An Analysis of Pierce County's Legal Financial Obligations Reconsideration Day

Produced for the Minority and Justice Commission, Washington State Administrative Office of the Courts (AOC)

Karin D. Martin, Assistant Professor
Evans School of Public Policy & Governance, University of Washington
kdmartin@uw.edu

Matt Z. Fowle, PhD Candidate
Evans School of Public Policy & Governance, University of Washington
mfowle@uw.edu

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An Analysis of Pierce County's Legal Financial Obligations Reconsideration Day: An Internal Report

To: Minority and Justice Commission, Washington State Administrative Office of the Courts (AOC)

In this document, we report our findings from an independent analysis of Pierce County's Legal Financial Obligations (LFO) Reconsideration Day. The report has not yet been formally peer-reviewed. We look forward to sharing subsequent findings as we continue the research and pursue publication in formal academic channels.

Sincerely,
Karin Martin and Matt Fowle

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Finally, we gratefully acknowledge the enthusiasm and dedication of numerous individuals and organizations who assisted in creating and implementing the Pierce County LFO Reconsideration Day. Without these people, the Pierce County residents who attended the LFO Reconsideration Day, and the cooperation and leadership of court staff, this analysis would not be possible.

1. Introduction

i. Background

Criminal legal financial obligations (LFOs) have become a near-ubiquitous form of punishment imposed by criminal courts throughout the United States. LFOs are routinely levied for offenses that range in their seriousness, from minor infractions, such as a traffic violation, to felony offenses, such as assault. These LFOs most often take the form of fines, court fees, surcharges, or restitution. Failure to pay LFOs can lead to serious consequences, most of which are related to an individual's indigence. In many states, unpaid LFOs accumulate interest and additional surcharges and may trigger collection enforcement, wage garnishment, driver's license suspension, housing loss, and even jail (Harris, 2016). There are also non-material consequences to LFO debt. Focus group discussions held by Martin and Fowle (2019) with individuals residing in Pierce County, WA, revealed high emotional costs associated with LFO debt, such as anxiety and stress, and greater cynicism about the criminal legal system and its actors, including judges, attorneys, court officials, and police officers.

Though robust national data on the extent of LFOs are not available, the best estimates reveal a massive amount of outstanding debt. Federal judges ordered $33.9 billion in restitution during fiscal years 2014 through 2016; but, during that same time period, the federal courts only collected 8.7% of assessed restitution ($2.95 billion) (GAO, 2018). The same trend over preceding years has resulted in $110 billion in outstanding debt, with about $100 billion having been deemed uncollectible (GAO, 2018). At the state level, there is at least $27.6 billion in unpaid fines and fees (FFJC 2021). Note that this figure is a gross underestimate because only 25 states have adequate data for reporting this type of debt. While WA stands out as being one of the just 11 states that could provide full information, it was also found to have the highest per capita debt at $426 (FFJC 2021).

Even though jurisdictions may impose fines and fees in an effort to generate government revenue, monetary sanctions are a very inefficient way to do so. A recent analysis of Texas, Florida, and New Mexico finds that the amount spent in collection efforts is at least 41 cents per every dollar of revenue—a rate that is 121 times what the Internal Revenue Service spends on tax collection (Menendez et al. 2021).

Here in WA, recent research by Martin and Fowle (2019) finds that municipal, district, and superior courts in Pierce County assessed $332 million in fines and fees, excluding interest and restitution, to approximately 340,000 individuals between 2010 and 2017. More than 8 in 10 of these cases were traffic offenses, of which 67% were infractions and 17 percent were criminal cases. As with other components of the criminal legal system, racial disparities in LFO debt are significant and play a role in exacerbating racial and economic inequality. In Pierce County, Black residents paid almost double ($224) the amount of White residents ($127) per capita in LFO payments.

Despite the massive scope and severe consequences of LFOs, the work of legal advocates, organizers, researchers, and court officials, has led to a heightened desire to eliminate some LFOs and remove or reduce the court-ordered debt held by low-income individuals. Over the last few years, an increasing number of court systems across the United States have experimented with ways to mitigate this debt. While only a handful of amnesty programs were enacted prior to 2015, more than four dozen have been established since 2017.

Amnesty for criminal justice debt is notable because it represents a reversal of punishment and counters the incentive to rely on fines and fees to support the activities of the criminal legal system. It also has promising potential as a policy response to the significant social costs of court-ordered debt.

Based on our review of recent amnesty programs around the country, the typical debt types eligible for amnesty are LFOs assessed due to traffic tickets exclusively, warrants for failure to pay, and any outstanding court-ordered debt. Jurisdiction tends to be city or county level, but statewide and court-level amnesty programs exist as well. Duration is most often 30-60 days, but range from single day to a full year. Overall, the most common type of amnesty program is for traffic tickets, taking place over 30 to 60 days, within one city/county. This report documents an amnesty program that took place on one day within one county. Debt from all types of fines and fees was eligible, but debt from restitution, infractions, and limited non-waivable fees was not.

One of the first LFO debt-reduction initiatives was piloted in Kitsap County, WA. The "LFO Reconsideration Day" involved a collaboration between Civil Survival, the Public Defender Association, and the Kitsap County courts. The event was held at the Kitsap County Courthouse on April 17, 2019. Individuals with outstanding LFO debt could attend on the day to meet with an attorney and speak to a judge about reducing or eliminating their LFO debt. The perceived success of the first ever LFO Reconsideration Day in Washington state encouraged other county and municipal court systems to replicate the initiative.

Pierce County courts held the second LFO Reconsideration Day in Washington state at the County City Building on September 25, 2019. Incorporating the lessons from the first LFO Reconsideration Day, significant pre-event preparation was conducted by the courts to streamline the process, including a pre-arranged agreement with judges to waive all unpaid fines and fees in the Tacoma municipal and Pierce County district courts, adding volunteer court runners, as well as pulling defendant files and preparing defendant motions in advance. The event was advertised widely with the aim of signing up 1,000 individuals with LFO debt to attend.

ii. Study Aims

The aim of this study is to report findings on the following seven research questions:

1) What are the socio-demographics of people who attended LFO Reconsideration Day?
2) To what extent did participation in LFO Reconsideration Day change participants' anxiety about their LFOs, concern over their ability to afford necessities, and opinion about the court system?
3) To what extent did participants and volunteers feel they were treated fairly during the event and consider it a success?
4) How many people had their debt waived entirely? How much debt was waived in these cases (on average and in total)?
5) How many people had their debt reduced? How much debt was reduced in these cases (on average and in total)?
6) Does participation in amnesty programs for court-ordered debt reduce the likelihood of criminal justice system involvement (arrest, jail, stay, conviction, and LFOs) in the subsequent 9 months?
7) To what extent do socio-demographic factors affect the amount of debt waived and the likelihood of criminal justice system involvement?

2. Methods

Multiple sources of data are used to answer the research questions. This section describes the types of data collected and the methods used to merge and analyze datasets. Table 1 describes the primary sources of data used to conduct the analysis.

Table 1. Data Sources Used in the Analysis

Data Source	Data Type	Sample	Research Questions
Paper survey of participants during LFO Reconsideration Day	Quantitative and qualitative	LFO Reconsideration Day participants	1, 2, 3
Electronic survey of volunteers three weeks after LFO Reconsideration Day	Quantitative and qualitative	LFO Reconsideration Day volunteers	3
Administrative records collected by court staff during LFO Reconsideration Day	Quantitative	LFO Reconsideration Day participants	4, 5
Administrative records submitted to the Washington State Administrative Office of the Courts between 2010 and 2020	Quantitative	LFO Reconsideration Day participants & individuals who registered for the event but did not attend	6, 7

i. Survey Data

Two surveys were conducted by the research team. The first, a paper-based questionnaire for individuals who attended LFO Reconsideration Day, was conducted on September 25, 2019. A paper copy of the survey was handed to each participant by their attorney after their case had concluded and they were exiting the courtroom. The two University of Washington researchers and court staff helped to ensure surveys were completed by participants and returned to a designated place in each courtroom. The survey yielded a total of 407 valid responses. Survey topics included socio-demographic information, satisfaction with and perceptions of the event, fairness of treatment by court staff, consequences of unpaid LFOs, and recommendations for future events. A full copy of the participant survey is available in Appendix A.

The second survey, an online questionnaire for volunteers, was conducted on October 15, 2019, three weeks after the event. The questionnaire was distributed by the event coordinator via email to all volunteers who participated. This survey yielded a total of 33 valid responses. Survey topics included information about volunteers' jobs, event role, and motivation, assessment of the success (or failure) of the event, and recommendations for future events. A full copy of the volunteer survey is available in Appendix B.

ii. Administrative Data

Three main types of administrative data were collected to analyze the amount of debt waived by the three Pierce County courts and the effect of LFO Reconsideration Day participation on criminal justice system involvement.

First, a list of participant names and dates of birth were collected from the event organizers approximately four weeks after the event concluded. These data were submitted virtually by participants in response to electronic and paper flyers distributed to advertise LFO Reconsideration Day. These advertisements for the event contained a link to a Google Form in which individuals who wished to participate were asked to provide their first and last names, other names they have used in the past, date of birth, email address, and phone number. Registration was open from July 31, 2019 through August 29, 2019. In total, 945 individuals signed up. In early September, each individual was emailed or called with an assigned arrival time in the morning (8.30am) or afternoon (12.30pm) at the County-City Building on September 25, 2019. Participant information was used to construct the intervention and comparison groups for the primary analysis of post-event criminal legal system involvement outcomes.

Second, after the event was finished, data on the amount of debt waived or reduced for LFO Reconsideration Day participants by judges from the Tacoma Municipal Court, Pierce County District Court, and Pierce County Superior Court were obtained. These data were recorded by court clerks at either the individual- or case-level at each court. Typically, each dataset contained participant names, date of birth, case numbers, and debt amounts owed, waived, and outstanding before, during, and after LFO Reconsideration Day. For one court, complete information on participant names and dates of birth was not available so the research team used the Pierce County Legal Information Network Exchange (LINX) to manually search electronic records using case numbers. Missing information for all except eight individuals was retrieved. For all courts, where necessary information such as names, dates of birth, LFO amounts, or case numbers were missing or could not be found the research team contacted the relevant court clerk to obtain this information. Court-provided data were used to calculate the amount of debt reduced and waived per person and per case by court. It was also used in conjunction with the first set of administrative data to determine, of those who registered for the event, which participants attended and had their cases adjudicated during LFO Reconsideration Day.

Finally, administrative records from the Washington State Administrative Office of the Courts on the amount of debt owed and paid and the number of arrests, convictions, and stays in jail before and after LFO Reconsideration Day were collected. Officials at the Administrative Office of the Courts provided records only for those individuals who agreed to provide their information when signing up for the event. To analyze outcomes of the program, participant data is used to match individuals across administrative datasets. With these linked records, the study uses a quasi-experimental research design comparing criminal justice outcomes between participants who attended LFO Reconsideration Day and a comparison group of similar individuals who registered but did not attend.

3. Findings

i. Participant Survey Results

The two surveys conducted during the LFO Reconsideration Day with participants and volunteers aim to answer three primary research questions: 1) What are the socio-demographics of people who attended LFO Reconsideration Day and who filled out the survey? 2) To what extent did participation in LFO Reconsideration Day change participants' anxiety about their LFOs, concern over their ability to afford necessities, and opinion about the court system? And, 3) To what extent did participants and volunteers feel they were treated fairly during the event and consider it a success? The participant survey yielded 386 responses, an 88.7% raw response rate. However, approximately 20% of respondents only completed the first page of the survey. Therefore, for the demographic questions, the effective sample is 308 (70.8% completion rate).

Socio-Demographics of LFO Reconsideration Day Survey Respondents

Approximately three-quarters of individuals who filled out the survey completed the demographic questions. The results in Table 2 show that LFO Reconsideration Day survey respondents were more likely to be male, Black or African-American, and have lower educational attainment than the general population in Pierce County, WA. Specifically, Black or African American persons comprise almost one-quarter (24.5%) of LFO Reconsideration Day survey respondents but are only 7.6% of the Pierce County population. In contrast, White or Caucasian persons are underrepresented among survey respondents. Of survey respondents 56.8% are White or Caucasian, while comprising 74.8% of the Pierce County general population. LFO Reconsideration Day survey respondents also had considerably lower educational attainment. Over two-thirds of respondents (66.9%) had a high school degree or less compared to slightly more than one-third (36.6%) of the Pierce County general population.

Table 2. Gender, Race, and Education of LFO Reconsideration Day Participants

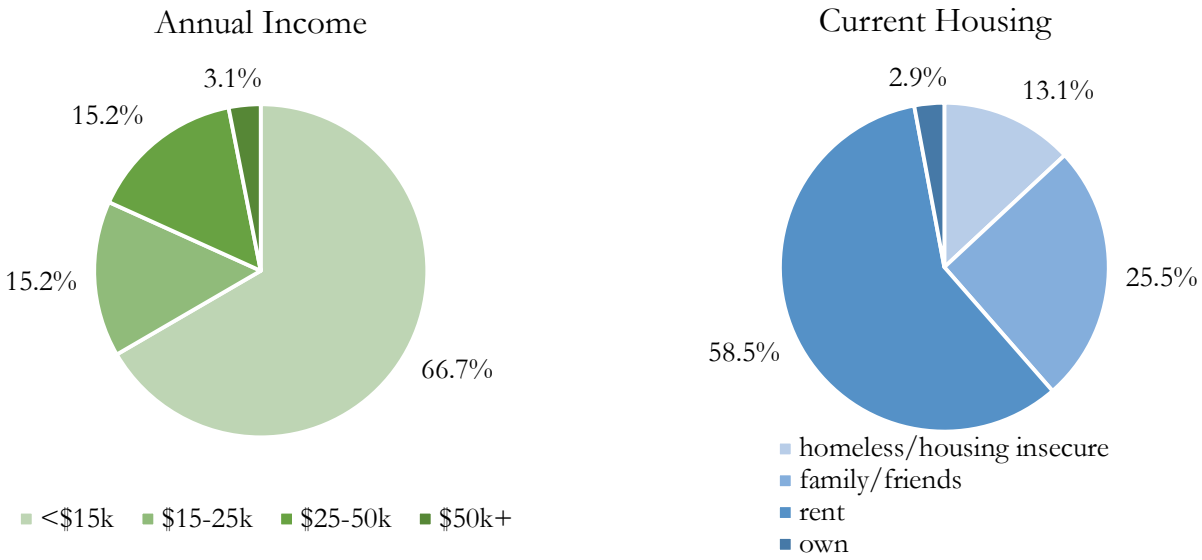
		LFO Reconsideration Day Survey Respondents (2019)	**Pierce County General Population (2018)**
Gender	Female	41.4	50.2
	Male	58.6	49.8
Race	Asian	1.7	6.9
	Black or African-American	24.5	7.6
	Hispanic or Latinx	2.4	11.1
	Native American or Alaska Native	2.0	1.8
	Native Hawaiian or Pacific Islander	0.7	1.7
	White or Caucasian	56.8	74.8
	Two or More Races	11.9	7.3
Education	Less than a high school diploma	13.7	8.8
	High school degree or GED	53.2	27.8
	Occupational/vocational certificate	12.6	N/a
	Some college	N/a	26.5
	Associate's degree	14.3	11.1
	Bachelor's degree	4.8	17.1
	Advanced degree (e.g. MA, MSW, JD, PhD)	1.4	8.9

Gender: n=308, Race: n=307, Education: n=306

According to the US Census Bureau, between 2014 and 2018 in Pierce County, the annual median household income was $67,868 and per capita income in the past 12 months was $32,874. The median annual income of LFO Reconsideration Day survey respondents was less than $15,000, considerably lower than among the general Pierce County population. As shown on the left-side chart in Figure 1, nearly two-thirds (65.3%) of survey respondents reported annual income of less than $15,000. In total, the vast majority (81.1%) of survey respondents had less than $25,000 in annual income. Most of the respondents (77.7%) were the main earners in their household, though the portion of those in full-time employment across all respondents was relatively low at 34.0%. Many respondents were unemployed (36.0%) or looking for work (14.2%). Pierce County's unemployment rate was approximately 4.9% in 2018.

Survey respondents also faced considerable housing precarity, as shown in the right-side chart in Figure 1. A considerable proportion of respondents live with their family or friends paying no or reduced rent (25.5%) or are homeless or housing insecure (13.1%). Among those facing homelessness and housing insecurity, more than three-quarters were experiencing literal homelessness due to their residence on the streets, in a vehicle, or a shelter. The majority of respondents (58.5%) rented their homes. Only 2.9% owned their home. According to the US Census Bureau (2019), between 2014-18, the owner-occupied housing unit rate in Pierce County, WA, stood at 61.7%.

Figure 1. Annual Income and Housing Situation of LFO Reconsideration Day Survey Respondents



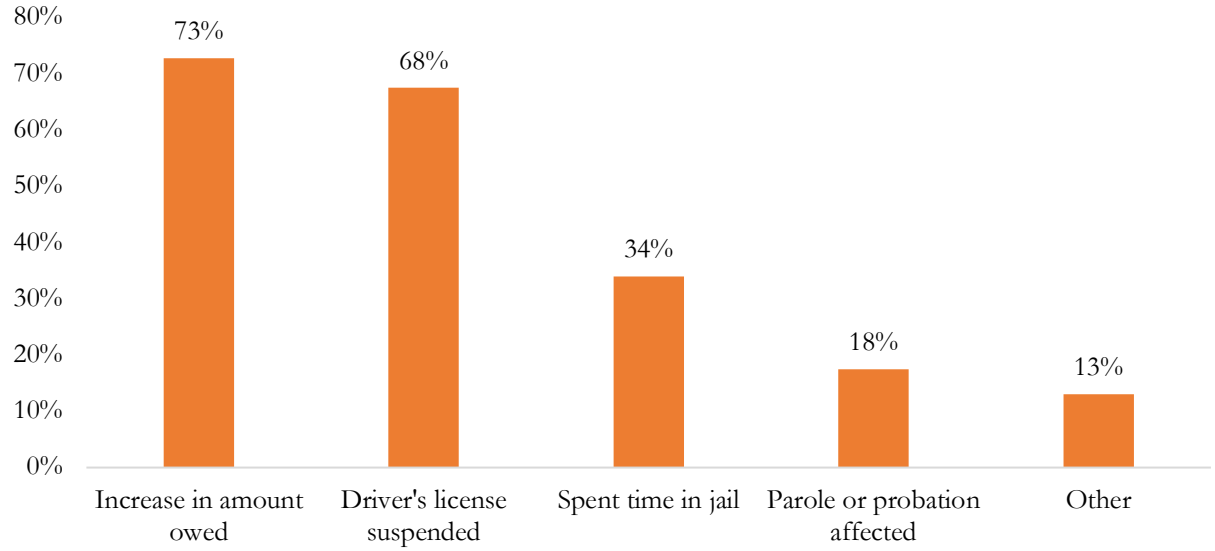
Income: n=297; Housing: n=306

The considerable overrepresentation of men, Black or African-American persons, and those with lower educational attainment, income, employment stability, and housing security among the survey respondents strongly suggests that those who attended Pierce County's LFO Reconsideration Day were also those most likely to have unpaid court-ordered debt and have difficulty paying it.

Consequences of Unpaid LFOs for Participants

The LFO Reconsideration Day survey asked participants two questions about the consequences of their court-ordered debt due to lack of payment and the difficulties this has created for paying for other household expenses. Figure 2 shows the results to the first question: Have any of the following happened to you as a result of unpaid fines, fees, surcharges, or restitution? Almost 3 in 4 respondents (72.7%) had experienced an increase in the amount they owed, including additional fees, more fines, and/or interest. Almost as many (67.5%) had their driver's license suspended. A substantial minority had spent time in jail (34.0%) or their parole or probation was affected (17.5%) by unpaid LFOs. Other consequences due to unpaid LFOs included wage garnishment, loss of job opportunities, reduced creditworthiness, difficulty obtaining and maintain housing, and mental and physical health detriments.

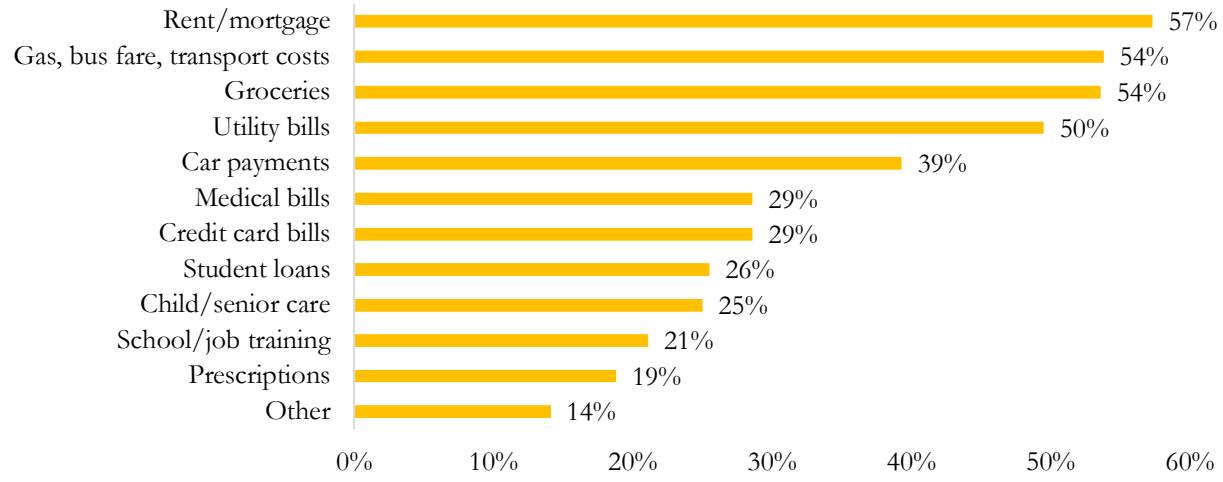
Figure 2. Direct Consequences of Unpaid LFOs



The results in Figure 3 indicate that LFOs created substantial difficulty for respondents to pay typical household expenditures. Almost 6 in 10 respondents (57.3%) struggled to pay their rent or mortgage and almost 5 in 10 (49.5%) struggled to pay for utility bills due to their LFOs. These results are consistent with the considerable proportion of respondents who were living with family or friends paying no or reduced rent or experiencing homelessness or housing insecurity.

A similar proportion (53.6%) of respondents had difficulty paying for groceries, suggesting food insecurity may be a significant problem among LFO Reconsideration Day participants. Large proportions of respondents also reported effects of LFOs on transportation costs (53.6%) and car payments (39.3%). Other expense categories included child support, loans, leisure, phone bills, and pet care. Many participants selected multiple expenditure-related effects of LFOs, suggesting the consequences were often not confined to a single category. More than three-quarters (77.1%) selected at least one expense category that was difficult or impossible to pay for due to LFO debt.

Figure 3. Difficulty or Impossibility of Household Expense Payment due to LFOs



Participant Opinions of LFO Reconsideration Day

Respondents had a very high level of satisfaction with the outcome of their court visit, with an average satisfaction score of 9.5 out of 10. Similarly, respondents believed the process used to handle their case was very fair, with an average score of 9.7 out of 10. Figure 4 shows the extent to which respondents believed different court staff treated them fairly during the day. Every court staff received very high ratings of fair treatment from respondents. Average scores were all above 9.75 out of 10 and no single respondent scored any court staff below 5.

Figure 4. Fairness of Treatment by Judge, Prosecutor, Attorney, and Security Staff

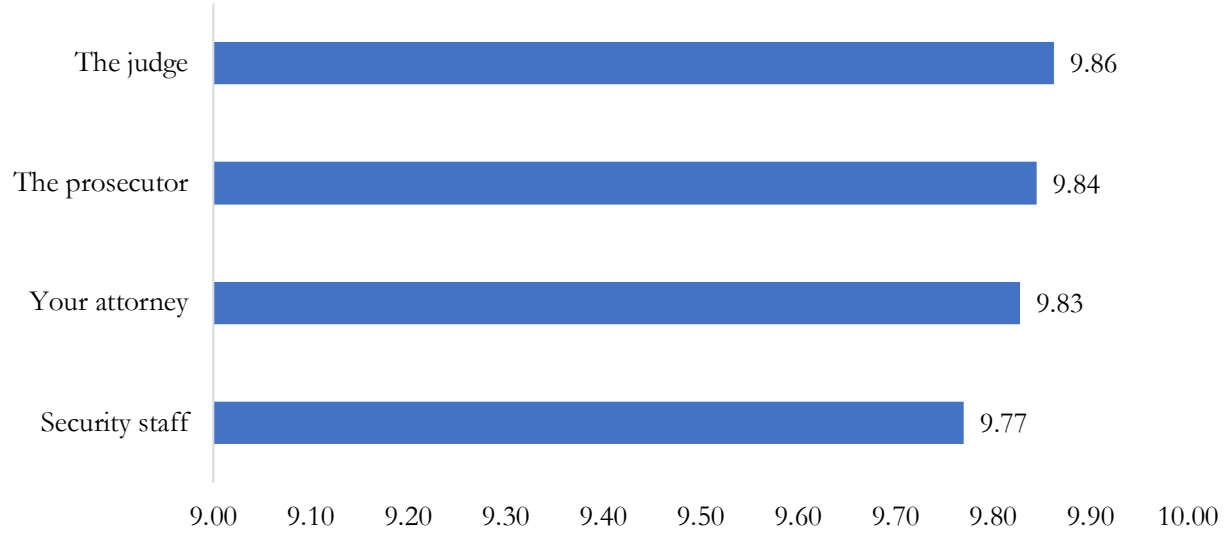
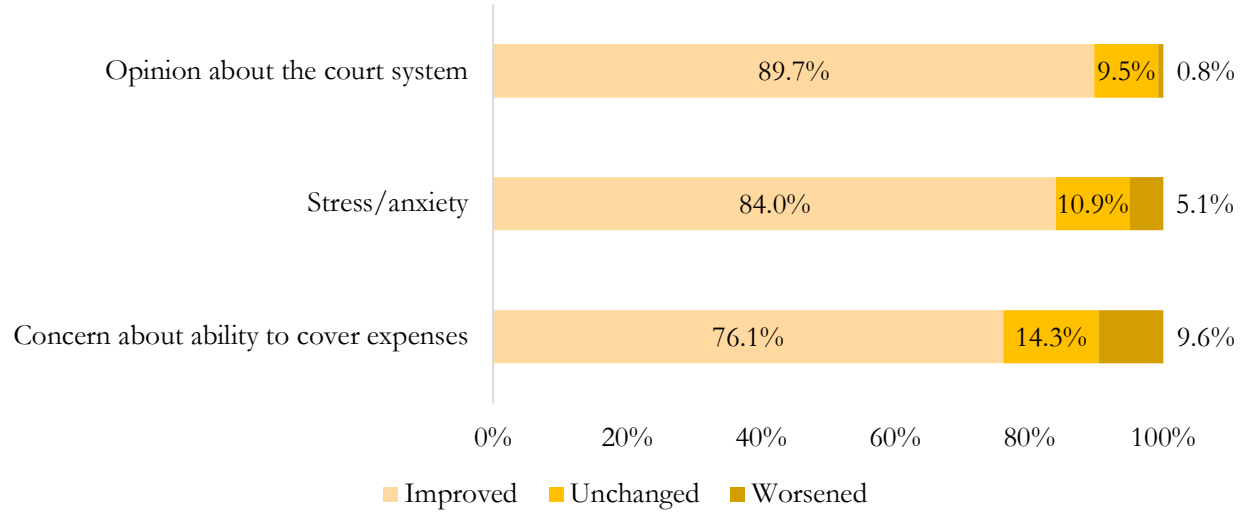


Figure 5 analyzes responses to the question: "Compared to how you felt before today, how do you feel now?" A large majority of respondents stated that their opinion about the court system, level of stress/anxiety about their ability to cover expenses, and concern about their ability to cover all expenses had improved. Almost 9 in 10 respondents (89.7%) had a more positive opinion about the court system after participating in LFO Reconsideration Day. Only very small proportions of respondents had worse opinions about the court system (0.8%), higher levels of stress/anxiety (5.1%), and more concern about their ability to cover expenses (9.6%). Though not included in this figure, 99.2% of respondents would recommend attending LFO Reconsideration Day to other people.

Figure 5. Participant Assessment of Court System, Stress/Anxiety, and Ability to Cover Expenses



Participant Recruitment & Recommendations

Most participants were informed about LFO Reconsideration Day from either a friend or family member (31.0%), flyer (29.9%), or another source not listed (26.4%). Among those who listed "other," approximately 1 in 4 wrote that a court or an individual associated with the criminal justice system informed them about LFO Reconsideration Day. Courts included the Pierce County District Court, Felony Mental Health Court, and Drug Court. Individuals associated with the criminal justice system included clerks, judges, and probation officers. Facebook was the next most common "other" response. The remaining "other" responses were mostly organizations based in or with a presence in Pierce County, including the Pierce County Alliance, Civil Survival, Tacoma Urban League, the Northwest Justice Center, The Salvation Army, Goodwill, and local drug clinics. A smaller proportion of participants heard about LFO Reconsideration Day from their counselor/case manager (12.7%), an attorney (7.6%), or via email (5.3%). These findings suggest that event advertising was distributed using a wide range of methods, including word-of-mouth, flyers, emails, social media. Professionals directly interacting with people with LFOs also played a significant role in informing participants about the event, particularly counselors/case managers, attorneys, probation officers, court clerks, judges, and staff at local organizations.

Participants offered a broad range of recommendations of what could be done differently if LFO Reconsideration Day were to be repeated. Though only about half of respondents wrote an answer to the recommendations question, the most common responses concerned the exclusion of restitution, specific infractions, and other fees that were non-waivable during the event. Respondents recommended that restitution and infractions, especially traffic infractions, should be reduced or waived and alternative programs offered to participants so that remaining court-ordered debt could be addressed. The next most common recommendation was to address driver's license suspension as a result of unpaid LFOs. Participants suggested that the courts work with WA State Licensing (DOL) so that licenses could be reinstated and driving restrictions lifted. Finally, participants had recommendations on how to improve the operation of LFO Reconsideration Day. Prior to the event, participants suggested providing more information about how much time the process would take. During the event, participants found that standing in long lines in a confined

space for up to a few hours to be difficult, especially for those with disabilities. Some felt the process could have been quicker with more judges and courtrooms available, though many believed the process to be efficient and "surprisingly fast." Parking also created difficulties, with some individuals having to leave the line and risk losing their spot to move their car for fear of being ticketed. Finally, a small number of participants recommended providing more information to participants on the remaining debt they owe.

The final question participants were asked on the survey was "Is there anything else you would like to share about your experience today?" Almost all respondents who answered this question expressed gratitude for the opportunity to have their court-ordered debt reduced or waived. Some of these appreciative comments mentioned improved perceptions of the criminal justice system and court actors, in particular judges. One participant stated:

> *"I am so overwhelmed and overjoyed at what I have witnessed today! True justice - moral righteousness. For the first time in over 20 years I believe in our justice system. Thank you!!!"*

Other comments mentioned how their participation in LFO Reconsideration Day would improve their life. One participant who was a single parent with five children talked about their struggles in paying back their court-ordered debt. They described participation in the event as a "true blessing." Another participant stated:

> *"Legal issues/trouble I had gotten into when I was younger I believe will hold me down for most of my life. There comes a point when it seems pointless to continue trying to please the court. This is a big help for those of us trying. Thanks."*

ii. Volunteer Survey Results

In addition to the survey completed by LFO Reconsideration Day participants, volunteers who helped facilitate the event were surveyed to understand their motivation in participating in the event, their assessment of the event, whether their perceptions changed after participating, and recommendations to improve future events. In total, 33 volunteers responded to the survey. Most volunteers (63.6%) worked in various roles for the Department of Assigned Counsel, 21.2% were prosecutors, and 15.2% were from other organizations, such as Tacoma Pro Bono, the Tacoma-Pierce County Housing Justice Project, or private law firms. It appears that most volunteers who responded to the survey were attorneys. During LFO Reconsideration Day, of those who volunteered and responded to the survey, 39.4% served as an attorney, 30.3% served in client assistance, 15.2% were runners, and the remaining volunteer respondents were involved in coordination, planning, and motion review.

Volunteers were highly motivated to participate for various reasons. The desire to help remove the burden of court-ordered debt from individuals was mentioned many times. Volunteers expressed their motivation in different ways, including their perception of the "helping to promote fairness in the justice system," their belief that "it's both compassionate and pragmatic public policy," and to "help people get their lives moving forward." Though many volunteers had regularly worked with people who had court-ordered debt, a small number were surprised by what they saw and some of the stories they heard. One respondent wrote:

"I knew that these people were under a mountain of debt. I don't think I realized the extent of that debt, or the incredibly small budgets on which they were living."

They also mentioned some of the psychological effects of court-ordered debt that are less discussed. One respondent wrote:

"the palpable relief for some of the people involved really underlined the idea that these fines and fees potentially have a substantial deleterious effect on mental health…'invisible' stressors that people may be living with where they feel like they don't have a way to address the problem head-on, so they let it linger and try not to think about it."

Volunteers also reinforced the participants' positive evaluations of the event. Some volunteers remarked that they were surprised by how grateful participants were. One volunteer summed this up by writing:

"I honestly expected more people to be ungrateful or maybe less effusive in their thanks. However, I worked all 8 hours that day and there was only one person who expressed anything negative about the experience."

When asked to share anything else about their experience of LFO Reconsideration Day, some volunteers discussed how it reminded them of why they became a lawyer and how much it helped their clients. One volunteer wrote:

"I watched so many people leave the court in tears and with a look of profound relief and hope on their faces. I don't get many days like that as a public defender. It was one of the most rewarding experiences I've had."

This volunteer concluded that the event helped to build community, both for lawyers and for low-income individuals.

On average, volunteers rated the pre-event preparation (7.9), organization of the day (8.1), and fairness of the process (8.7) highly (out of 10). However, they were slightly less confident that defendants would be able to meet the terms of the orders they received during LFO Reconsideration Day. The average score for this question was 7.6 out of 10. Nevertheless, when asked "would you recommend the county, or other jurisdictions, conduct another LFO Reconsideration Day?" volunteers unanimously agreed the event should be repeated. Many volunteers believed the event should be held regularly, either annually, bi-annually, or quarterly. They stated that the training and participation on the day required a minimal time commitment on the part of volunteers, but likely would have a substantial effect on participants' lives. Volunteers mentioned that there were a substantial number of individuals who would benefit from a future event and should be given a similar opportunity, including those signed up but did not attend, those who could not sign up because the event was full, and those did not know about the event. Volunteers believed that a regular LFO Reconsideration Day would not only help courts by increasing the likelihood that individuals would pay off any remaining balance, but also that money that would have otherwise been paid toward LFOs for many years could instead be spent in the community.

When asked about the aspects of the event that contributed or detracted from the success of LFO Reconsideration Day, volunteers most commonly mentioned the significant amount of planning and coordination that occurred prior to the event. Volunteers specifically cited the training, pre-

registration process for clients, pre-prepared packets and blank orders, and prior agreements between defendants and prosecutors as factors that contributed to the event's success. Most volunteers were also clear on their role and responsibilities. Some volunteers remarked that the positive attitudes of both the volunteers and participants created a constructive atmosphere and laid the foundation for a successful event.

Volunteers had a number of recommendations to improve the event. Some mentioned that training could be improved, specifically by creating a step-by-step guide of responsibilities by role or a "cheat sheet." The pre-registration system also could have incorporated a stand-by list as one volunteer mentioned that the District Court had fewer cases than anticipated at certain times. Finally, volunteers noted that some participants were frustrated that infractions and restitution could not be reduced or waived. They suggested that these LFOs be included in future events.

iii. Debt Reduction Results

This section examines the extent of debt reduction that occurred on LFO Reconsideration Day. The following research questions are addressed: How many people had their debt waived entirely? How much debt was waived in these cases (on average and in total)? How many people had their debt reduced? How much debt was reduced in these cases (on average and in total)?

Table 3 details the demographic characteristics of LFO Reconsideration Day participants. Black or African-American participants are significantly overrepresented (28.6%) among participants compared to the Pierce County, WA general population (7.6%). Both Asian and White participants were underrepresented compared to the Pierce County general population (6.9% and 74.8%, respectively). Men appear to be slightly overrepresented compared to women. Though not directly comparable, the age distribution of participants is skewed toward middle ages (30-49). Younger people (20-29) make up a smaller proportion of LFO Reconsideration Day participants compared to the Pierce County general population. Older people (50+) are roughly equal in their representation among the participant sample and general population.

Table 3. LFO Reconsideration Day Participant Characteristics

		Frequency	**Percent**
Race[1]	American Indian or Alaska Native	6	1.4
	Asian	16	3.8
	African-American or Black	120	28.6
	White	267	63.7
	Unknown	10	2.4
Gender[2]	Female	175	41.8
	Male	244	58.2
Age	20-29	51	12.2
	30-39	160	38.2
	40-49	106	25.3
	50+	97	23.2
	Unknown	5	1.2
	TOTAL	419	100.0

[1] Racial categories were provided by the Washington State Administrative Office of the Courts
[2] Gender categories were provided by the Washington State Administrative Office of the Courts

A very large percentage of LFO Reconsideration Day participants had cases with the Pierce County Superior Court. More than 4 in 5 (81.7%) participants had at least one case in the Superior Court to be assessed for debt reduction. These high percentages of Superior Court involvement stand in contrast to the Pierce County District and Tacoma Municipal Courts. Less than half of participants (44.8%) had a case in the District Court and about a quarter of participants (28.6%) had a case in the Tacoma Municipal Court. Table 4 shows the breakdown of participant involvement across different courts. Four in ten participants (39.8%) had one or more cases only in the Superior Court to be assessed for debt reduction. In contrast, relatively few participants had one or more cases only in the Pierce County District and Tacoma Municipal Courts. It was common for participants to have cases in more than one court (43.9%).

Table 4. LFO Reconsideration Day Participant Court Involvement

Court Involvement	**Frequency**	**Percent**
Superior only	167	39.9
District only	52	12.4
Municipal only	16	3.8
Superior & District	80	19.1
Superior & Municipal	49	11.7
District & Municipal	8	1.9
Superior, District & Municipal	47	11.2
TOTAL	419	100.0

Table 5 shows a summary of the total amount of debt owed, waived, and reduced during LFO Reconsideration Day in the Pierce County Superior Court, Pierce County District Court, and Tacoma Municipal Court. The Pierce County Superior Court removed $2,110,006 in debt during LFO Reconsideration Day. This amounts to 42.0% of the total debt owed ($5,018,647) by participants at the start of the event. The remaining balance after the event among all participants was $2,908,641.

A total of 193 people had their debt reduced or waived in cases adjudicated by the Pierce County District Court. Of this group, 101 had their debt waived entirely ($0 balance remaining on all cases) and 92 had their debt reduced (>$0 balance remaining on one or more cases). The Pierce County District Court removed $165,883 in debt. This amounts to 86.7% of the total debt owed ($191,370.64) by participants at the start of LFO Reconsideration Day. The remaining balance after the event among all participants was $25,492.

For the Tacoma Municipal Court, 123 people had their debt reduced or waived in cases adjudicated by the Tacoma Municipal Court. Of this group, 117 had their debt waived entirely and 6 had their debt reduced partially. In all, the Tacoma Municipal Court removed $95,204 in debt. This amounts to 96.4% of the total debt owed ($98,818) by participants at the start of the LFO Reconsideration Day. The remaining balance after the event among all participants was $25,491.95.

Table 5. Summary of Debt Owed, Waived, and Reduced by Court

Court	Original Debt Owed	Debt Removed (waived or reduced)	Percentage of Original Debt Removed	Remaining Debt Owed
Superior	$5,018,647	$2,110,006	42.0%	$2,908,641
District	$191,370	$165,883	86.7%	$25,492
Municipal	$98,818	$95,204	96.4%	$3,614

These summary debt totals by court indicate that while significantly more LFO debt was removed from Superior Court cases compared to other court cases, the percentage of the original debt that was removed was much lower. Both the Pierce County District Court and Tacoma Municipal Court removed considerably less LFO debt in total, but a much larger proportion of the original debt was removed.

In total, approximately $5.3 million in LFO debt was reduced or waived in the cases of at least 420 people during LFO Reconsideration Day. Debt reductions varied substantially, with some participants not receiving any debt reduction, whereas one participant received $121,841 in debt reduction across seven Pierce County Superior Court cases and five Tacoma Municipal Court cases. This was more than double the participant with the next highest debt reduction amount.

A total of 71 participants (17.0%) had their debt waived entirely. This occurred relatively evenly across all three courts. For those who had their entire debt waived, the mean debt reduction was $3,645 and ranged from a $50 debt reduction to a $45,439 debt reduction. For the remaining 348 participants (83.0%) who did not get their entire debt waived, the mean debt reduction was $5,898 and ranged from $0 to $121,841.

iv. Criminal Legal System Involvement Results

This section assesses the extent to which participation in the LFO Reconsideration Day reduced criminal legal system involvement up to nine months after the event. Currently, only one outcome is assessed: case filings with a "committed" or "guilty" verdict for any offense in any Pierce County court. Throughout, the analysis reports outcomes for two different groups: 1) those who participated in LFO Reconsideration Day (and had registered to attend the event), and 2) those who registered for the event but did not attend. Individuals could only attend if they registered in advance.

Comparison Between Participant and Non-Participant Groups

In total, 945 individuals registered for LFO Reconsideration Day. Sixty-two of these individuals could not be matched with existing administrative data and were therefore excluded from this analysis[3]. Among registrants, 419 (47.0%) attended the event and 472 (53.0%) did not. The following analyses use a total sample of 891 individuals.

[3] Due to typographical errors with names and dates of birth, name changes, and data matching issues, 16 individuals attended the event and 38 individuals registered for the event but could not be matched with existing Administration Office of the Courts data. An additional seven individuals who registered had no prior LFO debt. These individuals were removed from the analysis. In subsequent iterations of this report, the researchers intend to analyze these observations and manually match them to available administrative data.

As shown in Table 6, the gender and race breakdowns in the participant and non-participant groups closely match. The non-participant group has a slightly more equal balance between females and males. Racial group representation is also similar across the two groups. However, American Indian or Alaska Native and African-American or Black participants comprise a smaller proportion of those who participated compared to those who did not.

Table 6. Gender and Race of Participants compared to Non-Participants

		Participants		**Non-Participants**	
		Frequency	Percentage	Frequency	Percentage
Gender[4]	Female	175	41.7	208	44.1
	Male	243	58.0	264	55.9
Race[5]	American Indian or Alaska Native	6	1.4	12	2.5
	Asian	16	3.8	18	3.8
	African-American or Black	120	28.6	153	32.4
	White	267	63.7	278	58.9
	Unknown	10	2.4	11	2.3
	TOTAL	419	100.0	472	100.0

Though the gender and racial group proportions were relatively even around the participant and non-participant group, the total number of cases and jail/prison cases were not. Sixty-four percent of participants had ten or more cases in a Pierce County court, whereas fewer than half (45%) who did not participate but registered for the event had ten or more cases. Approximately one-third (31.8%) of non-participants had less than five cases compared to 15.0% of participants. Those who participated in the event also had substantially more cases involving jail or prison charges. Four in five participants (80.4%) had at least one jail or prison charge. In contrast, only slightly more than one in four non-participants (26.3%) had any jail or prison cases. The higher proportion of participants with more cases and more severe cases that potentially are attached to higher amounts of LFO debt may have been a key factor driving participation.

Table 7. Total Cases and Total Jail or Prison Cases by Individual & Participation Status

		Participants		**Non-Participants**	
		Frequency	Percentage	Frequency	Percentage
Cases	1-4	63	15.0	150	31.8
	5-9	90	21.5	110	23.3
	10-19	156	37.2	140	29.7
	20+	110	26.3	72	15.3
Jail/Prison Cases	0	82	19.6	348	73.7
	1-4	137	32.7	69	14.6
	5-9	116	27.7	33	7.0
	10-19	70	16.7	21	4.5
	20+	14	3.3	1	0.2
	TOTAL	419	100.0	472	100.0

[4] Gender categories were provided by the Washington State Administrative Office of the Courts

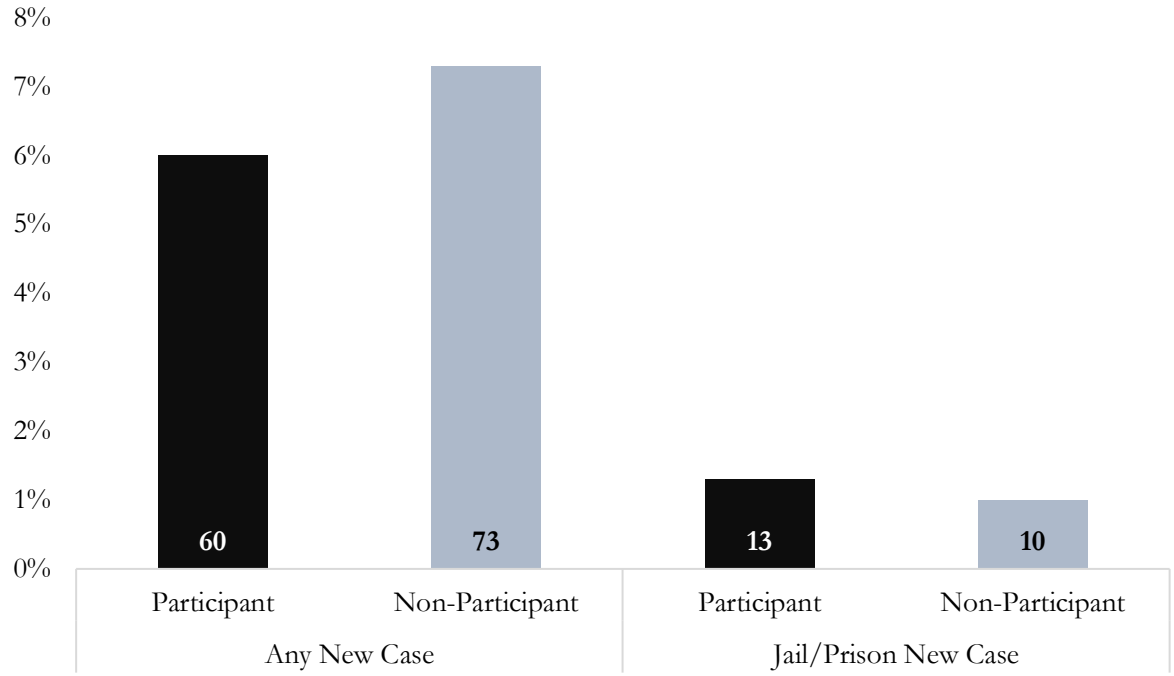
[5] Racial categories were provided by the Washington State Administrative Office of the Courts

Criminal Justice System Involvement at Nine Months

At nine months after LFO Reconsideration Day (June 25, 2020), individuals with at least one case filed that included an LFO in any Pierce County court were compared across the two groups. Across the two groups, 189 cases were filed: 90 among participants and 99 among non-participants. These cases were distributed across 133 individuals. Figure 7 shows that 60 out of 419 individuals (14.3%) who participated in the event had at least one case with an LFO in the last nine months. Among non-participants, this proportion was slightly higher, with 73 out of 472 individuals (15.5%) having one case or more with an LFO.

Among the 133 individuals who were involved in the Pierce County criminal legal system between September 26, 2019 and June 25, 2020, 23 individuals had one or more cases that included a jail or prison charge. Thirteen belonged to participants and ten for non-participants. This amounts to 3.1% of all participants and 2.1% of all non-participants.

Figure 6. Total Cases and Jail or Prison Cases by Individual After LFO Reconsideration Day



The fact that the number of individuals with one or more cases and jail or prison cases was similar across the two groups, suggests that participation in LFO Reconsideration Day at the very least did not provide an incentive for subsequent criminal legal system involvement. When the substantially higher rates of jail/prison stays for participants are factored in, it is likely participation reduced subsequent criminal legal system involvement. To put this into perspective, among a sample of 419 participants in which 80.4% had at least one prior case involving a jail or prison charge, 60 (14.3%) were involved in the Pierce County criminal legal system in the following nine months after participation, and of these cases only 13 (21.7%) involved a jail or prison charge.

4. Conclusion

Main Findings

Overall, study findings from multiple data sources indicate that Pierce County's LFO Reconsideration was highly successful in reducing unpaid LFOs among a diverse low-income population. Surveys conducted during the event show that individuals who attended were highly satisfied with the fairness of their treatment, had improved opinions about the court system, less stress/anxiety about their court-ordered debt, and less concern about their ability to cover necessary expenses. Volunteer attorneys and court staff were satisfied with the pre-event preparation, organization of the day, and fairness of the process. There was overwhelming support from both participants and volunteers for repeating LFO Reconsideration Day.

LFO Reconsideration Day participants broadly reflected the population with court-ordered debt in Pierce County. Low-income Black and indigenous men were significantly overrepresented among participants, suggesting the outreach strategy was successful in targeting individuals with existing LFOs. Court data collected during the event show that approximately $5.3 million in LFO debt was waived for at least 419 people. 17% of participants had their debt waived entirely. For this group, the mean debt reduction was $3,645 ranging from $50 to $45,439. For the remaining 83% receiving partial debt reduction, the mean debt reduction was $5,898 ranging from $0 to $121,841.

Nine months after the event, 14.3% of event participants had at least one new case with an assessed LFO and 3.1% had one or more case that included a jail or prison sentence in the Pierce County court system. Among non-participants, the rates of post-event criminal legal system involvement were 15.5% for any case with an assessed LFO and 2.1% for any case with a jail or prison sentence. The fact that the proportion of individuals with one or more cases and jail or prison cases was similar across the two groups suggests that participation in LFO Reconsideration Day at the very least did not provide an incentive for subsequent criminal legal system involvement. Given the substantially higher rates of jail and prison stays for event participants compared to non-participants, it is likely participation reduced subsequent criminal legal system involvement. To put this into perspective, among a sample of 419 participants in which 80.4% had at least one prior case involving a jail or prison charge, 60 (14.3%) were involved in the Pierce County criminal legal system in the following nine months after participation, and of these cases only 13 (21.7%) involved a jail or prison charge.

Policy Implications

The event outreach strategy appeared effective at inviting people most likely to have unpaid court-ordered debt and have difficulty paying it. LFO Reconsideration Day participants who completed the survey were disproportionately male, Black or African American, low-income, unstably employed, and housing insecure compared to the Pierce County general population. The survey results suggest that the failure to pay LFOs commonly led to criminal justice-related sanctions, in particular increased court-ordered debt in the form of additional fees, more fines, or interest, but also effects on parole or probation and jail stays. Driver's license suspension as a result of unpaid LFOs appeared to be very common among respondents. Effects of LFOs on the ability to pay for

household expenditures were also very common and wide-ranging, including housing, transportation, employment, medical, and financial costs.

Courts deliberating over future LFO Reconsideration Days should consider waiving a broader range of LFOs, including traffic infractions and restitution, or offering alternative programs for participants to reduce their debt. Coordination with WA State Licensing to lift driver's license suspensions due to unpaid LFOs would also likely be beneficial to many participants. Additional information provided to both participants and volunteers would be helpful. For participants, this might include parking information provided prior to the event and waiting time expectations. For volunteers, this might take the form of a short guide on their roles and responsibilities during the event.

The results suggest that LFO Reconsideration Days may be an effective intervention to reduce outstanding legal debt and subsequent criminal legal system involvement. Expanded debt reduction programs may serve as an institutional corrective to courts and municipalities that are overly reliant on fines and fees to support local criminal legal systems and government budgets. It also has promising potential as a policy response to reduce the significant social costs of court-ordered debt, including supporting labor outcomes, improving population mental health, and helping people who have served their sentences reintegrate into society. Because legal debt can serve as an extended and inescapable form of punishment for those who are unable to pay, debt removal may offer an important reset in people's lives.

5. List of References

Burnett, R. (2012). "State of Florida Has Weak Restitution- Recovery Rates, Too." *Orlando Sentinel, June.*

deVuono-powell, Saneta, Chris Schweidler, Alicia Walters, and Azadeh Zohrabi. 2015. *Who pays? The true cost of incarceration on families*. Oakland, CA: Ella Baker Center, Forward Together, Research Action Design.

Fines and Fees Justice Center. 2021. Tip of the Iceberg: How Much Criminal Justice Debt Does the U.S. Really Have?

GAO US Government Accountability Office. (2018). *Federal criminal restitution: Most debt is outstanding and oversight of collections could be improved.* GAO-18-203

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

Iowa Legislative Services Agency. (2018). *Issue review: Court debt collection*. Des Moines, IA: Fiscal Services Division, Iowa Legislative Services Agency.

Link, Nathan W. (2019). "Criminal Justice Debt During the Prisoner Reintegration Process: Who Has It and How Much?" *Criminal Justice and Behavior* 46(1): 154-172.

Martin, K. & Fowle, M. (2019). *Understanding and mitigating the nature, extent, and harms of criminal justice debt in Pierce County*. Unpublished report.

McLean, R. L., & Thompson, M. D. (2007). *Repaying debts*. New York: Council of State Governments Justice Center.

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

National Center for Victims of Crime. (2011). *Making restitution real: Five case studies on improving restitution collection.* Washington, DC: National Center for Victims of Crime.

Taylor, M. (2014). *Restructuring the court-ordered debt collection process*. Sacramento, CA: Legislate Analyst's Office.

6. Appendices

Appendix A. Participant Survey

Name: _____ Date of Birth: _____*(m/d/y)*

Pierce County LFO Reconsideration Day Participant Survey

How did you hear about the LFO (Legal Financial Obligation) Reconsideration Day?

☐☐ flyer ☐☐ attorney ☐☐ friend/family
☐☐ e-mail ☐☐ counselor/case manager ☐☐ other:_____

Overall, how satisfied are you with the outcome of your time in court today? (please circle)

not at all satisfied									*very satisfied*
1	2	3	4	5	6	7	8	9	10

How fair was the process used to handle your case today? (please circle)

not at all fair									*very fair*
1	2	3	4	5	6	7	8	9	10

How fairly did the following court staff treat you? (please circle)

	not at all fair									*very fair*
The judge:	1	2	3	4	5	6	7	8	9	10
The prosecutor:	1	2	3	4	5	6	7	8	9	10
Your attorney:	1	2	3	4	5	6	7	8	9	10
Security staff:	1	2	3	4	5	6	7	8	9	10

How confident are you that you will be able to meet the terms of the order in your case? (please circle)

not at all confident									*very confident*
1	2	3	4	5	6	7	8	9	10

Compared to how you felt before today, how do you feel now?

My level of stress/anxiety has: ☐ increased ☐☐ stayed the same ☐☐ decreased

My concern about my ability to cover all my expenses has: ☐☐ increased ☐☐ stayed the same ☐☐ decreased

My opinion about the court system has: ☐☐ become more positive ☐ not changed ☐ become more negative

Would you recommend this event to other people? ☐☐ yes ☐☐ not sure ☐☐ no

Have any of the following happened to you as a result of unpaid fines, fees, surcharges, or restitution? *(select all that apply)*

☐☐ increase in amount owed (additional fees, more fines, interest)
☐☐ spent time in jail
☐☐ Other(s), please state _____
☐☐ driver's license suspended
☐☐ parole or probation affected

Has paying your LFO's made it difficult or impossible to pay for any of the following? *(select all that apply)*

☐☐ car payments ☐☐ student loans ☐☐ school/job training
☐☐ child/senior care ☐☐ medical bills ☐☐ utility bills
☐☐ groceries ☐☐ prescriptions ☐☐ gas, bus fare, or other transportation costs
☐☐ credit card bills ☐☐ rent/mortgage

☐☐ other(s), please list: _____

What is your employment status?

☐☐ Employed full-time☐
☐☐ Employed part-time
☐☐ Employed seasonally/temporarily
☐☐ Looking for work
☐☐ Unemployed
☐☐ Student☐
☐☐ Retired

Are you the main earner in your household? ☐☐ yes ☐☐ no

What is your annual income?

☐☐ less than $15,000☐
☐☐ $15,000 - $25,000
☐☐ $25,000-$50,000☐
☐☐ $50,000 - $70,000
☐☐ more than $70,000☐

What is your current housing situation?

☐☐ rent☐
☐☐ own
☐☐ live with family/friends, no rent or reduced rent☐
☐☐ other, please explain: _____

How many dependents do you have? _____

Including yourself, how many adults and children currently live in your household?

Number of adults: _____ Number of children under 18 years old: _____

What is your date of birth? *(month/day/year)* _____

What is your gender?

☐☐ female☐
☐☐ male
☐☐ gender diverse (non-conforming/non-binary and/or transgender)
☐☐ other: _____

What is your race/ethnicity? *(select all that apply)*

☐☐ Asian☐
☐☐ Black or African-American☐
☐☐ Hispanic or Latinx
☐☐ Middle Eastern☐
☐☐ Native American or Alaska Native
☐☐ Native Hawaiian or Pacific Islander
☐☐ White or Caucasian☐
☐☐ Other: _____

What level of education have you completed?

☐☐ less than a high school diploma☐
☐☐ high school degree or GED☐
☐☐ occupational/vocational certificate
☐☐ Associate's☐
☐☐ Bachelor's
☐☐ Advanced degree (e.g. MA, MSW, JD, PhD)☐

What is your marital status?

☐☐ living with a partner, not married☐
☐☐ married
☐☐ separated/divorced☐
☐☐ never married
☐☐ widowed

If this event happened again, do you have any recommendations for what should be done differently?

_____

_____

Is there anything else you would like to share about your experience today?

_____

_____

Appendix B. Volunteer Survey[6]

Pierce County LFO Reconsideration Day Volunteer Survey

Thank you very much for participating in the Pierce County LFO Reconsideration Day. We would like to hear from you about your experience of the day. The survey should take no longer than 5-10 minutes to complete.
To begin, we'd like to know a little bit about your role and motivation for participating in the LFO Reconsideration Day.

What is your current job title and organization? [text box]

What was your role during the LFO Reconsideration Day? [text box]

What motivated your participation in this event? [text box]

Now we'd like to understand your experience of the LFO Reconsideration Day.

How do you rate the following: [scale]

Pre-event preparation: 1-5 (very poor to very good)

Organization of the day: 1-5 (very poor to very good)

Fairness of the process: 1-5 (very poor to very good)

Did participating in LFO Reconsideration Day change your perceptions about defendants with legal financial obligations? If so, how? [text box]

What changes did you expect debt relief would have on participants? Did this change after participating in LFO Reconsideration Day? [text box]

Would you recommend the county, or other counties/courts, conduct another LFO Reconsideration Day? Why? [text box]

Finally, we'd like to know how we might improve future events.

What aspects of the event contributed most to its success? [text box]

What aspects of the event distracted from its success? [text box]

What suggestions do you have for improving the event? [text box]
Is there anything else you would like to share about your experience at the LFO Reconsideration Day? [text box]

[6] Survey was administered via a Google Form. Appendix B only include the questions, not the formatted survey.