

The Burden of Criminal Justice Debt in Alabama

2014 Participant Self-Report Survey

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Across the country the criminal justice system has increasingly looked to defendants to finance the courts and court related programs. In Alabama, the legislature has reduced funding for courts and court related services. To offset this loss, court costs and associated fees have risen.

The purpose of this study was to evaluate the success of this approach and the impact of these policies in Alabama. With the general knowledge that increased court costs have not produced projected revenue, we sought to understand why by surveying defendants across the state. We thank the Community Corrections Directors in the counties represented, the staff that administered the surveys and the Alabama Department of Probation and Parole.

Three goals of this study:

1. Explore the “*ability to pay*” question
2. Understand the dynamics of the collection process
3. Understand the consequences criminal justice **debt** has to:
 - *Defendants under court supervision*
 - *The purposes of the justice system*
 - *The public*
 - *Recidivism*
 - *Persons in the criminal justice system living in poverty*

Methods of this study:

1. This study was initially designed as an anonymous survey for Jefferson County/TASC, and Probation and Parole
2. Other Alabama counties expressed interest and participated in the study
3. Those populations have been combined in the following outcomes:
 - a. 13 counties
 - b. 943 participants under supervision for a felony were surveyed
4. **Primarily Quantitative:** descriptive statistics
5. **Secondarily Qualitative:** comments recorded from the participants

In this Report:

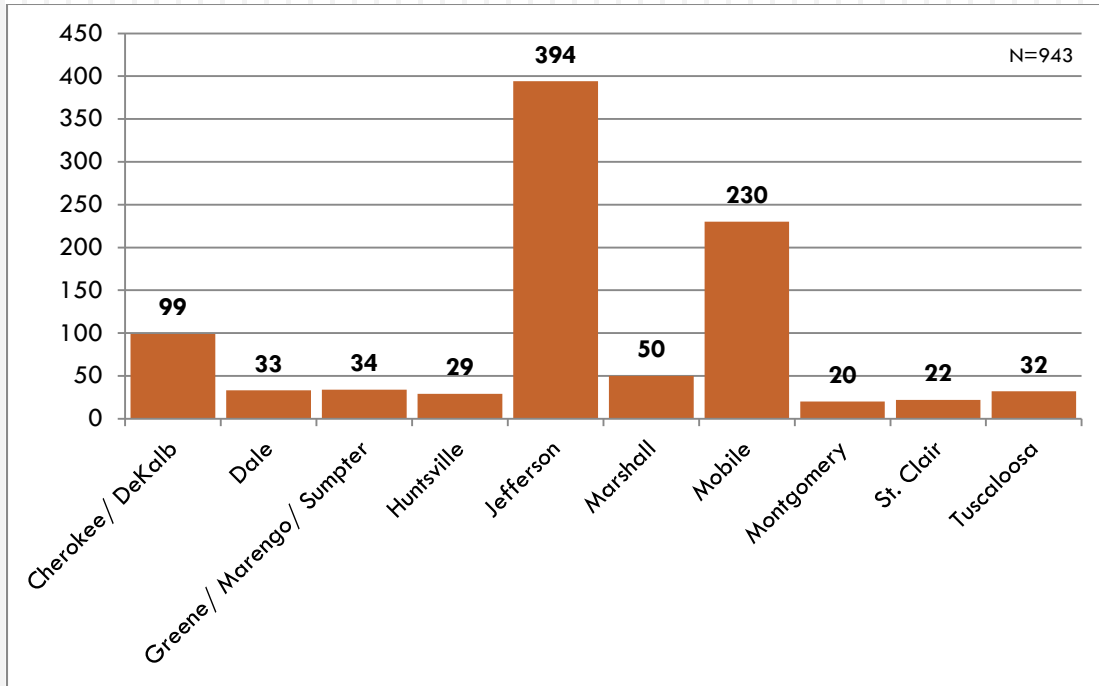
This report contains overall survey results for participating counties in the state of Alabama. Data presented is both consolidated on the state level as well as extracted at the county level.

State Sample

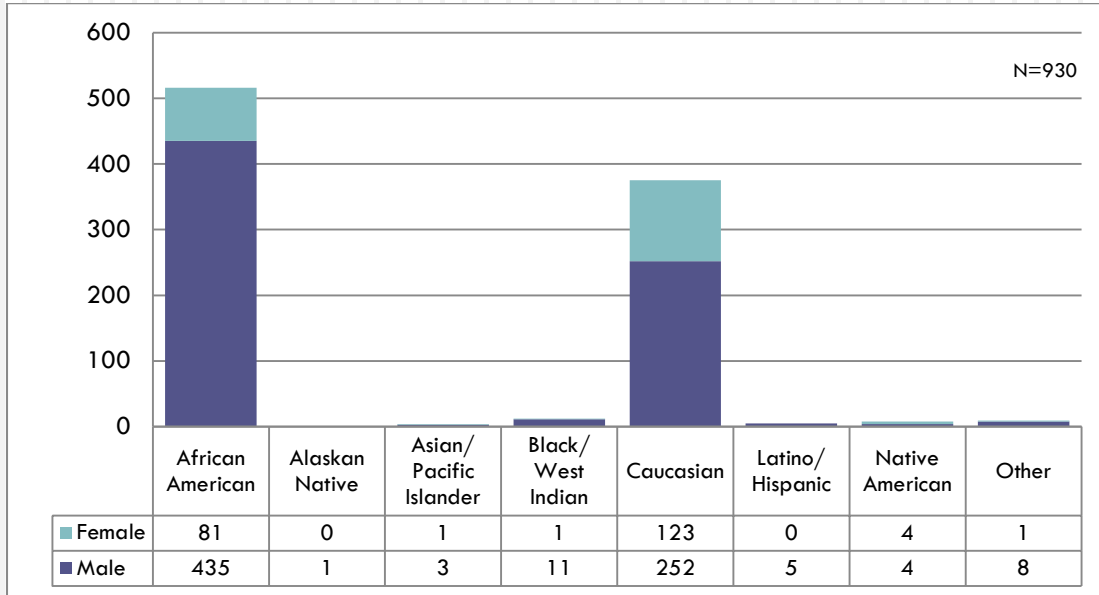
Demographics

Participating Counties

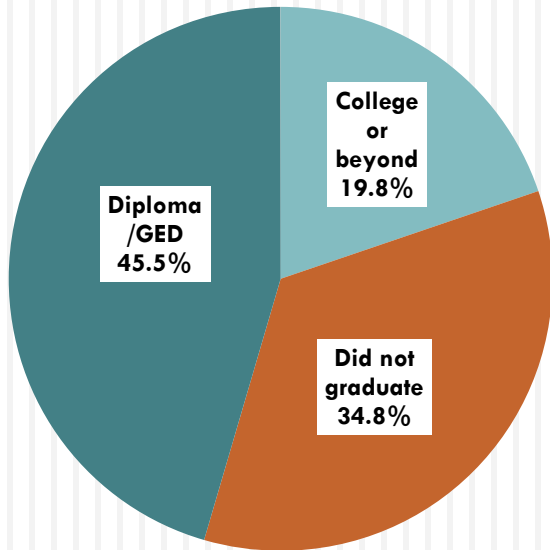
In 2013, 943 participants were surveyed across thirteen different counties in the state of Alabama. All of these participants were actively involved in the criminal justice system.



Gender and Racial Distribution

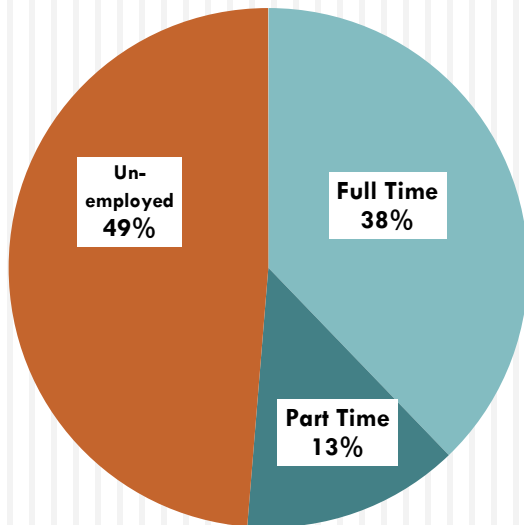


Level of Education



	Frequency	Valid%
College or beyond	185	19.8%
Did not graduate high school	325	34.8%
Diploma/GED	425	45.5%
n	935	100.0%
Missing	8	
Total	943	

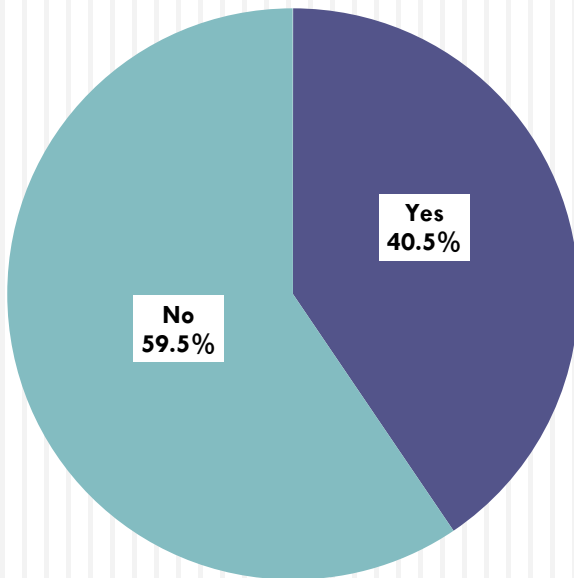
Employment



	Frequency	Valid%
Full Time	338	37.8%
Part Time	121	13.5%
Unemployed	435	48.7%
n	894	100.0%
Missing	49	
Total	943	

Children

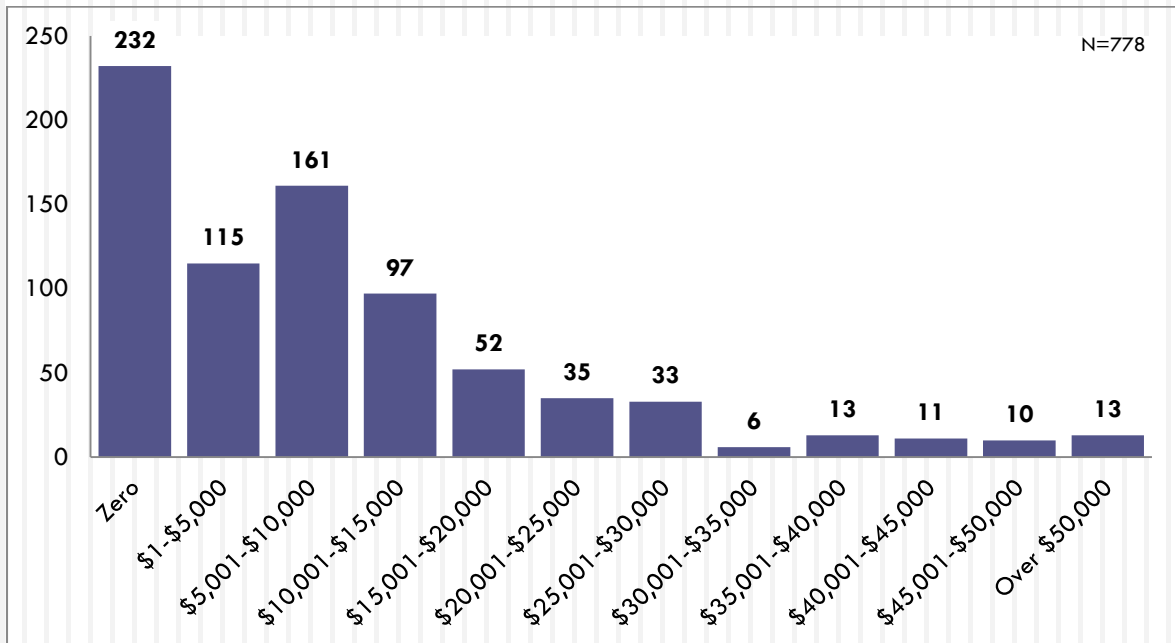
Over 40% of the overall sample reported having dependent children who live in their home.



	Frequency	Valid %
Yes	380	40.5%
No	559	59.5%
n	939	100.0%
Missing	4	
Total	943	

Annual Income Last Year Including Unemployed

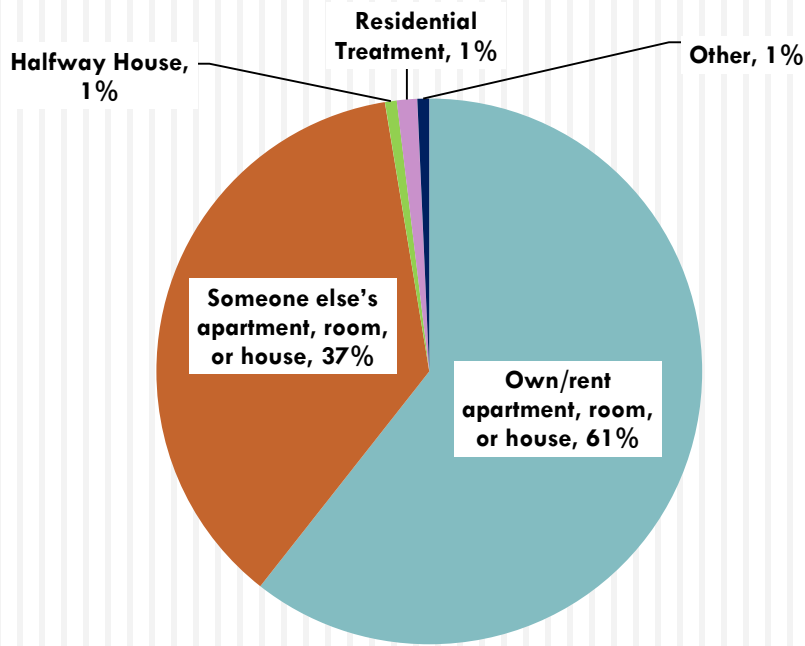
Participants reported a median income of \$8000.00 and a mean income of \$10,894.00 annually. These figures include participants claiming zero income due to unemployment.



Quality of Life

Housing

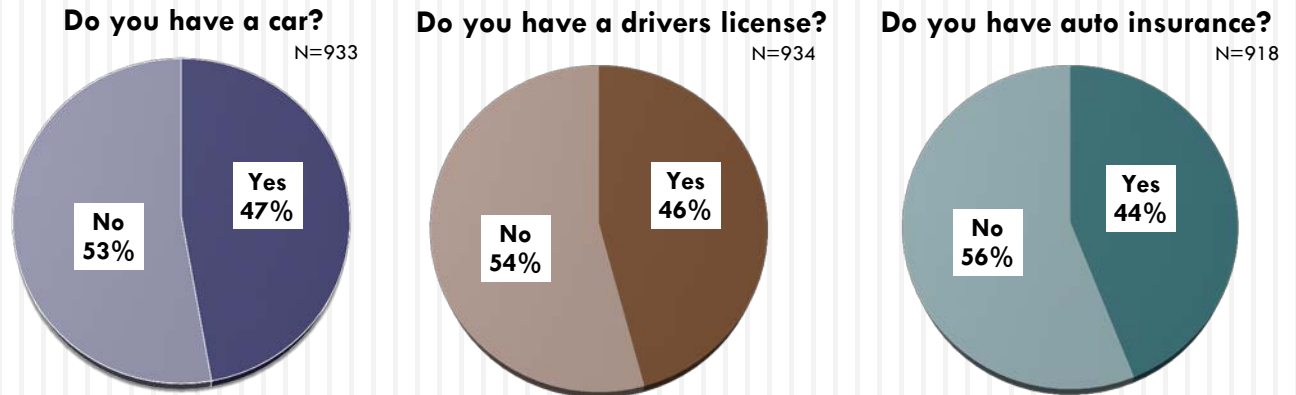
Participants were asked: “if housed, where are you living?” with 90% of the overall sample reporting being housed (n=863). However, 39.4% of the housed reported living at someone else’s residence, residential treatment, a halfway house, or other.



	Frequency	Valid %
Own/rent apartment, room, or house	523	60.6%
Someone else's apartment, room, or house	318	36.8%
Halfway House	6	0.7%
Residential Treatment	10	1.2%
Other	6	0.7%
n	863	100.0%
Missing	80	
Total	943	

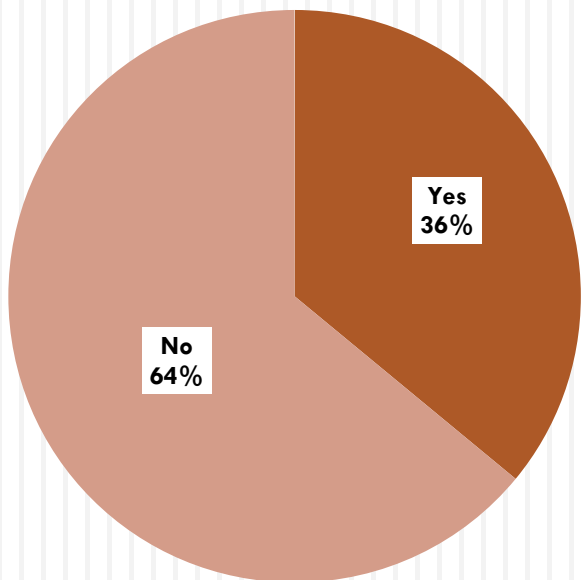
Transportation

Over half of the participants reported not having a car, not having a drivers license, or not having automobile insurance.



Bank Account

Almost 2/3^{ds} of the participants reported having no bank account



	Frequency	Valid %
Yes	329	36.0%
No	585	64.0%
n	914	100.0%
Missing	29	
Total	943	

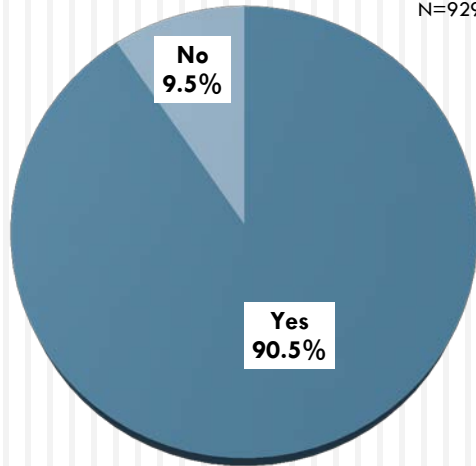
Fee Obligations

All participants were paying supervision fees ranging from \$35.00 to \$150.00 a month. It is speculated the 9.5% that reported not currently owing fees is an artifact of the instrument interpretation (for example, fees paid up for that month, etc.) or the result of judicial fee waivers. Courts below are defined as felony, misdemeanor, child support, and other.

Fees

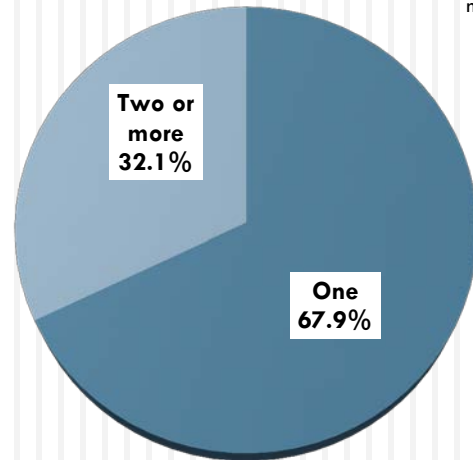
Do you owe court costs, fees, etc.?

N=929



In how many Courts do you owe fees?

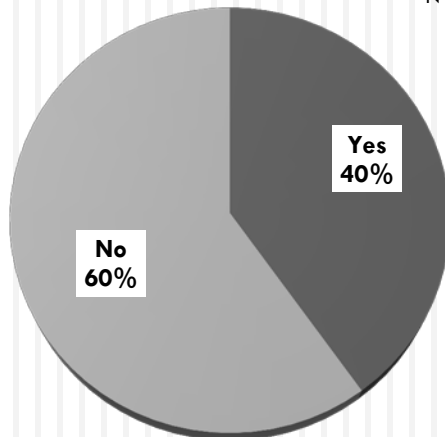
n=801



Misdemeanors

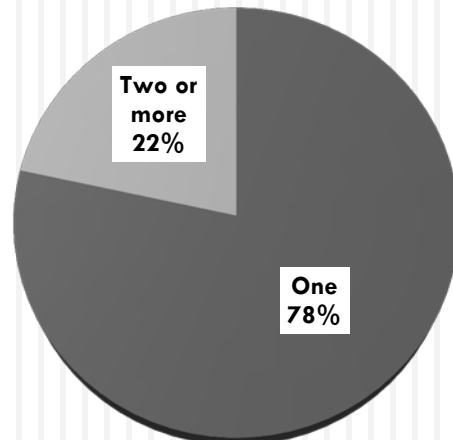
Do you owe for a misdemeanor as well as a felony (traffic offenses, etc.?)

N=921



If so, then in how many jurisdictions?

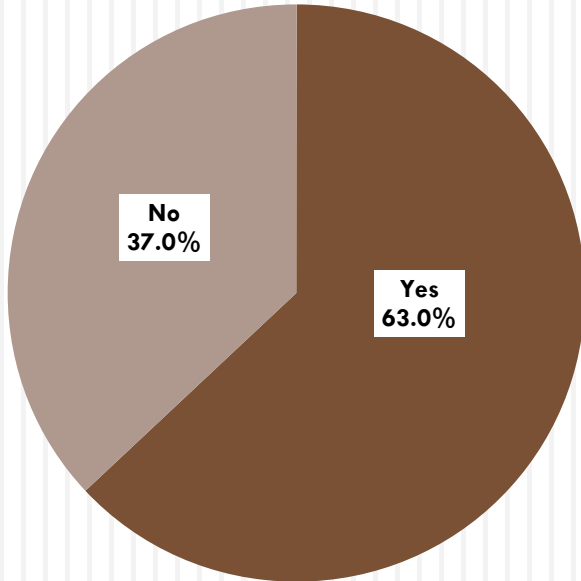
n=651



Who is Paying and How?

Paying on a Regular Basis

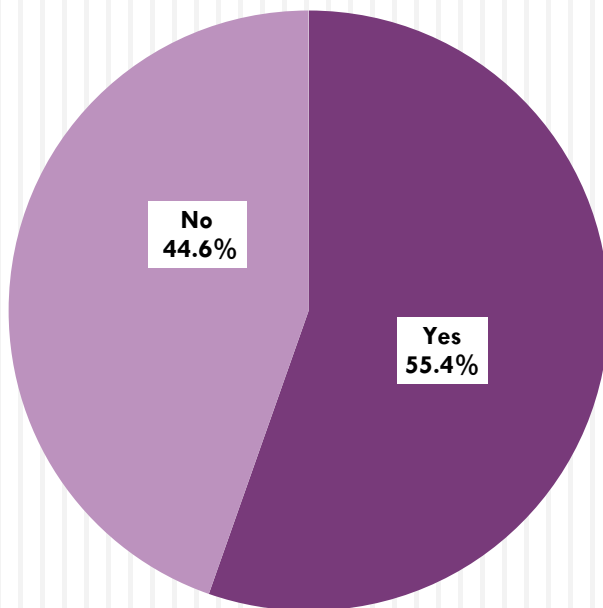
The majority of participants (63%) report paying on their court costs, fines, fees, etc. on a regular basis.



	Frequency	Valid %
Yes	544	63.0%
No	320	37.0%
n	864	100.0%
Missing	79	
Total	943	

Family and Friends

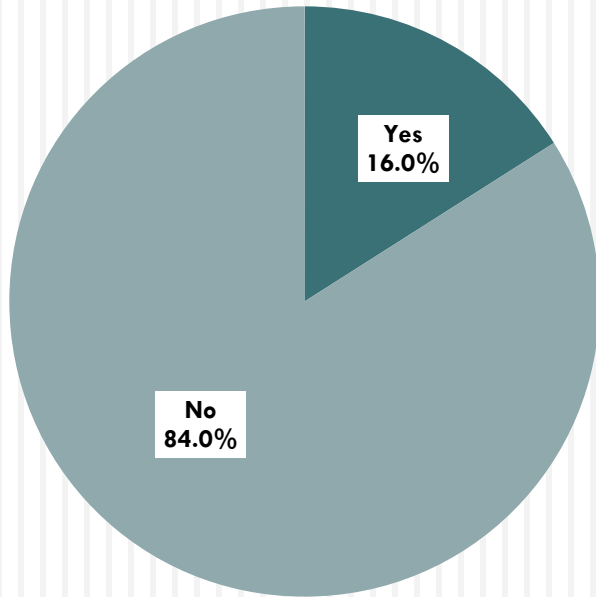
Participants were asked if they ever had to borrow money from family or friends to pay court costs, fines, fees, etc.



	Frequency	Valid%
Yes	510	55.4%
No	410	44.6%
n	920	100.0%
Missing	23	
Total	943	

Payday Loan

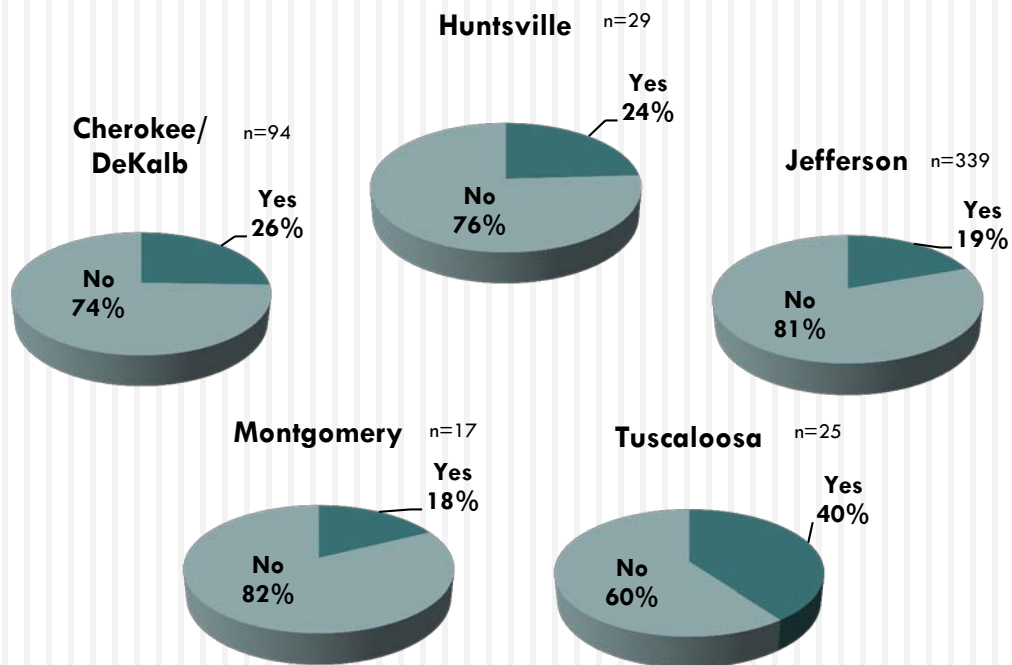
Participants were asked if they had ever used a payday or title loan to pay court costs, fine, fees, etc.



	Frequency	Valid%
Yes	138	16.0%
No	722	84.0%
n	860	100.0%
Missing	83	
Total	943	

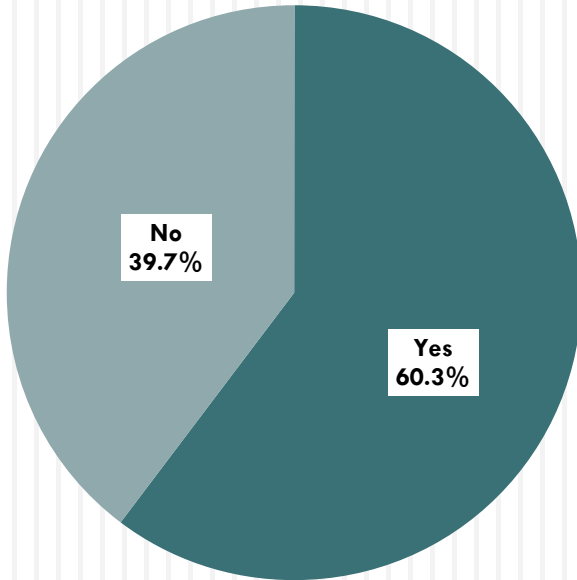
Counties above state percentage

The following counties scored higher than the state percentage (16%) when participants were asked if they had used a payday or title loan to pay court costs, fines, fees, etc.



Fees vs. Necessities

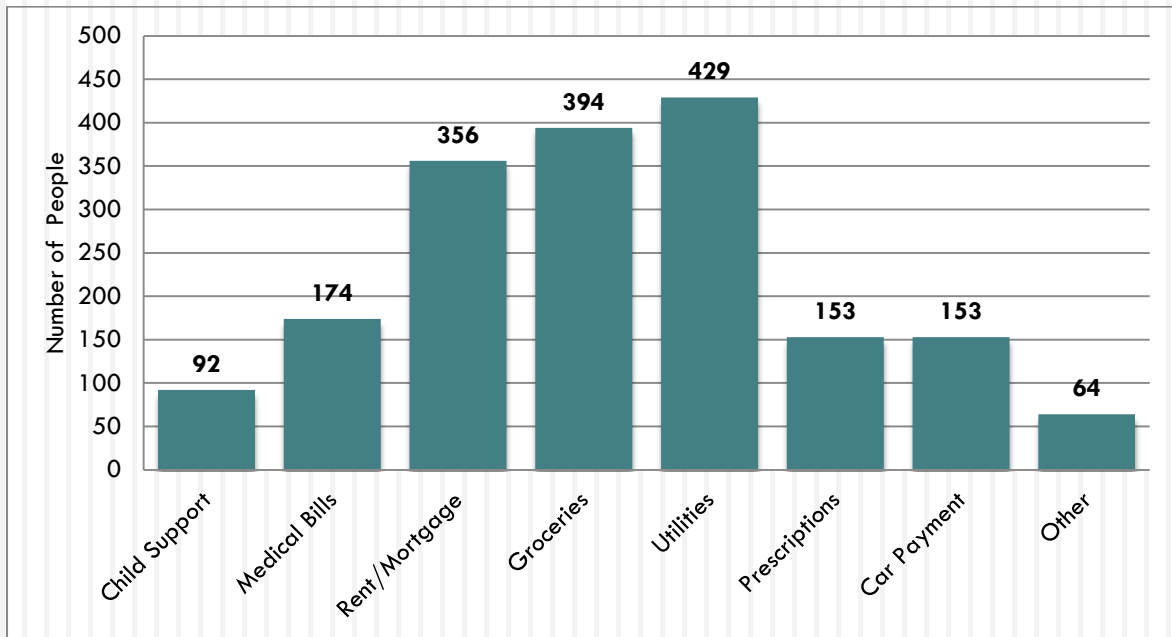
Participants were asked if they'd ever had to choose between paying the court and paying essentials. Over 60% stated that they had to make this choice.



	Frequency	Valid%
Yes	569	60.3%
No	374	39.7%
n	943	100.0%
Missing	0	
Total	943	

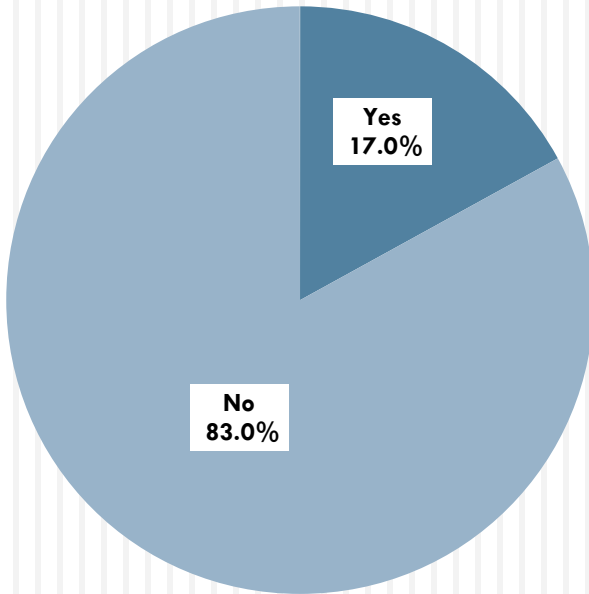
Number of People Forgoing Necessities

Of the participants having to choose between paying the court and paying necessities (n=569) the most frequent necessities that suffered non-payment were utilities, groceries and rent/mortgage payments. Many participants noted forgoing multiple necessities.



Crime as a Funding Source

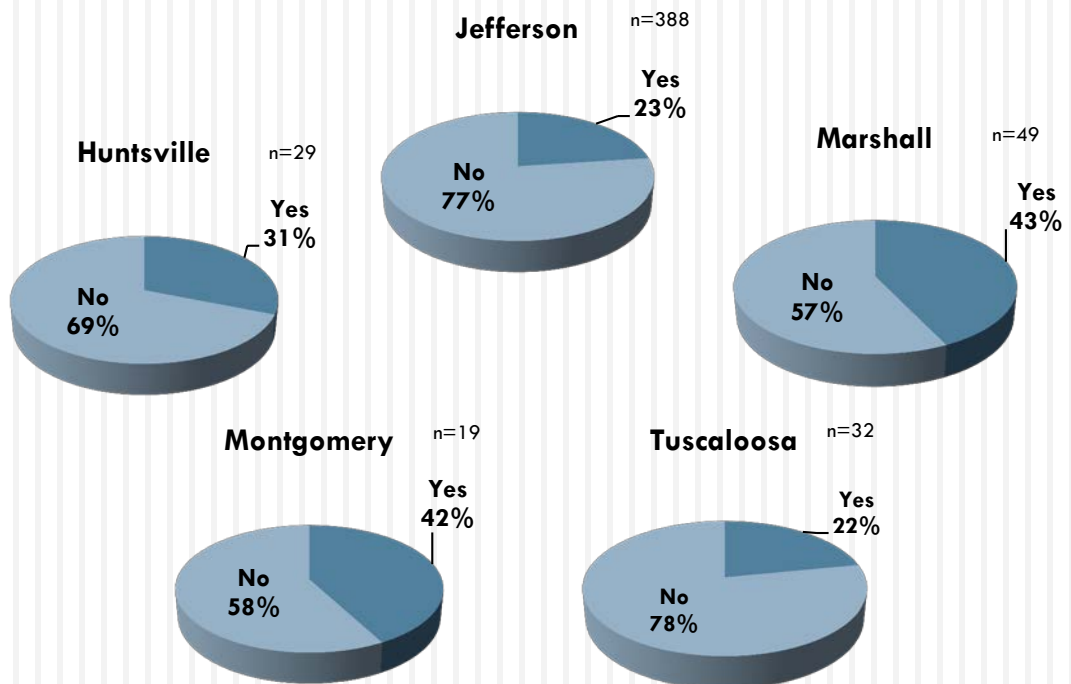
Participants were asked if they had ever committed a crime to pay court costs, fines, fees, etc. This percentage varied widely across counties from 1.8% to 43% depending upon who asked the question. In some counties, probation or community corrections officers conducted the interviews. Other counties used independent outside interviewers.



	Frequency	Valid%
Yes	158	17.0%
No	770	83.0%
n	928	100.0%
Missing	15	
Total	943	

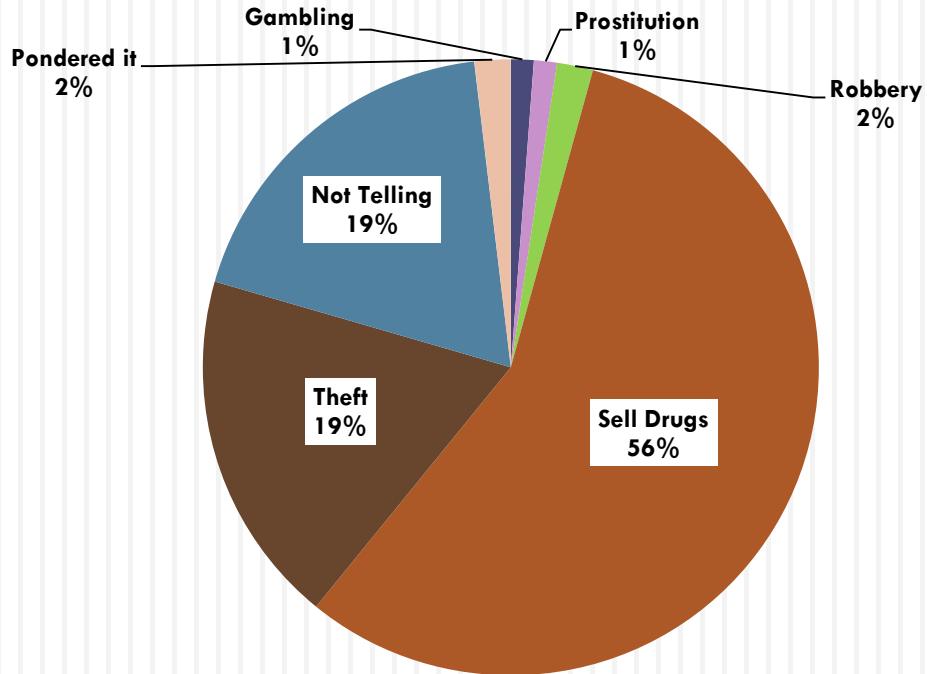
Counties above state percentage

The following counties used independent interviewers, not probation or community corrections officers. They scored higher than the state percentage (17%) when participants were asked if they had ever committed a crime to pay court costs, fines, fees, etc.



Criminal Activities

17.0% of statewide participants admitted to committing criminal activity to pay court costs, fines, fees, etc. The following subset includes those admitting to criminal activity as well as those that stated they had pondered it (n=161) as well. Of that percentage, selling drugs (56%) was the primary method.

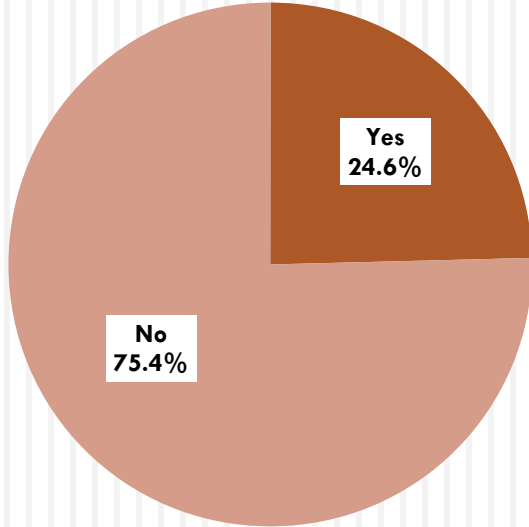


	Frequency	Valid%
Gambling	2	1.2%
Prostitution	2	1.2%
Robbery	3	1.9%
Sell Drugs	91	56.5%
Theft	30	18.6%
Not Telling	30	18.6%
Pondered it	3	1.9%
n	161	100.0%
Missing	782	
Total	943	

Penalties

Increased Payments

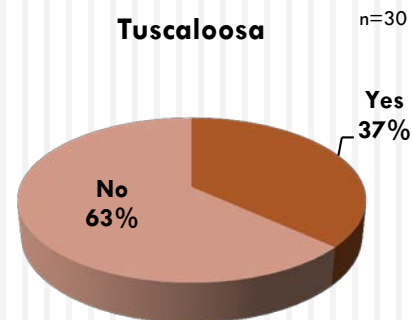
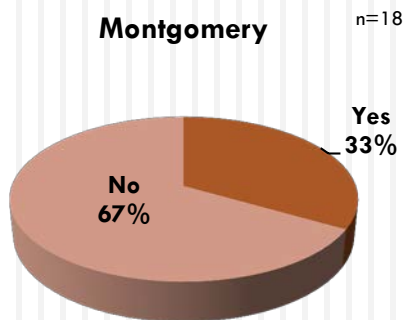
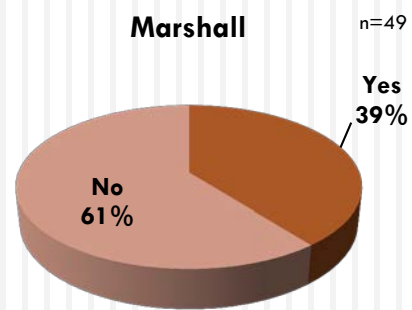
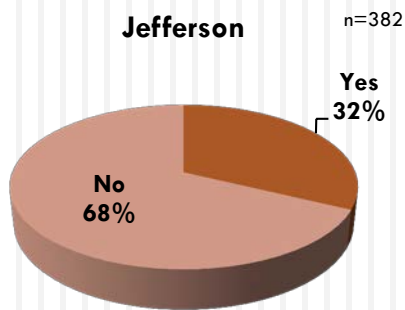
Participants were asked if they ever had court costs, fines, fees, etc. increase because they fell behind in payments. 24.6% stated the court had increased their amount owed as a penalty.



	Frequency	Valid%
Yes	222	24.6%
No	679	75.4%
n	901	100.0%
Missing	42	
Total	943	

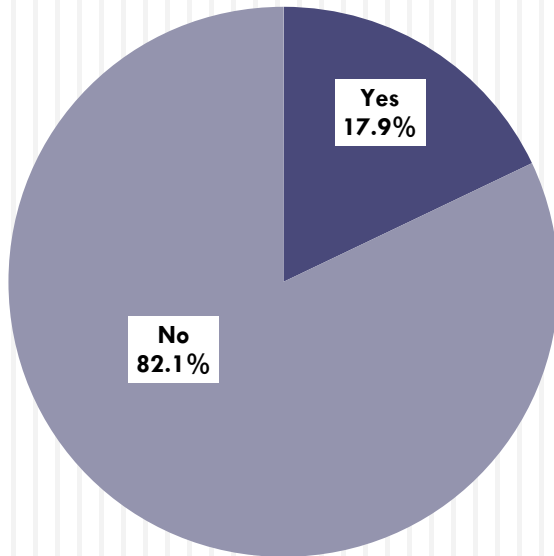
Counties above state percentage

The following counties scored higher than the state percentage (24.5%) when participants were asked if they had ever had court costs, fines, fees, etc. increase because they fell behind.



Jailed for Non-payment

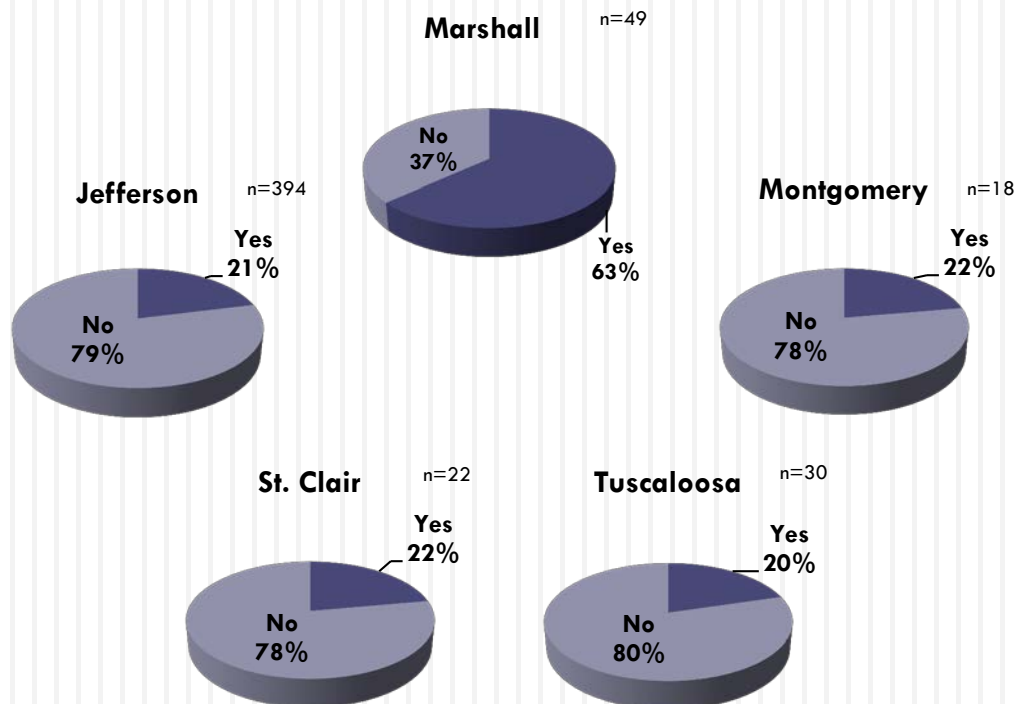
Participants were asked if they ever had been jailed for failing to pay court costs, fines, fees, etc.. 17.9% stated the court had held them in jail as a penalty for non-payment.



	Frequency	Valid%
Yes	167	17.9%
No	764	82.1%
n	931	100.0%
Missing	12	
Total	943	

Counties above state percentage

The following counties scored higher than the state percentage (17.9%) when participants were asked if they had ever been jailed for non-payment.

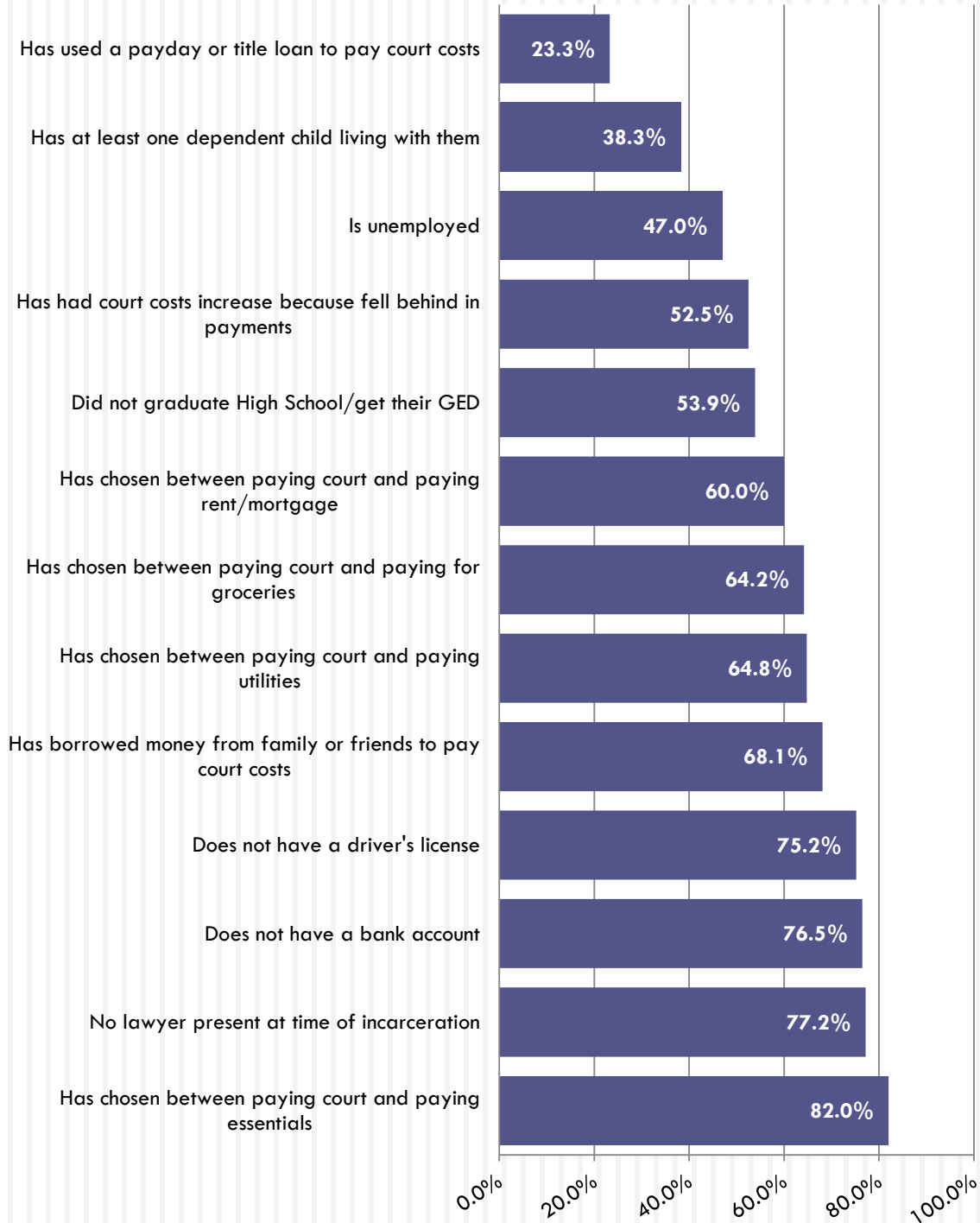


Attributes of participants that report being jailed for non-payment

The following is an analysis of the “jailed for non-payment” subsample (n=167) across other survey variables, targeting participants’ quality of life and ability to pay. The data would suggest the more impoverished the person, the more likely to be locked up for non-payment.

Please note that whether the below attributes were present at the time of participants’ incarceration is unknown. (Exception: the presence of a lawyer is tied specifically to the jailing event in question.)

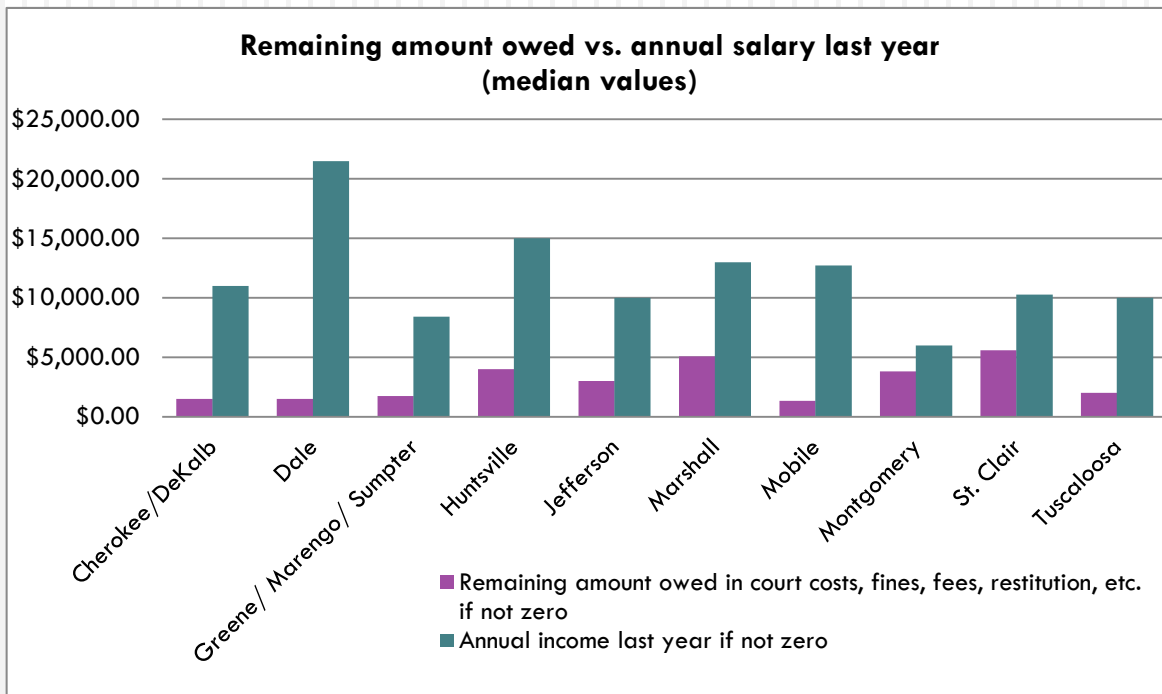
Attributes of Participants that Report being Jailed for Non-payment



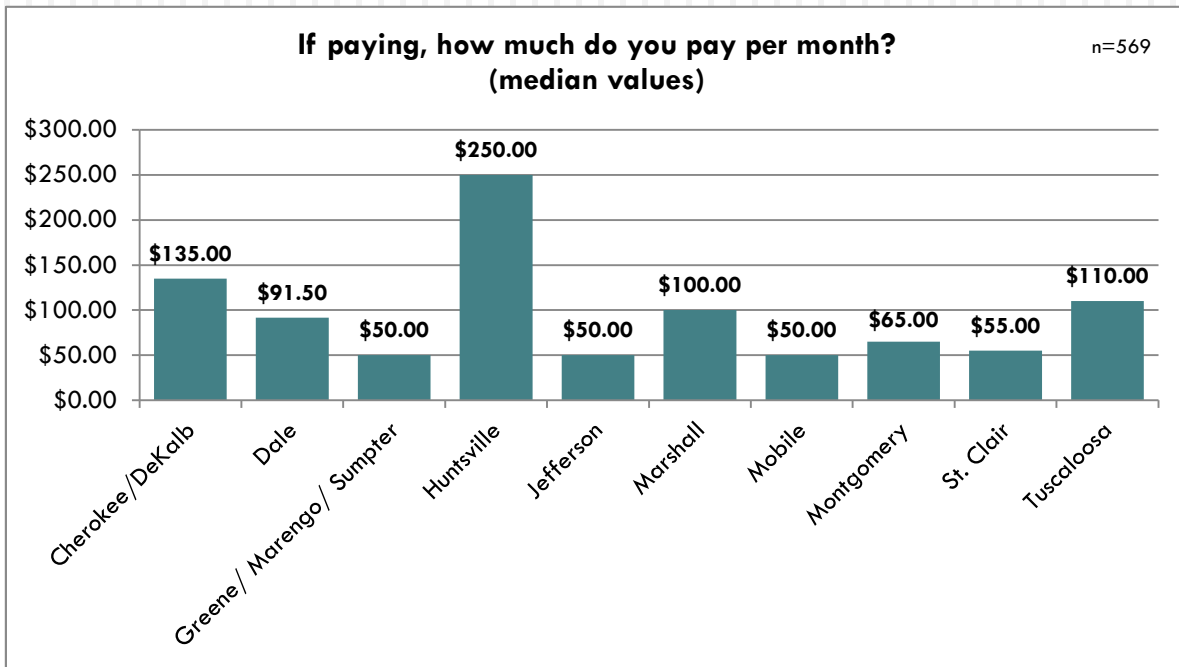
Financial Overview

	If paying, how much do you pay per month?	Total amount owed in court costs, fines, restitution, etc. if not zero	Cash access today	How many months have you been in a situation where you owed court costs, etc.?	Annual income last year if not zero	Annual income last year including unemployed
Median	\$75.00	\$2000.00	\$20.00	24.00	\$10,000.00	\$8,000.00
Mean	\$114.06	\$7,885.21	\$261.31	39.95	\$15,531.07	\$10,894.04
Valid	569	658	880	790	546	778
Missing	374	285	63	153	397	165

County Variance: Income and Fee Ratios

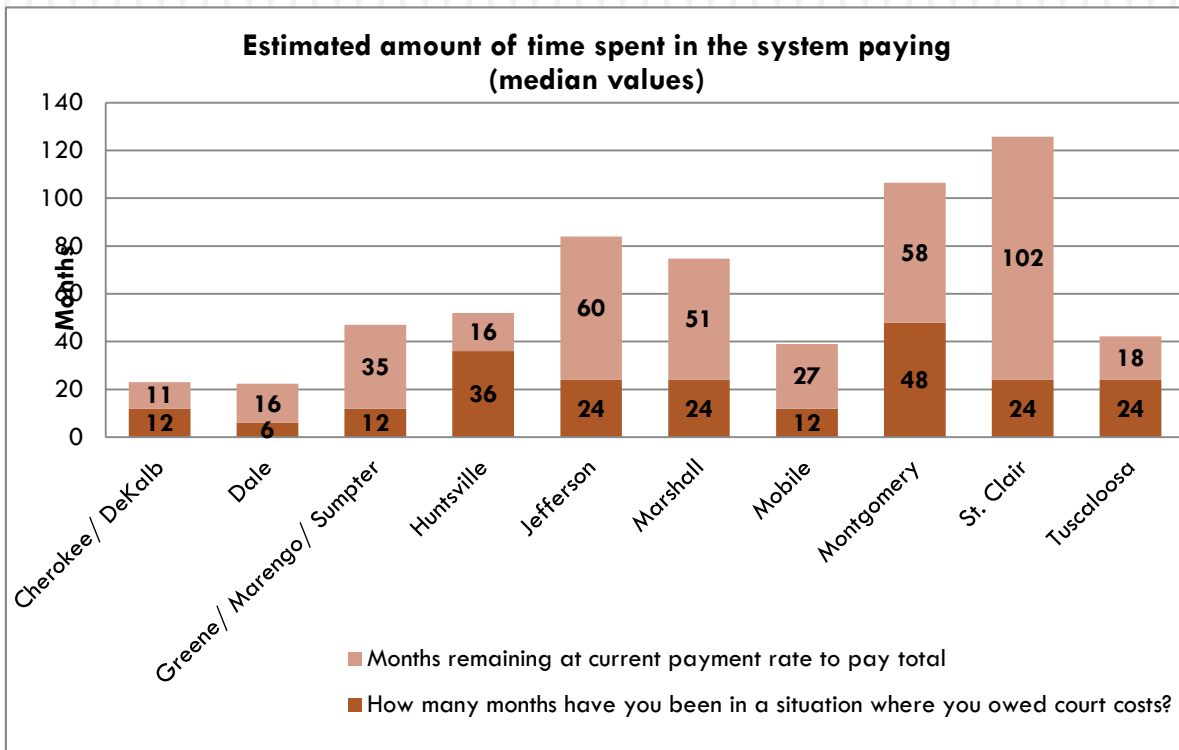


County Variance: Monthly Fee Rates



County Variance: Estimated Time Spent with Criminal Justice Debt

The following chart is an estimation of participant time owing court costs, fines, and fees. This is based on their reported months, thus far, and months they will have remaining if payments continue at the current rate.



Summary: The Cycle

Increased financial burden is difficult in the context of rehabilitation. Court costs, fines, and fees overwhelm other obligations (utilities, medical expenses, etc.). This is of particular note as 41% of those surveyed statewide reported dependent children living in the home. Excessive court costs and fees generate more crime and more victims as demonstrated in the diagram below.



A significant percentage of the participants surveyed were persons living in poverty who experienced acute obstacles in the areas of debt, ability to earn money, transportation, support network, and penalties for non-payment including incarceration. Upon a closer examination of those reporting incarceration for non-payment, circumstances were more desperate, typically exceeding those noted in the non-incarcerated sampling.

It was clear in our interviews that a lack of understanding or coordination among multiple agencies has produced a system of layered fees, duplication of supervision, and little uniformity. Competition between municipal courts (private probation) and state courts for funds, drug law statutes, driver's license suspensions, and unregulated supervision fees have a dramatic impact on an individual's ability to pay routine court costs and successfully exit the criminal justice system.

Unresolved debt over extended periods of time (80 months in Jefferson County) prohibits defendants from moving forward with rehabilitation goals of employment, stable housing, getting a driver's license, and staying off drugs. Under current policies, the poorer the defendant the longer they are in the system and the more they pay.

Qualitative Data

The following sections reflect a sampling of the comments offered by those interviewed regarding issues most important to them.

On Owing in Multiple Courts

“By paying different sections of the courts, they don’t realize you are probably paying each one separately which conflicts because no one is taking into consideration of how much money you are already paying to other court systems.” *Jefferson*

“Lost job in June 2013, have three children to support and take care of my sick grandmother. I have to pay two private probation offices. If I don’t, I will go to jail.”
(Asked if she could just go to jail and serve the time and get this over with) *Jefferson*

“Difficult and frustrating and easy to fail.” *Tuscaloosa*

“I wish I could get them misdemeanors off me.” *Jefferson*

On Fines Increased Because of Falling Behind

“The fees are way too high for the crimes and by the time you pay what you can afford barely any goes to the fine. Most of it goes to late fees...you end up paying three times the amount owed.” *St. Clair*

“So many fines, can’t pay on all. I’m late paying one because I’m paying on another. It’s a vicious cycle. I’m now being sued by a payday loan because I cannot pay it back.”
Jefferson

“I think it’s a bunch of crap. It’s all about money, but I am going to do what I have to...to keep my freedom.” *Tuscaloosa*

“Everything seems to be a trap.” *Jefferson*

On Fees vs. Necessities

“My mom has to bring food home from where she works and do without to help me. I just got out of prison in December and my disability has not started back yet.” *Huntsville*

“I have a fear of getting arrested because I can’t make my payments. The city will give you 200+ days for not paying.” *Jefferson*

“It’s overwhelming, causes anxiety. I go to therapy because you are always scared they will be knocking at your door. I have started using because of the anxiety.” *Jefferson*

“Going to the blood bank today to get gas money.” *Tuscaloosa*

“You go to jail if you can’t pay. I lost my apartment and got behind on bills.” *Jefferson*

On Employment/Unemployment

“Makes me feel like less of a man because I cannot support my family.” *Jefferson*

“I have five kids and get SSI. Not able to work due to my medical condition.” *Mobile*

“It is so hard to get a job because of my felony. If I could ever get a job, I could start paying.” *Jefferson*

“I am a single mother of two. I’m unemployed at this time because of a felony record, have been having a very hard time finding work. On the verge of being homeless with my children if I don’t find work soon. I am hopeful that I will get myself out of this situation soon for the sake of my innocent kids. With God’s help...” *Mobile*

On Transportation

“Can’t get a license because of fees. I pay two probation fees.” *Jefferson*

“It’s difficult because I have to get someone to bring me and I work and go to school.” *Jefferson*

“I spent 2 years in jail and got out and owe all this money. They pulled my driver’s license, I have no home, and have to pay all this money. How do you expect me to pay? It is a Catch-22 – can’t work if you can’t drive.” *Tuscaloosa*

“You get stuck because once your license is suspended you can’t register a vehicle, buy insurance or tag. If you get another ticket, it kicks you back further. Very stressful, just got married.” *Jefferson*

On Resources: Where do They Get the Money?

“Mom took out loans to help with court costs.” *Jefferson*

“I borrow money from my brother, mother, and grandmother.” *Jefferson*

“Criminal mischief. I took out student loans to pay on my case.” *Huntsville*

“It’s gonna take me over five years to pay the City of Birmingham/ Jefferson County. I am on disability and can’t pay much.” *Jefferson*

“Current situation is overbearing. It leads to further incarceration. It creates a number of problems in the community.” *Montgomery*

On Trying to Pay

“I don’t understand why court cost is usually more than the fine itself.” *Marshall*

“Strain – it gets stressful. Motivator – got to have it to have my freedom. Everything else has to be put on the back burner to have freedom.” *Montgomery*

“I just pay to get it over with. I have stage 4 cancer.” *Huntsville*

“You have to respect the law, but it seems a lot for the offense.” *Huntsville*

“I am going to pay everything I owe. Its just been hard.” *Mobile*

“They get it when I get it.” *DeKalb/Cherokee*

“I will owe when I leave this world. They come up with something new every day. I cannot get a loan. I will be paying until the day I die. The fees keep coming. The fees and fines are all they want.” *-Jefferson*