

IMPOSITION AND COLLECTION OF FINES, COSTS, AND RESTITUTION IN PENNSYLVANIA CRIMINAL COURTS

RESEARCH
IN BRIEF

Jeffrey T. Ward, Ph.D.
Temple University

Nathan W. Link, Ph.D.
Rutgers University—Camden

Andrew Christy, J.D.
ACLU of Pennsylvania

ACLU of Pennsylvania
December 18, 2020

INTRODUCTION

Across the U.S., there has been a renewed interest in application of monetary sanctions such as fines, costs, and restitution in criminal cases (Beckett & Harris, 2011; Martin et al., 2018). The small amount of research in this area shows that there is a wide range of monetary sanctions, especially in the form of court costs, which can accumulate into large debt burdens (Harris, 2016; Link, 2019). Not only is this debt obligation a stressor in and of itself—and a barrier to reintegration, particularly for individuals leaving prison—its existence can trigger numerous collateral and legal consequences, including incarceration (Bannon, 2010), which makes it more difficult to leave the criminal justice system behind and move forward with life.

Most of the fines, costs, and restitution imposed in Pennsylvania go uncollected, even after a decade. Publicly available data from the Administrative Office of Pennsylvania Courts show that, for cases adjudicated in 2010, 86% of fines, 45% of costs, and 70% of restitution remain unpaid.¹ The legal and collateral consequences of these unpaid fines, costs, and restitution can include:

- Incarceration for failure to pay²
- Arrest for “failure to pay” bench warrants, even if the defendant has not missed a court hearing³
- Probation revocation or extension⁴
- Driver’s license suspension⁵
- Denial of General Assistance and Temporary Assistance for Needy Families (“TANF”)⁶
- Denial of food stamps through the Supplemental Nutrition Access Program (“SNAP”)⁷
- For unpaid restitution, ineligibility to have misdemeanors sealed through Clean Slate⁸

The proliferation and across-the-board application of these financial sanctions deserve greater scrutiny as courts do not always consider one’s ability to pay these court-ordered sanctions when it imposes them (Colgan, 2017). This procedural gap is crucial given that those in contact with the justice system are generally poor (Western & Pettit, 2010) and often have few resources to address large debt obligations. In this context, the pursuit of debt stemming from monetary sanctions has been described as “drawing blood from stones” (Harris, Evans, & Beckett, 2010, p. 1753). It is not surprising, then, that recent research has found that financial sanctions are not a cost-efficient source of revenue for governmental agencies (Menendez et al., 2019).

This Research Brief examines the imposition and collection of fines, costs, and restitution, building on preliminary analyses of fines (Sharpe, Christy, & Ward, 2019) and costs (Sharpe, Dilks & Christy, 2018) in Pennsylvania. This work takes a holistic view of financial sanctions by considering fines, costs, and restitution together. It highlights assessment amounts, how assessments are settled (i.e., downward adjustments, non-monetary payments (meaning community service or serving time in jail in lieu of payments), or payment), the role of indigence in assessment and collections, and county-level variation in imposition and collection.

KEY FINDINGS

- **Pennsylvania’s courts of common pleas assessed more than \$4.7 billion in fines, costs, and restitution between 2008 and 2018 in 1.8 million separate criminal cases.**
- **In 66.1% of the cases we studied, the defendant was represented by the public defender or other court-appointed counsel (which requires a finding of financial need).**
- **In the 10-year period we studied, the 450,320 defendants with private counsel paid \$615 million collectively, while the 876,566 defendants with public defenders paid just \$432 million collectively.**
- **Fines are assessed in less than half of all cases, but costs are imposed in almost every case. Restitution is imposed in less than a quarter of all cases.**
- **In 2013, most defendants with a public defender, who are by definition indigent, left sentencing owing \$1,342, and most defendants with private counsel were assessed \$1,786.**
- **In most cases, the largest share of that debt (at least \$1,000) is from court costs—not fines or restitution. Further, the amount of court costs has increased over the past 10 years. Delaware County is the only county in which the court imposes about the same amount of court costs on defendants with public defenders as those with private counsel. Courts in every other county generally impose smaller amounts on defendants with public defenders.**
- **After 5 years, the typical public defender client owes \$689 while the typical defendant with private counsel has paid all of the fines, costs, and restitution. Even after 10 years, most defendants represented by the public defender still owe fines, costs, and/or restitution.**
- **The more that public defender clients were assessed in fines, costs, and restitution, the less likely it was that they were able to pay it off after 5 or 10 years. In the data we analyzed, 80% of those who were assessed less than \$100 in court costs in 2013 were able to pay them within 5 years. But, as the amount assessed increased, fewer and fewer defendants represented by the public defender could pay their debt, even when given a decade to do so.**

DATA & METHDODOLOGY

DATA

The ACLU of Pennsylvania purchased a data table in “long” format from the Administrative Office of the Pennsylvania Courts (“AOPC”) that consisted of 330,254,232 rows of data, corresponding to 1,866,190 unique dockets between January 1, 2008 and December 31, 2018 in which Pennsylvania’s courts of common pleas assessed fines, costs, and/or restitution against a defendant. The dataset does not include cases from magisterial district courts. For the present study, detailed information on fines, costs, and restitution assessments and payments were extracted, which resulted in 36,672,863 fines/costs/restitution records nested within the 1,866,190 dockets. **Assessment amounts totaled \$524,512,146 for fines, \$2,629,803,231 for costs, and \$1,564,286,417 for restitution, with the overall amount assessed equal to more than 4.7 billion dollars between 2008 and 2018.**⁹ The data represent the assessments, payments, and balances that were current on July 10, 2019.

ANALYTIC SAMPLE

To focus on imposition and collection, records with an assessment amount equal to zero (126,616), missing (2,182), or a negative value (1) were excluded. We also removed dockets with any upward adjustments (i.e., increases to amounts owed) in fines, costs, or restitution (70,287) to focus on the amount of debt settlement on original assessment amounts. Cases with missing data on key variables including race (69,121) and gender (11,561) were excluded. For representation type, cases with the type of attorney missing (224,377) and those not classified as public or private (3,533) were excluded. Finally, cases with a docket year before 2008 are likely not representative (89,013) and were also excluded.¹⁰ Collectively, these exclusion criteria resulted in a final analytic sample size equal to 1,326,886 dockets (71.1% of the original data set) that have non-zero assessments (i.e., >\$0) and no missing data. For fines, costs, and restitution specific analyses, we used dockets with non-zero assessments (i.e., >\$0) and no missing data for the specific assessment type, which resulted in analytic samples of 546,026 for fines, 1,324,270 for costs, and 260,915 for restitution. *For the final analytic sample that removes cases with missing data as just noted, assessment amounts totaled more than \$3.68 billion dollars overall, with \$393,240,768 in fines, \$2,057,636,309 in costs, and \$1,233,788,483 in restitution. Thus, fines, costs, and restitution comprise 10.7%, 55.8%, and 33.5% of the total assessments across the state of Pennsylvania, respectively.*

MEASURES

Variables available or constructed for case-level (i.e., docket) analysis include:

- Disposition Year (2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018+)
- County/County Class (Philadelphia, Allegheny, Bucks, Berks, Montgomery, Third Class, Fourth Class, Fifth Class, Sixth Class, Seventh Class, Eight Class+)

- Defendant Race (White+, Black, Other)
- Defendant Gender (Female+, Male)
- Representation Type (Private+, Public)¹¹
- Total Assessment Amount*
- Total Upward Adjustment Amount*
- Total Downward Adjustment Amount*
- Total Non-monetary Payment Amount*
- Total Payment Amount*
- Total Balance Due*
- Number of Assessments*

* Indicates availability of four different versions of the variable: total, fine, cost, and restitution.

+ Indicates reference group in multivariate models.

ANALYSIS

This report analyzes fines, costs, and restitution data in several ways. We begin by summarizing key imposition and collections information with basic percentages and the median statistic. We use the median, which is the midpoint in the set, rather than the mean, because in our dataset a small number of unusually high fines, for instance, make the average fine too high to fairly represent the majority of fines imposed.¹² Our analysis focuses on determining whether there are differences between defendants with private counsel and defendants with public defenders (including court-appointed lawyers). This proxy for relative wealth highlights any disparities in the imposition and collection of fines, costs, and restitution among those who have fewer financial means. In addition, we examine whether there are differences in county-level imposition and collections. Importantly, because less time has passed for debt to be settled in cases disposed of more recently, we separate out cases by disposition year. Often, we highlight findings from cases adjudicated in 2008 and 2013, which enables a determination of how much has (or has not) been paid 5 and 10 years later (recall that the data was current as of mid-2019).

Following these more straightforward descriptive analyses, we estimate a series of generalized and two-part regression models predicting: assessment amount and balance due, respectively. We include race, gender, representation type, county, and year as predictor variables and calculate average marginal effects to aid interpretation of the models. We control for assessment amount when examining the balance due as an outcome. We exclude outliers in our multivariate models (i.e., classically defined by 3 or more times the inter-quartile-range above the 75th percentile; thus, we exclude cases with imposition amounts larger than \$5,257 for costs, \$3,550 for fines, and \$7,472 for restitution). As they may be more familiar than our generalized linear regression model with log link and the two-part regression model employed herein, we also report results from OLS regression models as an ancillary appendix. All analyses are conducted in Stata v16.1 (StataCorp, 1996-2019).

FINDINGS

THE EFFECT OF INDIGENCE ON THE PAYMENT OF FINES, COSTS, AND RESTITUTION

How much debt has been imposed and how much has been collected from defendants with private counsel as compared to public defender (PD) clients in the last ten years overall?

Table 1 shows the total overall assessment and collection amount for cases in the analytic sample over the past ten years, separated by private clients and public defender (PD)

Table 1. Total overall imposition and collection by representation type, 2008-2018.

	Private (n=450,320 [33.9%])		Public (n=876,566 [66.1%])		Percent of Total Assessed in Public Cases
	Amount	% of Assessment Amount	Amount	% of Assessment Amount	
Amount Assessed	\$1,553,474,304	---	\$2,131,191,258	---	57.8%
Downward Adjustment	\$221,658,249	14.3%	\$356,771,687	16.7%	61.7%
Non-monetary	\$3,149,742	0.2%	\$10,169,515	0.5%	76.4%
Amount Paid	\$615,123,698	39.6%	\$432,033,316	20.3%	41.3%
Unpaid Balance	\$713,542,616	45.9%	\$1,332,216,740	62.5%	65.1%

As the analysis below shows, the main reason for this gap is a difference in ability to pay fines, costs, and restitution. In close to two thirds of the cases analyzed, the defendant was deemed indigent by the court and therefore provided with a public defender or other court-appointed counsel. The majority of these indigent defendants cannot pay the sanctions arising from a single case, even when given ten years to do so. Moreover, it appears that many defendants have multiple cases between 2008 and 2018 in our dataset. Indeed, *we estimate that 31 of every 100 individuals have more than one docket and, therefore, more than one set of legal financial obligations.*¹³

clients. For every 100 individuals represented by private counsel, there are 194 represented by public defenders. **Despite the fact that there are nearly twice as many cases with PD clients as there are private clients—and thus the total dollar amount imposed on all PD clients is collectively higher (57.8% of the total dollars assessed)—courts in Pennsylvania actually collect much less from defendants with PDs than from defendants with private counsel.** As Table 1 shows, clients with private counsel paid more collectively—\$615 million v. \$432 million from the larger number of PD clients—and paid a higher percentage of what they were assessed. In short, most of the money that courts are collecting comes from the smaller pool of defendants with private counsel.

How common are fines, costs, and restitution assessments for defendants with private counsel as compared to PD clients?

Financial sanctions can come in three categories: fines, costs, and restitution. The analysis of this data shows that fines are more likely to be imposed on private clients, whereas restitution is slightly more likely to be imposed on PD clients; courts impose costs in almost all cases, regardless of whether the defendant has private counsel or a PD.

Table 2. Percentage of cases in which the court imposed fines, costs, and restitution assessments by representation type, 2008 and 2013.

	2008		2013	
	Private (n=20,891)	Public (n=42,576)	Private (n=45,329)	Public (n=85,581)
Fines	53.7%	38.8%	46.1%	37.1%
Costs	99.8%	99.7%	99.8%	99.7%
Restitution	16.1%	21.7%	16.8%	23.1%

How much does the typical defendant with private counsel and the typical PD client owe and how successful has each been at paying their debt?

Table 3 summarizes the median imposition and collection information for cases disposed in 2008 and 2013 (i.e., cases with a full ten-year and five-year repayment window, respectively).¹⁴ **The typical private client is assessed hundreds of dollars more overall in fines, costs, and restitution than the typical PD client.** For example, in 2008, the median private client was assessed \$1,584 overall whereas the median PD client was assessed \$1,078 overall, a more than \$500 difference. In 2013, the median private client was assessed \$1,786 whereas the median PD client was assessed \$1,342, a more than \$440 difference. This suggests that judges may be taking into consideration indigent status when making decisions about the imposition of financial sanctions. Assessment amounts were also found to be significantly higher for private clients than PD clients when controlling for race, gender, year, and county.¹⁵

Despite being assessed higher amounts, clients with private counsel owe far less, five and ten years after disposition, than PD clients. Table 3 also shows that **the median PD client still had a balance due in mid-2019 on their debt obligations from cases that were disposed a decade ago, while the median client with private counsel has no debt remaining.** Given this finding, it is not surprising that the median PD client also has fines, costs, and restitution debt that is notably higher from cases disposed in 2013, where the repayment window has been five years instead of ten. In stark contrast, the median private client does not have a balance due on fines, costs, or restitution on cases disposed from 2008 nor on cases from 2013.

To summarize thus far, the typical PD client still owes legal financial obligations after ten years despite the fact that the median PD client has a notably lower assessment amount imposed.

Table 3. As of mid-2019, the median imposition and collections statistics by representation type for fines, costs, and restitution imposed in 2008 and 2013.

	2008		2013	
	Private	Public	Private	Public
Total				
Assessment	\$1,584	\$1,078	\$1,786	\$1,342
Unpaid Balance	\$0	\$318	\$0	\$689
Fines				
Assessment	\$700	\$300	\$700	\$300
Unpaid Balance	\$0	\$95	\$0	\$100
Costs				
Assessment	\$1,048	\$818	\$1,336	\$1,038
Unpaid Balance	\$0	\$233	\$0	\$579
Restitution				
Assessment	\$705	\$500	\$640	\$525
Unpaid Balance	\$0	\$7	\$0	\$101

Medians are calculated for cases with assessments amounts imposed (>\$0) (see Table 2) and thus represent the typical assessment amount and unpaid balance when fines, costs, and/or restitution is imposed. The total median will not equal the sum of individual medians for fines, costs, and restitution.

How quickly does the typical private client pay their debt and how does this compare to the typical PD client?

There are stark differences between defendants with private counsel versus those with public defenders. For cases in which at least some amount of fines, costs, and restitution was imposed, Figures 1A, 1B, and 1C report the median amount and balance due on these assessments, respectively, by disposition year and attorney type. The findings show that *the typical private client has paid all of their fines within three years, costs within five years, and restitution within two years—while the typical PD client languishes, unable to pay their debt ten years later even though the imposed amount was much less to begin with.*

Beginning with fines, Figure 1A shows that there is no systematic trend in median fine amounts over time, though there is variation over time for private clients. Regardless, private clients have higher median fine amounts in all year-by-year comparison. Yet, by July 2019, the median private client in each disposition year between 2008 and 2015 has completely paid off their fines. These findings imply that, with at least three full calendar years to repay, the typical individual with means will settle his or her fine debt. This is not the case for a PD client. Despite receiving a consistently lower median fine

amount (i.e., \$200 to \$450 lower depending on the year), the typical PD client still has an outstanding balance on cases that were disposed ten years ago. Thus, half of all PD clients owe at least \$95 on their fine debt from a decade ago.

Turning to costs, Figure 1B shows that the median cost assessment amounts rose for cases disposed between 2008 and 2015, but leveled off thereafter; the median private client was assessed more in costs than the median PD client, which was the case across all year-to-year comparisons. For example, the median assessment for those with a public defender in 2018 was \$1,154 compared to \$1,519 for those with a private attorney. Recall, the data are current as of July 2019, so cases with earlier disposition years have had a longer duration to settle the debt. The median private client in each year between 2008 and 2014 has achieved a zero balance. Conversely, the typical PD client in each disposition year, including disposed cases dating as far back as 2008, still has a balance due on their criminal justice costs (see Figure 1B). Indeed, half of PD clients still owed at least \$233 in criminal justice costs associated with a case that was disposed a decade earlier in 2008. The typical private client from 2014 has fully paid their costs; by contrast, the typical PD client from 2014 still owes \$648—more than half the amount the court had originally imposed.

Figure 1A. Median Fine Assessment Amount and Balance Due by Disposition Year and Attorney Type

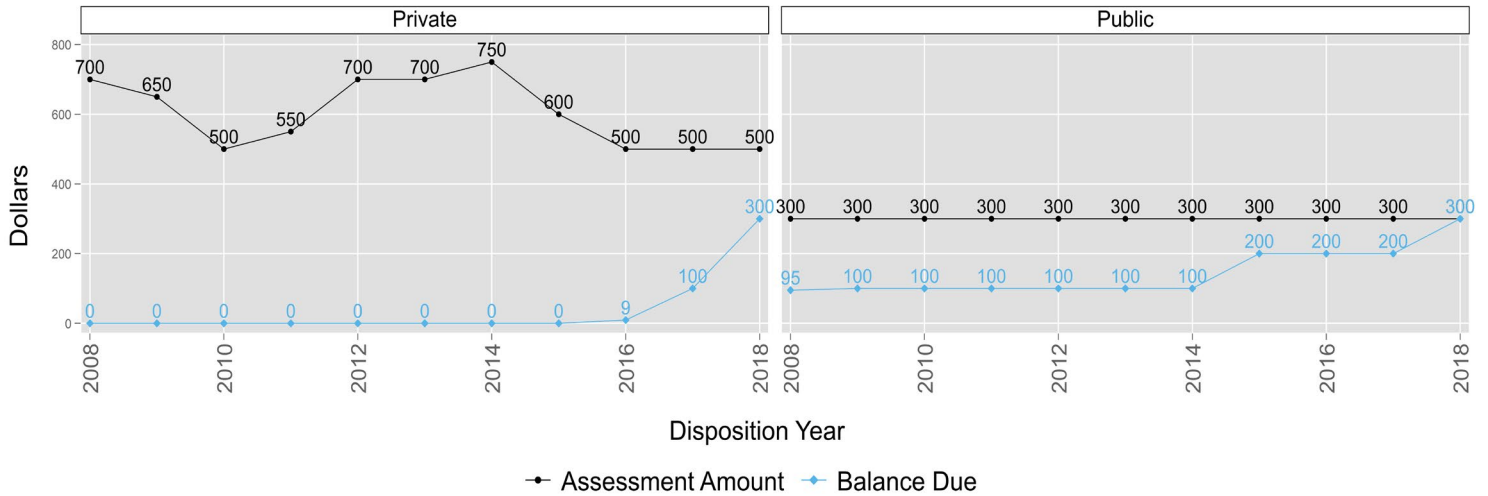


Figure 1B. Median Cost Assessment Amount and Balance Due by Disposition Year and Attorney Type

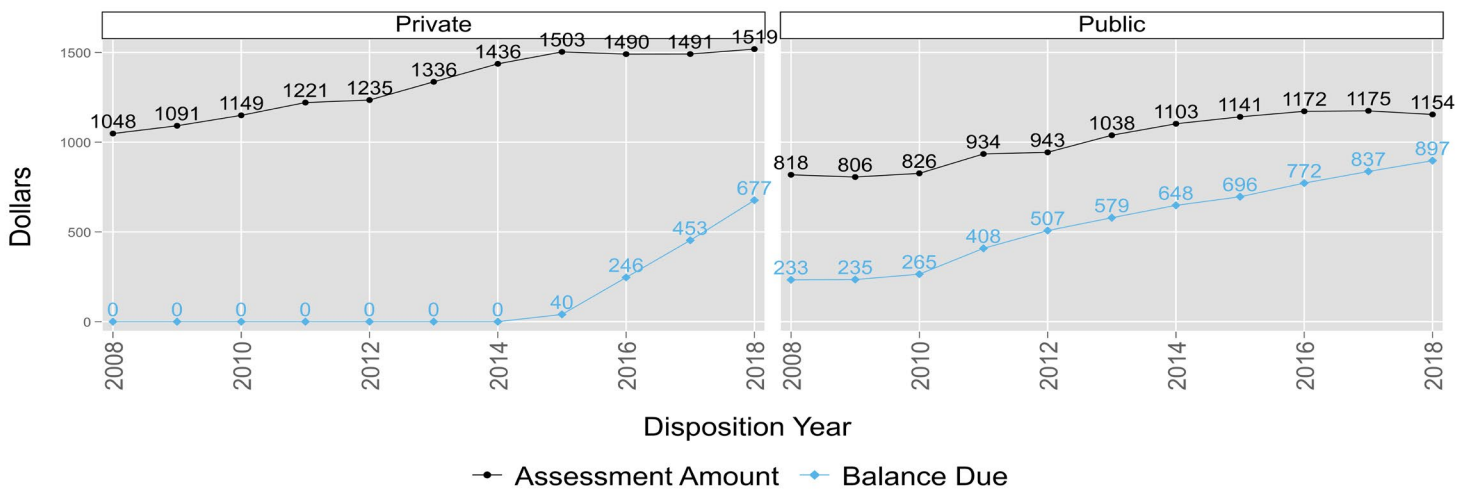


Figure 1C. Median Restitution Assessment Amount and Balance Due by Disposition Year and Attorney Type

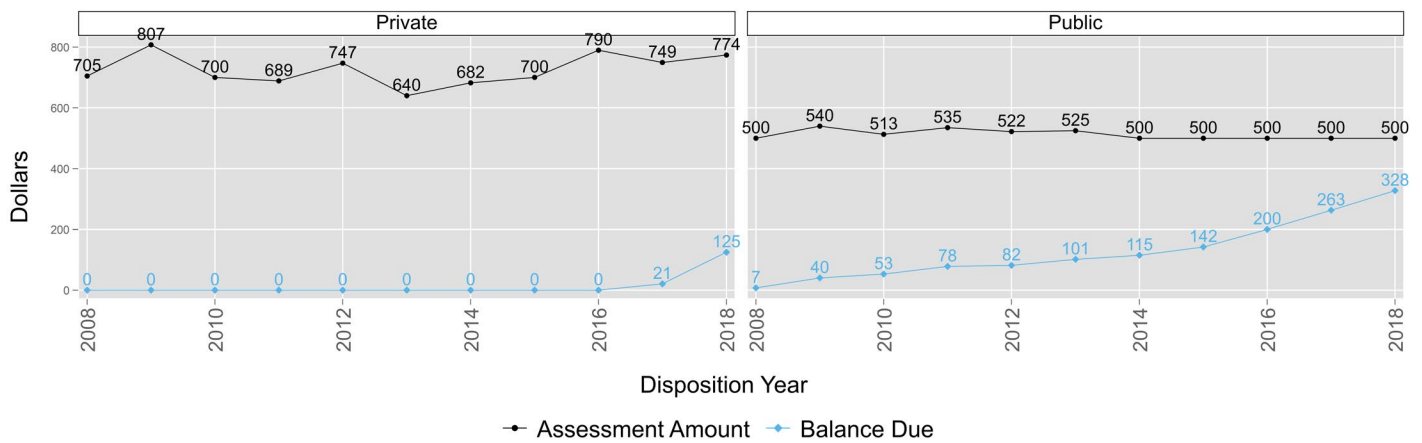


Figure 1C shows the same general pattern of findings among those who had restitution assessed. The typical private client in 2008 through 2016 has fully satisfied their restitution obligations. However, despite the typical PD client having a lower median restitution obligation to begin with, they have a balance due on restitution for cases disposed as far back as 2008. While the median balance due is less than \$50 for cases disposed in 2008 (\$7) and 2009 (\$40), the restitution obligation nonetheless lingers—and thus the potential collateral consequences of unpaid debt remain.

What percentage of defendants with private counsel as compared to PD clients have outstanding balances on their legal financial obligations?

Table 4 provides a window into repayment difficulties by showing the percentage of dockets that have a remaining balance by July 2019 across disposition year and attorney type. Of course, it is not surprising that the proportion of dockets with an outstanding balance increases for more recent disposition years, as less time has elapsed for these clients to pay the debt (a person with a case resolved in 2008 has had 10 years to make payments, while a person with a case from 2018 has had only one year to make payments). **Across all disposition years and all three debt types, the proportion of PD clients who have an outstanding balance is markedly higher than it is for private clients.** In any given year, the percentage of PD clients who still owe fines, costs, or restitution is at least 20, 21 and 18 percent higher, respectively, than the percentage of defendants with private counsel who still owe money.

Table 4. Percentage of cases with an outstanding balance of fines, costs, and restitution, by disposition year and representation type.

Year	Fines		Cost		Restitution	
	Private	Public	Private	Public	Private	Public
2008	29%	57%	36%	62%	30%	51%
2009	30%	58%	36%	61%	33%	53%
2010	34%	60%	39%	63%	36%	55%
2011	34%	63%	40%	66%	36%	56%
2012	36%	66%	42%	68%	39%	57%
2013	38%	68%	45%	73%	39%	59%
2014	41%	72%	48%	77%	39%	60%
2015	46%	76%	51%	79%	42%	62%
2016	51%	80%	57%	84%	48%	69%
2017	59%	85%	62%	87%	51%	74%
2018	71%	91%	70%	91%	58%	81%

Does the amount imposed influence repayment success for defendants with private counsel as compared to PD clients?

Table 5 shows the percentage of fines, costs, and restitution cases with an outstanding balance from 2013—cases with five years to repay—broken down by assessment amount and representation type.

Table 5. Percentage of cases adjudicated in 2013 that have outstanding fines, costs, and restitution cases as of mid 2019, by imposition amount.

Amount Imposed	Fines		Cost		Restitution	
	Private	Public	Private	Public	Private	Public
<\$100	32%	65%	18%	20%	15%	33%
\$100-199	44%	70%	22%	35%	20%	44%
\$200-299	44%	68%	33%	58%	28%	50%
\$300-399	30%	66%	39%	61%	31%	52%
\$400-499	34%	67%	43%	68%	32%	56%
\$500-999	33%	65%	55%	79%	38%	61%
\$1000-1999	38%	68%	39%	71%	43%	67%
\$2000-2999	54%	79%	46%	80%	50%	73%
\$3000-3999	65%	85%	54%	83%	52%	78%
\$4000-4999	71%	93%	60%	85%	57%	82%
>\$5000	83%	96%	69%	86%	69%	88%

There are several important observations. First, perhaps not surprisingly, *for both private and PD clients, cases with a larger fine, cost, or restitution amount imposed are more likely to have an outstanding balance (i.e., not be paid in full).* Second, *regardless of the amount imposed or the type of criminal justice debt, PD clients have notably higher rates of outstanding balances.* The only potential exception is for costs when the imposed amount is less than \$100; in this case, there is just a 2 percentage point difference. In all other cases, the differences in repayment success between private and PD clients are quite stark.

Third, *even a couple hundred dollars in legal financial obligations can be difficult to repay in full, especially among PD clients.* Indeed, this shows the significance of imposing smaller amounts of financial obligations at sentencing. This result is consistent with the research that finds that 4 in 10 American households do not have sufficient liquid assets to cover a \$400 unplanned expense.¹⁶ What Table 5 also shows, however, is that defendants are far more likely to pay in full if the amount that the court imposes is a smaller amount. This is most clear with court costs, where 8 out of 10 public defender clients have paid amounts less than \$100, but that figure drops to approximately 4 out of 10 when the amount of costs is more than \$200.

GEOGRAPHIC VARIATION IN THE EFFECT OF INDIGENCE ON REPAYMENT OF FINES, COSTS, AND RESTITUTION

Imposition and collection of fines, costs, and restitution may vary across Pennsylvania’s counties. We examine county variation by focusing on assessment amount and balance due for six individual counties and six county classes, with attention to differences between private and PD clients. Specifically, we analyze six counties individually, which include all PA first class (Philadelphia), second class (Allegheny), and second class A (Bucks, Delaware, and Montgomery) counties and one third class county (Berks). The remaining 61 counties are grouped by their population class and analyzed collectively: third (Chester, Cumberland, Dauphin, Erie, Lackawanna, Lancaster, Lehigh, Luzerne, Northampton, Westmoreland, York; Bucks analyzed separately); fourth (Beaver, Butler, Cambria, Centre, Fayette, Franklin, Monroe, Schuylkill, Washington); fifth (Adams, Blair, Lawrence, Lebanon, Lycoming, Mercer, Northumberland); sixth (Armstrong, Bedford, Bradford, Carbon, Clarion, Clearfield, Clinton, Colombia, Crawford, Elk, Greene, Huntingdon, Indiana, Jefferson, McKean, Mifflin, Perry, Pike, Somerset, Susquehanna, Tioga, Venango, Warren, Wayne); seventh (Juniata, Snyder, Union, Wyoming), and eighth class (Cameron, Forest, Fulton, Montour, Potter, Sullivan).

Table 6 contains median assessment and balance due statistics for fines, costs, and restitution across six individual counties and the six county classes noted above. As above, we display these statistics separately for private and PD clients and focus on select years—2008 and 2013—to examine how well the typical defendant has settled debt across the state with 10-year and 5-year repayment windows, respectively (since this data was current as of mid-2019).

Does imposition vary for defendants with private counsel as compared to PD clients across counties in Pennsylvania?

Table 6 reveals several important findings regarding imposition of fines, costs, and restitution across counties in the state. *As a general trend, across all counties, the median private client is assessed more overall than the median PD client, both for cases disposed in 2008 and 2013. There are notable differences in imposition amount for defendants with private counsel as compared to PD clients across counties/county classes.* For 2008 cases, the typical private client was assessed just 1% more in Delaware County (\$1,653 vs. \$1,635) but 48% more in Philadelphia County (\$636 vs. \$430) than the typical PD client. For 2013

cases, the typical private client was assessed a fraction of 1% more in Delaware County but 42% more in seventh Class counties. Beyond proportional differences, we also consider actual dollar amount differences in the medians. At the high end, there was a difference in the median amount imposed between typical private and PD clients of \$557 and \$630 for the seventh class counties in 2008 and 2013, respectively. At the low end, the typical private client was assessed just \$18 and \$8 more than the typical PD client in Delaware County in 2008 and 2013, respectively. While there is variation in the median amounts assessed across county/county classes, Philadelphia County clearly stands out as imposing substantially lower overall amounts of legal financial obligations on defendants than the rest. Indeed, *only in Philadelphia County is the median overall assessment of legal financial obligations less than \$1,000 for both private and PD clients, both in 2008 and 2013.* By contrast, Delaware County was the only county/county class in which the difference between the median total assessment amount for defendants with private counsel and the PD was especially small, indicating that judges in that county do not consider a defendant’s financial circumstances when imposing costs. Delaware County also has the highest total outstanding balance for public defender clients.

Table 6. Median assessment and balance due as of mid-2019 by county and representation type, from cases adjudicated in 2008 and 2013

	2008				2013			
	Private		Public		Private		Public	
	Assessment	Balance Due	Assessment	Balance Due	Assessment	Balance Due	Assessment	Balance Due
Total								
Allegheny	\$1,038	\$0	\$869	\$420	\$1,951	\$390	\$1,521	\$990
Berks	\$1,799	\$147	\$1,540	\$1,137	\$2,291	\$111	\$1,849	\$1,327
Bucks	\$1,496	\$0	\$1,122	\$686	\$1,525	\$0	\$1,407	\$908
Delaware	\$1,653	\$563	\$1,635	\$1,254	\$1,855	\$1,034	\$1,847	\$1,477
Montgomery	\$1,654	\$0	\$1,543	\$361	\$2,055	\$0	\$1,636	\$661
Philadelphia	\$636	\$63	\$430	\$233	\$969	\$628	\$808	\$646
Third Class*	\$1,634	\$0	\$1,249	\$331	\$1,954	\$0	\$1,521	\$726
Fourth Class	\$1,688	\$0	\$1,414	\$252	\$1,842	\$0	\$1,447	\$506
Fifth Class	\$1,767	\$0	\$1,410	\$145	\$2,000	\$0	\$1,622	\$602
Sixth Class	\$1,500	\$0	\$1,280	\$0	\$1,647	\$0	\$1,462	\$347
Seventh Class	\$1,783	\$0	\$1,226	\$0	\$2,126	\$0	\$1,496	\$39
Eighth Class	\$1,517	\$0	\$1,177	\$0	\$1,588	\$0	\$1,311	\$302

Fines								
Allegheny	\$1,000	\$0	\$1,000	\$200	\$1,000	\$0	\$1,000	\$394
Berks	\$150	\$50	\$100	\$100	\$200	\$0	\$100	\$100
Bucks	\$1,000	\$0	\$1,000	\$300	\$1,000	\$0	\$1,000	\$372
Delaware	\$1,000	\$600	\$1,000	\$1,000	\$1,000	\$500	\$600	\$500
Montgomery	\$500	\$0	\$300	\$100	\$500	\$0	\$250	\$100
Philadelphia	\$1,000	\$500	\$1,000	\$1,000	\$1,000	\$750	\$1,000	\$1,000
Third Class*	\$750	\$0	\$300	\$20	\$700	\$0	\$250	\$100
Fourth Class	\$500	\$0	\$300	\$100	\$400	\$0	\$250	\$100
Fifth Class	\$500	\$0	\$300	\$16	\$500	\$0	\$300	\$100
Sixth Class	\$500	\$0	\$350	\$0	\$500	\$0	\$300	\$100
Seventh Class	\$750	\$0	\$500	\$0	\$650	\$0	\$500	\$0
Eighth Class	\$500	\$0	\$300	\$0	\$500	\$0	\$300	\$100
Costs								
Allegheny	\$783	\$0	\$693	\$202	\$1,464	\$188	\$1,326	\$807
Berks	\$1,489	\$82	\$1,289	\$925	\$1,861	\$75	\$1,564	\$1,102
Bucks	\$844	\$0	\$907	\$607	\$1,251	\$0	\$1,227	\$822
Delaware	\$1,505	\$476	\$1,418	\$1,098	\$1,649	\$899	\$1,646	\$1,330
Montgomery	\$1,335	\$0	\$1,208	\$179	\$1,739	\$0	\$1,338	\$519
Philadelphia	\$600	\$37	\$427	\$216	\$831	\$563	\$729	\$638
Third Class*	\$1,049	\$0	\$928	\$249	\$1,398	\$0	\$1,141	\$555
Fourth Class	\$1,232	\$0	\$1,026	\$166	\$1,368	\$0	\$1,108	\$372
Fifth Class	\$1,111	\$0	\$916	\$82	\$1,368	\$0	\$1,126	\$436
Sixth Class	\$905	\$0	\$774	\$0	\$1,095	\$0	\$935	\$172
Seventh Class	\$1,043	\$0	\$861	\$0	\$1,346	\$0	\$959	\$16
Eighth Class	\$850	\$0	\$713	\$0	\$966	\$0	\$786	\$134
Restitution								
Allegheny	\$602	\$73	\$613	\$200	\$1,043	\$0	\$785	\$309

Berks	\$958	\$198	\$595	\$400	\$875	\$10	\$581	\$344
Bucks	\$1,236	\$0	\$710	\$0	\$1,469	\$0	\$900	\$0
Delaware	\$760	\$0	\$730	\$165	\$763	\$0	\$848	\$298
Montgomery	\$1,295	\$0	\$815	\$180	\$1,174	\$0	\$648	\$251
Philadelphia	\$1,000	\$473	\$527	\$500	\$623	\$500	\$544	\$500
Third Class*	\$800	\$0	\$600	\$0	\$620	\$0	\$565	\$100
Fourth Class	\$652	\$0	\$500	\$0	\$620	\$0	\$500	\$40
Fifth Class	\$213	\$0	\$300	\$0	\$238	\$0	\$313	\$0
Sixth Class	\$540	\$0	\$440	\$0	\$500	\$0	\$455	\$0
Seventh Class	\$1,013	\$0	\$300	\$0	\$1,540	\$0	\$536	\$0
Eighth Class	\$800	\$0	\$572	\$0	\$1,158	\$0	\$440	\$50

Does the repayment success of the typical defendant with private counsel as compared to PD clients differ across counties/county classes?

We now consider differences in repayment success (see Table 6). While there are some important nuances that will be noted below, it is safe to conclude: overall, regardless of the county/county class where a case was disposed, the typical PD client has more difficulty paying off their legal financial obligations as compared to the typical private client. For example, *for cases disposed in 2013, the median private client in 8 of the 12 county/county classes has paid off their criminal justice debt in full. In stark contrast, the median PD client in none of the 12 county/county classes did the same.* Thus, five years after sentencing, there is a substantial difference in outcomes based on whether a defendant has private counsel or a PD. Because a defendant receives a public defender or other court-appointed counsel only after a finding that the defendant is indigent, it makes sense that those who cannot afford to pay for an attorney at the time of conviction continue to experience financial hardship and remain unable to pay as time passes.

While the typical PD client in most county/county classes has an outstanding balance on their debt even with 10 years to repay, there are a few county classes where the typical PD client achieves repayment success on cases disposed in 2008. Specifically, this occurs only in the three smallest county classes (sixth, seventh, and eighth class), where the median PD client has no outstanding balance on their legal financial obligations from cases disposed back in 2008. Still, the 2013 data imply that typical PD clients in these counties will not satisfy their legal financial obligations with a five-year repayment.

While the median private client has been successful in fully repaying their legal financial obligations in most of the twelve counties/county classes from cases disposed in 2008 (9 of 12) and 2013 (8 of 12), the results indicate that typical private

clients from certain counties appear to have repayment difficulty. Specifically, private clients from Berks, Delaware, and Philadelphia counties have outstanding balances due on their legal financial obligations from cases disposed in 2008. Further, these same counties, along with Alleghany County, are the only ones where the median private client has an outstanding balance due on cases disposed in 2013. That there is any outstanding debt for the typical private client in Philadelphia County is especially noteworthy, because Philadelphia County imposes the lowest overall amount in legal financial obligations by far, just \$636 to the typical private client in 2008. Of course, while the typical private client may struggle in Berks, Delaware, and Philadelphia counties to repay their debt, repayment difficulties are far more pronounced among the typical PD client in these counties (and all others). For instance, despite the fact that the overall median imposition amount was \$249 greater for private clients in Berks County on cases disposed in 2008, the typical private client has just \$147 remaining on their debt as compared to \$1,137 for the typical PD client.

Does the percentage of defendants with an outstanding balance vary by county based on representation type?

Figures 2A, 2B, and 2C illustrate the percentage of private and PD clients that have an outstanding balance on fine, cost, and restitution in each of the county/county classes for cases disposed in each year from 2008 to 2018. Before discussing nuanced findings and the role of geographic context on repayment success, the three figures when viewed collectively make two things immediately apparent. First, it is clear that *a substantially larger percentage of PD clients as compared to private clients carry a balance on the fines, costs, and restitution assessments—a trend that holds true for cases disposed in each year during the past decade.* Second, *the role of indigence for successful repayment of one’s legal financial obligations is a problem all across the Commonwealth of Pennsylvania.*

Beyond these important general observations, there are additional results to consider. We focus here on cases disposed in 2008, which would have had the longest time to settle (10 years). Figure 2A shows that between 13% (seventh class) and 71% (Delaware County) of private clients carry debt on fine assessments from cases disposed in 2008. However, only in Berks, Delaware, and Philadelphia counties is the percentage of private clients with an outstanding balance greater than

50 percent. Comparatively, results indicate that between 32% (Seventh Class) and 92% (Delaware County) of PD clients carry debt on fine assessment from cases disposed in 2008. Overall, **a majority of PD clients still owed money on fine assessments levied a decade ago in 9 (of 12) county/county classes, this compares to just 3 (of 12) county/county classes among private clients.**

Figure 2A. Percentage of defendants with an outstanding balance on fines, by county, representation type, and disposition year as of mid-2019.

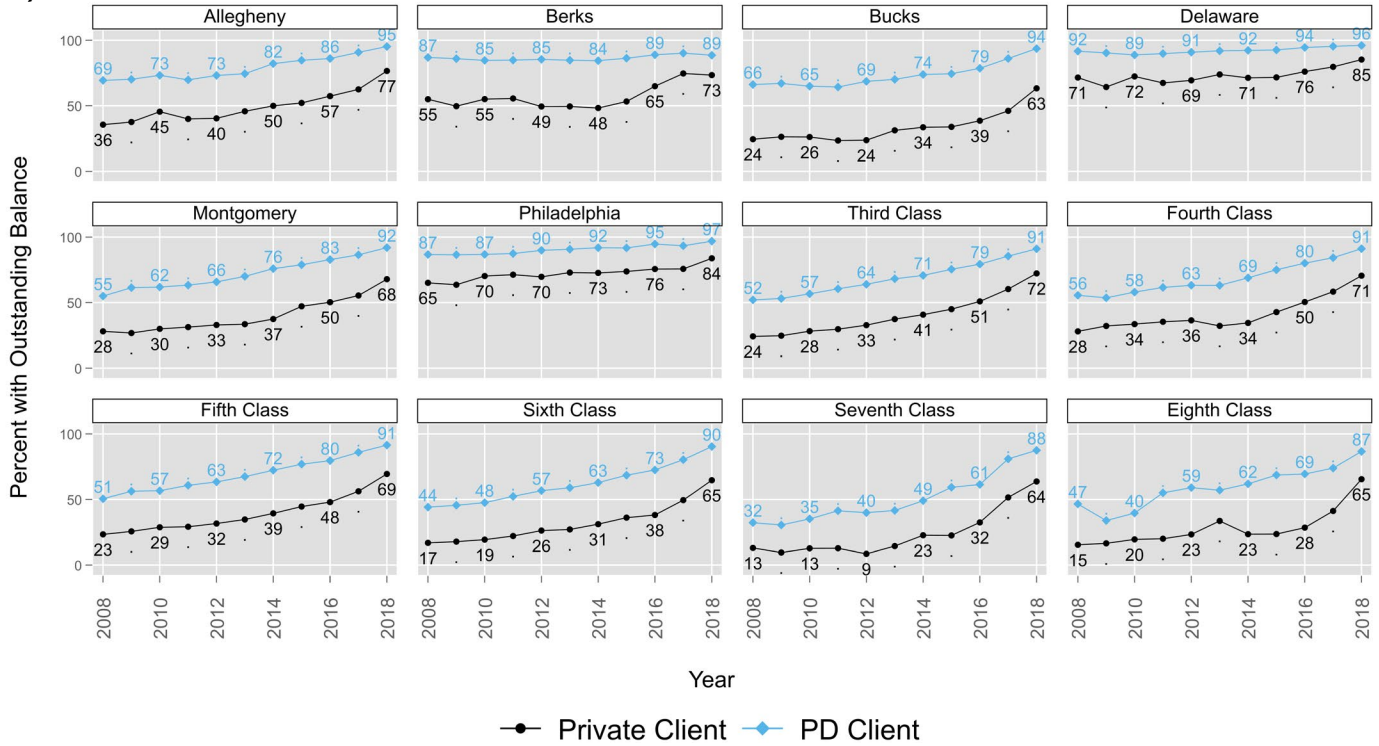


Figure 2B. Percentage of defendants with an outstanding balance on costs, by county, representation type, and disposition year as of mid-2019.

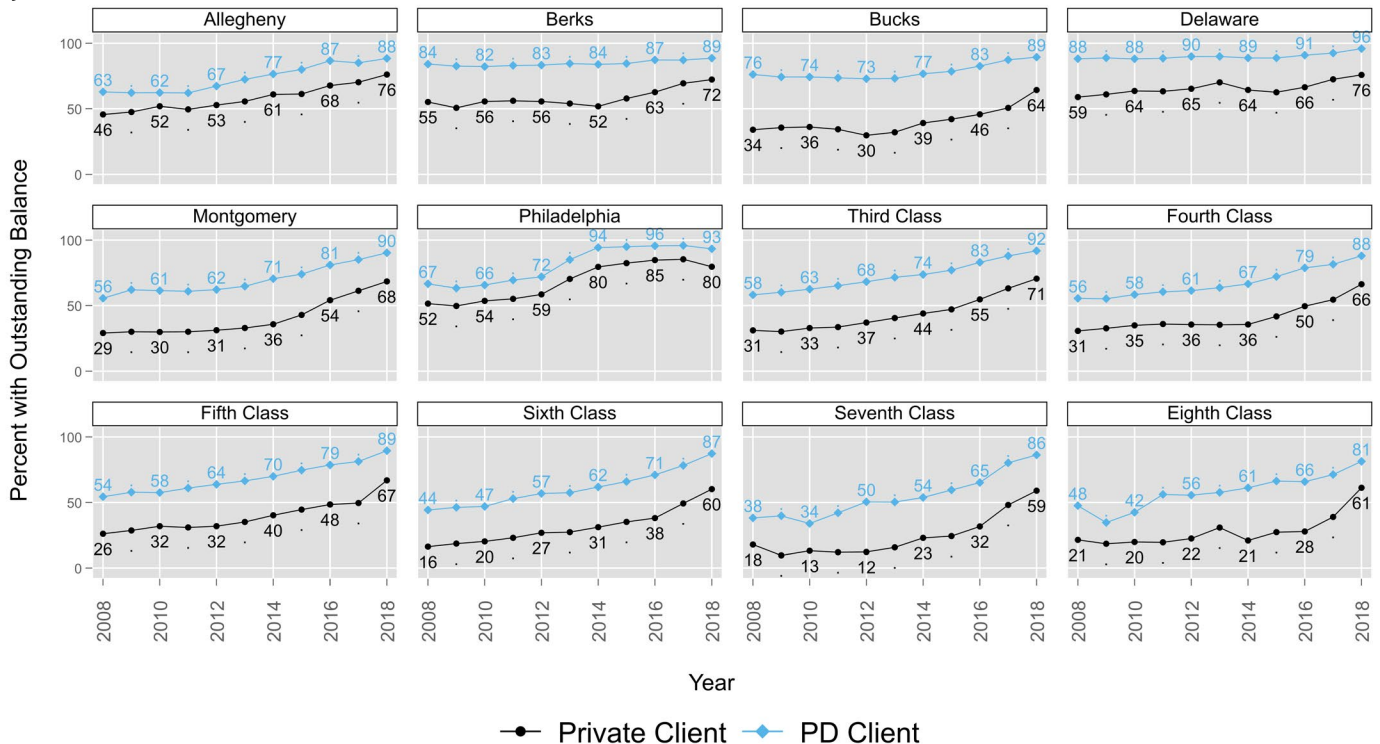


Figure 2C. Percentage of defendants with an outstanding balance on restitution, by county, representation type, and disposition year as of mid 2019.

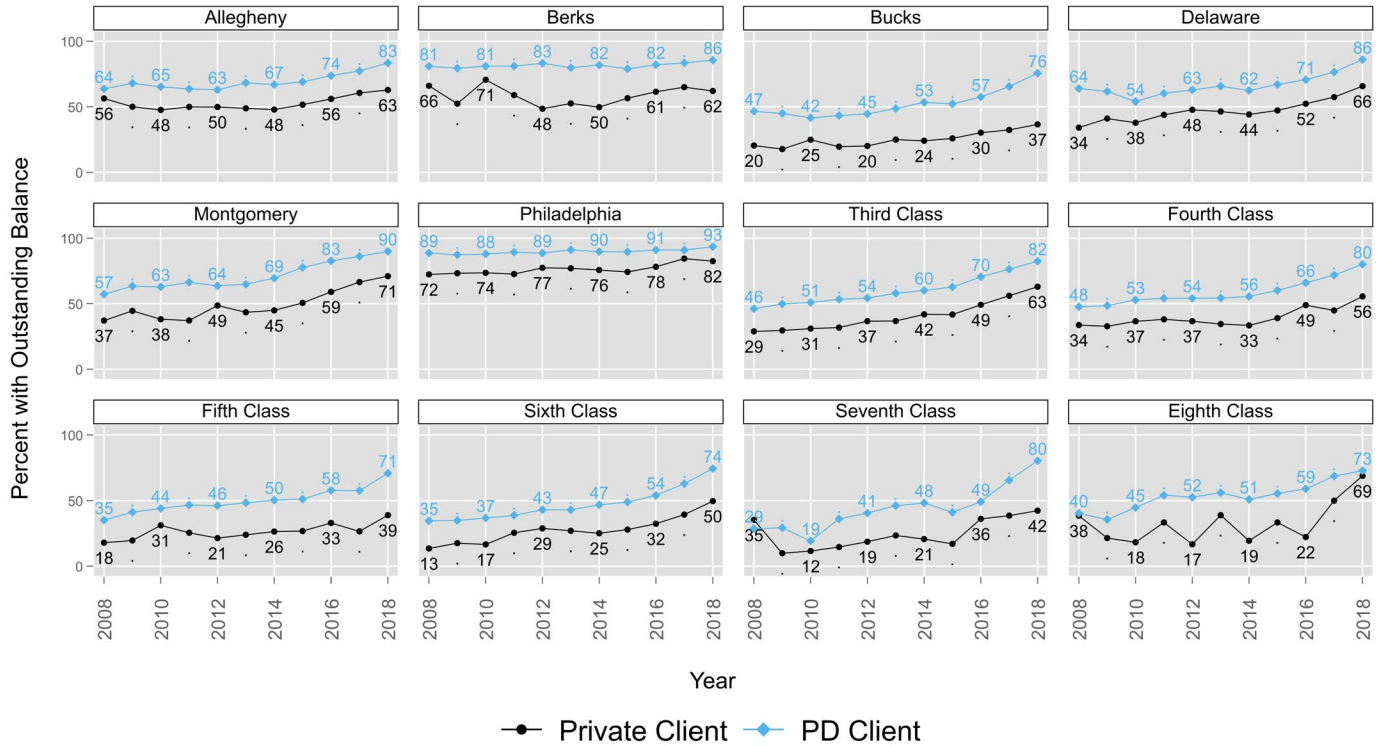


Figure 2B shows that between 16% (Sixth Class) and 59% (Delaware County) of private clients still owe on cost assessments on cases disposed in 2008, which compares to 38% (Seventh Class) and 88% (Delaware County) for PD clients. Overall, *more than half of PD clients still owed money on costs assessments levied in 2008 in 9 (of 12) county/county classes, which compares to just 3 (of 12) among private clients.*

Finally, Figure 2C shows that between 13% (Seventh Class) and 72% (Philadelphia County) of private clients still carry debt on restitution assessments from cases disposed in 2008. Similar to fines and costs, the percentages are again notably higher for PD clients. Specifically, between 29% (Seventh Class) and 89% (Philadelphia County) of PD clients still owe restitution. Overall, more than half of PD clients still owed money on costs assessments levied in 2008 in 5 (of 12) county/county classes. For private clients by comparison, a majority still owed restitution in 3 (of 12) county/county classes.

IMPOSITION AND COLLECTION OF FINES, COSTS, AND RESTITUTION: A MULTIVARIATE ANALYSIS

In our final analysis, we examine whether representation type, race, gender, county, and year influence imposition and collection using generalized linear regression and two-part generalized regression models. Specifically, to predict assessment amount, we use generalized linear regression with the log link to address positive skewness in the outcome variable. We report exponentiated coefficients for the full model in Appendix B. The balance due outcome was also right-

skewed and, in addition, it had a larger number of zeros than would be expected for a normal distribution. Therefore, we use “two-part” regression models (Belotti et al., 2015) which enable us to determine whether each exogenous variable predicts: a) whether a balance has been paid in full or not, and/or b) the balance due amount, conditional on it not being paid in full. We report exponentiated coefficients for the full model in Appendix B. For all of these analyses, we remove outliers so as to focus on cases that are more typical. To aid interpretation of these models, we report average marginal effects in the main text. Though it is slightly more complicated in the two-part model (see Belotti et al., 2015), average marginal effects are conceptually intuitive. As an example for representation type predicting assessment amount, for each docket, marginal effects are calculated by first determining the difference in model-predicted assessment amounts between a docket that is represented by its actual value (e.g., private) as compared to the alternative value (e.g., public) with covariates held to their actual values (e.g., female, white, from Philadelphia County, and 2016). This is repeated for all dockets and is a somewhat time-consuming process with millions of cases. After these differences are calculated for all dockets, they are averaged to obtain the average marginal effect. Finally, as they may be more familiar to readers, we also estimated OLS regression models that are available in Appendix C. While we do not recommend drawing conclusions directly from these ancillary models, the findings nonetheless corroborate the central points discussed herein.

How are representation type, race, and gender associated with imposition and collections relative to other factors?

Table 7. Table of Marginal Effects from the Generalized Linear and Two-Part Regression Models.

	Total		Costs		Fines		Restitution	
	Assessment	Balance	Assessment	Balance	Assessment	Balance	Assessment	Balance
Assessment (\$100)	---	54	---	49	---	83	---	92
Public Attorney	-252	488	-179	368	-171	211	-159	360
Race								
Black	-160	215	-44	148	-142	124	-37	81
Other	-79	-165	-48	-120	-66	-96	87	-145
White (reference)	---	---	---	---	---	---	---	---
Male	61	129	4	83	60	49	111	266
County/County Class								
Allegheny	301	436	533	347	393	95	115	545
Berks	487	623	734	483	-259	39	51	315
Bucks	63	413	243	406	301	-18	172	59
Delaware	531	831	797	637	292	458	58	336
Montgomery	479	126	716	90	-14	22	179	551
Philadelphia	-586	341	-103	350	340	472	59	859
Third Class	294	245	427	235	34	-93	-26	204
Fourth Class	225	155	399	160	-67	-49	-87	122
Fifth Class	267	175	350	165	-13	27	-365	-23
Sixth Class	174	49	193	44	-16	-33	-171	-33
Seventh Class	368	-128	450	-65	140	-52	-133	14
Eighth Class (reference)	---	---	---	---	---	---	---	---
Disposition Year								
2008	-197	-794	-306	-560	47	-357	32	-380
2009	-167	-792	-279	-561	47	-346	58	-359
2010	-143	-760	-237	-541	7	-339	24	-357
2011	-91	-668	-179	-474	13	-308	49	-347
2012	-76	-597	-160	-421	23	-295	46	-352
2013	-13	-510	-86	-364	17	-275	25	-300
2014	29	-442	-31	-320	22	-254	11	-257
2015	79	-376	27	-275	27	-197	2	-243
2016	49	-265	29	-201	-53	-148	-13	-146
2017	40	-151	22	-116	-36	-83	14	-70
2018 (reference)	---	---	---	---	---	---	---	---
Observations	1272689		1293729		542247		237863	

Analytic sample includes only non-zero assessment amounts and excludes outliers. Total model excludes any fines, costs and/or restitution outliers. Assessment amount is modeled using a generalized linear regression model with log link. Balance due is modeled using a two-part regression model with logistic regression for the first part and an OLS regression with log transformation for the second part. In both cases, the marginal effects shown here have undergone appropriate back-transformations—using the Duan (1983) method for two-part models—enabling a comparison of the effects in dollar amounts.

To be clear, dockets analyzed include those with non-zero assessment amounts and that are not outliers. Overall, those who are represented by a PD are assessed \$252 less in combined fines, costs, and restitution per docket as compared to a similar individual represented by a private attorney. Holding assessment amount and other factors at their observed levels, **individuals who are represented by a PD have an expected balance that is \$488 higher on average.**

A similar pattern of findings emerges for dockets that have non-zero fines, costs, or restitution specifically. For instance, for fines specifically, those with a PD are assessed \$171 less on average; and, they have a balance on their fine debt that is \$211 larger on average. Finally, it should be noted that the odds of having a balance due of any amount overall is 3.66 times greater for those represented by a PD as compared to private counsel (see Appendix B).

Compared to White people, Black people are assessed amounts that are \$160 lower on average, whereas those who are classified as “Other” are assessed amounts that are \$79 lower. This pattern for Black people holds for fines, costs, and restitution assessment amounts. However, those classified as Other are ordered to pay more restitution compared to Whites, but they are assessed lower amounts in costs and fines. Regarding repayment, Black people owe \$215 more in combined financial sanctions as compared to their White counterparts. Again, this pattern holds for Black people for fines, costs, and restitution assessment amounts. Conversely, those classified as Other have lower total balances as well as lower fines, costs, and restitution balances specifically.

Compared to females, males receive \$61, \$4, 60, and \$111 more in total, fines, costs, and restitution financial sanctions, respectively. Holding assessment amount and other factors at their observed levels, males owe \$129, \$49, \$83, and \$266 more on average on their total, fines, costs, and restitution debt.

Importantly, this analysis does not control for other demographic and legally relevant factors (e.g., age, offenses committed, incarceration status) that could be associated with imposition/collections and race, gender, and/or representation type. Thus, care should be taken not to attribute differences in imposition estimated in this study to biases in decision-making.

In sum, defendants who are represented by public defenders or court-appointed counsel received lower financial sanctions as compared to those represented by private attorneys, and had higher balances due net of other factors. Black people were assessed lower amounts relative to their White counterparts. However, Black people had higher balances due as well. Compared to the White group, those with a racial classification of “Other” had either lower (total, costs, and fines) or higher (restitution) assessment amounts; however, in all cases, those classified as Other had lower balances due as compared to Whites. Compared to females, males were assessed higher amounts and had higher balances due.

CONCLUSIONS

Across the state of Pennsylvania, individuals who come in contact with the criminal justice system can accumulate significant amounts of legal financial obligations in the form of fines, costs, and/or restitution. When all of these assessments are considered together (in cases in which at least one type has been levied), the median amount imposed was \$1,233 in 2008. Most recently in 2018, the median amount imposed is \$1,576. Furthermore, 3 in 4 defendants in 2018 were assessed an amount at least equal to \$936 and 1 in 4 defendants were assessed at least \$2,540. An increase in court costs has driven the increased assessments over the past decade. Regarding variation in imposition, the median private client is assessed about \$400 more in legal financial obligations overall than the median PD client, suggesting that some courts are taking a person’s financial status into account when imposing financial sanctions. There is some geographic variation in imposition practices. Most notably, the typical defendant in Philadelphia County is assessed many hundreds of dollars less in overall legal financial obligations compared to typical defendants in

other counties, while in Delaware County there is almost no difference between the amount assessed on those with private counsel versus those with a PD. Still, the outstanding balances after 5 and 10 years demonstrate that the relatively small adjustments courts may be making based on a defendant’s ability to pay are insufficient to ensure that a typical PD client is able to pay the balance off within a few years.

Payments are primarily responsible for balance reductions (see Appendix A). However, ***only a fraction of the financial sanctions imposed is collected through payments within the first decade after sentencing, and this fraction is especially small for PD clients.*** With respect to cases disposed over a decade ago in 2008, just 28 of every 100 dollars assessed overall has been collected from PD clients, whereas 48 of every 100 dollars assessed has been collected from private clients as of July 2019.

Critical differences exist in the ability of individuals to repay their legal financial obligations. ***All of the analyses detailed above support the same fundamental conclusion: those who are represented by a PD (and thus either a court or the public defender has determined that the person is indigent and unable to afford an attorney) have substantially more difficulty paying off their fines, costs, and restitution debt as compared to those represented by private counsel. Indeed, the lower collection rates among PD clients occur despite the fact that PD clients are typically assessed a somewhat smaller amount in fines, costs, and restitution to begin with—\$1,342 versus \$1,786.***

Results further established that differences between PD clients and private clients in repayment of fines, costs, and restitution debt have persisted over time and, notwithstanding some nuanced geographic variation, the problem is pervasive across the Commonwealth of Pennsylvania. Furthermore, data revealed that successful repayment becomes less and less likely as imposition amounts increase.

IMPLICATIONS

This analysis shows that costs are the most common type of financial sanction and the amount of costs that courts impose has increased over the past decade (although costs have leveled more recently). This increased emphasis on revenue generation via costs relative to fines and restitution may be problematic given that costs serve no penological aim—as Pennsylvania’s courts have explained, they are not (intended to be) punishment and also serve no rehabilitative goal. They are instead taxes placed on criminal defendants to generate revenue, which have a strikingly disproportionate impact on indigent defendants. Policy analysts and decision makers should reconsider the relative priority that costs are given in criminal justice processes, particularly given the significant amount of restitution that is, at least in part, going unpaid because payments from defendants are split between restitution and costs in some courts. Doing so will require identifying and addressing the funding gaps that have led to the increased use of court costs in the first place. Given the significant unpaid amount, and the disproportionate burden that unpaid costs place on the poorest Pennsylvanians, the current funding system that is based on receiving payments

from criminal defendants seems misguided at best. By contrast, the payment of fines and restitution do have penological and rehabilitative purposes, respectively—at least as long as they are assessed in amounts that are affordable and do not result in defendants being punished simply because they cannot afford to pay.

The bottom line is that indigent defendants by and large cannot afford to pay over \$1,000 in court debt, even over a 10-year period. A substantial proportion of cases disposed in each year, including 2008, still have outstanding balances as of 2019. Given modest collection amounts and lingering debt, courts may wish to reassess the efficacy of employing personnel, holding hearings, and imposing punitive enforcement related to debt obligations and their nonpayment. At this point, the cost-benefit to the state of financial sanction application and debt collection is unclear (as others have found, see Menendez et al., 2019). What is clear, however, is that indigent defendants in particular struggle to pay court-imposed financial assessments and thus face the consequences of unpaid fines, costs, and restitution for many years. The broader consequences of criminal justice debt on individuals and their families need more empirical attention (see Link, 2017).

Although the data do not allow us to speak to the ability-to-pay assessments that may or may not have been conducted within the courts, it appears that poorer defendants have greater difficulty managing and settling their debts, indicating that the ability-to-pay proceedings that are conducted before the application of financial sanctions are missing the mark. To reduce the significant, disproportionate impact on impoverished Pennsylvanians, more courts must consider a defendant's financial circumstances when imposing fines and costs at sentencing, and they must understand the hardships that individuals face and how much a person can really afford to pay. Furthermore, it appears that the use of downward and non-monetary adjustments by waiving debt or permitting alternatives like community service is not keeping pace with the financial reality of many of the people involved in the criminal justice system. This increases the importance of a robust ability-to-pay assessment at the time of case disposition, as there seem to be few opportunities to reduce debt after that point. If courts are not realistic at the outset about what defendants can afford, then the criminal justice debt—and the potential for a range of associated collateral consequences ranging from driver's license suspensions to incarceration—follows defendants for years and decades to come.

REFERENCES

Bannon, A., Nagrecha, M., & Diller, R. (2010). *Criminal justice debt: A barrier to reentry*. New York: Brennan Center for Justice at New York University School of Law.

Beckett, K. & Harris, A. (2011). On cash and conviction: Monetary sanctions as misguided policy. *Criminology & Public Policy*, 10(3), 505-507. doi: 10.1111/j.1745-9133.2011.00726.x

Colgan, B. A. (2017). Graduating economic sanctions according to ability pay. *Iowa Law Review*, 103(53), 53-112. Retrieved from <https://ilr.law.uiowa.edu/print/volume-103-issue-1/graduating-economic-sanctions-according-to-ability-to-pay/>

Harris, A. (2016). *A pound of flesh: Monetary sanctions as punishment for the poor*. New York, NY: Russell Sage Foundation.

Harris, A., Evans, H., & Beckett, K. (2010). Drawing blood from stones: Legal debt and social inequality in the contemporary United States. *American Journal of Sociology*, 115(6), 1753-1799.

Link, N. W. (2017). *Paid Your Debt to Society? Legal Financial Obligations and Their Effects on Former Prisoners*. Doctoral Dissertation, Temple University.

Link, N. W. (2019). Criminal justice debt during the prisoner reintegration process: Who has it and how much? *Criminal Justice and Behavior*, 46(1), 154-172. doi: 10.1177/0093854818790291

Martin, K. D., Sykes, B. L., Shannon, S., Edwards, F., & Harris, A. (2018). Monetary sanctions: Legal financial obligations in US systems of justice. *Annual Review of Criminology*, 1, 471-495. doi: 10.1146/annurev-criminol-032317-091915

Menendez, M., Crowley, M. F., Eisen, L. B., & Atchison, N. (2019). *The Steep Costs of Criminal Justice Fees and Fines*. Brennan Center for Justice at NYU Law School.

Western, B., & Pettit, B. (2010). Incarceration & social inequality. *Daedalus*, 139(3), 8–19. doi:10.1162/DAED_a_00019

AUTHOR BIOS

JEFFREY T. WARD

Temple University

Jeffrey T. Ward is an associate professor in the Department of Criminal Justice at Temple University. He researches issues in developmental and life-course criminology and measurement of criminological constructs.

NATHAN W. LINK

Rutgers University—Camden

Nathan Link is an assistant professor of criminal justice at Rutgers University—Camden. He researches issues in corrections and sentencing, including financial sanctions and debt, prisoner reentry and desistance, and mental/physical health.

ANDREW CHRISTY

ACLU of Pennsylvania

Andrew Christy is an attorney at the ACLU of Pennsylvania whose practice involves work on fines, costs, and restitution in Pennsylvania's criminal justice system.

APPENDICES

A. DIFFERENCES IN DOWARD ADJUSTMENT, NON-MONETARY PAYMENTS, AND PAYMENTS

Tables A1 and A2 shows total overall imposition and collection statistics from 2008 and 2013 in which there has been a 10 year and 5 year repayment window, respectively. In 2008, 48.39% of the total assessment amount was paid by private clients whereas 15.93% and 0.32% of the total

assessment amount for private clients was settled through downward adjustment and non-monetary means, respectively. Comparatively, just 28.39% of the total assessment amount was paid by PD clients whereas 20.10% and 0.86% of the total assessment amount for PD clients was settled through downward adjustment and non-monetary means, respectively. ***Despite receiving slightly more in downward adjustments and non-monetary debt settlement than private clients, PD clients collectively have an outstanding balance that is about half of the original amount 10 years after imposition.***

Table A1. Total Overall Imposition and Collection, 2008.

	Private (n=20,891)	% of Assessment	Public (n=42,876)	% of Assessment
Assessment	\$62,797,298	---	\$87,915,711	---
Downward Adjustment	\$10,004,804	15.93%	\$17,672,586	20.10%
Non-monetary	\$202,382	0.32%	\$753,047	0.86%
Payment	\$30,388,847	48.39%	\$24,963,335	28.39%
Balance due	\$22,201,265	35.35%	\$44,526,743	50.65%

Table A2. Total Overall Imposition and Collection, 2013.

	Private (n=45,329)	% of Assessment	Public (n=85,581)	% of Assessment
Assessment	\$162,726,593	---	\$220,108,809	---
Downward Adjustment	\$24,300,674	14.93%	\$38,888,926	17.67%
Non-monetary	\$351,958	0.22%	\$1,158,045	0.53%
Payment	\$64,902,915	39.88%	\$46,070,512	20.93%
Balance due	\$73,171,046	44.97%	\$133,991,326	60.88%

Table A3 shows the percentage of cases in which a payment, non-monetary payment, and downward adjustment of any amount has been made to settle overall, fine, cost, and restitution debt for cases disposed in 2008 and 2013 for private and PD clients. There are several key findings to note. First, ***non-monetary payments are hardly used to reduce fine and cost debt and are almost never used to reduce restitution debt.*** Second, while much more common than non-monetary payments, ***a very large majority of defendants do not receive any downward adjustments either.*** For example, for cases disposed in 2013, just 26.49% of private clients and 27.79% of PD clients received any downward adjustment for their overall financial obligations. Third, when downward adjustments do occur, they are the most common for costs and least common for fines. Fourth, in general, PD clients and private clients have mostly similar likelihood of having debt reduced through non-monetary means; in nearly

all instances, however, receipt of non-monetary payment of any amount is more common among PD clients. Fifth, a larger percentage of PD clients received some debt reduction through downward adjustments for costs and fines in 2008 but the differences were not pronounced in 2013.

Importantly, Table A3 reveals that 91% of private clients have made one or more payments to reduce their legal financial obligations from cases disposed in 2008, whereas only 77% of PD clients have done the same. Put another way, ***roughly 23 of every 100 PD clients has not paid anything on their legal financial obligations from 2008, and roughly 27 of every 100 PD clients has not paid anything on their legal financial obligations from 2013, despite having a full 10 and 5 years to repay, respectively.*** This compares to about 9 of every 100 and 12 of every 100 private clients for cases disposed in 2008 and 2013, respectively.

Table A3. Percentage of cases with downward adjustment, non-monetary payment, and payment, any amount, 2008 and 2013.

	2018		2013	
	Private	Public	Private	Public
Overall				
N	20,891	42,576	45,329	85,581
Downward adjustment	31.16%	44.43%	26.49%	27.79%
Non-monetary payment	1.21%	2.37%	1.06%	1.99%
Payment	90.93%	77.47%	88.33%	73.52%
Fines				
N	11,229	16,513	20,910	31,746
Downward adjustment	4.52%	7.27%	2.54%	4.90%
Non-monetary payment	0.93%	2.42%	0.77%	1.89%
Payment	74.96%	43.14%	66.86%	33.36%
Costs				
N	20,854	42,468	45,263	85,371
Downward adjustment	28.08%	41.37%	24.56%	25.65%
Non-monetary payment	1.20%	2.37%	1.06%	1.99%
Payment	90.65%	76.76%	87.78%	72.56%
Restitution				
N	3,365	9,224	7,623	19,732
Downward adjustment	23.21%	21.41%	15.83%	14.43%
Non-monetary payment	0.03%	0.02%	0.01%	0.05%
Payment	85.74%	73.07%	82.63%	69.53%

B. GENERALIZED LINEAR REGRESSION AND TWO-PART REGRESSION MODEL RESULTS

The distributions of the outcome variables were positively skewed, which can contribute to violations of assumptions of OLS regression models. In addition, the distribution for the balance due outcome had a peak at zero in addition to being right skewed. To address these issues, we employed a generalized linear regression model with a log link to predict assessment amount. We utilize average marginal effect to back-transform parameter estimates to aid interpretation and present these

findings in the main text. Here, we show exponentiated coefficients (see Table B1). We use a two-part generalized linear regression model to predict balance due. The first part of the model is a logistic regression that predicts zero vs any amount enabling a determination of whether variables predict who is likely to have a balance net of other factors; the second part is an OLS regression with log transformation conditional on a non-zero balance. The second part of the model enables the determination of whether variables predict the amount of the balance, conditional on having a balance and net of other factors (see Table B2).

Table B1. Generalized linear regression model with log link predicting assessment amount

	Total		Costs		Fines		Restitution	
	Exp(b)	95%CI	Exp(b)	95%CI	Exp(b)	95%CI	Exp(b)	95%CI
Public Attorney	.87	[.87, .87]	.88	[.87, .88]	.76	[.76, .77]	.87	[.86, .88]
Race								
Black	.91	[.91, .91]	.97	[.96, .97]	.78	[.78, .79]	.97	[.95, .98]
Other	.96	[.94, .97]	.96	[.95, .98]	.90	[.87, .93]	1.08	[1.01, 1.15]
White (reference)	---	---	---	---	---	---	---	---
Male	1.04	[1.03, 1.04]	1.00	[1.00, 1.01]	1.10	[1.10, 1.11]	1.11	[1.09, 1.12]
County/County Class								
Allegheny	1.18	[1.16, 1.21]	1.54	[1.51, 1.57]	1.66	[1.61, 1.72]	1.10	[1.02, 1.19]
Berks	1.30	[1.27, 1.33]	1.75	[1.71, 1.78]	.56	[.54, .58]	1.04+	[.96, 1.13]
Bucks	1.04	[1.02, 1.06]	1.25	[1.22, 1.27]	1.51	[1.46, 1.56]	1.15	[1.06, 1.24]
Delaware	1.32	[1.30, 1.35]	1.81	[1.78, 1.84]	1.49	[1.45, 1.54]	1.05+	[.97, 1.14]
Montgomery	1.29	[1.27, 1.32]	1.73	[1.70, 1.76]	.98+	[.95, 1.01]	1.15	[1.07, 1.25]
Philadelphia	.64	[.63, .66]	.90	[.88, .91]	1.57	[1.53, 1.62]	1.05+	[.97, 1.13]
Third Class	1.18	[1.16, 1.20]	1.43	[1.41, 1.46]	1.06	[1.03, 1.09]	.98+	[.91, 1.05]
Fourth Class	1.14	[1.11, 1.16]	1.41	[1.38, 1.43]	.89+	[.86, .91]	.92	[.86, 1.00]
Fifth Class	1.16	[1.14, 1.19]	1.36	[1.33, 1.38]	.98+	[.95, 1.01]	.69	[.63, .74]
Sixth Class	1.11	[1.08, 1.13]	1.20	[1.17, 1.22]	.97	[.94, 1.00]	.85	[.79, .92]
Seventh Class	1.23	[1.20, 1.26]	1.46	[1.43, 1.49]	1.24	[1.19, 1.28]	.89	[.81, .97]
Eighth Class (reference)	---	---	---	---	---	---	---	---
Disposition Year								
2008	.89	[.88, .90]	.79	[.78, .79]	1.08	[1.06, 1.09]	1.03+	[1.00, 1.06]
2009	.91	[.90, .91]	.80	[.80, .81]	1.08	[1.06, 1.09]	1.05	[1.03, 1.08]
2010	.92	[.91, .93]	.83	[.83, .84]	1.01+	[1.00, 1.02]	1.02+	[1.00, 1.05]
2011	.95	[.94, .96]	.87	[.87, .88]	1.02	[1.01, 1.03]	1.04	[1.02, 1.07]
2012	.96	[.95, .96]	.89	[.88, .89]	1.04	[1.03, 1.05]	1.04	[1.02, 1.07]
2013	.99	[.99, 1.00]	.94	[.94, .94]	1.03	[1.02, 1.04]	1.02+	[1.00, 1.05]
2014	1.02	[1.01, 1.02]	.98	[.97, .98]	1.04	[1.02, 1.05]	1.01+	[.98, 1.04]
2015	1.04	[1.04, 1.05]	1.02	[1.01, 1.02]	1.04	[1.03, 1.06]	1.00+	[.98, 1.03]
2016	1.03	[1.02, 1.03]	1.02	[1.02, 1.03]	.91	[.90, .92]	.99+	[.96, 1.01]
2017	1.02	[1.02, 1.03]	1.02	[1.01, 1.02]	.94	[.93, .95]	1.01+	[.99, 1.04]
2018 (reference)	---	---	---	---	---	---	---	---

Analytic sample includes only non-zero assessment amounts and excludes outliers. Total model excludes any cost, fine, and/or restitution outliers. Exponentiated coefficients. All coefficients $p < 0.05$ (unless otherwise noted: + $p > 0.05$).

Table B2. Two-part multivariate regression model predicting balance due

	Total		Costs		Fines		Restitution	
	Exp(b)	95%CI	Exp(b)	95%CI	Exp(b)	95%CI	Exp(b)	95%CI
Logistic								
Assessment (\$100)	1.03	[1.03, 1.03]	1.04	[1.04, 1.04]	1.02	[1.02, 1.02]	1.04	[1.04, 1.04]
Public Attorney	3.66	[3.62, 3.69]	3.54	[3.51, 3.57]	3.81	[3.76, 3.86]	3.15	[3.08, 3.22]
Race								
Black	1.87	[1.85, 1.88]	1.80	[1.78, 1.82]	2.50	[2.45, 2.54]	1.60	[1.57, 1.64]
Other	.66	[.63, .68]	.66	[.63, .68]	.61	[.57, .66]	.62	[.55, .70]
White (reference)	---	---	---	---	---	---	---	---
Male	1.20	[1.19, 1.21]	1.22	[1.21, 1.23]	1.13	[1.11, 1.15]	1.60	[1.57, 1.64]
County/County Class								
Allegheny	2.23	[2.10, 2.36]	1.83	[1.72, 1.94]	1.90	[1.77, 2.04]	1.97	[1.74, 2.23]
Berks	3.27	[3.07, 3.48]	2.84	[2.67, 3.02]	4.16	[3.86, 4.47]	4.12	[3.61, 4.71]
Bucks	1.98	[1.86, 2.10]	1.82	[1.72, 1.93]	1.27	[1.18, 1.36]	.73	[.64, .83]
Delaware	4.30	[4.04, 4.57]	3.59	[3.38, 3.81]	5.88	[5.43, 6.37]	1.68	[1.48, 1.91]
Montgomery	1.36	[1.28, 1.44]	1.10	[1.04, 1.17]	1.46	[1.36, 1.57]	2.15	[1.89, 2.45]
Philadelphia	3.55	[3.35, 3.76]	3.05	[2.88, 3.22]	4.58	[4.24, 4.95]	7.79	[6.85, 8.86]
Third Class	1.72	[1.62, 1.82]	1.58	[1.49, 1.67]	1.41	[1.32, 1.51]	1.46	[1.30, 1.65]
Fourth Class	1.48	[1.40, 1.57]	1.34	[1.27, 1.42]	1.55	[1.45, 1.66]	1.46	[1.29, 1.65]
Fifth Class	1.50	[1.41, 1.59]	1.40	[1.32, 1.48]	1.57	[1.46, 1.68]	1.05+	[.93, 1.19]
Sixth Class	1.10	[1.04, 1.17]	1.08	[1.02, 1.14]	1.15	[1.07, 1.23]	.88	[.78, .99]
Seventh Class	.77	[.72, .83]	.72	[.67, .77]	.71	[.65, .77]	.77	[.66, .89]
Eighth Class (reference)	---	---	---	---	---	---	---	---
Disposition Year								
2008	.17	[.17, .18]	.19	[.18, .19]	.13	[.12, .13]	.21	[.20, .22]
2009	.17	[.17, .17]	.18	[.18, .19]	.13	[.13, .13]	.22	[.21, .23]
2010	.18	[.18, .19]	.20	[.19, .20]	.15	[.14, .15]	.24	[.23, .25]
2011	.20	[.20, .20]	.21	[.21, .22]	.16	[.16, .17]	.26	[.25, .27]
2012	.22	[.22, .23]	.24	[.24, .25]	.18	[.18, .19]	.27	[.26, .28]
2013	.28	[.27, .28]	.29	[.29, .30]	.21	[.20, .21]	.30	[.29, .31]
2014	.33	[.33, .34]	.35	[.34, .36]	.24	[.24, .25]	.32	[.31, .34]
2015	.39	[.38, .39]	.40	[.39, .41]	.31	[.30, .32]	.37	[.35, .38]
2016	.52	[.51, .53]	.53	[.52, .54]	.39	[.38, .40]	.50	[.48, .52]
2017	.68	[.66, .69]	.68	[.67, .70]	.56	[.54, .58]	.63	[.61, .66]
2018 (reference)	---	---	---	---	---	---	---	---
OLS with log transformation								
Assessment (\$100)	1.05	[1.05, 1.05]	1.06	[1.06, 1.06]	1.16	[1.16, 1.16]	1.07	[1.07, 1.07]
Public Attorney	1.19	[1.18, 1.19]	1.25	[1.24, 1.25]	.97	[.97, .98]	1.09	[1.07, 1.11]
Race								
Black	1.07	[1.07, 1.08]	1.07	[1.07, 1.08]	.98	[.97, .98]	.99+	[.97, 1.00]
Other	.94	[.92, .96]	.93	[.91, .95]	.97+	[.93, 1.01]	.97+	[.90, 1.05]
White (reference)	---	---	---	---	---	---	---	---
Male	1.09	[1.08, 1.09]	1.08	[1.07, 1.08]	1.06	[1.05, 1.07]	1.16	[1.14, 1.18]
County/County Class								
Allegheny	1.28	[1.24, 1.32]	1.50	[1.45, 1.54]	.95	[.91, .99]	1.38	[1.25, 1.51]
Berks	1.37	[1.33, 1.42]	1.60	[1.55, 1.65]	.72	[.69, .75]	1.05+	[.96, 1.16]

Bucks	1.28	[1.24, 1.32]	1.61	[1.56, 1.66]	.88	[.85, .92]	1.16	[1.05, 1.28]
Delaware	1.51	[1.47, 1.56]	1.79	[1.74, 1.85]	1.18	[1.13, 1.23]	1.22	[1.10, 1.34]
Montgomery	1.06	[1.03, 1.10]	1.16	[1.13, 1.20]	.91	[.87, .95]	1.36	[1.24, 1.50]
Philadelphia	1.08	[1.05, 1.12]	1.36	[1.32, 1.40]	1.25	[1.20, 1.30]	1.43	[1.31, 1.58]
Third Class	1.14	[1.10, 1.17]	1.33	[1.29, 1.37]	.73	[.70, .75]	1.12	[1.02, 1.23]
Fourth Class	1.07	[1.04, 1.11]	1.24	[1.20, 1.28]	.78	[.75, .81]	1.04+	[.95, 1.14]
Fifth Class	1.09	[1.06, 1.13]	1.24	[1.20, 1.27]	.90	[.86, .93]	.96+	[.88, 1.06]
Sixth Class	1.03	[1.00, 1.07]	1.07	[1.04, 1.11]	.89	[.86, .92]	1.00+	[.91, 1.10]
Seventh Class	.91	[.87, .94]	.96	[.93, 1.00]	1.04+	[.99, 1.10]	1.09+	[.97, 1.22]
Eighth Class (reference)	---	---	---	---	---	---	---	---
Disposition Year								
2008	.68	[.67, .69]	.67	[.66, .67]	.94	[.92, .95]	.95	[.92, .98]
2009	.69	[.68, .69]	.67	[.66, .67]	.95	[.94, .96]	.95	[.92, .98]
2010	.70	[.70, .71]	.68	[.68, .69]	.91	[.90, .93]	.94	[.91, .96]
2011	.77	[.76, .77]	.75	[.75, .76]	.94	[.93, .95]	.93	[.90, .96]
2012	.80	[.80, .81]	.79	[.79, .80]	.93	[.91, .94]	.92	[.89, .94]
2013	.83	[.82, .84]	.82	[.81, .82]	.93	[.92, .94]	.94	[.92, .97]
2014	.85	[.84, .85]	.83	[.83, .84]	.91	[.90, .92]	.96	[.94, .99]
2015	.87	[.87, .88]	.86	[.85, .86]	.95	[.94, .96]	.95	[.93, .98]
2016	.90	[.90, .91]	.89	[.88, .90]	.97	[.95, .98]	.98+	[.95, 1.00]
2017	.95	[.94, .95]	.94	[.93, .94]	.98	[.97, 1.00]	1.00+	[.98, 1.03]
2018 (reference)	---	---	---	---	---	---	---	---
Observations	1272689		1293729		542247		237863	

Analytic sample includes only non-zero assessment amounts and excludes outliers. Total model excludes any cost, fine, and/or restitution outliers. Exponentiated coefficients. All coefficients $p < 0.05$ (unless otherwise noted: + $p > 0.05$).

C. ANCILLARY ORDINARY LEAST SQUARES REGRESSION MODEL RESULTS

As OLS regression models may be more familiar to readers, we have included these here for cases with non-zero assessment amounts of fines, costs, and restitution, respectively. These models

have outliers removed. While the OLS models may be useful for descriptive purposes, we caution against drawing firm conclusions from these models alone as non-normality and increased number of zeros for several outcome variables cause violations of key modeling assumptions. Nonetheless, these additional models corroborate our primary multivariate findings.

Table C1. Multivariate OLS Regression Models for Fines

	Assessment Amount		Downward Adjustment		Non-Monetary		Payment		Balance	
	Est.	95%CI	Est.	95%CI	Est.	95%CI	Est.	95%CI	Est.	95%CI
Assessment (\$100)			4	[3,4]	1	[1,1]	34	[34,34]	62	[62,62]
Public Attorney	-184	[-188,-181]	12	[11,13]	2	[2,3]	-201	[-203,-198]	186	[184,188]
Race										
Black	-152	[-156,-148]	-4	[-5,-3]	1	[1,2]	-97	[-100,-94]	100	[97,103]
Other	-63	[-83,-44]	-5	[-10,-0]	-1	[-3,1]	52	[39,64]	-46	[-59,-33]
White (reference)	---	---	---	---	---	---	---	---	---	---
Male	70	[66,74]	1	[1,2]	-1	[-1,-0]	-10	[-13,-8]	10	[7,12]
County/County Class										
Allegheny	401	[381,421]	-14	[-19,-10]	-11	[-13,-9]	-42	[-55,-30]	68	[55,81]
Berks	-267	[-287,-248]	-2	[-7,3]	-7	[-9,-5]	-67	[-80,-55]	76	[63,89]
Bucks	335	[314,355]	-13	[-18,-8]	-11	[-13,-9]	71	[58,85]	-48	[-61,-34]
Delaware	294	[273,314]	-22	[-27,-17]	-10	[-13,-8]	-213	[-227,-200]	246	[232,259]
Montgomery	-22	[-42,-3]	12	[8,17]	-8	[-10,-6]	-26	[-39,-14]	22	[9,35]
Philadelphia	337	[317,358]	-28	[-33,-23]	-11	[-14,-9]	-185	[-198,-172]	224	[211,238]
Third Class	23	[4,41]	1	[-3,6]	-7	[-9,-5]	-15	[-27,-3]	20	[8,32]

Fourth Class	-75	[-93,-56]	1	[-3,6]	-0	[-2,2]	-41	[-53,-29]	40	[28,53]
Fifth Class	-20	[-39,-1]	-7	[-11,-2]	-6	[-8,-4]	-23	[-35,-11]	36	[24,48]
Sixth Class	-21	[-40,-3]	-2	[-7,2]	10	[8,12]	-11	[-23,1]	4	[-8,16]
Seventh Class	144	[120,169]	-6	[-12,0]	-6	[-8,-3]	76	[61,92]	-65	[-81,-49]
Eighth Class (reference)	---	---	---	---	---	---	---	---	---	---
Disposition Year										
2008	40	[31,49]	28	[26,30]	7	[6,8]	251	[245,257]	-286	[-292,-280]
2009	46	[39,54]	27	[25,29]	7	[6,7]	245	[240,249]	-278	[-283,-273]
2010	7	[0,15]	23	[21,24]	6	[6,7]	225	[220,230]	-254	[-259,-249]
2011	12	[5,20]	18	[17,20]	5	[4,6]	216	[211,221]	-239	[-244,-235]
2012	19	[12,27]	16	[14,18]	5	[4,6]	207	[203,212]	-228	[-233,-223]
2013	13	[6,20]	15	[13,17]	5	[4,6]	188	[184,193]	-209	[-213,-204]
2014	17	[10,25]	14	[12,15]	4	[4,5]	165	[161,170]	-183	[-188,-179]
2015	24	[17,32]	10	[8,12]	3	[2,4]	134	[130,139]	-147	[-152,-143]
2016	-53	[-61,-46]	10	[8,12]	2	[1,3]	99	[95,104]	-111	[-116,-107]
2017	-34	[-42,-27]	6	[4,8]	1	[0,2]	58	[53,62]	-65	[-70,-60]
2018 (reference)	---	---	---	---	---	---	---	---	---	---
Constant	677	[658,697]	-12	[-17,-7]	1	[-1,3]	167	[155,180]	140	[128,153]
R ²	0.09		0.03		0.01		0.34		0.51	

Note: Analytic sample includes only non-zero assessment amounts and excludes empirically-defined outliers (i.e., dockets with fines >\$3,550). N=542,247.

Table C2. Multivariate OLS Regression Models for Costs

	Assessment Amount		Downward Adjustment		Non-Monetary		Payment		Balance	
	Est.	95%CI	Est.	95%CI	Est.	95%CI	Est.	95%CI	Est.	95%CI
Assessment (\$100)			18	[18,18]	1	[1,1]	30	[30,30]	51	[51,51]
Public Attorney	-190	[-193,-187]	69	[67,70]	5	[5,5]	-419	[-422,-417]	346	[343,348]
Race										
Black	-41	[-45,-38]	9	[8,11]	2	[1,2]	-174	[-176,-171]	163	[160,165]
Other	-47	[-64,-30]	-24	[-32,-17]	-1	[-2,1]	106	[95,116]	-81	[-92,-69]
White (reference)	---	---	---	---	---	---	---	---	---	---
Male	11	[7,15]	-15	[-16,-13]	-2	[-2,-1]	-36	[-39,-34]	53	[50,55]
County/County Class										
Allegheny	517	[493,541]	47	[37,58]	-19	[-22,-16]	-409	[-424,-393]	380	[364,397]
Berks	746	[720,771]	37	[26,48]	-20	[-23,-18]	-350	[-366,-333]	333	[315,350]
Bucks	245	[221,270]	-66	[-76,-55]	-16	[-19,-13]	-149	[-166,-133]	231	[215,248]
Delaware	814	[790,839]	-164	[-174,-153]	-18	[-21,-16]	-286	[-302,-270]	468	[451,484]
Montgomery	728	[703,752]	270	[259,281]	-20	[-23,-17]	-201	[-217,-185]	-49	[-66,-32]
Philadelphia	-90	[-114,-66]	0	[-10,10]	-16	[-18,-13]	-219	[-235,-203]	235	[219,251]
Third Class	430	[406,454]	-20	[-31,-10]	-15	[-17,-12]	-68	[-83,-52]	103	[87,119]
Fourth Class	405	[381,429]	13	[3,24]	17	[14,19]	-104	[-120,-89]	75	[58,91]
Fifth Class	356	[331,380]	-22	[-33,-12]	-6	[-9,-3]	-20	[-36,-4]	49	[32,65]
Sixth Class	194	[169,218]	-17	[-27,-7]	8	[5,10]	4	[-12,20]	6	[-11,22]
Seventh Class	454	[425,483]	32	[20,45]	-16	[-19,-13]	131	[112,150]	-147	[-167,-128]
Eighth Class (reference)	---	---	---	---	---	---	---	---	---	---
Disposition Year										
2008	-307	[-316,-298]	142	[138,146]	12	[11,13]	260	[255,266]	-415	[-421,-409]
2009	-288	[-296,-281]	138	[135,142]	11	[10,12]	275	[271,280]	-424	[-429,-420]

2010	-247	[-254,-240]	124	[121,127]	10	[9,11]	280	[276,285]	-414	[-419,-410]
2011	-178	[-185,-171]	118	[115,121]	9	[8,10]	263	[258,267]	-390	[-394,-385]
2012	-159	[-166,-152]	101	[98,104]	9	[8,9]	239	[234,244]	-349	[-354,-344]
2013	-80	[-87,-73]	89	[85,92]	8	[7,9]	220	[215,224]	-316	[-321,-312]
2014	-18	[-25,-11]	66	[62,69]	8	[8,9]	201	[197,206]	-275	[-280,-270]
2015	35	[28,42]	55	[52,58]	6	[5,7]	175	[171,180]	-236	[-241,-231]
2016	39	[32,46]	40	[37,43]	4	[3,4]	120	[115,124]	-164	[-168,-159]
2017	30	[23,37]	23	[20,26]	2	[1,2]	65	[61,70]	-90	[-95,-85]
2018 (reference)	---	---	---	---	---	---	---	---	---	---
Constant	1208	[1184,1232]	66	[55,76]	10	[7,13]	897	[881,913]	578	[561,594]
R ²	0.11		0.19		0.02		0.33		0.45	

Note: Analytic sample includes only non-zero assessment amounts and excludes empirically-defined outliers (i.e., dockets with costs >\$5,212). N=1,293,729.

Table C3. Multivariate OLS Regression Models for Restitution

	Assessment Amount		Downward Adjustment		Non-Monetary		Payment		Balance	
	Est.	95%CI	Est.	95%CI	Est.	Est.	95%CI	Est.	95%CI	Est.
Assessment (\$100)			10	[10,10]	0	[0,0]	29	[28,29]	61	[61,62]
Public Attorney	-156	[-170,-142]	-15	[-19,-11]	0	[-0,0]	-258	[-265,-252]	273	[266,280]
Race										
Black	-39	[-55,-24]	-14	[-19,-10]	0	[0,1]	-77	[-84,-69]	91	[83,98]
Other	97	[21,172]	3	[-19,26]	0	[-1,1]	127	[91,163]	-130	[-169,-91]
White (reference)	---	---	---	---	---	---	---	---	---	---
Male	116	[102,130]	-5	[-10,-1]	-0	[-0,-0]	-91	[-98,-85]	97	[90,104]
County/County Class										
Allegheny	119	[33,205]	-43	[-68,-17]	-0	[-1,1]	-148	[-189,-108]	191	[147,235]
Berks	51	[-38,141]	39	[13,66]	-0	[-1,1]	-250	[-292,-207]	210	[164,256]
Bucks	181	[92,271]	-8	[-35,18]	-0	[-1,1]	90	[47,132]	-81	[-127,-36]
Delaware	68	[-20,156]	-52	[-78,-26]	-0	[-1,1]	-96	[-138,-55]	148	[103,194]
Montgomery	188	[100,276]	-39	[-65,-13]	-0	[-1,1]	-156	[-198,-115]	195	[150,240]
Philadelphia	70	[-16,156]	-76	[-102,-50]	-0	[-1,1]	-318	[-358,-277]	394	[350,438]
Third Class	-20	[-104,63]	-0	[-25,25]	0	[-1,1]	-97	[-136,-57]	97	[54,139]
Fourth Class	-84	[-169,0]	15	[-10,40]	0	[-1,2]	-108	[-148,-68]	93	[49,136]
Fifth Class	-357	[-442,-272]	3	[-22,29]	0	[-1,2]	-100	[-140,-60]	97	[53,140]
Sixth Class	-169	[-254,-84]	8	[-18,33]	0	[-1,1]	-23	[-63,17]	16	[-28,59]
Seventh Class	-132	[-233,-32]	-3	[-33,27]	0	[-1,1]	30	[-17,78]	-27	[-79,24]
Eighth Class (reference)	---	---	---	---	---	---	---	---	---	---
Disposition Year										
2008	32	[-2,66]	109	[99,119]	1	[0,1]	245	[229,261]	-354	[-371,-337]
2009	56	[27,84]	88	[79,97]	0	[-0,1]	230	[217,244]	-319	[-333,-304]
2010	24	[-5,52]	77	[68,85]	0	[-0,1]	221	[208,235]	-298	[-313,-284]
2011	51	[22,79]	75	[67,83]	1	[0,1]	209	[195,222]	-284	[-299,-270]
2012	45	[17,73]	58	[50,67]	0	[-0,0]	199	[186,212]	-258	[-272,-244]
2013	24	[-3,52]	56	[48,64]	0	[-0,1]	171	[158,184]	-227	[-241,-213]
2014	7	[-21,34]	44	[35,52]	0	[-0,1]	172	[159,185]	-216	[-230,-201]
2015	-3	[-31,25]	40	[32,48]	0	[-0,0]	150	[137,163]	-190	[-205,-176]
2016	-16	[-45,12]	31	[23,40]	0	[-0,1]	97	[84,110]	-129	[-143,-114]

2017	8	[-20,37]	14	[6,23]	-0	[-0,0]	62	[48,75]	-76	[-91,-61]
2018 (reference)	---	---	---	---	---	---	---	---	---	---
Constant	1173	[1086,1259]	47	[21,73]	-0	[-1,1]	583	[542,624]	300	[256,345]
R ²	0.01		0.11		0.00		0.30		0.60	

Note: Analytic sample includes only non-zero assessment amounts, and excludes empirically-defined outliers (i.e., dockets with restitution >\$7,472). N=273,863.

ENDNOTES

¹ Administrative Office of Pennsylvania Courts, “Collection Rates Over Time,” <http://www.pacourts.us/news-and-statistics/research-and-statistics/dashboard-table-of-contents/collection-rate-of-payments-ordered-by-common-pleas-courts>. Those figures are current as of November 2020. View them by selecting common pleas cases from 2010. Note that the dashboards only display the last 10 years of data, which is why data from 2008 cases—the subject of much of the rest of this research brief—is now inaccessible.

² In recent years, the Superior Court has repeatedly ruled that defendants were unlawfully jailed because they were too poor to pay fines, costs, or restitution. See, e.g., *Commonwealth v. Mauk*, 185 A.3d 406 (Pa. Super. Ct. 2018); *Commonwealth v. Diaz*, 191 A.3d 850 (Pa. Super. Ct. 2018); *Commonwealth v. Smetana*, 191 A.3d 867 (Pa. Super. Ct. 2018); *Commonwealth v. Sneeringer*, 1344 MDA 2019, 2020 WL 996900 (Pa. Super. Ct. Mar. 2, 2020) (unpublished).

³ Pa.R.Crim.P. 706 Explanatory Comment.

⁴ 42 Pa.C.S. § 9763 permits courts to make the payment of fines or restitution a condition of probation. See, e.g., *Commonwealth v. Milton-Bivins*, 1870 WDA 2017 and 737 WDA 2018, 2019 WL 4390657 (Pa. Super. Ct. Sept. 13, 2019) (unpublished) (reversing probation revocation due to nonpayment of restitution).

⁵ 75 Pa.C.S. § 1533

⁶ Pennsylvania Department of Public Welfare, “Criminal History Desk Guide,” http://services.dpw.state.pa.us/oimpolicymanuals/snap/503_General_Information/503_Appendix_B.htm (explaining that a defendant must have paid all fines, costs, or restitution, or be on a court-approved payment plan to receive benefits).

⁷ Id. (explaining that an open warrant for violating a term of probation prevents eligibility for SNAP).

⁸ 18 Pa.C.S. § 9122.2.

⁹ Overall, fines, costs, and restitution were assessed in 38.07%, 92.96%, and 17.98% of the 1.866 million dockets, respectively.

¹⁰ It should be noted that cases excluded from the analysis based on missing data and/or a docket year prior to 2008 had significantly lower average cost, fine, and restitution assessed amounts by 253, 13, and 250 dollars, respectively.

¹¹ Public counsel included the following categories: Advocate Counsel, Conflict Counsel, Court Appointed, Court Appointed-Co-Counsel, Court Appointed-Conflicts Counsel, Court Appointed-Pending, Court Appointed-Private, Court

Appointed-Public, Court Appointed-Public Defender, Court Appointed-Vendor, Court Appointed/Public Defender, and Public Defender. The CPCMS category “Private” served as the indicator of private counsel.

¹² We also examined means and trimmed means (with outliers excluded) and the general patterns of findings is similar.

¹³ While each docket was uniquely identified with a docket number, the data set we obtained did not contain a specified unique identifier for individuals and, moreover, it did not contain the defendant’s date of birth. We acknowledge an individual’s zip code may change as residency changes but we included this as a criterion to be more conservative in our estimate, as a large number of individuals across the state who have come into contact with the criminal justice system may share the same name, gender, and race, but only a small number would likely share all of these and the same zip code. We make the assumption of no administrative data entry error (e.g., no name misspellings nor inaccurate zip codes). Based on these criteria, it was estimated that 31 of every 100 individuals has more than one docket between 2008 and 2018. Of the individuals with multiple dockets, 55% of them have just two dockets, 22% have three dockets, 11% have four dockets, and 12% have five or more dockets. Since a known unique identifier (or date-of-birth) is unavailable, we do not report specific imposition and collection statistics at the person level.

¹⁴ This court debt can settled through payment, non-monetary contributions (like community service), and downward adjustment. Table 1 indicates that **payments have been the primary source of debt settlement for both private and PD clients overall. Furthermore, Table 3 establishes that the median private and PD client in 2008 and 2013 received no downward adjustment and no non-monetary contributions.** This was also found to be the case when analyzing fine, cost, and restitution debt individually (see Table 3). Appendix A provides further details which illustrates two main points: 1) debt reduction through non-monetary contributions are exceedingly rare and 2) a large majority of defendants do not receive any downward adjustment. Because of these findings, we simplify much of the remaining analysis by focusing on assessment amount and balance due in particular.

¹⁵ OLS regression models also estimate higher assessments for costs, fines, and restitution equal to \$220, \$178, and \$223, respectively, when controlling for race, gender, year, and county, and excluding outlying observations.

¹⁶ Report on the Economic Well-being of U.S. Households in 2018. <https://www.federalreserve.gov/publications/2019-economic-well-being-of-us-households-in-2018-dealing-with-unexpected-expenses.htm>

