

Case Studies in Indiana Community Corrections Fines and Fees

Approximately 1 in 55 adults in the United States are serving a sentence under community supervision (probation or parole).¹ While serving their sentence, individuals are typically required to make payments on any fines and fees imposed at the time of conviction. Additionally, being on supervision often comes with added financial obligations. For example, some supervision agencies assess a monthly fee to cover the cost of supervision. A person may also have to pay fees for court-ordered drug testing or program participation. The following table lists typical fines and fees and indicates when they are assessed.

| Assessed at time of conviction: | Assessed at beginning of supervision: | Potential to be assessed throughout period of supervision: |
|---|--|---|
| Alcohol/drug fees (alcohol countermeasure, drug interdiction, and/or alcohol and drug program fees) Other court-ordered program participation fees Restitution Court fees Public defender fee | Administrative fees (assessed by supervision agencies for the duration of the supervision period) Probation user fees Community service fees | Drug screen fees Other court-ordered program participation fees Electronic monitoring fees Additional community service fees |

When individuals are unable to pay all mandatory fines and fees before the completion of their probation sentence, the unpaid balance remains on public court record and is known as a civil judgment docket. A judgment docket can be used to “constitute a lien upon real estate in the county where the judgment has been entered” but according to Credit Karma, does not appear on a person’s credit report.

The Community Corrections Fines and Fees Project is a multi-state, mixed-methods study that examines how fines and fees operate in community corrections (probation and parole) and how fines and fees impact the ability of individuals to succeed on supervision in several U.S. states. Below, we describe the experiences of four individuals from our study (using pseudonyms). Each individual was charged in the same Indiana county with a similar offense, but experienced differences in legal financial obligations and case outcome(s).²

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¹ Pew Charitable Trusts. (2018). Probation and Parole Systems Marked by High Stakes, Missed Opportunities. Retrieved from <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2018/09/probation-and-parole-systems-marked-by-high-stakes-missed-opportunities>.

² These four cases are a selected snapshot of how cases may happen in community corrections in Indiana. They may not reflect what happens on the aggregate.

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Mary

Mary was a full-time university student whose income consisted of wages from her summer job as a camp counselor, student loans, and parental assistance. Mary was convicted of operating a vehicle while intoxicated (a Class A misdemeanor). Mary had one prior conviction for another Class A misdemeanor. She was given a 60-day jail sentence, but this was suspended, and she was ordered to serve 360 days probation on low-level supervision (one face-to-face meeting with her probation officer every 60 days). Mary was also required to complete 50 hours of community service. Mary violated probation one time by not completing the community service hours in a timely manner, and for this she was assigned one additional day of service. She had no other violations of probation.

Relating to this conviction and probation supervision term, Mary's fees included the following:

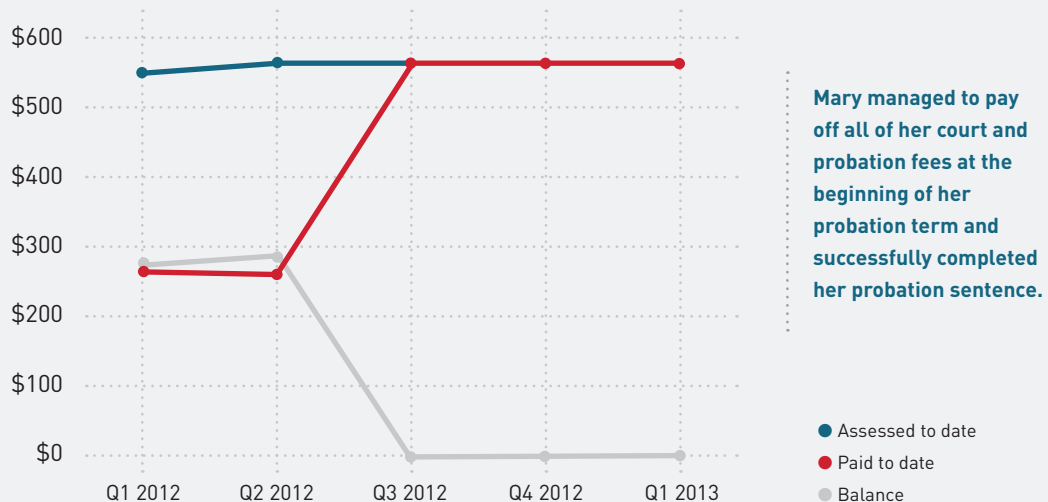
\$715.50 in clerk fees (\$165.50 court costs, \$50 public defender fee, and \$500 alcohol and drug interdiction/program fees)

\$570 in probation fees (\$50 administrative fee, \$50 initial probation user fee, \$220 monthly probation user fees, \$50 drug screen fees, and \$200 community service fees)

1/55

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Mary's Probation Fees



Malachi

Malachi has a high school education, was employed full-time throughout his probation term, and had no prior convictions. His governing offense was operating a vehicle while intoxicated, endangering a person (a Class A misdemeanor). Malachi was given a 1-year jail sentence, but this was suspended, and he was ordered to serve 365 days probation on moderate-level supervision (one face-to-face check-in with his probation officer per month and one residency visit every 120 days). He was also required to complete 50 hours of community service and attend substance abuse treatment. Malachi received two written warnings for failing to attend substance abuse treatment before a petition to revoke his probation was filed with the court. The petition to revoke his probation was dismissed by the court and he was discharged successfully from probation once he completed his substance abuse treatment and community service.

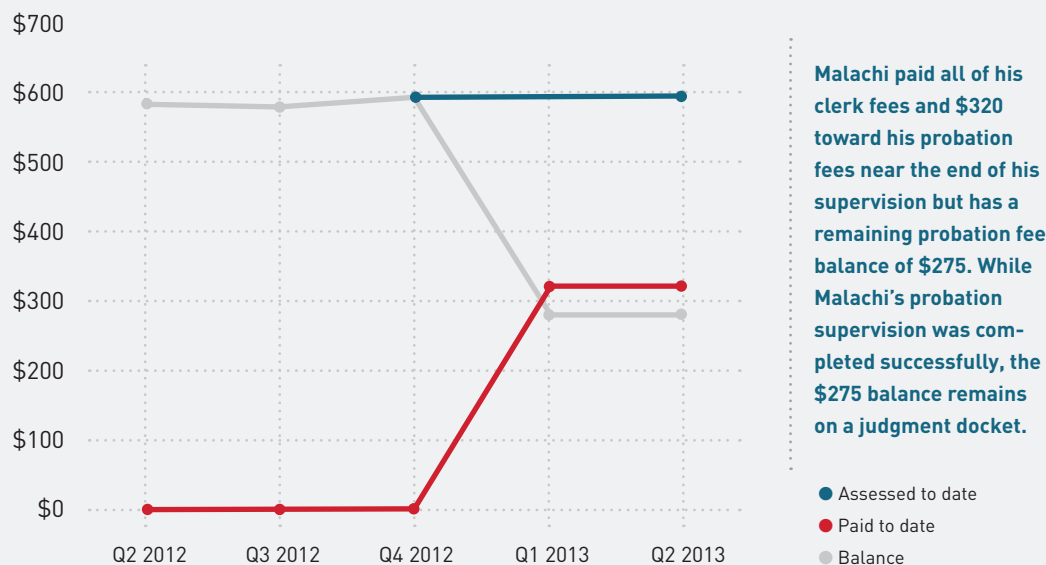
Relating to this conviction and probation supervision term, Malachi's fees included the following:

\$715.50 in clerk fees (\$165.50 court costs, \$50 public defender fee, and \$500 alcohol and drug interdiction/program fees)

\$595 in probation fees (\$50 administrative fee, \$50 initial probation user fee, \$220 monthly probation user fees, \$75 drug screen fees, and \$200 community service fees)

When individuals are unable to pay all mandatory fines and fees before the completion of their probation sentence, the unpaid balance remains on public court record and is known as a civil judgment docket.

Malachi's Probation Fees



Case Studies in Indiana Community Corrections Fines and Fees

Mikayla

Mikayla has a General Education Diploma (GED), her employment status is unknown, and she had one prior Class A misdemeanor offense. Her governing offense was operating a vehicle while intoxicated, endangering a person (a Class A misdemeanor). She was given an 18-month jail sentence, but this was suspended, and she was ordered to serve 18 months probation on moderate-level supervision (one face-to-face check-in with her probation officer per month and one residency visit every 120 days). She was also required to complete 180 hours of community service. Her probation officer filed a petition to revoke her probation with the court at the end of her probation term for failing to report to her supervision agent, failing to pay her probation fees, failing to notify her supervision agent that she had moved, failing to complete community service hours, and a new arrest. Her supervision period, which lasted a total of 30 months, was extended while waiting for the court's decision regarding the petition to revoke her probation and for verdicts concerning the new offense. Mikayla began making monthly payments during the time of extended probation. The petition to revoke was dismissed by the court about one year after it was filed, and Mikayla was kept on probation until community service was complete and fees were paid.

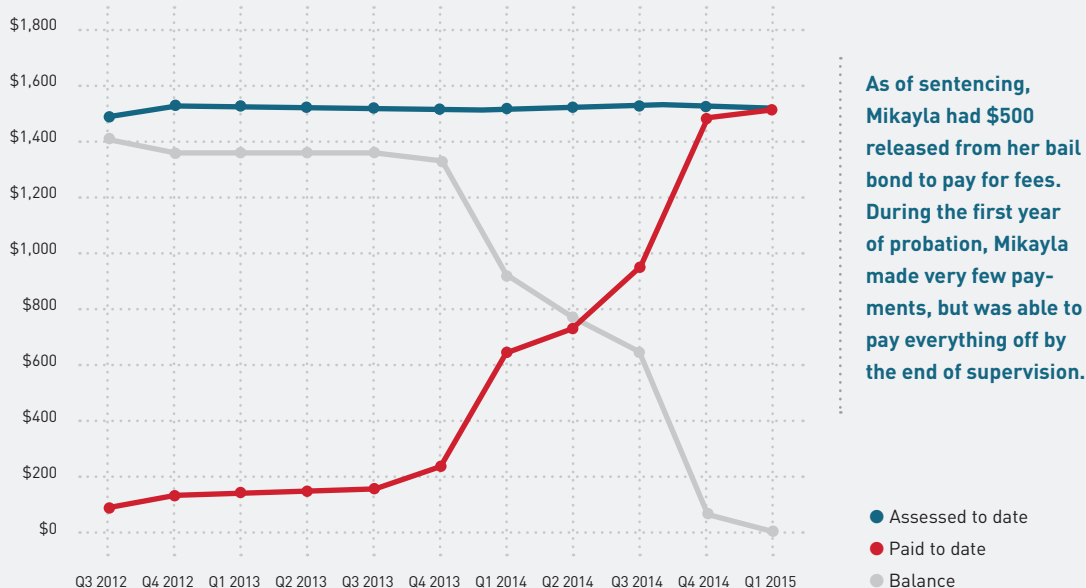
Relating to this conviction and probation supervision term, Mikayla's fees included the following:

\$915.50 in clerk fees (\$165.50 court costs, \$150 public defender fee, and \$600 alcohol and drug interdiction/program fees)

\$1,505 probation fees (including \$100 administrative fee, \$100 initial probation user fee, \$510 monthly probation user fees, \$75 drug screen fees, and \$720 in community service fees)

3:4
The fines and fees imposed at the time of conviction were very similar in three of the four cases.

Mikayla's Probation Fees



Max

Max has a GED and was employed full-time throughout his probation supervision. He had one prior Class B misdemeanor offense. His governing offense was operating a motor vehicle with an alcohol concentration equivalent of .15 or higher (a Class A misdemeanor). Max was given a 360-day jail sentence, but this was suspended and he was ordered to serve a 360-day probation sentence on moderate-level supervision (one face-to-face check-in with his probation officer once a month and one residency visit every 120 days). Max was also required to complete 75 hours of community service and attend substance abuse treatment. Toward the end of the original supervision period, a petition to revoke Max's probation was filed with the court for failing to attend substance abuse treatment, failing to pay court costs, and failing to pay probation fees. His supervision was extended to await the court's decision on the petition to revoke. After a four-month extension, the court discharged Max from probation unsuccessfully (due to incomplete requirements).

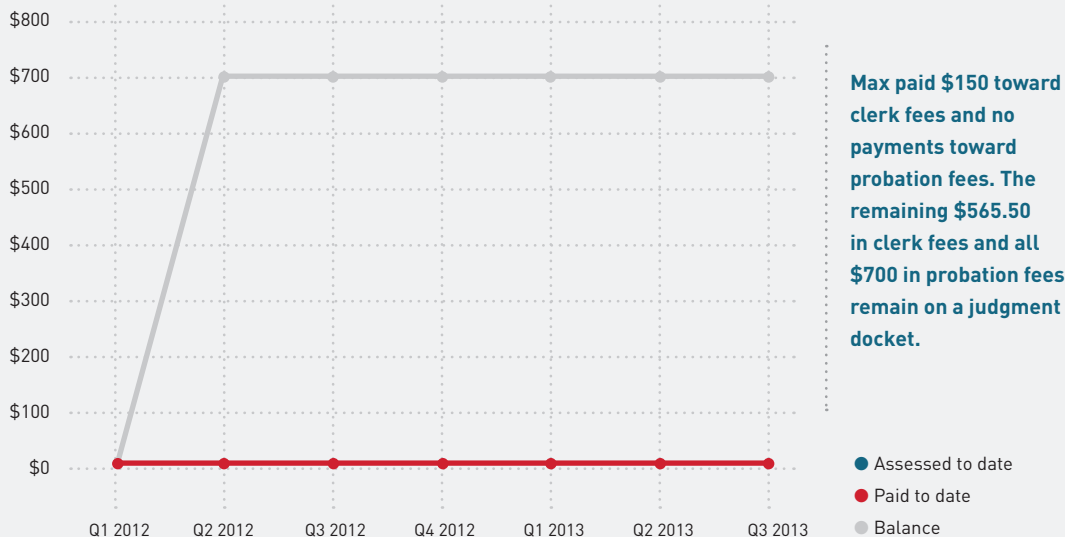
Relating to this conviction and probation supervision term, Max's fees included the following:

\$715.50 in clerk fees (including \$165.50 court costs, \$50 public defender fee, and \$500 alcohol and drug interdiction/program fees)

\$700 probation fees (including \$50 administrative fee, \$50 initial probation user fee, \$220 monthly probation user fees, \$80 drug screen fees, and \$300 in community service fees)

The fees imposed at the time of probation in all of the cases nearly doubled the total amount of legal financial obligations for each individual.

Max's Probation Fees



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Looking at all four individuals, the fines and fees imposed at the time of conviction were very similar in three of the four cases. But the fees imposed during supervision varied more. Most significantly, the fees imposed at the time of probation in all of the cases nearly doubled (in one case, more than doubled) the total amount of legal financial obligations for each individual. Though most research to date has focused on court costs and fees, it is important to also consider supervision fees and costs to understand the full picture. In the end, there are some variations between the four cases, even though the individuals had similar offenses and risk profiles. Due to how they served their probation, their costs varied. Mikayla was originally charged with a felony and received a longer period of probation and community service, and therefore incurred more monthly supervision fees. Individuals must pay for the hours of community service they are ordered to complete. In some cases, if they do not complete those hours (and their probation is revoked) those fees are waived.

AV Arnold Ventures

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