agencies. This recruitment strategy was used to facilitate a comparison of the differences between agencies regarding community supervision fees by administration type.

Sampling and Recruitment

Self-Administered Survey (N = 40). Outreach for the purposive sampling stage began in April 2023 and continued, using a snowball sampling approach, into April 2024. All outreach and recruitment conducted by the research team was done in collaboration with NAPE and NIC to ensure the accuracy of contact information for the appropriate state representatives. This phased approach allowed for an initial wave of outreach, followed by a piloted analysis of collected data to inform the selection of additional data collection points. The survey was approved by the University of Utah, Institutional Review Board. During consent, participants were asked if they preferred a self-administered online survey (via Qualtrics) or an interviewer-administered online survey (via Zoom).

Interview Administered Survey (N = 12). In addition to the self-administered survey, participants were given the option to complete the survey via interviewer administration. Specifically, all participants were prompted with the following during consent:

> *By clicking 'I agree to participate in this survey' you are consenting to participate in the study. If you consent to participate, you will be asked if you would rather complete the survey online or with a member of our research team. Once you respond, you will either be emailed a link to the online version of the survey OR an email from the research team to schedule a Zoom interview.*

Participants that indicated their agencies did not collect fees were a part of an additional round of outreach to conduct follow-up interviews to further explore the context, barriers, and decision-making process for not collecting fees (N=5).

Data Collection

Surveys. UCJC, in collaboration with NIC and NAPE, developed a 37-question survey to gather information on the following areas: (1) state processes and funding mechanisms to support community supervision; (2) the role of fees in supporting community supervision; (3) responsibility for collecting community supervision fees; (4) other revenue streams that support community supervision and the relative portion of funding from those sources; (5) the amount of fees that are imposed on and collected from individuals on supervision; (6) the relative level of agency revenue derived from supervision fees; and (7) initiatives that exist to examine the effect of community supervision fees on agency budgets and priorities (see appendix A). Prior to survey administration, UCJC piloted the instrument with stakeholders from the Utah Commission on Criminal and Juvenile Justice and Adult Probation and Parole. Those in the pilot group assessed and provided feedback on the feasibility of the survey administration processes and areas for improvement.

Secondary Data Collection. UCJC collected secondary data from available online documentation to supplement state responses (N=43) and collect data from non-response states (n = 8). This included scraping state statutes (n = 47), internal policies and reports (n = 45, budget documentation (n = 12), and mission statements (n = 48). The research team then conducted a content analysis of the collected data from agency and state policies.

Data Analysis

Quantitative analyses. Descriptive statistics (e.g., frequencies/counts, means) were used to describe and characterize the collection of fees, the amount collected, and the contribution of fees to agency budgets. Analyses were conducted in the Statistical Package for the Social Sciences (SPSS).

Qualitative analyses. Interviews were recorded and transcribed. A conceptual content analysis was conducted, including interviews, surveys, and collected secondary data using both inductive and deductive coding approaches. This analysis sought to characterize staff perspectives and agency documentation on the use of community supervision fees to fund budgets, the effect that collecting fees has on work and maintaining relationships with people on probation, and the relationship between community supervision fees and trends in community supervision populations. Exploring these data allowed for further examination of differences in agency profiles based on geographic area and agency type.

Measurement. The collection of supervision fees varies so widely across states that it becomes difficult to compare information directly. As such, our analysis integrates both the survey responses of participants and secondary data collection. Data were coded into the following categories: (1) Supervision Agency Philosophy; (2) Fee Collection Process; (3) Purpose of Fees; (4) Fee Use; (5) Waivers; (6) Revocation; (7) Agency Funding; and (8) Implications of No Fees.

Member Checking. In spring 2024, the UCJC team presented the study's preliminary results to a group of stakeholders for feedback and to inform additional analysis and dissemination. Members from NIC, NAPE, and all study participants were invited to attend this webinar in which results were presented and feedback was solicited to ensure the results were aligned with community stakeholders' understanding of their field experience.

RESULTS

This report focuses on the following findings: (1) Agency Structure; (2) Role of Discretion; (3) Effect of Fee Collection; (4) Allocation of Fees; 5) Problems in Funding Structure; and (6) Implications of No Fee States.

Sample and Agency Characteristics

Current collection of fees. Of the total number of state representatives (including Washington, DC) contacted for participation in the study (N = 51), 42 completed at least one survey or interview (response rate = 82.35%). Through secondary data collection (see table 1 for detail), complete state profiles were created to represent all 50 states and the District of Columbia. Of these 51 entities, ten do not collect supervision fees (19.61%). In addition, a few states (4%) that currently do collect fees reported that there are statutes in place to discontinue the collection of felony probation fees and to stabilize current fee rates through policy. Although these states were not categorized as ‘no fee states’ within this study, it is important to note that there are ongoing initiatives to eliminate community supervision fees.

Table 1. Data Sources

	Respondents	
	n	%
Survey	42	82.35
Interview	12	23.53
Statute	47	92.16
Annual Report, Budget Document	37	72.55
Mission Statement	48	94.12

Results from this study show that the amount that is assessed for supervision fees ranges widely from \$10-\$150 per month. Close to one-fifth (17.65%) of states use “one-time fees” (n = 9), ranging from \$25 total to \$300 per felony conviction. (See appendix A for detailed data by state.) Survey results indicated that fees comprise between 0% and 70% of agency budgets. There are instances in which the assessment of fees depends on the offense type. For example, one state reported that, dependent on the type of felony offense, a case may be deferred to a different level of supervision in which the agency would be authorized to collect fees, despite being part of a “no fee state.”

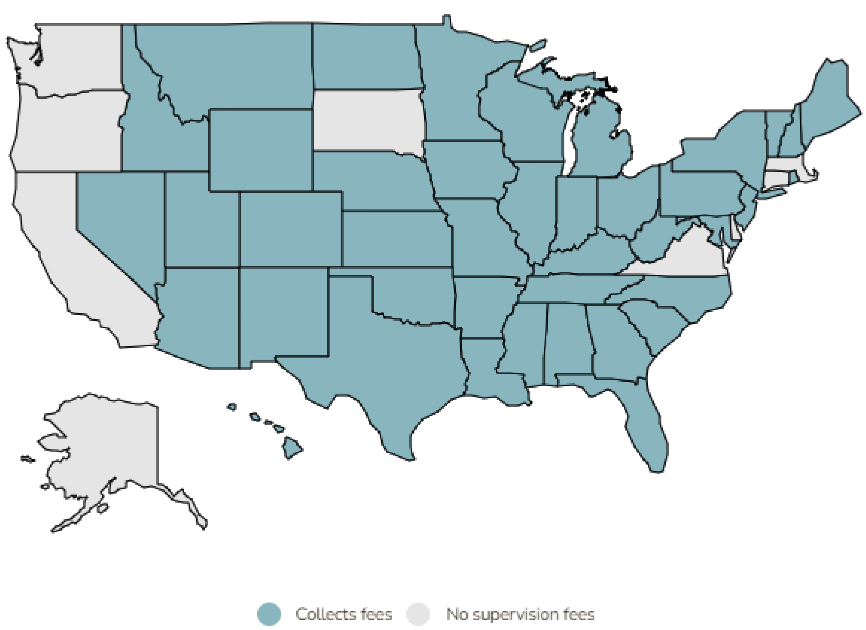

Figure 1: U.S. States Collecting Supervision Fees

All agency mission statements, vision, and values were extracted during the secondary data analysis for inclusion in the content analysis. Documents were coded to determine the purpose of probation as defined by the agency. In running the descriptive analyses, over half

(54.9%) of agency mission statements indicate public safety as the primary goal (*n* = 28). Just over one-third (39.2%) included language regarding well-being for people on probation (*n* = 20); 31.4% were coded as being focused on accountability (*n* = 16); almost 20% mentioned reparations to victims (*n* = 10); and less than 10% mentioned compliance (*n* = 6).

Additionally, state statutes were scraped to determine the legislative intention for fee collection (see appendix B). Close to one-half (41.2%; *n* = 21) provided no stated purpose for the collection of fees. Most commonly, the stated purpose of fee collection was to offset the costs of supervision (39.2%; *n* = 20). Very few states (5.9%; *n* = 3) indicated that fees were collected for the purpose of supplementing services and program costs rather than community supervision agency costs. Such information may be relevant for the current study because of the discretion afforded to agencies and officers regarding fee collection. Harris and colleagues (2017) note that "the stated rationale for legal financial obligations may affect . . . the administration of justice" (p. 5).

Structure

Of the sample, 62.7% reported state-level administration (*n* = 32), 15.7% judiciary-based administration (*n* = 8), 6% county-level administration (*n* =11), 5.9% state and county (*n* = 3) administration, 2% county and private (*n* = 1) administration, and 2% federal-level administration (*n* = 1). In both state-organized and locally organized probation, statutory constraints exist on the collection of community supervision fees. These include boundaries regarding the amount that can be assessed (appendix A), the allocation of collected fees (appendix B), the discretion of state and agency actors to modify fees (appendix C), and the consequences to individuals on supervision for failure to pay (appendix D). In every state, statue dictated some portion of (1) whether fees may, shall, or shall not be collected; (2) an upper and lower bound on fee amounts; and (3) guidelines for modification, including waiver, reduction, and revocation. Within statute, most states (86%) require the collection of community supervision fees (*n* = 41) and more than one-half (58.8%) set a minimum for that fee (*n* = 30). In contrast, most statutes (72.5%) have no statutory limit on the maximum fee amount *(n* = 37). The fact that most jurisdictions set a minimum amount, but no maximum, aligns with the stated purpose of fees, which is to offset the costs of providing supervision. When considering differences in the statutory frameworks surrounding fee collection, there were no differences, according to agency structure, in the collection of fees (80% of state-organized and 82% of locally organized states collect fees). However, in locally organized states. fewer of the statutes mandate fee collection (55% compared to 75%).

When compared to state-administered jurisdictions, states with locally administered probation tend to have multiple processes for setting and collecting fees that can vary widely across jurisdictions. This can result in substantial differences within the state regarding fee amount and agency funding structure, even when the state allocates some resources to support felony probation. For example, one respondent described how the locally organized funding structure resulted in wide disparity across agencies with respect to budget and operations:

> *All agencies receive some funding from the state through a grant process overseen by DOC. Each county operates its own supervision agency or must enter into an inter-local*

> *agreement with a group of counties to provide supervision. This local control, which allows counties to set their own policies, determine their own administrative structure, salary & benefits packages, insurance, etc., leads to drastic variances of cost for operating agencies across the state. While some counties allocate funding to support their local agencies, some do not and must rely solely on state grant funding to operate.*

For states with locally organized probation, the discretion afforded to counties makes it difficult to characterize the role of community supervision fees on agency budgets. In contrast to state-administered systems, fees collected in locally organized probation tend to be retained by the collecting agency. However, the effect of those fees on agency budgets varies widely: when looking at individual counties, the portion of agency budgets that derives from community supervision fees ranges from 4% to 70%. In one state with a county-based system, the annual collection rates for community supervision fees ranged from 25% to 90%. In contrast, state-organized systems tend to have a similar collection rate across agencies.

Discretion

The statutorily organized frameworks that structure community supervision provide substantial discretion in the imposition and enforcement of fees (See **appendix C** for a breakdown of data by state). Results from the surveys, interviews, and content analysis of agency documentation indicate that discretion is both formal (specified in statute or policy) and informal (afforded to officers and agencies). The following statement illustrates how formal and informal processes exist within a single agency:

> *Chiefs have the authority to waive when a hardship is determined... Well, there's a formal process...even the formal process is a little bit skewed because there is so much informal, "Don't worry about it this month you're still looking for a job," that kind of stuff...let's say it's a revocation hearing or something to that nature, we can actually ask the judge to waive those fees during that. So, it'll be formally documented. I want to say it's a different process also where the officer can actually do the paperwork and require for those fees to be waived based on whatever the situation is. Of course, they have to have a good situation... Let's say it is a mental health situation and the person is not able to work or on disability or something to that nature, then that's 100% understandable...Yeah, so I guess it's kind of an officer discretion .... So yeah, they'll formally do it. A lot of times during a revocation or addressing a violation, they'll be like, and also while you're at it, can you waive all their fee arrearages, so when they come back out, they're not coming in with a mountain of debt, which happens a lot of times. But then also too, yeah, the officer can kind of informally sense a financial to stop their fees based on unemployment and inability to work.*

Assessing fees. As noted above, most states allow community supervision fee collection and also set minimum and maximum amounts for how much can be assessed in one-time or monthly payments (see table 2 for details). Among jurisdictions that do not collect fees (*n*=10), there are only two in which the collection of fees is specifically disallowed within state statute. The remaining jurisdictions elect not to collect fees, even when doing so is statutorily allowed. Among those jurisdictions that do collect community supervision fees (*n* = 41), the actual amount is often set by the sentencing court, followed closely by the supervising agency, and, in some cases, a combination of correctional and judicial entities (10%). The formal processes for determining how much an individual can afford include a required court hearing to determine indigence, a petition from the person on probation for a court hearing to assess ability to pay, and a financial assessment conducted by a probation officer/case manager.

The criteria for determining the fee amount varies widely across jurisdictions, although all states include statutory language that requires consideration of an individual's ability to pay. For most states, those criteria are left to judicial or agency discretion and the only stated criteria are "undue hardship" or "indigence." In some jurisdictions, statute or agency policy highlights specific criteria that must be considered when determining ability to pay. This typically includes factors such as an individual's income and debt, number of dependents, status as a student, and mental or physical disability. In a smaller number of states (10%), the fee amount is statutorily tied to an individual's actual income. For example, one state does not allow the monthly fee to exceed 10% of an individual's gross monthly income.

Table 2. Fee Assessment and Modification

	Respondents	
	n	%
Entity Determining Fee Amount	41	80.39
Fee Set by Sentencing Court	19	46.34%
Fee Set by Supervising Agency	18	43.9%
Correctional and Judicial Entities [1]	4	9.76%
Criteria Structuring Modification		
Broad Discretion	23	56%
General Considerations [xv]	14	34%
Specific formula	4	9.76%

Fee modification. All states allow fees to be modified in some capacity, due to changing circumstances of the individual on supervision, in the form of a complete or partial reduction in the fee amount. As noted above and in table 2, most jurisdictions give that authority to the courts or the supervising agency. Some states set limits on the discretion surrounding fee amounts by requiring multiple levels of approval (e.g., agency supervisors or the court must approve a probation officer recommended amount). As noted in the statement above, however, there are also informal processes that may affect how much an individual pays overall, because officers may have the discretion not to collect fees, in certain circumstances, without an official modification.

In addition to amending the amount of fees collected, most jurisdictions allow for modification of the timeline in which fees must be paid. As with setting the initial fee, the criteria for making such adjustments are commonly not specified in policy or statute and rely on the discretion of those with authority to modify. Infrequently, there are restrictions in place on

[1] Either correction entities, judicial entities, or some instances adjustable by either

the discretion to modify. For example, in one state, policy dictates that the timeline for payment can be adjusted but the overall amount of fees owed cannot be reduced. Because collection and waiver rates were only available in 28% of jurisdictions, it was not possible to characterize how, and in what circumstances, stakeholders are using discretion to set or modify fee amounts. In the case of supervising agencies located in districts in which collections occurred at the judicial level, respondents indicated that incompatible technologies between agencies made it difficult to collect such information:

> *The administrative office of the courts clerk's offices collect it [the fee], and then the client brings a receipt to their probation officer. And so that's why the earlier question about reporting, so I get a monthly report of basically how many receipts have been brought in. So, it's not going to be accurate as to the amount of money that was collected. It's going to be the amount of receipts we collected and entered into our client system. And so, I don't put too much emphasis on that number. It's the AOC that would have the accurate dollar that was collected, because clients don't bring the receipts in, then we don't enter them. So, our systems don't interface.*

Waivers. Fee waivers occur in most states, with the authority to waive allocated as described in table 3. Waivers may occur at the beginning or end of a probation sentence; the criteria for waiving are like those described for other modifications. Two states have statutes that curtail the court's discretion regarding waivers and will not allow them without the approval of the supervising agency.

Survey respondents also described some discrepancy between policy and practice when considering waivers, indicating that they were "allowed" but "rarely practiced." One respondent indicated that waivers were technically allowed, but agency policy "discouraged" officers from requesting them. As with collection rates, only 28% of respondents were able to provide waiver rates, and so it is not possible to characterize how, and in what circumstances, waivers are granted. However, the following statement characterizes the preference of agencies to use waivers as a means for promoting an individual's well-being: "If you were to summarize as far as when we waive those fees, it's when it's in the best interest of promoting success."

Table 3. Waiver Discretion

	N=51	
Waiver Discretion Responsible Entity	*n*	%
Court	14	27.45
Supervising Agency	15	29.41
Multiple Stakeholders	12	23.53
No Fee States	10	19.61

Revocation for failure to pay. In cases where fees are not paid by the person on probation and not formally waived, one-fourth (27.5%) of states allow the court or supervising agency to revoke supervision ($n = 14$) (See **appendix D** for sanctioning data by state.), which means the individual would go to jail. Only a few states (10%) statutorily prohibit revocation due solely to non-payment of fees ($n = 5$), and a similar number (8%) statutorily define non-criminal sanctions for failure to pay ($n = 4$). Results from interviews and surveys indicated that agencies strongly prefer not to revoke solely due to failure to pay and instead consider a range of non-incarceration options such as waiver, community service in lieu of fees, or, at the end of a sentence, sending the debt to a civil collection agency. Many respondents indicated that revocation for failure to pay should be classified in the "legal but rarely practice category."

Despite a widespread disinclination to revoke individuals for failure to pay, the discretion afforded to individuals, as well as the lack of specific guidelines regarding the criteria for determining ability to pay, means that some individuals can be revoked if their behavior is determined to be "willful." For example, in reviewing agency policies, the research team discovered statutes requiring "quick dips" in jail as a strategy to offset the cost incurred for unpaid fees:

> *If it is determined that the failure to pay was a willful failure to pay, a person may be sentenced to serve out the fines through a jail sentence where they will be given credit for $50/day served toward their outstanding balance. It is very important that persons abide by their payment agreement or order. At a minimum, regular (no less than monthly) payments of some reasonable amount must be made.*

In another example, the possibility of revocation was sometimes used to encourage compliance with fee payments, even when there is no intent or desire to revoke:

> *But now no judge is really going to revoke you on it, and we don't want them to. But we'll document, we'll file a violation, an informational, we'll file informational violations like you're so far behind.... We're going to ask for revocation on not necessarily wanting you to go to prison, but just to get compliance in that. But yeah, and because our budget isn't dependent upon it, maybe in this State, we don't push it as much as we should, but my officers still document, they still tell people to do it.*

The above statement also highlights the role that agency budgets, and reliance on fees, plays in an individual's perceptions regarding revocation. That perception is evident in the following statement as well, wherein fees form only a small portion of the agency's annual budget:

> *Fees are a very small portion of the budget. For FY 2022, $1.3 million of $12 million budget (one county). For another county, 4.5% of budget. Fees are not the bread and butter, we do not rely on it, we are not locking people up for not paying fees.*

Of note, the scope of the current study did not allow the research team to examine the relationship between fees as a portion of agency budgets as they relate to revocation practices. Respondents from states where fees formed more than 50% of agency budgets also indicated that individuals were not being routinely revoked for failure to pay fees.

Effect of Fee Collection

States reported that the collection of fees has an overall effect on agency activities, including affecting operations, agency budget, and officers' time and capacity to build rapport and engage in behavior change activities with individuals on supervision. Respondents characterized the effect that collecting fees has had on their relationship with people on probation. For example, one participant notes that fees are too "costly for clients on probation. PPOs [probation/parole officer] spend too much time focusing on supervision fee collection, taking away time that could be spent on influencing behavior change."

Respondents endorsed two schools of thought regarding the use of supervision fees as a tool for improving outcomes. Some view the collection of fees as a mechanism for increasing accountability, which results in individuals being "bought-in" to their supervision. This sentiment is similar to aforementioned statements that raise the concern that failure to pay fees may indicate a "willful" refusal to comply with the conditions of supervision. Alternatively, respondents also indicated that focusing officer efforts on fee collection may be a deterrent for individuals who cannot afford to pay and who may therefore avoid contact with the supervising officer because they do not want to get in trouble or cause disappointment. That sentiment is evident in the following statement:

> *Most individuals on supervision typically have limited financial capability. We certainly don't want people being violated for their supervision. It might hinder someone from coming to see their PO, because they know they owe money, and now they're gonna get either badgered about it or forced to open their wallet.*

Respondents also indicated that asking officers to collect fees may place them in a situation where they are caught between opposing obligations. In this instance, respondents expressed concern with asking officers to promote an individual's well-being and reintegration while simultaneously collecting fees, and potentially imposing sanctions, from individuals with limited resources.

One-fourth (25.5%) of agencies reported using third-party entities to collect fees (n = 13). Interview and survey participants reported that using third-party collection entities gave officers distance from collecting fees. Other jurisdictions had dedicated personnel or teams that were responsible for collecting fees, which meant the supervising officer was not responsible. In one interview, the respondent indicated that the collection unit (five employees) was funded through collected supervision fees. Respondents also indicated that using kiosks and online portals, run by third-party agencies, provides additional benefits to people on probation:

> *[Before getting kiosks], a client would have to come to the office, get a piece of paper. I mean, [it's] so archaic [to] get a piece of paper with your case number on it, return to the courthouse, make your payment, get that receipt, come back to your officer. Think about the barriers involved in that process. I can't do that as a citizen, as a person with a car and being able to find a parking spot, all the barriers. So, collection was just an impossible task. And so, we have finally been able to have [a] kiosk in all of our lobbies that do talk to the kiosk in the circuit court clerks' offices. I mean, it used to be collection from human to human.*

Conversely, one participant noted that integrated third-party collections does not entirely remove them from the fee collection process, as officers are still "responsible for following up with clients who are delinquent on payments." Additionally, respondents noted these third-party collection entities cost money themselves, which potentially creates additional pressure on people on probation to pay fees. One state indicating that the third-party collection agency keeps "10% of everything that's collected." In states where the fees were neither collected nor retained by the supervising agency, respondents indicated that they preferred to be distanced from the process, with one participant noting, "we don't collect the fees, and we don't get the fees."

In terms of resources allocated to fee collection, eight states provided information regarding the costs to the agency for collection fees. While there was no standard formula for summarizing those costs, the portion of agency budgets ranged from less than 1% to 5%. One state reported the figure in terms of office time (15.76% of personnel time), and another estimated no more than one "personnel per county, if that." One county used collected fees to fund a collection unit that consisted of five personnel. Several respondents expressed concern that the administrative burdens of collecting fees outweighed the monetary benefits. For example, one state provided figures showing that fees comprised 4% of the operating budget but the agency spent 5% of that budget to collect fees (see appendix B for responsible collection parties by state).

Allocation of Fees

Respondents were asked to describe the processes through which collected supervision fees are allocated in their jurisdiction, including the recipients and any constraints on spending (see appendix B). In close to one-half of states (*n* = 22, 43.14%) collected fees are sent to a state or county general fund and then reallocated by formula, which could be statutory or legislative. For example, one state reported that their process involves: "A set portion of fees returns to state general fund, and the supervising agency keeps the rest." Funding formulas through which fees were returned vary across jurisdiction, but include amounts based on probation population, county population, previous collection rates, percent of high-risk individuals on supervision, and number of individuals kept out of prison and on supervision.

Table 4. Funding Characteristics[xvi]

	N=51	
Funding Formula	*n*	%
Fees Sent to State and Returned by Formula	19	37.25
Agency Retains Fees	14	27.45
Fees not Collected	10	19.61
Fees not Retained by Agency	8	15.69
Purpose of Fees		
Fees pay for Programs or Services	3	5.88
Fee is to Offset Cost of Supervision	18	35.29
Fee is to Hold Offender Accountable	1	2.00

In 25.49% of states, the collecting agency retains all fees (*n* = 13), although there may be restrictions or guidelines on how fees can be spent. Regardless of whether an agency retains fees

or sees them returned via formula, there are typically statutory constraints on their use. In one state, collected fees are designated for probation services:

> *On the probation service fees fund statute, there is a provision in it that says basically if there's any shortfall, which means if the budget from the state doesn't meet the burden, then those fees can be used for probation salaries to make up that difference. However, under any other circumstances, those fees cannot be used to employ and pay for the salary and fringe benefits of probation officers...So it's really intended to go for the services people on probation need.*

In 15.69% of states, supervision fees do not form any portion of agency budgets (*n* = 8). In those instances, collected fees go to a general fund rather than the agency that collected them.

> *And then all of the fees go to the general treasury, so we don't even have a write-up of how much is collected or anything like that...Our budget is not tied to it whatsoever.*

For those states in which fees comprise no part of the supervising agency budget, survey results indicated these agencies were less likely to collect and report data on fee collection and waiver rates. Additionally, respondents believed fee collection was onerous on the agency and provided little benefit and had the potential to cause harm.

Agencies in which fees form a substantial portion of the budget are often rural communities in states with a locally organized structure. Interview and survey results supported the idea that these agencies benefit from having administrators who have the skills and experience to run the agency as a business rather than as a government agency. Participants from agencies with this profile reported that fee revenue was often stable over time even though the source of fees was unstable; in part, this was the result of state statute and policy that protected agency budgets from dramatic changes year to year. Additionally, these agencies tend to compile more data on the fee collection process, including collection and waiver rates. Descriptive analyses demonstrate that when probation is run by a state executive agency, fees are more frequently returned to the supervising agency via a formula. In contrast, when probation is run by a local entity, fees are more frequently retained by the agency that collects them. When probation is administered by the judicial branch, fees are retained, returned, and not returned in equal frequency.

Problems in Funding Structure

Respondents were asked questions regarding the funding mechanisms of their agencies, the collection of fees, and the percentage of their budget that fees comprise (for a more detailed overview of state responses, see table 4). Fees as a portion of agency budgets were available for fourteen states (34% of those that collect fees) and ranged from less than 1% to 70% of an agency's annual budget. As discussed above, with the wide variety of probation administration comes a wide variety of approaches to funding. In exploring agencies' approaches to funding structure, themes arose regarding "funding formulas." These funding formulas most often fell into the following categories: (1) a reallocation for individuals kept in the community/reducing prison costs; (2) a calculated cost-per-day per number of people on probation; (3) total population; (4) demographic population; (5) a risk level; or (6) a previous collection rate.

In several jurisdictions, respondents noted that the funding formula, as described in policy or statute, would be adequate, but actual budget figures did not align with those formulas, resulting in a budget shortfall or a need to assess fees. Other respondents indicated that the formula was based on projected cost savings that never materialized. For example, some states expected to fund supervision through the reallocation of money saved by keeping individuals in the community rather than sending them to prison (Justice Reinvestment Initiatives). In practice, those savings were not realized because the state did not reduce prison populations enough to close facilities. Participants reported barriers specific to their state's funding approach in the survey and interview responses. In states where the funding formula occurs at the state level, there can be issues with a lack of consistent coverage of all operational items. One participant spoke about the piecemeal approach to funding the supervising entity, which made it difficult to adequately carry out agency functions:

> *It would be beneficial for the state to fund the entire probation operation (pretrial/staff admin/peer supports /specialty court staff and PO/treatment staff/ research/budget staff). Also, for enough officers to be funded not by population but by risk-based contacts/workload/engagement needs...We are currently in a state of probation officer hiring/retention crisis, mostly due to low pay, inconsistent pay per county, due to low probation fees and county revenues.*

In states with local administration, there can be a lack of coherence in funding approaches across the county or from agency to agency. For example, one participant noted:

> *Each county operates its own supervision agency or must enter into an inter-local agreement with a group of counties to provide supervision. This local control, which allows counties to set their own policies, determine their own administrative structure, salary and benefits packages, insurance, etc., leads to drastic variances of cost for operating agencies across the state. While some counties allocate funding to support their local agencies, some do not and must rely solely on state grant funding to operate.*

This hyper-localized approach results in additional administrative steps that introduce opportunities for variance across jurisdictions with respect to the sufficiency of agency funding.

Funding allocation is also difficult when the formula does not account for diverse demographic characteristics, large geographic size, or a disparate population density in urban and rural counties. Applying standardized funding formulas to states with such varying jurisdictional demographics can result in vast differences in the adequacy of funding across agencies. This can be seen in the following statement from a locally organized state:

> *The counties are asked to supervise 85% of adults under supervision (DoC does 14%) and the state says, "you guys do what you can to not send them to us." But DoC is better funded. My county is doing well financially but it can be hard in rural counties. Also, per interview, new JRI* [Justice Reinvestment Initiative] *bill would mean state allocation*

> *based on risk level of supervisees. Some chiefs think that is good while others are concerned it incentivizes inflating risk scores.*

Data Collection and Sharing

Results supported a lack of connection between data and programming decisions. This can be seen particularly in agencies based in the judiciary branch, those that do not receive collected funds, and those that use third-party agencies for fee collection. One participant in a state where supervision fees were collected and held by the courts noted:

> *So, we are the weirdos that don't get any of the money we collect, and then we don't actually collect it. We just document. Basically, we just monitor that they're doing it.*

This participant noted, in addition, that they did not know if collection or waiver rates for fees were tracked or how the funds were used.

Although there are benefits to not operating as "debt collectors" for people on probation, participants reported feeling disconnected from the process at large. As seen in table 4, of the agencies that completed the survey or interview, few agencies collected data on the requested metrics. Of the states that calculated a cost per day to provide supervision, the figures ranged from $1.10/day to $22.96/day. Two states provided a cost-per-year figure, both of which were approximately $1,800/person. Of note, the cost-per-day calculations were infrequently aligned with the fees assessed to people on probation; in three states the assessed fees were tied to the "actual cost of supervision." Four states provided cost-per-day figures that differed according to supervision level; for one of those, the figure was based on the hours per month that an officer spent with the person on probation. Among the respondents who provided cost-per-day figures, those that did not collect fees had higher figures (as high as $22.96) than those that did not collect fees (highest amount was $9.77).

Table 5. Availability of Data by State

Type of Data (N = 42)	**Availability of Information**	
	n	**%**
Collection Rate	9	21.43
Waiver Rate	8	19.05
Cost-per-day	19	45.24
Fees as a percent of the budget	9	21.43
Cost to collect fees	6	14.29

No Fee States

History of Fee Use. Ten jurisdictions were identified as not collecting fees. Additional interviews with representatives from these states were contacted to provide further context for the history, barriers, and benefits of operating as a state that does not collect felony probation fees ($n = 5$). In some instances, fees have never been collected. Within jurisdictions that stopped collecting fees, 60% made changes due to institutional reasons, which refer to initiatives that had roots in the criminal justice system. These included legislative efforts to remove fees or the codification of existing practice into policy. Close to one-half of jurisdictions (40%) stopped collecting fees due to an advocacy-related initiative, indicating that the pressure for change came from entities external to the criminal justice system. One participant spoke to the process of removal of fees through an advocacy-based entity:

> *[J]ustice reformers in general would be ones who thought, you know, that a vendor shouldn't be paying for those services...So that was negotiated with both us and the courts...It was a tough negotiation. Because in large part, well... it's kind of easy to say on one hand...“Why are we charging people who are already, you know, kind of in the justice system, and probably least equipped to be able to do, you know, pay an extra fine or fee?” so everyone could like agree with maybe, that ideology.*

There were two states that did not have a formal or legislative process for not collecting fees and, instead, the agency authorized to collect fees did not do so in practice (see appendix A). Although not included in this subsample, one state reported a plan for discontinuing the collection of felony probation fees by 2025.

Effect on probation officers of eliminating fees. Participants reported that removing fee collection from officers’ responsibilities allowed them to focus on providing services. For example, one participant noted the effect of the focus on content rather than administrative responsibilities, saying, “Our officers love it. They think it's the best thing we ever did. They don't have to talk money anymore other than helping individuals with just their basic budgeting.” Participants broadly reported that the lack of fee collection allows them to focus on individual well-being, which also promotes public safety. One participant reported:

> *So, we're not in a money business. We're in a client change business. So, we get to really focus and train our staff on how to effect change with our clients. So, we use motivational interviewing, core correctional practices, risk instruments...We're not in the money collection business.*

Effect on agency funding. Many states reported that they were ideologically aligned with removing fees if doing so did not affect their ability to provide supervision. Responses for funding varied by funding mechanism and administration type. Most respondents reported minimal tensions regarding ideology. One participant noted, “As long as the legislature was going to help offset the loss of that income coming in for us. Then we were highly supportive.” Additionally, participants spoke about the role of agency administration in funding allocation decisions. For example, states with local administrations underwent a complex process to determine new funding structures:

> *But the impact of just saying, well, we're no longer [collecting fees] had a much more complex impact, right? And so that put groups like ourselves, the probation, management, counties, courts...Kind of in this place of 'Well, wait a minute. We can do that. If there's a way to back, fill'... in [county]' because all of our jurisdictions are county-based probation departments, you know, everybody's is a little bit different. Some people weren't doing fees as high as others. So really trying to unravel. That was the kind*

> *of thing that really took a lot of time, so I wouldn't say it was contentious as much as it was complex and, but it did take some time, and there definitely were sides. And that kind of discussion needed to find a way to accomplish the policy goal in a fair way without diminishing services.*

Effect of fee collection on an agency and individuals on probation. Participants discussed the tension between the potential that fees may play in treatment engagement, particularly in their level of feeling "bought in" or having "skin in the game." One participant questioned whether collecting fees was associated with improved outcomes:

> *But the other side of the argument is...is there evidence that when you are able to pay for your treatment you have skin the game and you're more likely to comply with the treatment orders because you are making an investment in yourself? So, you have that argument. I don't know where it lands.*

Conversely, others may feel that the collection of fees supports an individual feeling "bought in the services," as indicated in the following statement:

> *So again, just coming from that value standpoint, that if we're gonna give you housing...treatment. We're gonna buy you pants and boots. We're gonna help feed your children. We're gonna provide all these services in the wake of you having been convicted. Is there any responsibility to put some skin in the game, and to have some ownership of the cost? So…certainly that value came up in discussion.*

Given the substantial discretion allocated to stakeholders, such perceptions may suggest discrepancies will exist in individual outcomes (in terms of setting and modifying fees and revoking for failure to pay) depending on who is making the decision. This discrepancy may also be exacerbated in states where statute and policy provide minimal guidance for modifying fees and instead relies on imprecise terms such as "undue hardship" and "willful" failure to pay.

Finally, some respondents spoke of frustration regarding the collection of fees negatively affecting relationships and capacity while also contributing an insubstantial portion of the budget. For example, one respondent indicated that fees were projected to comprise 8% of the agency budget. Actual collection rates meant that figure was closer to 4%, but the agency spent 5% of its annual budget on collecting fees. In this case, the respondent felt that there was an economic reason to support ending fee collection.

STUDY CONCLUSIONS

This analysis aimed to achieve the following objectives:

1. Understand the role that supervision fees play in the operations and budgets of agencies that provide felony supervision.

2. Characterize the formal and informal structures that determine how fees are collected and disbursed.

3. Describe the incentives for, and mechanisms through which, states have eliminated fee collection.

Across the United States, the policies and practices surrounding community supervision fees vary widely, which limits the ability to create generalizable conclusions based on the complex array of agency administration, funding mechanisms, and collection and allocation procedures. Despite this, several broad themes emerged.

Fee Collection and Revocation: Practices

Supervision fees are collected in most states primarily to offset agency costs to provide supervision. Fee amounts tend to be established by statute and most jurisdictions provide little information to explain how the amounts are determined (see appendix A for exceptions). States reported varying collection rates, some of which were very low while others were close to 90%. Based on the analysis of both survey data and agency documents, very few states indicated that fees are set or enforced solely to benefit the agency and without regard for the well-being of the person on supervision. However, states in which fees comprise a more significant portion of the budget did tend to collect more data and were able to characterize the rates for assessing, collecting, and waiving fees. In practice, all agencies indicated a preference for not revoking individuals based on failure to pay fees. The discretionary nature of the processes for responding to failure to pay, however, can create disparate outcomes even within a single agency, wherein an individual might be revoked because the failure to pay was determined to be "willful."

Fee Collection and Budget: Statutes and Policies

When creating mechanisms for funding felony probation, some jurisdictions create policies to protect agency budgets from fluctuations related to the use of supervision fees as a source of income. However, states vary widely in the degree to which policies structure the decisions related to assessing and modifying fees. For example, Ruhland[xvii] has previously noted the lack of standardized assessments to determine an individuals' ability to pay when setting or modifying fees. Across states, respondents expressed concern that relying on fees as a source of revenue may incentivize officers to collect from individuals who cannot pay; however, even respondents in states heavily reliant on fees did not indicate that was a frequent occurrence. Instead, respondents identified that outdated funding formulas were a bigger concern than fee collection in terms of adequate and stable funding.

Role of Fees and Its Effect on Individuals on Probation

The analysis identified disagreement regarding the role and effect of supervision fees. Many respondents indicated that fees were potentially burdensome to both the agency and individuals on supervision. Many respondents view the collection of fees as tangential to the mission of supervision agencies and express concern that doing so can negatively affect the effectiveness of supervision. Other respondents were more neutral in terms of the effect of fee collection but were concerned that eliminating fees would undermine the ability of the agency to accomplish its statutory purpose. In addition, some respondents expressed concern that the resources expended to collect fees were equal to or greater than the amount collected.

CONCLUSION

Due to the growing dependence on community-based supervision and broadening conversation around the collateral consequences of LFO's, further research is needed to better understand the effect of collecting supervision fees for agencies, communities, and individuals on supervision. This study provides critical information for understanding how the collection of felony probation fees relates to agency budgets and operations. Future research could build on these findings to identify resources that could support agencies in standardizing data collection procedures to facilitate monitoring and quantifying the effect of fee collection on agencies.

APPENDIX A. SUPERVISION FEE AMOUNTS BY STATE

State	Administrative Structure	Fee Collection Status	Fee Amount by Statute	Agency Policy
Alabama	State Executive	Collects fees	$40/ month	
Alaska	*State Executive*	*Does not collect supervision fees*	*$45/ month*	*DOC stopped collecting fees in 2006*
Arizona	Judiciary	Collects fees	≥$65/month (A.R.S. § 13-901)	
Arkansas	State Executive	Collects fees	$35/ month	
California	*County Executive*	*Does not collect supervision fees*	*Fees eradicated by statute in 2022*	
Colorado	Judiciary	Collects fees	$50/ month	
Connecticut	*Judiciary*	*Does not collect supervision fees*	*$200 one time*	*DOC stopped collecting fees in in 1990s*
Delaware	*State Executive*	*Does not collect supervision fees*	*Fees eradicated by statute in 2022*	
District of Columbia	*Federal*	*Does not collect supervision fees*	*Fees have never been collected*	
Florida	State Executive	Collects fees	Cannot exceed daily cost of supervision	≤ $124.71
Georgia	State Executive	Collects fees	$50 enrollment + $23.00/month	
Hawaii	Judiciary	Collects fees	$150 one time per felony	
Idaho	State Executive	Collects fees	≤ $75/month	
Illinois	Judiciary	Collects fees	$50/month	$25/ month
Indiana	Judiciary	Collects fees	$25-100 per felony one time + $15-30/month + $100 one-time administrative fee	
Iowa	State Executive	Collects fees	$300 one time	

Kansas	Judiciary	Collects fees	$120 one time to district court; supervision agency can impose additional fees	Varies
Kentucky	State Executive	Collects fees	$10- $25/month	$25/month
Louisiana	State Executive	Collects fees	$10-100/month	$65-100/ month
Maine	State Executive	Collects fees	$10-50/month	
Maryland	State Executive	Collects fees		$50/ month
Massachusetts	*Judiciary*	*Does not collect supervision fees*	*$60/month*	*Fees removed by administrative order from MA Trial Court Chief Judge in July 2022*
Michigan	State Executive	Collects fees	$30/month	
Minnesota	*State and County*	*No new fees assessed after January 2023*	*Commissioner allowed to impose fees*	*The Commissioner of Corrections changed policy to not impose new DOC felony fees after January 31, 2023*
Mississippi	State Executive	Collects Fees	$55/month	
Missouri	State Executive	Collects Fees	≤$60/month	
Montana	State Executive	Collects fees	$120-360/year or $10-30/month	
Nebraska	State Executive	Collects fees	$30 enrollment + $25/month	
Nevada	State Executive	Collects fees	≥$30/month	$30/month
New Hampshire	State Executive	Collects fees	≥ $40/month	
New Jersey	Judiciary	Collects fees	≤ $25/month	
New Mexico	State Executive	Collects fees	The actual costs of probation service not exceeding $1,800 annually to be paid in monthly installments of not less than $25 and not more than one $150	

New York	State Executive	Collects fees	$30/month	
North Carolina	State Executive	Collects fees	$40/month	
North Dakota	State Executive	Collects fees	≥$55/month	
Ohio	County Executive	Collects fees	≤$50/month	
Oklahoma	State, county, and private	Collects fees	≤$40/month (if supervised by DOC)	Varies for county and private agencies
Oregon	*State and county*	*Does not collect supervision fees*	*Eradicated by statute in 2021*	
Pennsylvania	County Executive	Collects fees	$25- $60/month	
Rhode Island	State Executive	Collects fees	$20/month	
South Carolina	State Executive	Collects fees	$20-100/month	By department practice, those making less than $4k/month pay $50/month and those making more pay $100/month.
South Dakota	*Judiciary*	*Does not collect supervision fees*	*Allowed by statute*	*No supervision fees collected*
Tennessee	State Executive	Collects fees	$45/month	
Texas	County Executive	Collects fees	$25-60/month	
Utah	State Executive	Collects fees	$30/month	
Vermont	State Executive	Collects fees	$30/month	
Virginia	*State Executive*	*Does not collect supervision fees*	*Allowed by statute*	*DOC has not collected fees since 2006*
Washington	*State Executive*	*Does not collect supervision fees*	*Eradicated by statute in July 2022*	
West Virginia	Judiciary	Collects fees	≤ $20/month	
Wisconsin	State Executive	Collects fees	$20-60/month	
Wyoming	State Executive	Collects fees	Unknown	
Note: No-fee states in italics				

APPENDIX B: STATE SUPERVISION FEE COLLECTION STATUS

State	Administrative Structure	Fee Collection Status	Who Collects Fees	Who Receives Fees	Purpose of Fees
Alabama	State Executive	Collects fees	Probation Department	State and returned to agency via formula	Cost of supervision
Alaska	*State Executive*	*Does not collect fees*	----	----	----
Arizona	Judiciary	Collects fees	Probation Department and Courts	State and returned to agency via formula	
Arkansas	State Executive	Collects fees	Probation Department	State and returned to agency via formula	
California	*County Executive*	*Does not collect fees*	----	----	----
Colorado	Judiciary	Collects fees	Courts	State and returned to agency via formula	Cost of supervision
Connecticut	*Judiciary*	*Does not collect fees*	----	----	----
Delaware	*State Executive*	*Does not collect fees*	----	----	----
District of Columbia	*Federal*	*Does not collect fees*	----	----	----
Florida	State Executive	Collects fees	Probation Department and Third-Party	State and returned to agency via formula	Cost of supervision
Georgia	State Executive	Collects fees	Third-Party	Fees not retained by agency	
Hawaii	Judiciary	Collects fees	Probation Department	Fees not retained by agency	
Idaho	State Executive	Collects fees	Third-Party	State and returned to agency via formula	Cost of supervision
Illinois	Judiciary	Collects fees	Probation Department and Courts	Agency retains fees	

Indiana	Judiciary	Collects fees	Probation Department and Courts	State and returned to agency via formula	
Iowa	State Executive	Collects fees	Probation Department	State and returned to agency via formula	Cost of supervision
Kansas	Judiciary	Collects fees	Probation Department and Courts	Agency retains fees	
Kentucky	State Executive	Collects fees	Courts	Fees not retained by agency	Cost of supervision
Louisiana	State Executive	Collects fees	Probation Department	State and returned to agency via formula	Cost of supervision
Maine	State Executive	Collects fees	Probation Department	Agency retains fees	
Maryland	State Executive	Collects fees	Probation Department	State and returned to agency via formula	
Massachusetts	*Judiciary*	*Does not collect fees*	----	----	----
Michigan	State Executive	Collects fees	Third-Party	State and returned to agency via formula	
Minnesota	State and County	No new fees assessed after January 2023	Probation Department	State and returned to agency via formula	
Mississippi	State Executive	Collects Fees	Third-Party	State and returned to agency via formula	Programs
Missouri	State Executive	Collects Fees	Probation Department	Agency retains fees	Programs
Montana	State Executive	Collects fees	Probation Department	State and returned to agency via formula	
Nebraska	State Executive	Collects fees	Probation Department	State and returned to agency via formula	Programs
Nevada	State Executive	Collects fees	Probation Department	State and returned to	Cost of supervision

				agency via formula	
New Hampshire	State Executive	Collects fees	Probation Department	Agency retains fees	Cost of supervision
New Jersey	Judiciary	Collects fees	Probation Department	Fees not retained by agency	
New Mexico	State Executive	Collects fees	Probation Department	Agency retains fees	Cost of supervision
New York	State Executive	Collects fees	Varies by County	Agency retains fees	Cost of supervision
North Carolina	State Executive	Collects fees	Courts	Fees not retained by agency	
North Dakota	State Executive	Collects fees	Probation Department and Third-Party	State and returned to agency via formula	Justice
Ohio	County Executive	Collects fees	Probation Department and Courts	Agency retains fees	
Oklahoma	State, county, and private	Collects fees	Third-Party	Fees not retained by agency	
Oregon	*State and county*	*Does not collect fees*	----	----	----
Pennsylvania	County Executive	Collects fees	Varies by County	Agency retains fees	
Rhode Island	State Executive	Collects fees	Third-Party	Fees not retained by agency	Cost of supervision
South Carolina	State Executive	Collects fees	Probation Department	State and returned to agency via formula	Cost of supervision
South Dakota	*Judiciary*	*Does not collect fees*	----	----	----
Tennessee	State Executive	Collects fees	Third-Party	State and returned to agency via formula	Cost of supervision
Texas	County Executive	Collects fees	Probation Department	Agency retains fees	Cost of supervision
Utah	State Executive	Collects fees	Probation Department and Third-Party	State and returned to agency via formula	
Vermont	State Executive	Collects fees	Probation Department	Agency retains fees	Cost of supervision

Virginia	*State Executive*	*Does not collect fees*	----	----	----
Washington	*State Executive*	*Does not collect fees*	----	----	----
West Virginia	Judiciary	Collects fees	Courts	Fees not retained by agency	Cost of supervision
Wisconsin	State Executive	Collects fees	Probation Department	Agency retains fees	Cost of supervision
Wyoming	State Executive	Collects fees	Courts	Agency retains fees	
Note: No-fee states in italics					

APPENDIX C: DISCRETION FOR SUPERVISION FEE ASSESSMENT AND COLLECTION

State	Administrative Structure	Who Establishes Fees	Waive or Modify Fees	Reasons for discretion
Alabama	State Executive	Court	Court	Vague guidance
Arizona	Judiciary	Court	Court	Vague guidance
Arkansas	State Executive	Court	Court	Vague guidance
Colorado	Judiciary	Court	Court	Vague guidance
Florida	State Executive	Agency	Agency	General considerations
Georgia	State Executive	Court	Combination	Vague guidance
Hawaii	Judiciary	Court	Court	Vague guidance
Idaho	State Executive	Agency	Agency	Vague guidance
Illinois	Judiciary	Court	Combination	Vague guidance
Indiana	Judiciary	Court	Court	Vague guidance
Iowa	State Executive	Agency	Agency	No guidance
Kansas	Judiciary	Combination	Combination	Vague guidance
Kentucky	State Executive	Court	Court	Vague guidance
Louisiana	State Executive	Agency	Combination	Vague guidance
Maine	State Executive	Court	Court	Vague guidance
Maryland	State Executive	Court	Court	General considerations
Michigan	State Executive	Agency	Agency	General considerations
Minnesota	State and County	Agency	Agency	No guidance
Mississippi	State Executive	Agency	Agency	Formula
Missouri	State Executive	Agency	Agency	General considerations
Montana	State Executive	Court	Court	Vague guidance

Nebraska	State Executive	Court	Court	General considerations
Nevada	State Executive	Agency	Agency	Vague guidance
New Hampshire	State Executive	Court	Combination	Vague guidance
New Jersey	Judiciary	Court	Combination	Vague guidance
New Mexico	State Executive	Combination	Combination	General considerations
New York	State Executive	Agency	Agency	General considerations
North Carolina	State Executive	Combination	Combination	Vague guidance
North Dakota	State Executive	Court	Combination	No guidance
Ohio	County Executive	Court	Court	Vague guidance
Oklahoma	State, County, and Private	Agency	Combination	No guidance
Pennsylvania	County Executive	Combination	Combination	Vague guidance
Rhode Island	State Executive	Agency	Agency	General considerations
South Carolina	State Executive	Agency	Agency	General considerations
Tennessee	State Executive	Agency	Combination	Formula
Texas	County Executive	Court	Court	Vague guidance
Utah	State Executive	Agency	Agency	Vague guidance
Vermont	State Executive	Agency	Agency	Formula
West Virginia	Judiciary	Court	Court	Vague guidance
Wisconsin	State Executive	Agency	Agency	Formula
Wyoming	State Executive	Agency	Agency	General considerations

APPENDIX D: ENFORCEMENT FOR FAILURE TO PAY SUPERVISION FEES

Note: Failure to pay is abbreviated as FTP.

State	Unique Sanctions	Revocation
Alabama	Probation extended until debt resolved	Permitted but rare
Arizona		Cannot revoke solely for FTP
Arkansas	Community service	Permitted but rare
Colorado		Unknown
Florida		Permitted but rare
Georgia		Cannot revoke solely for FTP
Hawaii	Probation can be extended until debt resolved	Permitted but rare
Idaho	Referred to collections	Legal to revoke for FTP
Illinois	Referred to collections	Permitted but rare
Indiana	Civil offense	Cannot revoke solely for FTP
Iowa		Cannot revoke solely for FTP
Kansas	Varies by county; referred to collections or probation can be extended until debt resolved	Cannot revoke solely for FTP
Kentucky		Permitted but rare
Louisiana	Referred to collections	Not permissible
Maine	Probation can be extended until debt resolved	Permitted but rare
Maryland		Unknown
Michigan	Referred to collections	Permitted but rare
Minnesota		Cannot revoke
Mississippi		Permitted but rare
Missouri		Cannot revoke solely for FTP
Montana		Permitted but rare
Nebraska		Permitted but rare
Nevada	Residential confinement	Cannot revoke
New Hampshire		Permitted but rare
New Jersey	Collections or waived	Cannot revoke
New Mexico		Cannot revoke
New York	Civil judgement	Cannot revoke
North Carolina	Referred to courts for collection	Permitted but rare
North Dakota	Civil judgement; community service	Cannot revoke solely for FTP
Ohio	Civil judgement, jail sentence where they will be given credit for $50/day	Cannot revoke solely for FTP

	served toward their outstanding balance	
Oklahoma		Cannot revoke for FTP
Pennsylvania		Permitted but rare
Rhode Island		Permissible
South Carolina	Community service	Permissible
Tennessee		Permissible
Texas		Permitted but rare
Utah	Civil judgement	Cannot revoke for FTP
Vermont	Debt over $50 referred to State Income Tax Setoff Program or private collections	Cannot revoke for FTP
West Virginia		Permissible
Wisconsin		Cannot revoke for FTP
Wyoming		Permitted but rare

NOTES

[i] Nathan Link, Jordan M. Hyatt, and Ebony Ruhland, "Monetary Sanctions, Legal and Collateral Consequences, and Probation & Parole: Where Do We Go From Here?," *UCLA Criminal Justice Law Review* 4, no. 1 (2020), https://escholarship.org/uc/item/4w8022j5.

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[xv] This typically includes factors such as an individual's income and debt, number of dependents, status as a student, and mental or physical disability.

[xvi] See **Appendix B** for breakdown by state

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