



Vol. 5, No. 1
September 2006

The Pennsylvania Commission on Sentencing

Research Bulletin

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A Multi-Method Evaluation of Economic Sanctions in Pennsylvania

by

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This edition of the Research Bulletin presents the results of a study that examined the imposition and payment of different types of economic sanctions in Pennsylvania. This research expanded upon a previous study that analyzed the imposition, payment, and effectiveness of restitution. The current study utilized a multi-method approach to explore the imposition and payment of the fines, costs, and fees in Pennsylvania, in addition to restitution. Phase I involved in-depth data collection on the various economic sanctions used in six counties, Phase II examined DAVE cases to determine the frequency of victim compensation restitution to the state, and Phase III involved the administration of both a Victim Survey and an Offender Survey.

Why Economic Sanctions?

Over the last 25 years, the use of economic sanctions has increased, and this trend will likely continue due to the high costs of operating the criminal justice system, increased concern that victims be awarded restitution, and the interest in alternative sanctions. Three advantages to economic sanctions are: being a cheaper, and often as effective, deterrent to crime; avoiding the stigma and secondary effects of incarceration such as loss of a job; and being more punitive than simple probation.

Economic Sanctions Project

The Economic Sanctions Project is part of a partnership that the Sentencing Commission has established with faculty at the Pennsylvania State University. This project is under the direction of **Professor Barry Ruback**, who is a professor of Crime, Law, and Justice in the Department of Sociology. In 2003, Professor Ruback received a grant from the Pennsylvania Commission on Crime and Delinquency to conduct this study as a follow-up to his study on restitution. This Research Bulletin is based on a report, *Evaluation of Best Practices in Restitution and Victim Compensation Orders and Payments*, written by **Dr. Ruback**, in conjunction with **Dr. Alison Cares**, of Central Connecticut State University, and graduate student **Stacy Hoskins**, in the Crime, Law, Justice Program at Penn State. For a copy of the complete report, please contact the Commission at 814.863.2797 or visit the Commission's website at <http://pcs.la.psu.edu/> under Research.

Major Findings

- ◆ Overall, this study found that there was a great deal of variation among the counties in the type and amount of economic sanctions imposed. Additionally, the total amount of costs and fines ordered was highest for offenders convicted of traffic offenses, and the percent of economic sanctions paid was lowest for property offenders.
- ◆ Two mandatory penalties, Crime Victim Compensation [CVC] and Crime Commission Cost [CCC], were imposed in about 90% of the cases, though the percentage of cases in which they were paid in full was about 55%.
- ◆ The percentage of cases in which the mandatory CVC restitution was ordered for cases where the CVC provided compensation to the victim varied significantly among counties, ranging from 3% to 56% of the cases.
- ◆ Victims are generally more satisfied with the process surrounding the imposition of economic sanctions, than with the amount ordered. The higher their satisfaction, the more likely they would report a crime in the future.
- ◆ Offenders generally do not understand how the amount of economic sanctions were determined, where their payments went, or how much money they owed.

Economic sanctions are generally additional penalties, rather than sole sanctions, with often multiple economic sanctions being imposed. Few studies, however, have examined how multiple economic sanctions are imposed by the judge and paid by the offender. With the use of these types of sanctions expected to increase, the purpose of this study was to help inform policymakers and others about the success of the current use of economic sanctions.

Phase I: Data Collection in the Counties

To examine the imposition and collection of economic sanctions in Pennsylvania, data were collected in six counties: Blair, Centre, Cumberland, Delaware, Lancaster, and Westmoreland. These counties were selected because they varied with respect to: size, geographic location, number of cases processed, and the method used to collect economic sanctions. Information was collected on offender [e.g., race, age, gender], victim [e.g., type of injury] and case [e.g., charge, conviction, and sentence] characteristics, in addition to the information on the types of economic sanctions used in the county. Various sources, including the Clerk of Courts files, probation files, and Victim/Witness Services files were used to obtain the information.

Sample. A random sample of approximately 500 cases sentenced during 2000 was selected from each county, though the sample size was reduced due to missing information.¹ Table 1 provides a description of the sample for each county. Among all counties, most offenders were male, white, with an average age in the early 30's. Average education level ranged from 11.5 to 12.3 years.

Most offenders were convicted of a misdemeanor offense, with property offenses being the most prevalent conviction in Blair and Lancaster Counties, while in Centre, Cumberland, Delaware and Westmoreland Counties, most convictions were for traffic offenses.

Findings

Although some economic sanctions were common across counties, there was also considerable variation in the type of economic sanctions imposed. Information was collected on the total amount of economic sanctions ordered in each case, as well as the amounts for restitution, costs, fees, fines, Crime Commission Cost, and Crime Victim's Compensation Fund.² Information on the payment of these sanctions was also collected.

Amount of sanctions ordered and paid. Table 2 presents the mean amount imposed for various economic sanctions and the mean percent paid in each county. The average amount of the total economic sanctions *ordered* ranged from \$1305 to \$1864, with the average amount *paid* ranging from 43% to 77% of this total. There was quite a bit of variation among the counties in the average amount imposed for specific types of sanctions. On average, in comparison to the other counties, Westmoreland County imposed higher fines, while Cumberland County imposed higher amounts of restitution and Lancaster imposed higher supervision fees. There was also variation among the counties with respect to the average amount paid toward these economic sanctions. In comparison to the other counties, offenders in Centre County paid a higher percentage of the fines and restitution ordered, while offenders in Cumberland County paid a higher percentage of their supervision fees.

The study also looked at two mandatory penalties: Crime Victims Compensation [CVC] fund and Crime Commission Cost [CCC]. Pennsylvania Law requires that any person convicted of a crime or placed in a diversionary program be assessed to pay \$35 into the CVC and \$25 into the CCC funds [18 P.S. §11.1101]. While compliance with both of these mandates is high, it does fall short of the 100% required by law. Table 2 shows that the rates of CVC imposition range from 86% to 98% and the rates of CCC imposition ranges from 84% to 97%. The percentage of time that these assessments are paid in full ranged from 44% to 68%.

Factors that predict ordering and payment of sanctions. This study also utilized a multivariate analysis to determine which case and offender characteristics best predict the imposition and payment of these economic sanctions. Table 3 provides a summary of those factors found to be statistically

Table 1. Description of the Sample.

	Blair [N=413] %	Centre [N=424] %	Cumberland [N=444] %	Delaware [N=239] %	Lancaster [N=493] %	Westmoreland [N=422] %
Gender						
Male	77.7	81.5	81.4	81.4	82.0	79.6
Female	22.3	18.5	18.6	18.6	18.0	20.4
Race						
White	89.6	92.9	81.4	56.3	77.5	87.8
Nonwhite	9.8	7.1	18.6	43.7	22.5	12.2
Mean Education	M=11.7	M=12.3	M=11.7	M=12.1	M=11.5	M=12.1
Mean Age	M=31.5	M=30.4	M=31.4	M=32.0	M=30.9	M=33.4
Offense Grade						
Summary	7.2	14.8	17.1	1.3	2.0	11.8
Misdemeanor	74.9	73.1	59.9	81.0	74.1	70.1
Felony	17.9	12.1	23.0	17.7	23.8	18.0
Offense Type						
Property	27.4	23.8	26.4	18.4	29.0	21.1
Personal	16.9	15.8	14.2	15.1	14.0	17.5
Drug	15.5	10.4	13.3	22.6	18.9	12.6
Traffic	24.2	37.0	29.6	35.6	27.2	40.3
Other	16.0	13.0	16.5	8.4	11.0	8.5
Sentence Type						
Probation	47.0	55.2	13.7	42.7	50.1	40.8
RIP	6.8	3.3	20.5	5.9	1.8	16.6
Jail	20.8	24.8	48.0	43.5	32.0	28.0
Prison	3.9	4.2	3.8	5.0	5.9	3.3
Other	21.5	12.5	14.0	2.9	10.1	11.4

1. In Delaware County, a sample of only 250 was used due to time constraints and resources.
2. In several counties, these sanctions were broken down further into subcategories.

Table 2. Mean Amount of Economic Sanctions Ordered and Paid.

Type of Economic Sanction	Blair	Centre	Cumberland	Delaware	Lancaster	Westmoreland
Total Amount						
Mean amount ordered	\$1,305	\$1,360	\$1,861	\$1,427	\$1,864	\$1,471
Mean percent paid	57%	77%	65%	46%	43%	65%
Fines						
Mean amount ordered	\$402	\$330	\$444	\$314	\$507	\$557
Mean percent paid	56%	81%	61%	45%	NA	58%
Restitution						
Mean amount ordered	\$848	\$965	\$3,112	\$1,310	\$2,524	\$1,941
Mean percent paid	60%	74%	60%	54%	34%	58%
Supervision Fees						
Mean amount ordered	\$237	\$309	\$262	\$555	\$658	\$392
Mean percent paid	NA	31%	74%	30%	57%	48%
Crime Victims Compensation						
Percent ordered	93%	89%	90%	97%	91%	86%
Percent paid in full	51%	56%	68%	44%	NA	60%
Crime Commission Cost						
Mean amount ordered	91%	88%	90%	97%	91%	84%
Mean percent paid	49%	54%	68%	44%	NA	60%

significant in each of the counties when looking at all economic sanctions combined.

Ordering. Overall, the type of offense [i.e., property, personal, drug, traffic, or other] and severity [i.e., summary, misdemeanor, or felony] of the offense significantly predicted the total amount of economic sanctions ordered in most counties. More specifically, in Centre County the total amount of economic sanctions ordered was significantly higher for offenders convicted of traffic offenses, while in Cumberland and Delaware Counties, the total amount of economic sanctions ordered was significantly lower for offenders convicted of a drug offense. In Blair and Lancaster Counties, the amount of payment ordered was signifi-

cantly higher for offenders sentenced to state prison.

In some counties, offender characteristics were related to amount of economic sanction ordered. In Cumberland County, the amount ordered increased with age, while in Blair and Delaware Counties, the amount ordered was greater for non-whites than whites.

Payment. Consistent with the finding relevant to economic sanctions ordered, case characteristics were found to be stronger predictors of payment than offender characteristics. The amount of payment was significantly lower for property offenders than for other types of offenders, and for incarcerated offenders. In three of the counties, the percent paid was significantly lower for non-white than white offenders. The analysis also found that the variables included in the study were better at predicting the payment than the imposition of economic sanctions.

Juvenile Cases

Part of the study also included collecting information on the imposition and payment of economic sanctions for juvenile offenders. Information for these cases was obtained primarily from files in the juvenile probation departments, which contained detailed information about offenders' backgrounds, living conditions, and victim information, in addition to mental health assessments and

Table 3. Factors that predict the ordering and payment of economic sanctions. *

	Blair	Centre	Cumberland	Delaware	Lancaster	Westmoreland
Ordered						
Offense Grade	no	yes	yes	yes	no	yes
Offense Type	no	yes	yes	yes	no	no
Sentence Type	yes	no	no	no	yes	no
Race	yes	no	no	yes	no	no
Age	no	no	yes	no	no	yes
Gender	no	no	no	no	no	no
Paid						
Offense Grade	no	no	no	no	no	no
Offense Type	yes	yes	yes	yes	yes	no
Sentence Type	yes	yes	yes	no	yes	no
Race	no	no	yes	yes	yes	no
Age	no	no	no	no	no	no
Gender	no	no	no	no	no	no

* Yes indicates that the factor was statistically significant at the .05 level or greater.

results of drug testing. Information on the imposition and collection of economic sanctions, however, was more limited than that for adults.

On average, offenders in the juvenile sample were male, white, and 16 years of age. Most were convicted of misdemeanor, property offenses. As with the adult cases, case characteristics [i.e., crime severity, crime type, adjudication] were stronger predictors than offender characteristics of the amount of economic sanctions ordered and the percent of economic sanctions paid. For costs and fees, the total amount was significantly higher for offenders convicted of traffic offenses.

Phase II: DAVE Cases—Restitution for Victim Compensation

The Crime Victims Compensation [CVC] fund provides victims with compensation for medical expenses, counseling, crime-scene clean-up, lost earnings, stolen benefits cash, and funeral expenses. When the CVC provides compensation to the victim, the judge is mandated by law to order the offender to pay restitution to the CVC.

The Dependable Access for Victimization Expenses [DAVE] system, implemented on January 22, 2002 allows victim service providers to file compensation claims electronically. Furthermore, the DAVE system helps victim advocates determine the victim's eligibility and obtain the documentation necessary to process the victim's claim.

A list of 238 DAVE cases for four of the counties in the study [Centre, Cumberland, Delaware, and Westmoreland] was used to examine whether judges were ordering offenders to pay the mandatory restitution to the CVC in cases in which the victim had received compensation from the state. The findings indicated that there were large differences in the imposition of this mandatory restitution in these four counties, ranging from 3% to 56%. The average amount of CVC restitution ordered ranged from \$741 to \$5,428. One possible explanation for the low rate of imposition for this restitution is that, on average, the offenders also owed high amounts of costs and fees. It is important to note, however, that the number of DAVE cases was limited in each county [ranging from 8 to 122] and thus, findings must be interpreted with caution.

Phase III: Victim and Offender Surveys

Victim Survey

Though reforms over the last 30 years have increased the role of victims in the criminal justice process, often victims still feel left out, in part because crimes are committed against 'the state' not individuals. This study included a survey of victims that examined their perceptions of the criminal justice system, focusing particularly on issues of process [e.g., information gathering, how

decisions are made] and outcome [e.g., amount of restitution paid, sentence offender received]. Additionally, the study looked at whether victims' perceptions of outcome and how they were treated related to their willingness to report future victimizations

Sample. There were 1,037 surveys sent to victims in two of the counties, Cumberland and Lancaster, which were part of the larger study. The victims, who were identified with assistance from the county victims services personnel, came from a list of those who received restitution orders in 2002 and 2003. Of the 1,037 surveys sent out, 124 were returned as undeliverable, and 238 were completed by the respondents, which constituted a 26% response rate. Although low, this response rate is consistent with other studies of victims.

The sample was primarily white [94%], male [59%], married [67%], middle aged [mean age of 48], employed [65%], and fairly well educated [91% high school graduates, 35% with at least a college degree]. The majority were victims of either theft [42%] or burglary [24%], with most crimes [54%] occurring at their residence. The offender was known to the victim in 37% of the cases.

Case processing and outcome. Most of the cases were resolved by guilty plea [69%] although 25% went to trial. About 60% of the victims were notified about the trial, primarily through the District Attorney's office, and 16% testified. Almost 70% of the victims were notified that they were eligible for restitution, primarily through the victim-witness advocate. Restitution was ordered in 62% of the cases, though 28% indicated they were uncertain whether a restitution order was made in their case. Full restitution was paid in 22% of the cases, partial restitution in 26% of the cases, and not at all in 45% of the cases. In general, victims expressed more satisfaction with the process than with the outcome of their case.

Purpose of punishment. In order to assess victims' concerns about the purpose behind punishing the offender in their cases, victims were asked to rate on a 4 point scale ['not important' to 'very important'] various reasons related to: retaliation, rehabilitation, deterrence, moral outrage, and security. Table 4 shows that, overall, victims were most concerned that the offender be deterred from committing future crime, followed by moral outrage, deterring others from crime, the need for security, and to uphold general societal values. Males were significantly more likely than females to endorse security, rehabilitation, and deterrence as the primary purpose for punishing the offender. Victims who indicated a higher concern for revenge were less likely to think the amount of restitution was fair and less satisfied with how they were treated, while victims who rated rehabilitation higher were more likely to think that restitution was fair and were more satisfied with their treatment. Revenge was more likely to be favored by victims who had less education and lower household incomes.

Table 4. Comparison of Mean Response for Purpose of Punishment Items on Victim [n=238] and Offender [n=122] Surveys.

<i>It was important to me that the offender should be punished...</i>	Victim Mean	Offender Mean	Mean Difference
Just Deserts			
To even out the wrong that the offender had done	3.41	2.95	.46 ***
To make amends for the offender's guilt	3.29	2.96	.33 **
Revenge			
To bring satisfaction to me, the victim	3.09	2.49	.61 ***
To make the offender suffer, as I suffered by his/her action	2.53	2.11	.41 **
Recognition of victim status			
To make it clear that society is on my side	2.80	2.52	.30 *
To make it clear publicly that the offender did wrong to me	2.66	2.39	.27 *
To reimburse me for the losses I suffered	3.41	2.68	.79 ***
Individual Deterrence			
To stop the offender from further offenses	3.90	3.33	.57 ***
So that the offender knows that crime does not go unpunished	3.87	3.17	.69 ***
Rehabilitation			
To allow rehabilitation of the offender	3.24	3.02	.23 *
To allow the offender to be understand our legal system	3.00	2.58	.43 ***
To treat the offender's drug, alcohol, mental health problems	3.06	2.95	.11
To provide the offender with education or work skills	2.73	2.59	.14
General Deterrence			
To show that crime does not pay	3.60	3.02	.58 ***
To stop others from committing similar offenses	3.53	3.01	.52 ***
Positive General Prevention			
To uphold the important values in society	3.55	3.10	.45 ***
So that people are not frustrated with the legal system	3.17	2.66	.51 ***
Victim Security			
So that victim can live in safety	3.56	2.60	.96 ***
So that victim is not afraid of the offender for now	2.95	2.42	.50 ***
Societal Security			
So that the offender is not a danger to others	3.52	2.68	.83 ***
So that society does not have to fear the offender for now	3.32	2.50	.82 ***
Moral Outrage			
To make it clear that the offender's act was wrong	3.70	3.17	.54 ***
* significant at .05 level	** significant at .01 level	*** significant at .001 level	

Reporting crimes in the future. Those victims who indicated that they would be more willing to report a crime in the future were those who also reported that they understood the restitution process, were more satisfied with the contact they had with the victim advocate, and perceived the procedures for determining restitution as fair. Females and individuals with higher incomes were more likely to say they would report a future crime, though education and age made no difference in willingness to report.

Offender Survey

Research shows that most offenders have difficulty paying fines, costs, and restitution. Possible explanations for non-payment include: inability to pay, lack of understanding, disagreement with the reason for the sanctions, perception that they are unfairly applied, and that there is no punish-

ment for lack of payment. Phase III of this study included surveying offenders to obtain a better understanding of their perspective of paying economic sanctions.

Sample. The sample for the Offender Survey included 122 offenders [15% response rate] sentenced during 2003 in Blair and Westmoreland Counties, two of the counties that were part of the larger study. Most of the offenders were male [61%], white [93%], had completed high school [75%], with a mean age of 34 years. About 43% were employed at least part-time, with almost half reporting incomes less than \$10,000. About 41% were married or living with a partner. The most frequently reported offense was driving under the influence [36%], followed by theft [20%] and drug possession [20%]. About 43% had been incarcerated for their offense.

Economic sanctions imposed. Overall, 65% of the respondents said that they were ordered to pay some type of economic sanction, ranging from \$101 to \$25,000, with the median being \$1400. In general, respondents indicated that they did not understand how the amounts were determined, though they understood restitution orders better than other costs and fees. Persons convicted of property offenses had the best understanding of how restitution was ordered. Offenders viewed restitution as being the most fair economic sanction, followed by court costs, supervision fees, and fines. Most respondents indicated that it was difficult for them to make their monthly payments. Offenders who had the most difficulty paying also had more difficulty understanding the system, and they believed that the procedures for establishing economic sanctions were unfair, and interfered with them being able to successfully complete their sentence and to provide for their families. About 80% indicated that they expected to pay all of the money they owed, though findings from the earlier phases of this study indicate that this does not happen in the majority of cases.

Purpose of punishment. Similar to the Victim Survey, the Offender Survey asked offenders what they thought was the purpose of their punishment. As did victims, the offenders ranked items related to deterring the offender as most important. However, there were significant differences in the responses for 20 of the 22 questions, with the only 2 non-significant items being related to rehabilita-

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The Pennsylvania Commission on Sentencing is an agency of the General Assembly located on the University Park campus of the Pennsylvania State University. The Commission was created in 1979 for the primary purpose of creating a consistent and rational statewide sentencing policy to promote fairer and more uniform sentencing practices.

tion. The greatest differences were found with respect to victim and society security, where victims were significantly more likely than offenders to indicate that the purpose of the punishment was so that the 'victim can live in safety', 'so that the offender is not a danger to others', and 'so that society does not have to fear the offender for now'.

Conclusion

This study found that no two counties handled the imposition and collection of economic sanctions in exactly the same way. Although large amounts of economic sanctions are imposed, payment levels are fairly low. In discussion with court staff, however, it was clear that all counties took considerable steps to try and enforce payment. In the case of nonpayment, a warning letter was sent out to the offender, and upon failure to respond, the offender was charged with contempt of court. In some cases judges will reduce the amount owed in light of an offender's inability to pay or have the offender perform community service in lieu of payment. Occasionally, private collection agencies are used to collect money.

One rationale behind some economic sanctions is that offenders understand that the money is going for a specific purpose. For restitution, the purpose is to restore the person to pre-offense status. For fines, the purpose is more to punish the person or

deter future crime. Responses to the Offender Survey, however, showed that offenders had little understanding of the purpose or total amount they owed. Understanding could be increased if offenders were continually reminded what they owe for each type of economic sanction imposed. Part of the reason offenders do not understand the economic sanctions they are expected to pay is that there are few individuals in the county who know everything about all of the economic sanctions [e.g., whether they were mandatory, whether the money went to the state or county]. One recommendation based upon the findings from this study is to have each county maintain a list explaining all of the possible economic sanctions that could be imposed, as well as a clear description of the policies and procedures operating in the county.