

CORRECTIONAL USER FEES

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INTRODUCTION

In this era of fiscal restraint and cost cutting, finding innovative ways to reduce correctional costs is pressing. Given increasingly punitive attitudes towards offenders, probation user fees are gaining popularity amongst correctional policy makers and practitioners alike. As Ring (1989) points out:

It was probably inevitable that at a time when many jurisdictions are struggling to maintain basic services, educate their children, and care for their elderly, proposals to shift the cost of probation programs from the taxpayer to the offender would generate increasing support. (p. 43)

Probation fee programs are heralded by proponents as an important source of revenue and a way of promoting responsibility in offenders. However, probation and electronic monitoring fee programs have been subject to considerable criticism. This paper will examine the evolution of correctional user fees. In addition, the issues surrounding probation and electronic monitoring program fees will be explored.

USER FEES DEFINED

Correctional user fees are “any payment a convicted offender is compelled to make that generates revenue for correctional purposes or that recovers all or a portion of the costs of services provided” (Parent, 1990, p. 4). Correctional fees include program fees, such as supervision or room and board fees, and service fees. Program fees are typically imposed universally and are the largest revenue generators (Parent, 1990). Service fees are only imposed if a specific service is used, such as drug use testing or pre-sentence report preparation; they do not generate significant revenue.

THE AMERICAN EXPERIENCE

The first American experience with correctional user fees took place in Michigan in 1846, when a law was passed to allow counties to charge incarcerated offenders for medical services (Parent, 1990). In the 125 years that followed, correctional fees were most commonly imposed on incarcerated offenders. However, collection problems were prevalent given that most incarcerated individuals do not have the means to pay fees.

Correctional user fees are rapidly gaining popularity in the United States. While early correctional user fees were primarily imposed on incarcerated offenders, probation user fees are now becoming more common. Probation fee programs were first adopted in Michigan and Colorado in the 1930s and 1940s (Ring, 1989). Today, it is estimated that at least 26 states are imposing user fees on probationers (Criminal Justice Newsletter, 1988; Ring, 1989). While the most common user fee programs involve a monthly fee for supervision, user fees are also charged for a variety of probation services in some states (Ring, 1989). For example, fees are sometimes imposed for electronic

monitoring programs, ignition interlock equipment, work release programs and for preparing pre-sentence reports. The usual range of supervision fees is between \$10 and \$40 per month (Wheeler et al., 1989).

The following section details probation fee programs in three states. The case studies indicate the kinds of probation fee programs in operation in the United States, from well-established programs such as the probation fee program in Texas, to more recent programs such as Massachusetts' new probation fee program.

Probation Fee Programs

Texas

Texas operates the most successful probation fee programs in the United States; in 1990, Texas' probation departments raised over \$57 million through probation fees (Finn & Parent, 1992). Further, almost 75% of the probation departments in Texas raised fees totalling at least half of their total expenses. While probation departments in Texas are funded jointly by state aid and offender fees, the Texas legislature has passed numerous pieces of legislation aimed at encouraging probation departments to increase revenue generated through probation fees. Finn and Parent (1992) note that:

The most important incentive passed by the Texas Legislature was to allow departments to carry forward into the next fiscal year supervision fees they collect even when their revenue from probation fees and State aid combined is greater than their expenses - that is, they take in more money than they spend. (p. 3)

Another legislative incentive enacted by the Texas legislature was to give local probation departments broad discretion in the allocation of revenue generated through probation fees (Finn & Parent, 1992). In addition, legislation encouraging probation departments to generate fee revenue in excess of the costs of fee collection was enacted; fee maximums were increased to ensure that probation departments could recover the costs of fee collection. Texas has also given priority to supervision fees over other financial obligations ordered by the court (Finn & Parent, 1992). Further, the law in Texas requires judges to impose probation fees on all offenders with some exceptions (Finn & Parent, 1992). Indeed, in 1987, the Texas Legislature passed a requirement that all probationers be required to pay at least \$25 a month in probation service fees, except those who could prove that they were too poor to pay (Finn & Parent, 1992). However, fee waivers at the time of sentencing are very rare. Rather, offenders are often sentenced to a probation fee program on a 3 month trial basis after which time delinquent probationers are examined to determine whether a waiver should be granted (Finn & Parent, 1992).

Texas also introduced computerized tracking in the 1980s to assist probation officers in keeping track of payments. This allowed probation departments to issue monthly statements on payment status to both offenders and probation officers, and to automatically issue letters to probationers who were delinquent by over 90 days to remind them to pay their fees. Many Texas probation departments have built in their own incentives to increase revenue generated from fees (Finn & Parent, 1992). One such incentive is building fee collection success into staff performance evaluations. Another incentive used is to post each probation officer's collection rate on a bulletin board, thereby stimulating competition among officers.

Oregon

The Oregon legislature passed enabling legislation in 1979 allowing judges to impose supervision fees on probationers (Parent, 1990). While no upper limit for probation supervision fees has been set, a minimum fee of \$10 per month is required where fees are imposed. Further, the Parole Board in Oregon has been granted the authority to impose supervision fees on parolees; parole supervision fees are set at \$20 per month.

The revenue generated through supervision fees differs considerably among counties (Parent, 1990). Some of this variation may be due to differences in the financial incentives to collect fees. For example, some counties operate their own probation and parole agencies; in these counties the revenue generated through supervision fees remains in the respective agencies. However, probation and parole in other counties is administered by the state's Department of Corrections and, consequently, fee revenue is not channelled directly into the local agency that collects it. Rather, the state allocates fee revenue, and some agencies are in effect subsidizing others. Thus, "benefits from fee receipts are indirect and often intangible to branch office staff" (Parent, 1990, p. 39). Further, fee revenue replaces general funds from the state legislature on a dollar for dollar basis. Thus, in those counties where the Department of Corrections administers probation and parole services, the incentive to collect fees is considerably lower than in counties which operate their own probation and parole agencies. Not surprisingly, independently operated probation and parole agencies have experienced greater success in collecting supervision fees than their government operated counterparts.

However, variations in the revenue generated by different counties is not entirely due to differences in financial incentives to collect fees (Parent, 1990). Some of the variation may be due to caseload differences between agencies. In Oregon, felons tend to be supervised by the Department of Corrections, while misdemeanants are more likely to be supervised by locally administered probation departments. Literature indicates that misdemeanants are more likely to pay their fees than felons; therefore, it would be expected that the independently operated probation and parole departments in Oregon would be more successful at fee collection.

Other possible sources of variation in fee collection rates between counties in Oregon include differences in the priority judges place on fee collection compared with other financial sanctions

imposed simultaneously, and the emphasis local departments place on fee collection (Parent, 1990). For example, some local agencies provide incentives to probation officers to increase their fee collection rates.

Thus, there is considerable variation in the revenue generated by different counties in the state of Oregon. This variation can be attributed, in part, to differences in the financial incentives given to agencies run by the Department of Corrections and those operated at the local level. Other factors contributing to the variations in program success include the degree of emphasis local agencies place on fee collection, the priority given to supervision fees over other financial sanctions imposed simultaneously and clientele differences.

Massachusetts

In 1988, the Massachusetts legislature decided to begin imposing user fees on state probationers (Criminal Justice Newsletter, 1988). The user fee requirement was a hasty addition to a tax reform bill designed to prevent a deficit in the state's 1989 budget. According to the Criminal Justice Newsletter:

The action followed the release of a report by the state Legislative Research Bureau stating that probation fees have proved workable in other states and could raise as much as \$10 million per year in Massachusetts, assuming a fee of \$20 per probationer per month and a collection rate of 80 percent. (1988, p. 5)

While most states impose a flat rate fee on probationers, Massachusetts uses a graded fee system based on the probationer's ability to pay. At the time that user fees were introduced in Massachusetts, it was estimated that user fee rates in that state would be among the highest in the country (Ring, cited in Criminal Justice Newsletter, 1988).

Electronic Monitoring Fee Programs

Electronic monitoring technology first emerged in Britain in 1964; however, electronic monitoring programs did not gain popularity in the United States until the 1980s (Nellis, 1991). Electronic monitoring involves the use of technology to monitor offenders in the community. The primary selling point of electronic monitoring is its potential cost savings compared to the cost of constructing and operating institutions (Vaughn, 1987). While institutions have construction costs between \$25,000 and \$75,000 per bed (Vaughn, 1987), "the initial cost of a tele-monitoring system for twenty to thirty parolees might be roughly estimated to range from \$80,000 to \$200,000, depending upon the security and complexity of the system" (Gable, 1986, p. 173).

However, one of the chief reasons American intermediate punishment programs are deemed to be cost effective is because, in most cases, offenders themselves are contributing significantly in fees (Mainprize, 1992). Nellis (1991) reports that fees are charged in 75% of electronic monitoring programs. The Florida program charges participants \$9 per day, and within the first 14 months of the

program the user fees paid for the initial investment in electronic monitoring equipment for the program (Garda, 1986, cited in Schmidt, 1986; Schmidt & Curtis, 1987). However, it must be recognized that the pay-back period will be affected by the amount initially invested in equipment and the fees charged participants (Schmidt, 1986; Schmidt & Curtis, 1987).

USER FEES IN ALBERTA

Presently, the ignition interlock program is the only correctional program in Alberta which imposes user fees on offenders (Personal communication with Alberta Justice Communications staff member, January 12, 1995). The ignition interlock device forces the driver of the car to pass a breath alcohol test before starting the car (Alberta Solicitor General, 1991). Currently, ignition interlock equipment is rented to convicted impaired drivers through registry branches privately operated by Accu-Search. The offender is charged an application fee of approximately \$61; the application fee varies from branch to branch because each registry branch is free to set its own application fee rate (Personal Communication with Accu-Search staff member, January 12, 1995). The installation fee for ignition interlock equipment is approximately \$100. Further, a maintenance fee of \$90 per month is imposed.

ISSUES

Despite the growing popularity of probation fee programs, such programs are the subject of considerable controversy and debate. The issues surrounding probation fee programs generally concern the ethics of imposing probation fees, the impact of probation fees on offenders and cost benefit analyses.

Revenue Generated

Given that probation fee programs aim to generate revenue, much of the debate surrounding user fees focuses on the financial impact of such programs. Some argue that the costs of collecting probation user fees may actually exceed the fees collected (Massachusetts Probation Commissioner Donald Cochran, cited in Criminal Justice Newsletter, 1988). Finn and Parent (1992) point out that this is more likely to occur if probation departments are limited to collecting only a small monthly fee. However, Parent (1990) points out that "experience has shown that, with efficient policies and administrative practices, fees can be a substantial cost-effective revenue source" (p. 2). Indeed, in the U.S., it is reported that probation service fees constitute about one-fifth of probation budgets at the county level, and close to 10% of state probation program budgets (Baird, Holien & Bakke, 1986, cited in Wheeler et al., 1989). However, the amount of fee revenue generated differs dramatically by state. Parent (1990) reports that the state of Texas recovers half of its probation costs through offender fees while some other states only generate about 5% of their operating costs through probation fees. Parent (1990) asserts that "efficient collection policies are essential to program success" (p. 1). Hillsman and Mahoney (1988) identify two characteristics common to successful fee collection programs. Such programs have understandable collection procedures that assist prompt

payment and use enforcement tactics involving progressively increasing pressure to pay (cited in Parent, 1990).

Another issue is the amount of fees to collect. It is often expected that an increase in fees will result in diminished returns due to defaults (Wheeler et al., 1989; Parent, 1990). It is also speculated that probation fees may be so “politically attractive” that they will increase to the point where probation success rates begin to decline due to inability to pay (Baird, Holien, & Bakke, 1986, cited in Wheeler et al., 1989). However, in a study of the impact of increased fees on revenue generated, Wheeler et al. (1989) found “moderate evidence of diminishing returns” (p. 20). Collection rates decreased as fees increased, but revenue generated increased along with higher fees.

The major dilemma faced by fee collection programs is that in order to generate revenue, fee enforcement costs must be kept to a minimum (Parent, 1990). There is considerable variability in the likelihood of fee payment for different offender types (Parent, 1990). Offenders convicted of misdemeanors such as impaired driving have been found to be good payment risks (Parent, 1990). However, for many offenders, there must be a strong incentive to pay probation fees (Parent, 1990). For many, this incentive will likely be the threat of further sanctions if they fail to make their payments. Ring (1989) reports that most states respond to a failure to pay probation fees in the same manner as a breach of a condition of probation. Therefore, it is argued that probation fee programs may increase the rate of breach of probation (Baird, Holien, & Bakke, 1986, cited in Wheeler et al., 1989). If incarceration is imposed as a sanction for probation fee defaulters, then the original goal of decreased costs is not realized since incarceration is a more expensive sanction. However, several studies have found that incarceration is an unlikely penalty for probation fee defaulters (Baird et al., 1986, cited in Wheeler et al., 1989; Finn & Parent, 1992; Wheeler et al., 1989). Further, Ring (1989) points out that “probationers who refuse to pay fees despite their ability to do so are most often the same individuals who are unable or unwilling to abide by other conditions of probation” (p. 47). Therefore, it is argued that probation fee programs are not likely to increase probation failure rates.

Similarly, the cost-effectiveness of electronic monitoring fee programs is also questioned. For example, “Florida reported collecting \$9.2 million in fees from its home detainees, though this was inadequate to recoup the entire expense of supervising them” (Fox, 1987:139). Opponents have also noted that increases in personnel costs, administrative costs and in the actual failure rate may serve to counteract any reduction in initial costs (Vaughn, 1987). In addition, it cannot be assumed that a small reduction in the prison population will lead to savings. For one thing, it has been found that a large number of electronically monitored offenders are low risk and therefore incarceration costs would have been less than average anyway (Berry & Matthews, 1989). It has also been pointed out that most correctional costs result from staff and that without decreases in the number of staff, electronic monitoring merely achieves reductions of marginal costs such as food.

In addition, it is argued that while intermediate sanctions programs have lower per capita costs than imprisonment, it is unclear whether this comparison is the most appropriate one as it may be the case that offenders who would normally be granted probation or parole are being routed into electronic

monitoring programs (“Alternatives ...”, 1991). Given that electronic monitoring is more costly per capita than probation or parole, electronic monitoring may provide no cost savings at all. Indeed, Fox (1987) comments that “if, as many suspect on the basis of experiences with other diversionary schemes, the measure will be used for many defendants who would not normally be at risk of imprisonment, the alleged savings in prison costs will be illusory” (p.139).

There is yet another consideration in cost assessments. Fox (1987) points out that “the cost of re-arresting, re-trying and re-sentencing offenders who decamp must also be added to the calculations” (p. 139). Berry and Matthews (1989) and Muncie (1990) report that the failure rate in electronic monitoring programs is estimated to be 10 to 20%.

It is further argued that electronic monitoring contributes to both offender net-widening and correctional personnel net-widening (Mainprize, 1992). It has been cautioned that electronic monitoring programs may have been absorbing offenders other than those bound for prison, thus producing some incidence of offender net-widening and increasing correctional costs as a consequence (Berry, 1985). Frost and Stephenson (1989) conclude from their study of electronic monitoring as a sentencing option in Britain that “it is likely that if tagging were to be introduced and used to any great extent, it would substitute for both custodial and non-custodial sentences” (p. 99). Schmidt and Curtis (1987) and Vaughn (1987) argue that electronic monitoring may contribute to net-widening by employing more restrictive options where they are unnecessary for public safety. Others warn that probationers are seen by the public as prisoners for whom there was no room in jail (Walker, 1990). Thus, there will be public pressure to overuse electronic monitoring which will in fact counteract its original purpose.

However, it is unclear that net-widening is inherent in all electronic monitoring programs. A distinction must be drawn between programs where electronic monitoring is a sentencing option and those where it is a corrections classification option. As a sentencing option, electronic monitoring causes a greater risk of offender net-widening. As a classification option, however, the offenders who will be subject to electronic monitoring would be drawn from a prison-bound population. Mainprize (1992) notes that even as a classification option, electronic monitoring may still influence judges’ decisions. In addition, electronic monitoring may fail for some “true” prison diversions, resulting in lengthy prison sentences (Mainprize, 1992). Recall the 10 to 20% failure rate mentioned earlier.

Correctional personnel net-widening is vitally important given that the largest per diem costs are staff salaries. It has already been mentioned that until the number of released inmates is high enough to affect institutional staffing, savings will be negligible. Another consideration is that additional corrections personnel will be needed to operate electronic monitoring programs. On the British Columbia electronic monitoring program, Mainprize (1990) reports that:

In a recent interview with one agency official, it was disclosed that startup of the EMS program actually entailed the provision of new positions rather than redeployment of correctional officers from other areas of this local correctional system. (pp. 173-174)

Electronic monitoring may well lead to increased workload demands. For example, while probation caseloads are often in excess of 100, electronic monitoring caseloads average about 25 (Papy & Nimer, 1991; Schmidt, 1991). In addition, a 24-hour service will be needed if violations are to be responded to promptly (Schmidt, 1991). Similarly, electronic monitoring technology will provide staff with new information which may need a response (Schmidt, 1991).

It has been demonstrated that both types of net-widening (offender and correctional personnel) will result in increased correctional costs. Thus, it is ironic that electronic monitoring programs are being promoted under the banner of “cost-effectiveness.”

Ethical Concerns

The ethics of fee programs are a subject of considerable debate. Some opponents of probation fee programs argue that it is unethical, if not illegal, to force offenders to pay for the services imposed on them (Finn & Parent, 1992). Indeed, as Parent (1990) points out, offenders are ‘involuntary consumers;’ “when the state compels its citizens to partake of a particular service, it is argued, the state should foot the bill” (p. 1). Further, Ring (1989) likens the imposition of user fees on offenders to the jailer fees and debtors’ prison system of the past. These are the very conditions which were criticized by John Howard in his work The State of the Prisons, which was first published in 1777 (Carlson, 1990). According to Carlson (1990), jail keepers “were unpaid by the Crown and consequently exacted fees from prisoners. The profit margin, unrestrained by accountability and limited in reality, meant indiscriminate committal to these insecure and unruly dwellings of physical and moral corruption” (p. 9). Arguably, user fees appear to be a regression to the historical maltreatment of offenders.

The impact of probation fees on the philosophical orientation of probation is also a concern. Parent (1990) notes that the helping role of probation officers may be undermined by fee collection. A glaring example of this is noted by Parent (1990):

The Washington County (Hillsboro, Oregon) Community Corrections Department has a performance based compensation plan for supervisors that links their take-home pay to how well their units achieve a number of job performance objectives, including levels of fee collection. (p. 19)

It is argued that the collection of probation user fees places an added burden on probation officers (Massachusetts Deputy Commissioner Bill Hanrahan, cited in Criminal Justice Newsletter, 1988). Probation officers are given the additional responsibility of keeping track of payments, taking time away from more traditional probation duties such as supervision and counselling (Ring, 1989). Indeed, in Texas, some probation officers report that fee collection duties often interfere with their other probation duties (Finn & Parent, 1992). As Finn and Parent (1992) point out:

Because fees are always the first topic of discussion during an office visit, casework can be addressed only in the remaining time. Probation officers report that if an offender

is having difficulty meeting payments, the office visit can be consumed entirely by this one issue. (p. 10)

However, a study conducted by the National Council on Crime and Delinquency (1986) found that probation fee collection rarely occupies more than 2% of probation officers' time (cited in Ring, 1989). Further, a study of the effects of probation service fees on probation services in Arizona found that after probation service fees were introduced, probation officer caseloads were reduced (Wilcox, 1985, cited in Wheeler et al., 1989). Wheeler et al. (1989) interpret this finding as an indication that probation service fees do not compromise probation service delivery; probation officers have the additional responsibility of fee collection, but their caseloads are reduced. Further, Wheeler et al. (1989) assert that the hiring of additional probation officers to reduce caseloads represents an expansion of probation services. Similarly, Jefferson County reports that probation fees have enabled probation departments to provide additional services to probationers such as substance abuse and sex offender programs (Finn & Parent, 1992).

Similarly, the ethics of electronic monitoring programs are questioned. Opponents of electronic monitoring programs often argue that the practice is dehumanizing and managerial (Esteves, 1990; Fox, 1987; Graham, 1988; Mainprize, 1992). Electronic monitoring suggests that offenders are merely numbers, cases, computer files and/or blips on a screen or printout (Graham, 1988). Furthermore, the lack of human interaction places clients at risk of not having their concerns heard. As Graham (1988) notes:

I fear the potential of a nighttime electronic call when the computer cannot recognize the suicidal threats of a client, while human interaction could conceivably prevent a potential human tragedy. (p. 96)

Opponents of electronic monitoring programs also argue that the programs discriminate against the poor and homeless. Indeed, the offender needs to have a home and a telephone to qualify for the program, which excludes the homeless from consideration (Burtch, 1989; Fox, 1987; Vaughn, 1987). In addition, given that many programs require the offender to pay user fees, many poor offenders are disqualified (Berry, 1985; Fox, 1987; Mainprize, 1992; Walker, 1990). Although many programs have introduced a sliding fee scale to accommodate less financially able clients, fear remains that current systems foster a two-tiered system of justice based on wealth (Mainprize, 1992). Finally, the requirement of some programs that the offender has a job further discriminates against indigents.

It is also argued that since revenue generated would be linked directly to the number of probationers and the length of probation supervision, net-widening is a tangible risk (Ring, 1989; Harlow & Nelson, 1982, cited in Wheeler et al., 1989). However, a study of the Harris County Adult Probation Department conducted by Wheeler et al. (1989) found that "there was no evidence that the presence of higher fees acted as a stimulus for placing more offenders on probation" (p. 18). Further, Ring (1989) speculates that it would be far more likely that probation fee programs would be regarded as a viable alternative to incarceration; therefore, any net-widening effect would be a positive one in

that it would lead to the diversion of some offenders from prison. Net-widening is also a commonly cited concern with electronic monitoring programs.

Impact on Probationers

Another point of contention is the impact probation fee programs have on probationers. Some argue that probation fees have a negative impact on probationers; Texas has experienced problems with probationers failing to report to their probation officer if they are behind in their payments (Finn & Parent, 1992). However, probation administrators in Texas assert that “the regularity of fee payments is a good barometer of a probationer’s overall adjustment while on supervision” (Finn & Parent, 1992, p. 11). It is also believed by some probation officials that fee collection programs help teach probationers the essentials of budgeting and financial responsibility (Finn & Parent, 1992).

It is also argued that probation fees may conflict with probationers’ other financial obligations (Ring, 1989; Baird, Holien, & Bakke, 1986, cited in Wheeler, 1989). Indeed, many probationers have other financial sanctions such as victim/witness fees, restitution payments and fines. However, Wheeler et al. (1989) report that Harris County did not experience a significant change in restitution fee collection rates following the introduction of supervision fees. There is also concern that, as with any financial sanction, probationers may resort to criminal activities to pay their probation fees. However, Edmond Peterson, Interim Director of the Texas Community Justice Assistance Division reports that this has not been the experience in Texas (cited in Finn & Parent, 1992). Rather, Peterson asserts that:

After 13 years, I’ve seen that many offenders are gainfully employed and that making them pay fees creates a sense of responsibility. Many probationers keep their jobs so they can make their payments. (quoted in Finn & Parent, 1992, p. 4)

Parent (1990) reports that “there is no empirical evidence either to confirm or refute a therapeutic effect from fee payment” (p. 2).

However, Ring (1989) asserts that the real issue is ensuring that individual circumstances and needs are considered. Two common approaches to the problem are, first, to use a means test to determine whether an offender has the ability to pay probation fees. Second, if an offender is unable to pay, community service could be imposed as an alternative. Thus, the option to waive correctional fees must be in place in order to avoid commonly cited problems with correctional fees such as higher probation failure rates, extreme corrections related financial obligations for offenders and increased collection costs due to efforts to collect payments from offenders who are truly unable to pay (Parent, 1990). However, Parent (1990) points out that “while fees should be waived for those who are truly indigent, or for whom fee payment would constitute an extreme hardship, overuse of waivers can undermine generation of fee revenues” (p. 10).

DISCUSSION

Probation user fees are the subject of considerable controversy. However, the available literature on probation fees seems to indicate that:

On balance, it appears that most of the objections raised against probation fees can be addressed either in the enabling legislation or the actual administration of the fee program. Concerns that individuals might be incarcerated solely for their inability to pay their fees can be resolved with provisions for indigency exclusions and community service alternatives. Fears that probation fees will compete with and sometimes displace restitution payments can be allayed by establishing a formal procedure for determining the order in which various financial obligations shall be satisfied. (Ring, 1989, p. 48)

While this may hold true in the United States, the Canadian experience with probation fees needs to be explored. For example, the use of incarceration for fee defaulters seems quite probable in Canada given the proposed provisions in Bill C-41 to increase the penalty for breach of probation.

Wheeler et al. (1989) also identify some elements of a probation fee program which are necessary to avoid the problems often associated with probation fee programs. First, the probation department must be committed to service and professionalism. For example, the application of a validated offender classification system ensures that probationers will receive the services and rehabilitative programming they need. Second, there must be judicial flexibility in fee enforcement; rigid enforcement of fees will contribute to higher probation failure rates and greater use of more costly criminal sanctions for offenders who fail to pay. Third, the use of technological advances such as the use of computers for case management and report generation facilitate supervisory and fee collection tasks and enable probation officers to concentrate more on counselling. Finally, there are several additional measures which should be taken to guard against abuses of fee collection programs. Probation agencies should impose fees in order to improve probation services, rather than to increase salaries or rely less on government funding. This will help to ensure that the mandate of human service will be maintained by probation agencies. Similarly, revenue should not be fed into the county's general funds. This practice may lead to decreased revenue for probation services. In order to maintain current service levels, probation departments should be funded jointly by general revenue and probation fees. However, the current political climate in Alberta does not lend confidence that this will in fact be the practice.

In conclusion, the literature on probation user fees is not generally based on well-researched studies. Rather, the literature tends to reflect claims made by probation departments which have experienced financial success following the imposition of probation fees. It is safe to say that considerable research into probation fee programs by impartial researchers is needed. However, at first glance, probation fee programs appear to be a regression to abusive correctional practices of the past. Further, Canadian law, in combination with the current political climate in Canada, and the province of Alberta in particular, do not support the introduction of a successful probation fee program.

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