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CRIMINOLOGY

ORIGINAL ARTICLE

"It's like a reverse Robin Hood—We all know they can't pay": How court actors navigate the logics of monetary sanctions

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Abstract

Monetary sanctions (also known as legal financial obligations or LFOs) are the most common form of state sanction for criminal convictions, yet we know little about the logics that court actors use in their implementation. Merging an inhabited institutions perspective with the institutional logics framework, we present evidence from court actors' accounts of imposing and collecting LFOs to reveal how they navigate the competing penal and fiscal logics of LFO sentencing across eight states. We show that the polyvalent logics underlying LFOs give rise to individual and collective critiques. Amid this discontent, we discern several patterns in how

court actors navigate the tensions between coexisting logics and continue their work unabated, including the use of discretion and prioritization of some goals over others. Our analysis demonstrates how court actors make sense of their work within a complex legal field rife with conflicting priorities and how LFO sentencing and collection persist despite the contradictory logics undergirding them. Our theoretical model connecting institutional logics and inhabited institutions frameworks elucidates how decision-making in the criminal legal system operates. Although we specifically examine monetary sanctions, our findings have implications for other contexts in which decision-makers struggle with interpretation, application, and consequence.

KEYWORDS
institutional logics, LFOs, monetary sanctions, punishment

1 | INTRODUCTION

Systems of monetary sanctions (also known as legal financial obligations or LFOs) exist in every state in the United States and at every court level (Harris, 2016; Kohler-Hausmann, 2013; Martin et al., 2018; Natapoff, 2012; Piquero & Jennings, 2017). Although LFOs existed with the inception of the United States's criminal legal system, the use of monetary sanctions has expanded greatly since the 1990s (Harris et al., 2010; O'Malley, 2012; Tonry & Lynch, 1996). As a result, the assemblage of monetary penalties that courts rely on has become increasingly polyvalent, including fines imposed as a punishment or as an alternative to incarceration (Shannon et al., 2020), fees and surcharges used to recoup costs for court operations (Edwards, 2020; Martin, 2018), and restitution awarded to victims (Martin & Fowle, 2020; Paik, 2020). Even though specific policies vary across states and local jurisdictions, fines and fees have become a central feature to every modern criminal legal system in the United States.

This web of heterogeneous *types* of pecuniary penalties has raised questions about the heterogeneous *aims* of monetary sanctions. For many scholars, LFOs demonstrate the ascendancy of "neoliberal economic ideologies" within the legal system that emphasize state-efficiency, personal responsibility, and carceral expansion (Friedman & Pattillo, 2019; Wacquant, 2010). As a result, states have transformed their criminal legal institutions into "a vast network of revenue-generating operations" that extract resources from vulnerable populations (Page & Soss, 2021, p. 291). Thus, court decision-making is said to be guided by a fiscal logic that frames people as financial burdens to the system and views LFOs as a useful tool for recouping court costs and paying for government services (Martin, 2023). This emphasis on the financial aspects of this form of sanctioning could be viewed as in conflict with more traditional goals of the criminal legal system, such as punishment and rehabilitation (Beckett & Harris, 2011; Beckett & Murakawa, 2012).

Little research, however, has directly explored how court decision-makers perceive monetary sanctions or understand their purpose within criminal justice. Nearly every court actor has some role in the sentencing or monitoring of LFOs (Harris, 2016).[1] Although the varied forms of monetary sanctions imply distinct purposes for each (e.g., fines for punishment, fees for revenue, restitution for victims), research has shown that these distinctions are ambiguous at best in actual practice (Huebner & Giuffre, 2022). Furthermore, research on the sentencing of monetary sanctions has revealed extensive variation in monetary sanction laws and sentencing practices across jurisdictions (Harris et al., 2022; Martin et al., 2018). Considering their varied forms and the discretion court actors have over imposing, collecting, and punishing for nonpayment, monetary sanctions provide an ideal case for studying how court actors navigate the coexisting, and potentially conflicting, motives that guide the court system. If both revenue and punishment are key concerns that may or may not be aligned in any given case, then do court actor perceptions about the purpose of LFOs affect how they make decisions in their day-to-day work? Answering this question will illuminate new ways of understanding the decision-making processes involved in punishment.

This focus on purpose and motivations for action prompts us to examine how actors align themselves with the institutional logics of LFOs within the criminal legal system. Institutional logics are defined as the "unique organizing principles, practices, and symbols" that serve as frameworks for guiding behavior and creating meaning within a particular field of action (Thornton et al., 2012). That is, institutional logics provide the rationale for behavior within a given social field and suggest what types of practices may be seen as legitimately upholding that rationale (Friedand & Alford, 1991). Furthermore, organizational fields are often structured by coexisting logics that may either coexist or conflict with one another (Reay & Hinings, 2009). How individuals orient themselves toward particular institutional rationales over others, and how these orientations shape organizational action, has become an important avenue of inquiry (Chiarello, 2015; Pache & Santos, 2010).

Our emphasis on logics builds on previous scholarship seeking a broader synthesis between criminological and institutional theory. To better explain local variation in sentencing outcomes, Ulmer (2019) and others have proposed reconceptualizing courts and their workgroups as "inhabited institutions." Although sentencing guidelines and other policies are designed to govern the actions of criminal legal actors, courts are inevitably "inhabited by courtroom workgroup actors with agency and court community organizations with their own informal norms, culture, politics, and constraints" (Ulmer, 2019, p. 493). This call to "re-inhabit" criminal courts asks us to emphasize the role of social relations within the courtroom and how social interaction mediates the impact of institutional influences and formal legal rules (Lynch, 2019).

Court-level interaction provides an important meso-level link between the macro-level structures of court contexts and the micro-level perspectives of particular court actors. Unfortunately, the inhabited institutional perspective often leaves the impression that institutional orientations are *wholly* the product of these social interactions. Thus, institutional logics or rationales "become

[1] Judges have the discretion to adjudicate cases and determine appropriate LFO sentences within the statutes and policies defined by the legislature and local jurisdictions. Prosecutors also have some discretion, especially in deciding whom to charge, what to charge, and what recommendations to make to the court regarding LFO amounts in individual cases. In many jurisdictions, court clerks have multiple responsibilities with regard to LFOs, including handling paperwork and setting payment amounts, monitoring payments, and allocating monies received to victims and other funds (Harris, 2016). Probation officers often play a role in courtroom decision-making, especially in probation revocation hearings, but in many jurisdictions, they also serve as enforcers of both court and corrections LFO collection as part of their responsibilities to ensure compliance with court-ordered conditions of supervision (Ruhland, 2020; Shannon, 2020).

manifest as they are interpreted in social interactions that occur inside or and across organizations" (Hallett & Hawbaker, 2021, p. 10). Although relational processes can certainly alter institutional pressures, we should not overlook the more direct path that institutional logics have on individual decision-making. Institutional logics shape individual action by providing people with guidelines for the identities, goals, and actions deemed expected and appropriate within a particular context (Greenwood et al., 2011; Thornton et al., 2012). Thus, those who work in the court system do not enter into court interactions as blank slates, but instead they carry with them institutional perspectives about the purpose of both court activities and the court system more broadly. By studying how individuals make meaning out of courtroom practices, how they justify these actions using particular criminal legal logics, and how they may navigate tensions between varying logics, we gain a deeper understanding of the processes by which differential sentencing outcomes are generated.

Overall, our study combined our general interest in monetary sanctions sentencing with our specific desire to understand the institutional logics that motivate them. These interests led to the following research questions:

- How do court actors understand the rationale behind monetary sanctions? Do these perceptions differ by type of court actor (e.g., judge, prosecutor, defense attorney, court clerk, and probation officer)?
- Do court actors perceive a tension between the penal logics and fiscal logics of monetary sanctions? If so, what strategies do they use to navigate these tensions?

To answer these questions, we conducted guided interviews with 447 court actors across eight US states.[2] Although prior studies have tended to focus on one set of court actors within individual sites, our study is comparative and comprehensive, including court actors in multiple courtroom roles across different states with varying LFO statutes and distinct sociolegal contexts (Harris et al., 2022). We examined our research questions by asking court decision-makers what they believed to be the broader purpose of LFOs and what their personal perspectives were on the use of LFOs for those purposes. We also examined whether court decision-makers endorsed particular views about LFOs, articulated any tension between the logics that they confronted in their LFO-related work, and explained the strategies that they used to address any perceived critiques or resolve contradictions. We paid particular attention to the congruence between broad justifications for LFOs and individual interpretations of LFO sentencing.

We found that court actors endorsed both penal logics and fiscal logics in justifying the use of LFOs. For those who justified the use of LFOs for punishing people, actors emphasized a host of traditional penological goals, including accountability (judges, prosecutors, probation officers), deterrence (judges, prosecutors), retribution (judges, prosecutors), and victim restoration (judges, prosecutors, defense attorneys, probation officers). Furthermore, some actors saw the revenue-generating function of LFOs as a complementary tool for implementing the punitive and rehabilitative functions of the court. Thus, LFOs were not necessarily seen as counter to the traditional goals of the court but as a useful tool in achieving them. Many court actors, however, *did* perceive a fundamental tension between the punitive and rehabilitative logics of criminal justice and the revenue-focused goals of criminal legal fines and fees. Actors broadly criticized the fiscal logic of LFOs as being counterproductive to the other goals of the criminal

[2] These interviews include judges, prosecutors, defense attorneys, court clerks, and probation officers. The states included California, Georgia, Illinois, Minnesota, Missouri, New York, Texas, and Washington.

legal system, even though many of them understood fines and fees as an unfortunate necessity for cash-strapped jurisdictions. Decision-makers across roles and states expressed dissatisfaction with the revenue-generating purposes and fiscal demands that LFOs were aimed at satisfying, even as they continued to impose them either by statute or by choice.

Overall, our study demonstrates that court actors' perceptions of monetary sanctions are complex. They are seen by some as complementary to court goals of punishing lawbreakers, helping victims, and rehabilitating defendants. Many others, however, viewed LFOs as placing conflicting demands on courts in ways that undermine these goals. This work shows that individual court actors bring with them particular perceptions of how LFOs align with the institutional logics of the criminal legal system. These perceptions are likely to orient them toward particular actions in the courtroom and to color how they interact with actors who may, or may not, share those same orientations. Our study also complicates conceptual notions of monetary sanctions. They are neither wholly accepted as a "neoliberal" aspect of modern court design nor are they perceived as completely counter to traditional legal mandates. Instead, they exist in a liminal space that seems open to individual interpretation and evaluation. These findings showing the ambiguous nature of an extremely consequential punishment system are relevant to scholars of the criminal legal system, policy makers, practitioners, and the general public. Given that monetary sanctions perpetuate marginalization and inequality (Harris et al., 2022), policy mandates such as fiscal punishments should have clear and consistent aims, guidelines, and implementation as a matter of justice and equality under the law.

2 | THEORETICAL BACKGROUND

2.1 | Courts as institutions: From focal concerns to inhabited institutionalism

The study of sentencing disparities in US courts has most often employed the focal concerns perspective (Hartley & Tillyer, 2018). The theory was first popularized by Steffensmeier et al. (1998) as they attempted to explain gender and race differences in sentencing outcomes in Pennsylvania courts. From their theorization, judges have three focal concerns when making sentencing decisions: 1) the *blameworthiness* of the defendant and how deserving they are of punishment, 2) the *protection of the community* and the need to prevent future crime, and 3) the *practical considerations* of the sentence, both in how the sentence impacts people and on how to best use limited court resources. Since courts operate under both time and information constraints, sentencing disparities arise because judges fall back on stereotyped associations between a person's demographic characteristics and the judge's focal concerns (Lynch, 2019; Steffensmeier et al., 1998).

Since its articulation, focal concerns has been used to explain a variety of demographic disparities in a variety of different legal contexts, including policing, probation, and juvenile courts (Crow & Adrion, 2011; Harris, 2009; Huebner & Bynum, 2006). The trajectory of this work, however, has been criticized by Lynch (2019) and others as producing a view of court decision-making that is too individualistic and as attributing too much determinative power to cognitive processes. Instead, scholars have recognized how "the distinctive organizational and legal culture of the local court foster distinctive substantive rationalities that shape the nature of sentencing decisions" (Ulmer & Johnson, 2004, p. 137). Variation in sentencing across courts can be understood through the localized interactions of courtroom actors as they work together to process cases. Thus, each court is a distinct "courtroom community" that develops its own organizational culture with its own

courtroom norms and interactive dynamics (Flemming et al., 2016). Importantly, how focal concerns are interpreted and applied is modified by these local processual orders, suggesting that sentencing decisions are not wholly reliant on cognitive biases or heuristics, but they are also contingent on the contextual characteristics of the court itself (Johnson et al., 2008).

Recent work has gone even further in contextualizing criminal courts by understanding them through the framework of inhabited institutionalism (Lynch, 2019; Lynch et al., 2021; Ulmer, 2019). This perspective offers a way of understanding both variation and change in organizational practice by emphasizing the importance of social interaction (Hallett & Hawbaker, 2021). It also attempts to balance our understanding of institutional pressures with a recognition that decisions are often negotiated outcomes born from the interactions of individuals in a given situation. In revisiting Gouldner's (1954) *Patterns of Industrial Bureaucracy*, Hallett and Ventresca (2006) showed how different patterns of bureaucracy in a mining company "did not inhere in the 'institutional logic of bureaucratic accountability.' Instead, they emerged as mineworkers grappled with this logic in their interactions with each other" (p. 222). Thus, organizational practices of meaning creation and decision-making are derived from a "bottom-up" practice.

Ulmer (2019) noted that criminal legal scholarship has done little to incorporate concepts from organizational sociology even though courtroom processes and court actors' perspectives are socially constructed and contingent on the organizations in which they are created (Weick, 1995). In response, Ulmer (2019) suggested studying courts using an inhabited institutions framework that emphasizes the interaction between formal rules, interpersonal dynamics, and personal interpretation of behavioral expectations. Although many legal studies have focused on the influence of "top-down" factors such as laws and formal policies, Ulmer argued that an inhabited institutions perspective examines criminal courts in a more realistic "bottom-up" orientation that allows us to examine the agency of court actors. Court actors must constantly navigate between formal rules and informal practices within their local courtroom contexts. In addition, court actors have different levels of power to adapt and react to policy prescriptions, which can help explain differences in decision-making and sentencing outcomes (Lynch, 2019). Although laws and policies guide action, they also serve as "opportunities for local court sense making, adaptation, and contention" (Ulmer, 2019, p. 486).

2.2 | Institutional logics perspective

Inhabited institutionalism provides us with a useful meso-level framework that helps to view social interaction as a key linkage between individual agency and institutional pressures. Although interaction certainly mediates the effect of structural influences, we must also recognize the more direct link between institutional logics and individual action. Institutional logics can be understood as the rules, symbols, and patterns that organize action and provide meaning within organizations and other social spaces (Friedland & Alford, 1991; Thornton & Ocasio, 2008; Thornton et al., 2012). These logics are often taken-for-granted rules that guide behavior and provide a sense of unity and common purpose. Thornton and Ocasio (1999) provided a robust definition:

> Institutional logics are the socially constructed, historical patterns of cultural symbols and material practices, assumptions, values, and beliefs by which individuals produce and reproduce material subsistence, organize time and space, and provide meaning to daily activity. (p. 804)

A core assumption behind the institutional logics perspective is the idea of "embedded agency." The logics of a particular institutional system shape how individuals perceive themselves and their goals within the field. More specifically, logics shape individual preferences, goals, and interests within a particular space and provide individuals with the categories and repertoires of action for achieving those preferences, goals, and interests (Thornton et al., 2012). Although inhabited institutionalism emphasizes the autonomy of individuals to shape organizational outcome through interaction, the logics perspective helps us understand that individuals remain only partially autonomous. Actors rarely behave in ways that run directly counter to the demands and pressures of a given organizational space. Even when interacting and negotiating organizational activities with other actors, individuals are primed by their own perspectives on how those activities align with institutional rationales. Thus, we can understand decision-making within an organization as the outcome of the "interplay between individual agency and institutional structure" that is then shaped by social interaction (Thornton & Ocasio, 2008, p. 103). Inhabited institutionalism is complemented by a greater understanding of how institutional logics shape individual orientations. Figure 1 illustrates the pathways by which institutional logics affect organizational practices. The top panel shows the pathway emphasized by the inhabited institutionalism perspective, whereas the bottom panel stresses the importance of considering the direct influence that logics have on individual orientations and belief systems as emphasized by an embedded agency framework.

Scholars have also increasingly recognized the role that multiple logics within the same institutional system play in determining organizational behavior (Greenwood et al., 2011; Reay & Hinings, 2009). Organizations are sites of institutional complexity, and actors must often cope with an array of coexisting, and often conflicting, demands drawn from different logics of action. Within these "hybrid" contexts, individuals play an especially important role in driving organizational outcomes.[3] Pache and Santos (2010) suggested that an individual's response to competing institutional logics is a function of 1) their adherence to each particular logic and 2) the degree of hybridization of their organizational context. Adherence can be influenced by an individuals' background or professional position, but it can also shift over time through exposure to a particular organizational context or through interaction with individuals who adhere more strongly to a different institutional perspective. Thus, it is in spaces of multiple, coexisting logics that both the direct and indirect connections between logics and activity are most pronounced. A greater understanding of how individuals adhere or not to available logics, and how this adherence impacts their decision-making, is an important avenue for understanding differential organizational outcomes.

2.2.1 | Institutional logics of the criminal legal system

To study the connection between criminal legal logics and individual orientations, we must first understand the institutional logics of the criminal legal system itself. Most directly, the guiding principle of the criminal legal system is in the punishment of lawbreakers for the purpose of crime control. Thus, the primary motive of punishment is often represented by its instrumental purpose of deterring and controlling criminal behavior. Of course, what it means to "punish" lawbreakers and how to achieve "crime control" is often unclear or contentious. Consequently, this directive has spawned a multitude of historical methods of punishment, and "the extent that penal

[3] Some empirical examples of coexisting logics outside of the criminal legal realm include the simultaneous ideas of provision, efficiency, and safeguarding against fraud or "dependence" in welfare bureaucracies (Watkin-Hayes, 2009) and of cost-savings, patient comfort, and medically extended longevity in end-of-life care decisions (Livne, 2019).

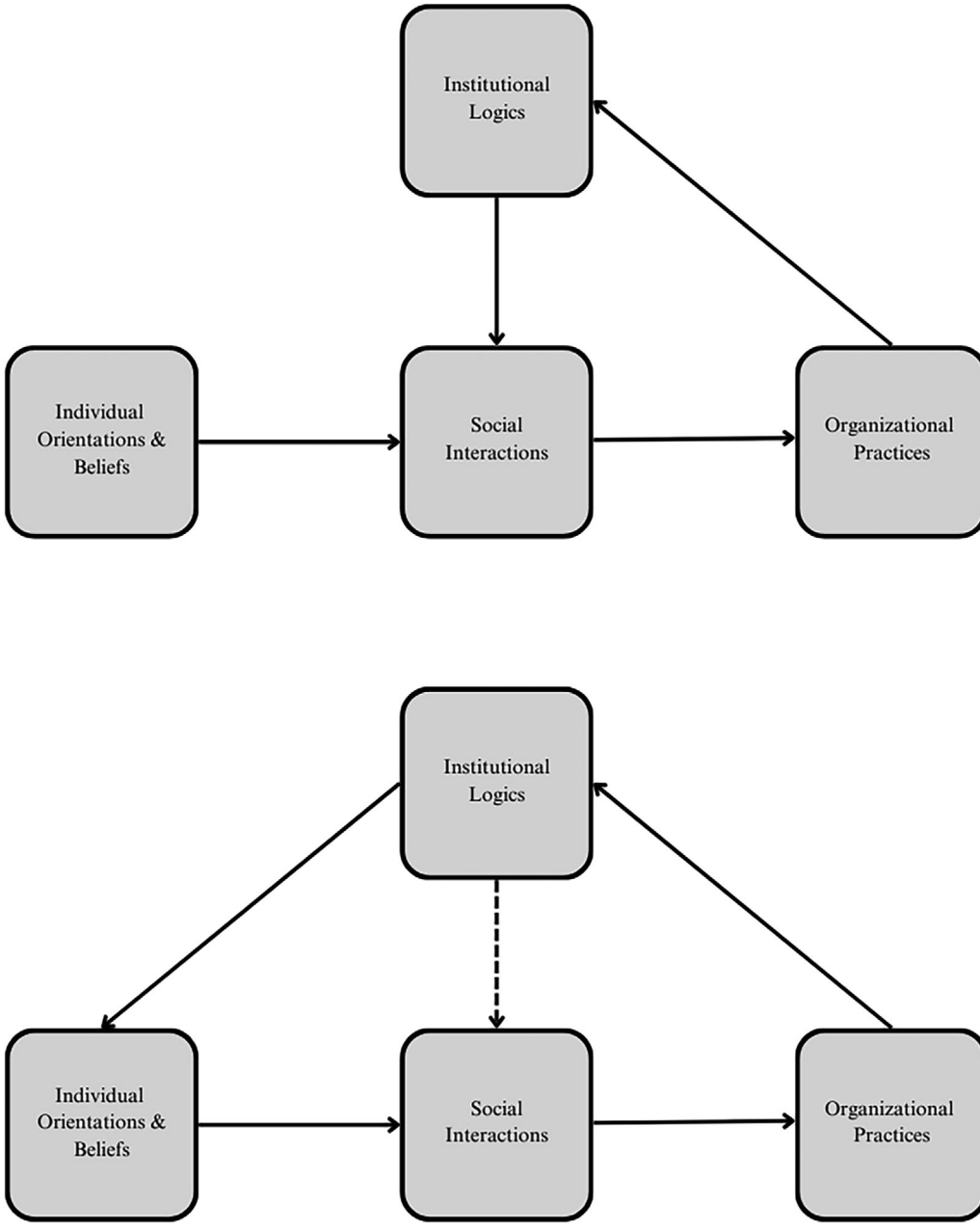

FIGURE 1 Pathways by which institutional logics influence organizational practices.

systems adapt their practices to the problems of crime control, they do so in ways heavily mediated by independent considerations such as cultural conventions, economic resources, institutional dynamics, and political arguments" (Garland, 1990, p. 20).

Furthermore, the criminal legal field is one of additional, coexisting logics. Conceptions of penological history have often described punishment in the United States as swinging like a pendulum between a punitive logic and a rehabilitative logic (Stuntz, 2011). The rehabilitative logic provides a framework for the criminal legal system that seeks to rehabilitate or correct lawbreak-

TABLE 1 Characteristics of criminal legal system logics.

Organizational characteristic	Penal logic	Rehabilitative logic	Fiscal logic
Identity	Courts as vehicles of accountability	Courts as vehicles for treatment and rehabilitation	Courts as vehicles of revenue generation
Mission	Hold lawbreakers accountable	Provide legal backing for treatment and rehabilitation	Collect revenue using criminal legal mechanisms
Source of legitimacy	Criminal legal agencies	Medical and health professionals	Legislatures; court administration
Strategies	Punishment; supervision; deterrence	Treatment; rehabilitation; personal change	Revenue creation; compliance; collection
Focus of attention	Violations of the law	Mental and physical conditions	Fines and fees

ers instead of punishing them. As Goodman et al. (2017) noted, systems of justice do not "swing" between these orientations, but both punitive and rehabilitative logics exist simultaneously and are championed at different times by different actors within the system. Historically, penal logics have also been guided by extant goals, particularly in the control of Black and poor populations (Alexander, 2010; Wacquant, 2010).[4] Scholars have also linked the punitive shift in criminal legal policies in the last several decades to a broader cultural shift toward neoliberalism (Corcoran, 2020; Wacquant, 2010). Hence, the criminal legal system is said to be increasingly governed by market rationalities that emphasize success in the market as an indicator of moral worth and efficiency in government as a civil prerogative. Instead of penal or rehabilitative logics, "neoliberal penalty" in the United States operates by fiscal logics that emphasize the commodification of criminal-justice activities and the transformation of criminal legal agencies into revenue-generation apparatuses for the state (Bell, 2014; Page & Soss, 2017). Table 1 illustrates these three, overarching criminal legal system logics—penal, rehabilitative, and fiscal—by describing their organizational characteristics such as source of legitimacy, strategies, and focus of attention.

Although criminological and punishment scholarship has identified these polyvalent guiding principles, how they interact with courtroom dynamics and influence courtroom decision-making is less understood. In particular, to what degree actors orient themselves toward these particular logics, and to what degree they perceive tension between punitive, rehabilitative, and fiscal goals, is unclear. One key exception is the work of McPherson and Sauder (2013) who examined case review to identify motives guiding decision-making in a drug court. They found that actors invoked otherwise conflicting logics of punishment, rehabilitation, and efficiency in strategic ways by adopting these logics as needed to meet personal or organizational obligations. This finding shows that the logics that guide the criminal legal system are more than "extra-local dictates" but

[4] Many scholars have claimed racial control as the primary or sole logic of the criminal legal system. We do not dispute the use of criminal legal systems in the suppression of racialized populations, especially of Black individuals throughout US history. We would contend, however, that even these instances still relied on a logic of criminal punishment to justify these practices. The process of criminalizing particular racial groups, and thus of linking their control to the control of crime more broadly, is an important process of legitimizing the use of the legal system for the purpose of racial control (Muhammad, 2010). In this sense, it is perhaps better to think of racial control and crime control as coexisting logics in the criminal legal field.

that "they are tools that can be brought out to resolve conflicts, frame solutions to practical work problems, or legitimate calls for different courses of action" (p. 186). Research on probation officers has also demonstrated how conflicting logics of law enforcement, social work, and LFO collection generates discontent and affects probation officers' performance of their work (Phelps & Ruhland, 2022; Shannon, 2020). This research has shown how court actors variously invoke, combine, or manipulate different logics to resolve tensions and carry on their work. As a result, law and policy function less as determinative mandates and more as "legitimated, post-hoc justifications for choices derived from normative rather than exclusively legal assessments" (Chiarello, 2015, p. 92).

2.2.2 | Logics of monetary sanctions

This conceptual structure can help us understand the systems of monetary sanctions as they exist in the United States. As a response to the increasing costs related to mass conviction and incarceration, state and local jurisdictions began adding and expanding fines and fees associated with traffic citations all the way up to costs related to felony convictions (Harris, 2016). This schema of multilayered sanctions was superimposed in a sort of "procedural scaffolding" constructed by state statutes and local codes with little thought to the sentencing, collection, or broader consequences of monetary sanctions (Harris, 2016, p. 160). Instead, these policies were shaped by the aims of policy makers who sought to use LFOs to instill personal responsibility while balancing state budgets (Friedman & Pattillo, 2019). What resulted is a sprawling system of monetary sanctions littered throughout state codes, county, and local ordinances (Harris et al., 2022; Shannon et al., 2020; Verma & Sykes, 2022).

Thus, two coexisting "logics" seem to frame the purpose of monetary sanctions. First, the expansion of fines and fees to cover governmental budgets (e.g., US Department of Justice, 2015). Recent work has indicated some fiscal logics drive the development of these sanctions as local governments use the revenue to fund court services and to contribute to general governmental budgets (Harris, 2016; O'Neill et al., 2022). Some scholars, however, suggest the fiscal motivations for financial sanctions have important consequences for their penal justifications and vice versa (Page & Soss, 2017). When the use of monetary sanctions is justified in terms of penal goals such as retribution, this normalizes the narrative that some individuals are more "deserving" of monetary sanctions (Fernandes et al., 2022). Although the fiscal needs of governments may contribute to these sanctions, their penal justifications help reinforce their necessity as more individuals are drawn into the criminal legal system, and for longer, when they cannot pay (Friedman & Pattillo, 2019; Page & Soss, 2017).

Despite this emerging focus on the mutually constitutive nature of penal and fiscal logics, prior research on court actors' perceptions of the sentencing, monitoring, and collecting of LFOs is limited. An important exception is Harris's (2016) study of LFO sentencing in Washington State, which found that court actor's norms and values informed their interpretation and application of legal concepts related to LFOs and shaped policies. These norms and values centered paternalistic aims that sought to monitor people and instill ideas of accountability through supervision of payments. Decision-makers also valued notions of meritocracy and individualism in their characterizations of debtors, which mandated regular payments even in circumstances of homelessness, poverty, and ill health. These findings imply that decision-makers were interpreting and applying the same state law in very different ways as they sought to implement LFOs as punishment. Harris argued that both the legal intent and the discourse that practitioners used to explain and

implement fiscal penalties illustrate how traditional American values shape the system of monetary sanctions.

This study builds on this work by Harris (2016) both theoretically and methodologically. Our study is the first to specifically identify how diverse court actors across multiple court contexts and jurisdictions conceptualize their work with monetary sanctions as they navigate coexisting individual and institutional motives. By understanding these rationales from an institutional logics perspective, we provide theoretical insight into how the guiding principles of the criminal legal system shape individual orientations toward potential sentences and, in turn, shape sentencing decision-making and courtroom interaction. Our approach allows us to understand the logics for LFO implementation that court actors typically endorse, any critiques and tensions they articulate between logics, and the techniques that they use to navigate different institutional demands. Overall, we provide a more comprehensive understanding of how court actors understand and implement LFO policies and how they are justified in practice.

3 | METHODOLOGY

Our data come from interviews with 447 court actors—judges, prosecutors, defense attorneys, probation officers, and court clerks[5]—conducted from 2016 to 2018 in eight US states that comprised the Multi-State Study of Monetary Sanctions: California, Georgia, Illinois, Minnesota, Missouri, New York, Texas, and Washington.[6] Just as these states were chosen for maximum geographic diversity, we also interviewed court actors in jurisdictions that differed by population size, racial composition, poverty/affluence, and political leanings. The goal was to represent practices at the state level rather than focusing exclusively on large cities. Our interviews represent the most wide-ranging qualitative data set of court actor perspectives on LFOs that has been collected to date.

Considerable variation occurred across the states in access to subsets of court actors (Table 2). For example, probation officers and their managers refused to be interviewed in New York, and the research team in Washington was told it could not interview probation officers without applying for a costly state-level institutional review board process. Most research teams did not face such outright rejection but instead experienced barriers caused by court actors' lack of time, distrust for researchers, concerns about public opinion, and other such reasons that are common in studying elites (Aguiar & Schneider, 2016). Because of this differential access, the total number of decision-maker interviews across states ranged from 38 in Washington to 87 in Illinois.

The multistate research design allows for exploration of differences across places, whereas the multi-actor interviews yield information about how different court actors approach and view the same court practice. The analysis showed that many perspectives were possible within a court actor category—that is, among judges as a group, or prosecutors as a group—that were

[5] Court clerks are the people who manage the administrative side of LFOs. They enter court orders, manage case files, collect and track payments, deposit monies into appropriate accounts, and do the other logistical work for this component of the criminal justice sanction. Our analysis found that, as a group, clerks did not have strongly formulated positions or opinions on the purpose or function of LFOs. With the possible exceptions of Washington and Texas, they did not see themselves in a decision-making role vis-à-vis LFOs, and thus, they often did not offer elaborated reflections on the topic. Instead, they saw their role as efficiently following the statutes. Although this finding is important, we do not explore it further in this article, instead focusing on decision-makers who had explicit perspectives.

[6] The Multi-State Study of Monetary Sanctions was a large, multistate, and multimethod project that sought to examine how systems of monetary sanctions were similar and different across the United States. For a summary of the project and more details about data collection, see Harris et al. (2022).

TABLE 2 Court actor interviews conducted in eight states.

	Judge	Prosecutor	Defense attorney	Probation officer	Clerk	Total by state
CA	18	6	22	4	3	53
GA	16	6	10	11	7	50
IL	28	18	20	8	13	87
MN	10	17	21	10	6	64
MO	13	4	8	12	9	46
NY	12	4	19	0	9	44
TX	17	18	15	4	11	65
WA	9	9	15	2	3	38
Total by category	123	82	130	51	61	447

similar across states. Hence, we aggregate the state-level responses for each court actor category, yielding an interview sample of 123 judges, 82 prosecutors, and so on. We highlight state-level differences only when they were particularly salient, or when a category of court actors in a state was particularly unified or vociferous on a topic.

In addition, we conducted more than 200 hours of ethnographic courtroom observations in each state. Space limitations preclude us from using these data in this analysis, but the authors' experiences as fieldworkers and analysts of the field data shaped the interpretation of the interview data presented here. Separate analyses of the ethnographic data offer support for the findings in this article (see, e.g., Huebner & Shannon, 2022; Martin et al., 2022; Sanchez et al., 2022). We do not just take the interviewees' reports at face value, as Jerolmack and Khan (2014) warned against, but present them within the corroboration of our larger study.

3.1 | Analytical strategy

The size and scope of the interview data set are rare in qualitative research. To develop findings, we followed a five-stage iterative process that focused attention on the research questions explored for this article. The steps are listed below and then elaborated further:

1. We used the comprehensive coding manual for the Multi-state Study of Monetary Sanctions.
2. We inspected specific codes by state and court actor group to explore how court actors thought about and enacted monetary sanctions.
3. We wrote memos about each state, by each court actor group.
4. We developed an additional layer of themes to characterize the range of court actor opinions and actions.
5. We wrote new memos aggregated by court actor group related to the themes developed in Step 4.

The first round of coding was not specific to this article and instead involved the full corpus of data and the entire research team working on the Multi-State Study of Monetary Sanctions (see Harris et al., 2022). All data at every step were coded and analyzed using NVIVO qualitative data

analysis software. "Codes" are themes, actors, actions, or topics that may be of theoretical interest or known to be important from previous empirical research (deductive codes) or that may emerge from the research process itself (inductive codes). The Multi-State Study included 75 deductive and inductive codes. For example, the deductive code "Fiscal Politics" related to existing findings in the literature regarding how LFOs might fund (or not) court functions and other public costs beyond the courts, and how much pressure court actors felt to impose them to maintain the fiscal health of the jurisdiction (Fernandes et al., 2019). "Decision-maker Confusion," on the other hand, was developed inductively through a first review of the interview data and our hours of courtroom ethnography. It captured a sentiment that had not been explored in existing literature about a lack of clarity or certainty regarding fine and fee amounts and rules. After an initial round of cross-state pilot coding and team meetings to coordinate interpretation and application of the codes to increase intercoder reliability,[7] each state team coded its own court actor interviews using the same codebook. Ultimately, each of the 75 codes (or "Nodes" in NVIVO) contains interview quotes pertaining to that code (or "references" in NVIVO) that can range in length from a phrase to pages of text.[8]

The Multi-State Study of Monetary Sanctions codebook included many topics that were not relevant for understanding the institutional logics and decision-makers' perceptions regarding LFOs (e.g., plea bargaining in the court). Hence, the second stage of analysis included several team meetings to arrive at the codes that were relevant for our research questions. They included Decision-maker Professional History and Orientation; Fairness; Legislation and Policy; Policy Recommendations; Politics (Fiscal and Electoral); Purpose of LFOs; System Strain/Efficiency; and Training. These codes provide a range of ways into our questions. The code for "Fairness" is the most straightforward and directly captures when court actors opined on or gave examples of the appropriateness, proportionality, morality, evenness, legality, or equity-enhancing (or minimizing) effects of LFOs. Although this code offered the most obvious source of data, court actor perspectives on LFOs may not always be couched in terms of fairness. For example, the "System Strain/Efficiency" code captures information about the pace of court processes and the availability of resources that put court actors' decisions and opinions about LFOs in context and offers clues about their interpretations of the purposes of and justifications for LFOs. Similarly, the "Training" code uncovers the formal and informal instruction and socialization about LFOs that happen among court actors. Being broad rather than narrow in our exploration of codes gave us greater confidence in our empirical findings. An NVIVO query generated the output by court actor and by state for all text coded at any of the previous codes. This output still comprises a large amount of data. For example, the output for the analyzed codes for just judges in the state of Illinois was 176 pages long.

The third step was the most labor intensive. Each author read through the code output for each unique decision-maker in their state (e.g., defense attorneys, prosecutors) and produced a memo that followed a specific template that we designed to address the main research questions. Memoing is a standard analytical practice in qualitative data analysis (Charmaz, 2006; Lareau, 2021). Each author responded to the following question: "Having analyzed the relevant codes for your state, how would you characterize the general sentiment of each group of court actors?" These state-level memos aimed to characterize each set of court actors with accompanying empirical evidence in the form of quotes taken directly from the interview data. These quotes would

[7] To improve intercoder reliability, we used NVIVO's "Coding Comparison" function to frame discussions about and eventually develop guidelines and procedures for what and how much data to code.

[8] Any piece of interview text can be relevant for multiple codes, and thus, it can be coded multiple times.

eventually be among those used in this article. Each author was instructed to construct a statement with the following format: "Defense Attorneys in [STATE] think LFOs forward/impede justice through the mechanism of (because of) [XXX]." To prevent forcing discordant opinions into a unified voice or reduce variation, the template also required information on "caveats or complexities" to that overarching statement. This step yielded eight unique state-level memos with separate discussions of each court actor within that state and with supportive data. The memos for each state and including all court actors ranged in length from four (Washington) to 26 (Minnesota) single-spaced pages, depending on the amount of raw data included.

Reviewing the memos was Step 4. Each author read each state's memos, and we convened a series of team meetings to discuss emerging findings. This step raised the difficulty (if not impossibility) of discussing state-level and court actor variation in a single research article. Given greater concordance across states than across court actors, we decided to aggregate the court actors by category across states and develop a set of themes that captured court actors' logics for LFOs. They are (in alphabetical order): Accountability, Annoyance, Burden on the Poor, Excessiveness, Fairness, Retribution, Rehabilitation, Restoration, Fiscal Revenue, and Statute. Deterrence and Discretion were additional themes that emerged from writing the memos in Step 5. These themes appear throughout this article.[9] As in quantitative analyses that report on group differences, none of the themes we develop should be read as absolute or determinative but as empirically representing salience or prevalence in a qualitative corpus. We gesture to the existence of what might be called "negative cases" by using descriptors such as "many," "most," or "common," but fully exploring these contrary perspectives is beyond the scope of this article. Although we arrived at the themes through an iterative inductive process, some of them—such as restoration or retribution—could have been expected given common discourse about the purpose of courts and the tools at their disposal, whereas others—such as LFOs as annoyances—uncover a consciousness specific to LFOs and specific court actors.

Our fifth and final step was to create a second set of memos by court actor category that included the data for all states, organized by the themes identified in Step 4. This process yielded unique memos for judges, prosecutors, defense attorneys, probation officers, and clerks, with accompanying quotes that we have used as evidence in our results. These themes go beyond a surface evaluation to address the cognitive, philosophical, and practical considerations that underlie court actors' logics motivating the imposition of LFOs, all of which are important to our elaboration of an institutional logics framework. In the sections that follow, we develop these findings using empirical examples generated by these methods.

4 | RESULTS

4.1 | Institutional logics and the implementation of LFOs

Our analysis shows that court actors indeed articulate both penal and fiscal logics as rationales for the implementation of LFOs but with a great deal of heterogeneity. We find that court actors

[9] The purpose of qualitative interview data is not to arrive at statements about the proportion of respondents who answered in a certain way. That is, it is not to quantify. Instead, qualitative interviews are meant to consider respondents' logics and experiences across an extended conversation. Hence, the goal of Steps 3 and 4 was to characterize the broad themes and sentiments of each group of court actors, as well as to assess the strength or weakness of these sentiments through a close reading of the data. Section 4 highlights areas of greatest concordance.

justify LFOs using both punitive and rehabilitative penal logics, including *accountability*, *deterrence*, *retribution*, and *restoration*. These reflect traditional penal logics, such as fines as a means to impose retributive punishment and restitution as an avenue for restoration of the victim. Others (accountability and deterrence) capture nuances that some court actors found to be important penal logics for the use of LFOs. We also find that court actors justify LFOs with the fiscal logic but primarily in instrumental ways. The fiscal logic of revenue generation, especially through fees and other mandatory LFOs, stands apart from penal logics since it serves a purpose that falls outside traditional punishment. Although, as we will show, many court actors see the fiscal logic of LFOs as counter to other important criminal legal goals, they often affirm that generating revenue is important to "keeping the lights on" and, in some cases, benefitting others (e.g., victims). None of the court actors we interviewed justified LFOs purely for the sake of generating profit. In this section, we briefly illustrate how court actors discuss these logics, noting variation by professional roles and, where relevant, state context.[10] In doing so, we illustrate how individual actors adhere (or not) to the logics available to them within their institutional contexts and how they describe the ways that such penal and fiscal logics affect their decision-making.

4.1.1 | Penal logics for LFOs

For many judges, prosecutors, and probation officers, LFOs as a form of accountability meant taking responsibility for consequences for one's actions. Paternalistic allusions to disciplining children were common in these narratives, as one Minnesota prosecutor put it:

> To make people accountable. Hit them in the hardest part, it's their pocketbook, so to speak. Just, people just can't do this, that, or the other without some consequences. That's just like your child, or something, they just can't run over here, and run down that, and talk this way without some kind of discipline. Disciplinary actions. That's the reason why.

Judges and prosecutors were the most likely to endorse the penal logic of deterrence, in other words, that LFOs might deter future criminal activity and, thus, lower recidivism. Prosecutors often believed that LFOs were a reasonable and effective way to deter people from committing crimes and keep communities safer. Most prosecutors in Texas and several in Georgia saw LFOs as a way to encourage law-abiding behavior. As one Texas prosecutor put it, "I'm trying to change your behavior. I'm not trying to squeeze you out of money." Prosecutors in Georgia and Illinois echoed this line of thinking and talked about calculating fines specifically based on what would change someone's behavior for the better. One Georgia prosecutor explained:

> [T]he way we should do it is think about what's reasonably calculated to change the person's behavior. … So, let's say the person has $100 this time. Well, why wouldn't you double it at least the next time? So, $200, $400, $800. I mean, and then at some point you get to jail.

[10] To be clear, we are not performing a comparative analysis between states; rather, we are analyzing the emergent logics from across the set of states where we conducted interviews. That said, we recognize that the state political climate/culture, legal decisions, and laws and norms undoubtedly influence and shape how decision-makers think about the law and their application of it. We make note of those dynamics when they emerge in our analysis of decision-makers' narratives.

Among decision-maker groups, judges, prosecutors, and probation officers were most likely to embrace the penal logic of retribution as a basis for imposing LFOs. In our interview protocol, we asked decision-makers, "How often do you think that the amount of court costs, surcharges, fines, and fees are proportional to a person's convicted offense (excluding restitution)?"[11] Respondents were asked to rate their answer on a Likert scale from 1 to 5 (1 = *never*, 2 = *rarely*, 3 = *sometimes*, 4 = *frequently*, 5 = *almost always*).[12] Slightly more than half of judges (54%) and prosecutors (51%) across the eight states agree that LFOs are proportional to the crime. Probation officers are close behind, with 48% endorsing LFOs as proportional "frequently or almost always." In contrast, only 20% of defense attorneys we interviewed endorsed LFOs as proportional punishment. These figures show the heterogeneity of perspectives and mixed sentiment among court actors about the proportionality of LFO punishment.

For decision-makers who endorsed retribution, LFOs served as a means to inflict an appropriate level of pain as a consequence for criminal behavior. One judge in Illinois put a fine point on the utility of fines as a means of "getting them in the pocket" for violating the law. In a similar vein, a probation officer in Illinois explained, "I don't see any reason why they shouldn't be assessed. It's painful when you got to go write a $200 payment to your fines and costs."

Direct restitution to compensate victims was endorsed by all decision-makers as an appropriate penal logic for LFOs. Direct restitution is the financial penalty given to people who have caused direct harm to victims (Martin & Fowle, 2020), such as payment for hospital bills, missed income, or car insurance deductibles. The use of restitution was framed by most court actors as an important aspect of the criminal legal system to make victims "whole." Many expressed that ensuring restitution is imposed and collected is more consequential than other kinds of LFOs. One Minnesota prosecutor explained:

> [M]y goal as a prosecutor is to make the victim as whole as possible and I'd rather see that money going towards the victim, rather than getting paid to the court, and there's a provision that the court can order that any moneys that are collected first go to restitution.

Even defense attorneys, who were otherwise highly critical of other LFO logics, tended to endorse restitution as necessary and right. One Georgia defense attorney said, "Restitution, I do think is intended to make the victim whole. I see the point of all of that. … I do think there is a function and a place for it." Many court actors stated that they prioritized the need for people to make restitution payments over all other fines and fees.

4.1.2 | Fiscal logic for LFOs

All court actors across the eight states acknowledged the fiscal logic that LFOs serve as a source of revenue for the state and the courts. This logic differs from penal logics in that imposing LFOs

[11] We excluded restitution from this question since restitution is meant to correspond directly to losses experienced by the victim. Gauging court actors' sense of the proportionality—or how well the intensity of the punishment fits with the seriousness of the crime—is a key measure of retributive justice (Pattillo & Kirk, 2020).

[12] Care should be taken in interpreting these results since we do not have a representative sample of these groups in any given state. We present these descriptive statistics as illustrative (rather than as conclusive) evidence of how the decision-makers we interviewed think about the proportionality of LFOs. This question was the only one of this type in the protocol that directly relates to the logics that decision-makers endorsed for LFOs.

for revenue does not purport to alter defendants' behavior or benefit victims. As we will show, this logic was frequently critiqued, but for a few of our respondents, generating revenue was a perfectly legitimate rationale for imposing LFOs, especially if it served an important instrumental purpose. Respondents relied on this logic in a specific way, suggesting that certain dimensions of the criminal legal system or staff needed direct funding from the LFOs, whereas others suggested more generally that people needed to "pay back society" for any harms done. One probation officer in Texas made this point explicitly:

> I understand the purpose right, because nothing can operate for free. I have to get paid, the county clerks have to get paid. … And I do feel like yeah, you are quote/unquote "using the services" of the system.

Probation officers, particularly in Illinois and Missouri, expressed support for LFOs as a crucial funding source for much needed services and support that they believed were valuable and effective in promoting rehabilitation. For example, officers in Missouri described intervention fees[13] as an appropriate mechanism to subsidize their clients' criminal justice needs:

> But, anything that they pay into it goes towards treatment, it goes towards electronic monitoring fees, so the clients don't have to pay those anymore. Halfway house fees, they don't have to pay those anymore. If they're down at the Transition Center, they used to have to pay a daily fee of $10 a day. They don't have to pay that anymore.

Some judges, probation officers, and prosecutors across the states articulated the logic that people who use the system by violating the law should be responsible for paying for the system's functioning. A judge in Minnesota explained that "part of why I'm fining them is to have them contribute back to reimburse society for the cost that their behavior generated." Similarly, a Georgia prosecutor reasoned that it is more just to assess fines and fees to people convicted of criminal offenses than expect law-abiding citizens to foot the bill:

> [W]hat I see those fines and fees as is a way of saying, "Let's let the individuals who are the reason that we have the courts and law enforcement, let's let them pay a greater portion than the general public who's law-abiding and doesn't need these… Let's let the individuals who are convicted of crimes pay for the law enforcement."

Many court officials we interviewed believed it was appropriate for the court to sentence such costs, essentially user fees, to people convicted to contribute to the expense related to their processing. At the same time, however, in the next section, we outline critiques that other decision-makers raised to the fiscal logic for LFOs even while simultaneously endorsing their necessity as a funding source for the system. The dynamics we outline demonstrate the ways that individual actors in such hybrid contexts, in which an array of coexisting (and sometimes conflicting) logics make varying demands on individual action, navigate their daily work sentencing and collecting monetary sanctions (Pache & Santos, 2010).

[13] In Missouri, the intervention fee consolidates electronic monitoring fees, halfway house fees, and supervision fees into one flat monthly fee rather than into separate charges.

4.2 | Navigating the tensions between penal and fiscal logics of LFOs

Here, we consider how court decision-makers navigated tensions that emerged between the penal and fiscal logics in LFO imposition and collection. Despite affirming—or at least acknowledging—both penal and fiscal logics, many court actors readily criticized LFOs as a sentencing option, highlighting contradictions and conflicts generated by the bifurcation between penal and fiscal logics in practice. In particular, many decision-makers described a fundamental tension between the statutory requirements that undergird LFOs as a source of revenue and the penal logics that they tended to view as the more important. That is, they described the aim of revenue generation via LFOs competed with and sometimes undermined the goals of accountability, deterrence, retribution, and restoration. Critiques that illuminate these tensions include criticism of statutory requirements that leave little room for discretion, as well as LFOs as an excessive burden on the poor, a distraction from other important tasks (such as public safety), and an unfair "double punishment." Embedded in their critiques were narratives of how decision-makers sought to navigate these tensions, including using their (often limited) discretion, focusing on higher priorities, and resignation to the system as it is. We highlight these adaptations below as examples of how courtroom actors used the repertoires for action available to them given their institutional role and individual preferences, goals, and interests in imposing monetary sanctions (Thornton et al., 2012).

4.2.1 | Statutory requirements

Court decision-makers acknowledged that much of what they did in assessing or collecting LFOs was because the law required it. Among decision-makers, judges were most critical of statutory requirements to impose certain LFOs because it limited their judicial discretion. Judges described their commitment to following the law, but at the same time, many questioned the role of money in sentencing. One judge in Minnesota stated: "I certainly follow the law, but the money piece, what is it that we're really hoping to achieve here?" A Washington judge similarly stated, "I don't get to decide whether I think the VPA[14] is a good idea or not a good idea. My job is to follow the law. I have sworn to do that, and that is what the law requires of me." Likewise, a probation officer in Missouri noted that they do not get to determine what to enforce or not when collecting LFOs:

> We pretty much react to what we're given from the legislation. We're not independently able to say okay, we're not going to collect intervention fees. It's a state law, so they're going to have to pass something down there that comes back to us and says okay, we're only collecting $20 a month.

Implicit (and sometimes explicit) in decision-makers' critiques of statutorily mandated LFOs was discomfort with the fiscal logic of LFOs as a legitimate source of revenue. A Washington judge lamented the statutory pressure to collect LFOs to fund the system, saying, "To some extent, it's

[14] Washington State statute has a mandatory Victim Penalty Assessment (VPA) in the amount of $500 for all people convicted of felonies—RCW Title 7, Chapter 7.68, Section 7.68.035. At the time of the interviews, VPAs were mandated; as of July 1, 2023, this LFO became discretionary, dependent on judicial determinations of defendants' abilities to pay. See https://lawfilesext.leg.wa.gov/biennium/2023-24/Pdf/Bills/House%20Passed%20Legislature/1169-S.PL.pdf?q=20230420152847 for more details.

a sign of how underfunded and undervalued the justice system is as a whole that we have to charge these fines to make ourselves self-perpetuating." Although defense attorneys understood the pressures of budget shortfalls, they felt that relying on payments from a group of people who were mostly poor was nonsensical. One defense attorney from Illinois stated:

> So, when you actually read the sheets, you realize they're trying to balance a budget on the backs of poor people, and that's a problem. One, they don't have the money to pay it to balance it in the first place, so we're taking from the wrong people. It's a very reverse Robin Hood. And number two, they're not paying it anyway so it's a really poorly balanced budget, right?

Using monetary sanctions as a funding mechanism was viewed not only as inefficient, as many defense attorneys described, but also as contributing to an impractical system with an unreliable funding stream. One Minnesota defense attorney explained succinctly: "Like, if you don't have money, you don't have money. No amount of ordering whatever's going to change that."

Some judges were clear about their resistance to what they saw as a system designed to produce revenue. "Can we please stop looking at the court system as a business, and LFOs as a business model?" asked a Minnesota judge with noted frustration. A judge in Texas explained that "as a judge, you're not supposed to … want to make the county money … our jobs aren't about collecting money." Other decision-makers simply resigned themselves to revenue generation as unavoidable given current budgetary practices and a lack of viable alternatives. One judge in Washington stated: "Sometimes it is a necessity of the functioning of the justice system itself. We charge filing fees, for example, not to support our social budget, but to keep the courthouse lights on." A judge in Illinois echoed these sentiments with resignation, opining, "I think it's become a revenue raising mechanism, which I'm greatly opposed to. But that's the world we live in." For some, because LFOs were used as an important source of funding, removing the revenue stream would be an uphill battle. A probation officer addressed the notion of removing or reducing LFOs this way:

> Nobody would ever agree to that, because they would say, "No, let the offender pay for that." Because everybody's budget always gets cut. … [T]he court automated storage file fee, for example. Why would we want to put that in the Clerk's office budget, if we could have the clients pay for that stuff?

4.2.2 | Annoyance and distraction

A critique especially prominent among prosecutors and probation officers was that LFOs were a source of annoyance and, more dangerously, a distraction from higher priority functions such as protecting public safety. This critique brings to the fore the ways that the fiscal logic of LFOs (and the corresponding statutory requirements to impose them) sits in tension with other logics (such as promoting behavior change) by creating bureaucratic hassles and distracting decision-makers from other facets of their work.

Just "checking boxes" and "doing what's required" were common refrains among decision-makers. One Illinois prosecutor bemoaned the cumbersome math involved in calculating LFO sentences, noting the futility of the forms since they knew the money would likely go uncollected:

> I don't do math. I didn't understand when some of the forms were supposed to be. … Or some of the fees were supposed to be assessed or not. I didn't care, because this wasn't really anything that I thought we were ever going to collect on anyway.

In general, prosecutors argued that they were typically not very involved in the process. As one Illinois prosecutor put it, "they [LFOs] are what they are. If people pay them, great. If they don't, I don't get involved in that. That's not my thing. … It's never ever, ever, ever, ever, ever part of my decision-making. Ever." Similarly, prosecutors in Washington State expressed that they "have no spoon in that soup" when it comes to imposing or collecting LFOs.

Aside from bothersome paperwork, probation officers asserted that the routine of imposing, monitoring, and collecting LFOs posed a potentially dangerous conflict with what they considered their true mission of enforcing the law and ensuring public safety. Probation officers frequently complained explicitly that collecting LFOs distracted them from their public safety mission (Ruhland, 2020). One agent in Missouri told us, "If we had a choice, collecting money would not be one of the things that we did. It's a necessary evil to a certain extent, but it's not what we got in this business for." This critique was also roundly endorsed by probation officers in Georgia (Shannon, 2020). One Georgia officer put it bluntly: "We are more concerned with them not reoffending with major felonies and violent crimes on other people, stealing from other people. … We're more concerned with safety of the community than just fines and fees to be honest with you." Probation officers also saw supporting rehabilitation as a higher priority than collecting LFOs. One probation officer in Illinois explained:

> Money is the least … I think, pretty much, somewhat the least … of our worries compared to the other conditions. I would rather someone spend that money to get the treatment they need and not re-offend so they're back into this same spot than to not pay their monthly balance.

For decision-makers that registered this critique, collecting LFOs created tension between the fiscal logic of LFOs and the penal logic of promoting behavior change or deterring crime.

Defense attorneys noted that their first priority for their clients is ensuring their liberty, which often led to less concern over LFO sentences. One Illinois defense attorney said, "Our job is so much geared towards walking in there and keeping as many people out of jail as you can, that you don't really sit back and talk or think about the money that much." A California defense attorney put an even finer point on it by saying, "I honestly don't care what their fines are. I don't look at that as. … To a poor person, a thousand dollar fine, or an 800 dollar fine, it could be a million dollars. They can't pay it. So, I don't find it to be meaningful."

4.2.3 | Excessive burden on the poor

Decision-makers' narratives revealed an underlying assumption that a "sweet spot" of sorts exists when monetary sanctions can have the desired effect on behavior. This assumption, however, frequently conflicted with the reality of economic precarity for many defendants. Court actors across the spectrum critiqued LFOs as an excessive burden on people with less economic means. Embedded in this critique is the notion that LFOs cannot possibly serve as appropriate systems of accountability, deterrence, or restoration because many people cannot pay them. The excessiveness of LFOs, especially due to statutory mandatory minimum requirements to impose them, undermined their effectiveness in fulfilling these penal logics.

Defense attorneys, in particular, were unanimous across the states in this concern since most of their defendants were poor, as illustrated by their reliance on court-appointed lawyers. As one attorney in Texas put it, "a majority of people in the criminal justice system aren't able to pay" their legal debts. These attorneys argued the ultimate result of monetary sanctions was to further burden people who were poor and to create a system of perpetual retribution for individuals who already faced extreme burdens in other realms of life.

As a result, some court actors asserted that LFOs were ineffective at promoting behavioral change. One defense attorney from Washington told us that imposing monetary sanctions "does not motivate change in conduct at all," especially for individuals who were more concerned with relying on their incomes to meet basic needs. Defense attorneys also pointed out that trying to meet the financial and administrative demands of LFO sentences can disrupt obligations to work and family. A defense attorney in New York noted this cycle, saying, "They get arrested again and again, and then they end up in jail and they lose their jobs and they're in jail. They lose their kids." Defense attorneys in both California and Missouri also indicated that the mandate to pay off all of their LFOs could make it hard for individuals to meet their probation requirements. In their minds, instead of deterring crime, LFOs may create criminogenic circumstances in which recidivism is more likely. One defense attorney in Georgia stated:

> The punishment piece is not motivating any change in conduct at all, and it's also, we know the evidence shows it doesn't improve public safety at all. The only thing that's happening with that money, is people are financing their ability to continue policing and punishment.

A defense attorney in New York noted that, in many cases clients with LFO burdens will turn to crime to make money, such that "whatever money they do get is going to be ill-gotten."

Many judges across all of our sites expressed concern that LFOs conflict with enacting proportional punishment when they are excessive. They were worried about "setting up individuals to fail" by imposing monetary sanctions that are too harsh. This concern was typically rooted in a sense that impoverished people have little chance to successfully complete payment in a timely fashion, especially if they were recently incarcerated. One judge in Missouri explained:

> Number one, it's really hard for people to get a job once they've been in prison. And then to say, "I've got a $5,000 bill hanging over my head," I think that makes it really tough for people to figure out a new way of living.

Judges also expressed concern about the role of LFOs in perpetuating poverty and inequality. A Washington judge said, for example:

> I know that financial issues tend to beget more financial issues and that financial challenges also beget other civil and criminal challenges. The idea that as a justice system we would create or exacerbate problems of poverty is certainly very troubling to me and something that I think we should actively strive to avoid doing.

Even some prosecutors, who in general supported LFOs, identified monetary sanctions as potentially counterproductive in setting people up to fail. In one example, a prosecutor in Illinois explained:

> Prescription pill and drug disposal fund. That makes perfect sense to me. They've got to dispose of these things when they get them off the street. But then … you've got the assessments … class three and class fours are $500. Class two is $1000. A class one assessment is $2000 … if you were convicted of a class × drug offense, there's no possibility of probation. You're going to prison for a minimum of six years, but you have to pay $3000. … And how are we expected to collect that $3000 when you're going to spend at least the next three years in prison?

This quote illustrates how court actors often held competing logics in tension. In this case, the prosecutor described how a penalty is justified as a deterrent for this offense, and yet imposing the statutorily required assessments to recoup costs and prison sentence is excessive.

In every state, probation officers critiqued the impact of LFOs on their clients who were economically disadvantaged. We heard several arguments for implementing or improving how ability to pay was determined and sliding fee scales. One agent in Missouri stated that these types of reforms are justified:

> [I]t is the underprivileged, underserved, poor that get hit with the fees and the fines, and we all know that they can't pay it. Those that have money pay them, and go on their merry way, and those that can't pay it, get stuck in a system where no matter what they do, hit after hit, after hit, after hit.… Somebody needs to properly assess what someone can pay.

Similarly, decision-makers noted that restitution, although important and appropriate to address the penal logic of restoring victims, can be set so high that many defendants will never be able to pay. One defense attorney in Washington explained:

> I think restitution is morally correct and legally correct, but then again, I don't like seeing high restitution amounts imposed on people that I know aren't going to be able to pay them in a reasonable manner. I mean, you could have like an embezzlement case or something, or an employee theft case where it's hundreds of thousands of dollars over the course of multiple years, and these people are working minimum wage jobs. They're going to be paying $25 bucks a month on that for the rest of their life.

In this instance, we see that some decision-makers support the restorative rationale of restitution, but in the same breath, they critique it for being an excessive burden on the poor. For prosecutors, the moral "correctness" of restitution meant that it was important to impose, even when it entailed hardship for defendants. One Minnesota prosecutor stated, "I think holding onto the concept of victim restitution, because that has the restorative aspect to it, that's primary, but everything after that. I think it would be great if there could be some systemic review and reform of what's really necessary." As this quote illustrates, some decision-makers supported restitution even while acknowledging critiques of LFOs more generally because of the potential for restoration to victims. Similarly, a probation officer in Texas said:

> If they owed a victim that money, the victim is still hurt even if the person goes to prison. So, they still should pay them when they get out of prison. I've seen that

> happen before, which I think is right. If I was a victim, I'd want to have my money. If it was a family member, I'd want them to get their money.

In these critiques of LFOs as an excessive burden on the poor, decision-makers revealed fundamental tensions between the fiscal logic of LFOs, the statutory requirements that limit discretion, and the penal logics that LFOs can provide appropriate accountability, retribution, deterrence, or restoration.

When opportunity to exercise discretion existed to address competing demands between the fiscal and penal logics of LFOs, as available given their statutory context and courtroom role, decision-makers articulated several strategies to reduce excessive burden on the poor. Some used alternatives allowed by statute, such as conversion to community service. Others, especially judges, sought to impose only the minimum amount required by law. Some decision-makers, especially probation officers, waived fees when possible, whereas some prosecutors discussed dismissing or reducing certain charges. A few decision-makers sought more creative means to use their discretion to eliminate the need to impose some LFOs in the first place.

Judges and probation officers, compared with other decision-makers, were most likely to say they used their discretion to manage the contradictions inherent in imposing, monitoring, and collecting LFOs. In particular, these decision-makers articulated being "agile" with discretion as a means of addressing the tensions between penal and fiscal logics. As one Texas judge explained, "justice can be served if one is agile. And that means exercising your discretion." For example, a judge in Georgia described his willingness to "bend over backward" to find a way for indigent defendants to "do something" in lieu of paying speeding tickets. The judge described their approach:

> I just want to make sure, the ones with ability to pay, yeah. That's your skin in the game. You just got out of a speeding ticket and you're going to pay your speeding ticket. The ones that don't have it, I want them to have alternative means to get things done. And I don't think an alternative means is just because you can't pay you have to do nothing. You've got to do something and I'm going to bend over backwards trying to find you something that we can all agree on.

In Georgia, as in other states, one alternative provided by statute to "do something" when an individual could not pay LFOs was to convert the fiscal cost into community service hours, typically calculated using the minimum wage. The lack of community service organizations or tracking systems for this sentence option as an alternative means to "do something" was commonly voiced by decision-makers in less populous jurisdictions (Kirk et al., 2022). As one judge in a rural Missouri county put it, "we don't always have the resources that a bigger county would have. You know, like … Think First program. It's for young drivers. … I'm told it's a very helpful course. … But somebody, they have to have someone in the family drive them to Columbia for it. We don't have it here."

Another strategy decision-makers used in attempts to relive the fiscal burden on poor people was using discretion in determining ability to pay. Judges in Minnesota and New York often interpreted representation by a public defender as an indicator of ability to pay and, as a result, choose to impose only LFOs that are required or unavoidable. A New York defense attorney attested to this practice based on their observations in court: "In practice, the judges here don't impose any fines that aren't required. That is to say if no fine is required, they usually don't impose a fine." Similarly, a Minnesota judge said:

> Because under the statute, generally, we've got minimum fines that we're supposed to impose unless we can make a finding that the person doesn't have the financial ability to pay. And since most of our criminal defendants are represented by public defenders, then the ability to pay should automatically be on the table because they qualified for a free or low-cost attorney.

Other decision-makers contemplated even more creative ways to resolve these tensions between logics. A judge in Minnesota discussed possibly eliminating the local law library altogether so that the state-mandated fee would no longer be invoked:

> We may end our law library here so that we don't have to ding people for the fee, because as we've moved to a more online world, is that really necessary? And the vast majority of the people who come in and use the court system, aren't using the law library, so if the idea on the one hand is, "You gotta pay your 75 bucks because it's pay-as-you-go," well, then, why do they have to pay their law library fee? Because they didn't use it.

Probation officers, particularly in Georgia and Texas, frequently discussed using what discretion they have to lessen the impact of LFOs on probationers with limited means. One Texas probation office acknowledged that the bureaucratic hassles, such as providing various financial documents (e.g., pay stubs, monthly bills) to prove that the probationer is indigent, are beyond what many probationers can manage:

> Because some clients are just in chaos and that's just beyond their. … To you and me that may seem like really easy and like, "Yeah. Let me just go online and print out my phone bill and my pay stub and I'll bring that in and we'll go over it." That's just so out of the realm for some people. If you're staying at your friend's house, you don't know where any of your stuff is, and if your life is in such chaos, doing all this stuff, collecting documents and bringing them in and sitting down with your PO to do a financial study is the last thing in your life you're going to ever do. I think you have to take the client into consideration.

Felony probation officers in Georgia nearly unanimously endorsed waiving the supervision fee for supervisees who had difficulty paying their LFOs.

4.2.4 | Lack of fairness

Decision-makers were not uniform in their views as to whether LFOs were fair, even within states or courtroom roles. Many expressed skepticism about LFOs as a just or fair punishment, especially if they were excessive or if state legislation left little room for sufficient discretion to waive or reduce LFOs. This critique again highlights the tension between the penal and fiscal logics for LFO sentencing.

Defense attorneys were most consistent and articulate in their critiques of LFOs as unfair, but their views resonated among all decision-maker roles to varying degrees. For example, one Georgia defense attorney expressed concern that LFOs often constitute double (or even triple) punishment, "You got all these extra costs to paying off these other tickets and paying these costs

over here and then you got this huge cost here, it's double punishment and triple punishment." Another Georgia defense attorney put succinctly what many others in our sample articulated about LFOs when used without taking the social context into account (i.e., the social problems that may have led to the offending behavior): "There is no fairness, it is completely arbitrary. … Why aren't we as a community held more accountable to what's happening to our clients? Nobody's accountable, totally arbitrary, and lawless I think."

Despite perceptions of unfairness, judges tended to point back to statutory restrictions on what they could and could not impose or waive, but other decision-makers did this as well. In particular, decision-makers appealed to the fact that everyone is subject to the same penalties as a matter of law. One judge in Missouri stated, "It's a process of law … there are no exceptions. Everybody receives the obligation to pay those things. That's the law. I don't set it. It's set by statute. It's not discretionary with the court." A prosecutor in Illinois related how their local judge communicates with defendants about mandatory assessments: "He says, 'I have to assess this 'cause it's a seven-hundred-and-fifty-dollar assessment on a DUI.' He tells the defendants, 'I don't agree with this, but I have to assess it because it's part of the law.'"

Some probation officers described LFOs as fair because, in their minds, funding from LFOs could be used to provide more services to people ensnared in the criminal legal system. Examples like these illustrate that not all decision-makers rejected the fiscal logic altogether, but instead they found ways to justify their utility in achieving other penal aims. Rather than serving as a revenue generation mechanism to support officers' salaries, some probation officers, especially in Illinois and Missouri, argued that fees provided funding for rehabilitative programs and resources. A probation officer in Illinois described how probation fees were used to help probationers: "The probation fee account, we don't use that for us. It's only to help people on probation. So, probationers pay probation fees in every county, to help probationers. It can be to get bus passes for individuals, things like that." Similarly, a Missouri probation officer argued that fees for services were distributed to probationers in positive ways:

> Probation is a privilege, versus going to prison, and you are paying this fee for services that are going back to you. It's not going to our salaries. It's not going to cars for us. It's not going to a new desk or anything like that. It all goes back to client services. So, I think that's pretty fair, at the end of the day. It's not that much money.

In summary, decision-makers in our sample registered multiple critiques of LFOs that revealed fundamental tensions between the penal and fiscal logics undergirding LFO imposition. Most notably, the fiscal logic of LFOs as a source of revenue, supported by statutory requirements for their imposition, often conflicted with penal logics by contributing to excessive burdens on the poor, lack of fairness, and distraction from other priorities. In many ways, these critiques of double punishment and unfairness echo similar sentiments voiced by people paying LFOs (Harris et al., 2010; Pattillo & Kirk, 2020). As a result, decision-makers largely felt that the penal logics of LFOs as accountability, retribution, deterrence, and restoration were substantially undermined.

Decision-makers articulated several approaches that they used to continue their daily work despite the tensions generated by these sometimes-divergent logics. Those with some discretion, especially judges and probation officers, claimed that they did what they could to calibrate LFOs to lessen their impact on the poor and make them fairer. When discretion was not available or sufficient, some decision-makers appealed to higher priorities, like ensuring public safety, keeping clients out of jail, or restoring victims as justifications for LFOs. Finally, some decision-makers seemed resigned to their continued use of LFOs as a "necessary evil" due to statutory

requirements and the need to "keep the lights on" in their courtrooms and offices. All of these approaches demonstrate how an institutional logics perspective helps explain embedded agency in criminal legal institutions—that is, why and how individual actors can hold even contradictory logics in tension by reconciling and even exploiting them to carry out their daily work (Thornton et al., 2012).

5 | CONCLUSION

Fines and fees have existed since the inception of the US legal system, but fiscal pressures of mass conviction and incarceration since the 1990s have generated a web of polyvalent aims within the system of monetary sanctions. This massive system of monetary sanctions is embedded throughout city, county, state, and federal laws and policies (Harris, 2016; Shannon et al., 2020; Verma & Sykes, 2022) and creates confusion, conflict, and critique among the frontline workers tasked with their implementation. Our analysis revealed court actors endorsed many penal logics as justification for LFO sentencing, including retribution, accountability, deterrence, and victim restoration and that the logics endorsed often varied by court profession. The fiscal logic, however, that posits LFOs as a source of revenue generation created often untenable conflicts with the penal logics, which court actors considered to be more legitimate motivations for imposing monetary sanctions. Across the board, nearly every court actor suggested the statutory requirements guiding LFO sentencing created excessive burdens for people or were a distraction from accomplishing other important criminal legal goals. Because the sentencing of monetary sanctions entails an effort to extract revenue from a disproportionately impoverished population, the fiscal logic bleeds into the penal logic, creating tensions and overlap between them.

Despite identifying these tensions, the decision-makers we interviewed continued to carry out their daily work, which often involved the sanctioning and enforcement of monetary penalties. In examining their narratives across eight states, court actors described several techniques and strategies they used to circumvent or resolve critiques and contradictory logics in practice. When possible, court actors claimed that they used their discretion to lessen the burden of LFOs on people who were poor, especially judges and probation officers, but prosecutors also expressed similar attempts to some extent. When the law did not provide discretion in sentencing fines and fees, court actors maintained that they would instead prioritize some logics over others when tension between them could not be resolved. Such justifications included arguments that revenue generation has the upside of creating funds for good purposes, such as rehabilitative programs that benefit defendants. These techniques allowed court actors to overcome the cognitive dissonance generated by contradictory logics and continue their collaborative courtroom work in sentencing, monitoring, and collecting monetary sanctions. In sum, it seems much of the work that court decision-makers do to justify the system of monetary sanctions serves to maintain the appearance of legitimacy for themselves and the criminal legal system.

Our findings contribute to the extant literature in key ways. First, our results present new knowledge from the most comprehensive data set to date, demonstrating how those responsible for the sentencing of LFOs perceive this sanctioning system. We show that even though court personnel struggle with contradictions between the penal and fiscal aims of monetary sanctions, they also engage in tactics and justifications that allow them to carry out their work regardless of these broader criticisms. These findings further demonstrate the "monetary myopia" (Martin, 2018) of legislatures, whose shortsighted focus on revenue overrides other important concerns, especially punishment aims and consequences. Second, our analysis reveals how the legal

emphasis on revenue can erode the confidence court actors have in their professional goals and decision-making abilities in light of the ambiguity of the appropriate role of the court in collecting money from people involved in the criminal legal system (Beckett & Harris, 2011). Third, our work illustrates how the interpretation and implementation of a law are influenced by personal perspectives, interpersonal decision-making, and local court contexts. Although our data may not fully capture the impact of the different legal structures in each location of our study, they are the most comprehensive set of interviews with court actors and include multiple types of actors across states at multiple levels of jurisdiction. These rich data allow us to generate an understanding of court actors' rationales, critiques, and strategies for implementing LFOs that is more comprehensive and comparative than in previous studies.

By integrating an institutional logics approach to the courts as inhabited institutions framework (Figure 1), our substantive findings also generate important theoretical insights. We elucidate the dominant and conflicting logics that court actors invoke to legitimate and justify their frontline work, including common logics across multiple courtroom roles but also variation in primary logics emphasized by courtroom position. In light of tensions and critiques generated by the heterogeneous aims of LFO sentencing, especially statutory requirements that fuel revenue generation as a key logic, we identify the multiple ways court decision-makers prioritize, combine, and promote certain logics to address conflicting organizational goals as well as power imbalances (e.g., differences in discretionary power). Yes, courtroom workers participate in a workgroup culture to negotiate and arrive at decisions; however, we found that individual court actors perform similar evaluations of logics and navigate tensions independently as well. We thus demonstrate how court actors, as frontline workers who inhabit criminal legal institutions, manage the complex and contradictory organizational dynamics of LFO sentencing in such a way that allows them to continue their collaborative courtroom processes despite the divergent logics of monetary sanctions.

As a result, to better understand the work of the criminal legal system, scholars should be attuned to courtroom workgroups, as well as to how individual decision-makers are oriented toward the institutional logics that undergird the social interactions and organizational practices of courts. In this way, we can explain how the work of implementing this multilayered, contradictory, little-known (by the public), and omnipresent punishment schema across US court systems endures day in and day out. Similarly, this framework could be extended to better understand outcomes in other facets of the criminal legal system.

Our findings are also important for legal scholars and policy makers in challenging the contemporary relevance and role of fines and fees as a punishment schema. We write this article near the 10-year mark of the US Department of Justice's (DOJ) Ferguson Report. This federal investigation uncovered an "unduly harsh" nexus between the City of Ferguson's law enforcement and court practices in the sentencing and monitoring of fines and fees. Specifically, the DOJ found this system to perpetuate a "disparate impact" on African Americans (US Department of Justice, 2015, p. 5). The palpable tensions between fiscal and penal logics that court officials raised in our analysis illustrate this "pound of flesh" and practice of extracting "blood from a stone" that is the sentence of monetary sanctions (Harris, 2016; Harris et al., 2010). Our findings raise questions once again about the extent to which this common punishment schema embedded within the US criminal legal system should remain, given its lack of clarity in interpretation and aims.

We specifically examine monetary sanctions here; however, our work raises broader questions about other potential criminal legal processes, practices, and laws that decision-makers may struggle with in interpretation, application, and consequence. We provide a theoretical model that connects institutional logics and inhabited institution frameworks to better capture how

decision-making in the criminal legal system operates. Given the growth of research, media, and policy attention on monetary sanctions in the decade since the Ferguson Report, as well as the growth in attention toward the legitimacy of law enforcement and the criminal legal system in general, might other realms within the criminal legal exist where court actors struggle to justify their work? If so, what does this imply for the contemporary state of a criminal legal system fraught with contradiction, biased practices, and harmful consequences?

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