

## ABSTRACT

# THE IMPACT OF LEGAL DEBT ON PERCEPTIONS OF PROCEDURAL JUSTICE, LEGAL CYNICISM, AND LEGITIMACY IN PEOPLE SENTENCED TO MISDEMEANOR PRIVATE PROBATION

By

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This dissertation explores the experiences of individuals sentenced to private probation for misdemeanor offenses in the Municipal Court of Atlanta. Through 33 in-depth interviews with people placed on probation and over 50 hours of court observations, I investigate how perceptions of procedural justice and legal cynicism shaped views of system legitimacy. While the procedural justice and legitimacy framework suggests that perceptions of procedurally fair treatment leads to increased perceptions of legitimacy, my findings reveal a more complex reality. Namely, for my participants, the financial incentives of private probation exacerbate feelings of legal cynicism, which undermines perceptions of system legitimacy.

At the outset of this research, I asked two related questions: 1) what role does legal debt play in shaping perceptions of procedural justice for people sentenced to misdemeanor private probation? 2) What impact does this perception have on the broader criminal legal system? To answer the first question, I identify three domains of procedural justice that matter to defendants: relational fairness (voice, impartiality, and dignified treatment), procedural fairness (transparency and accessibility, procedural hassle), and substantive fairness (outcome

expectations and proportionality). These domains are conceptualized through participant responses to interview questions regarding their perceptions of procedural justice in the misdemeanor system.

To answer my second research question, I draw on the interview data and previous literature to develop the concept of legal cynicism. Participants consistently distinguished between fines, which many viewed as legitimate consequences, and private probation fees, which most saw as exploitative. Even when defendants experienced procedurally fair treatment from individual system actors, the perception that “the system just wants money” created deep skepticism about its fundamental legitimacy. Subsequently, I propose that legal cynicism among participants is shaped by two primary factors: prior exposure to the criminal legal system and perceptions of financial exploitation. This cynicism created a lens through which even procedurally fair treatment could not overcome concerns about system legitimacy.

These findings challenge traditional procedural justice theory by demonstrating that when the underlying financial structure of the legal system is perceived as exploitative, legitimacy is challenged despite procedurally fair treatment. The dissertation contributes to scholarly understanding of procedural justice by highlighting how outcome-based factors like financial sanctions interact with process-based elements to shape perceptions of legitimacy in the misdemeanor context, particularly when private profit is involved in punishment.

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## ACCEPTANCE

This dissertation was prepared under the direction of the candidate's Dissertation Committee. It has been approved and accepted by all members of that committee, and it has been accepted in partial fulfillment of the requirements for the degree of Doctor of Philosophy in Criminal Justice and Criminology in the Andrew Young School of Policy Studies of Georgia State University.

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## **Dedication**

First and foremost, I want to thank my wife, Whitney, whose patience and support have been invaluable throughout my seemingly endless academic pursuit. Thank you for believing in me when I was ready to give up. I'm grateful for how we've grown together through this journey. I love you. Let's go on a vacation.

To my friends and family, can you believe it?? To my parents, I love you, and I hope you are proud. To my six younger siblings, you may only refer to me as Doctor Rainey now! Susannah, Scarlett, Jonathon, and Robby, thank you for listening to me vent and for providing me with plenty of opportunities to procrastinate. I'm so fortunate to have you as best friends.

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Most importantly, to my participants, this research would not have been possible without you. Thank you for taking time out of your day to chat with me about your experiences. I greatly enjoyed getting to know you all, and I hope you know how valued you are.

## Table of Contents

<b>Dedication .....</b>	<b>iv</b>
<b>Acknowledgements .....</b>	<b>v</b>
<b>List of Tables.....</b>	<b>x</b>
<b>List of Figures.....</b>	<b>xi</b>
<b>Introduction.....</b>	<b>1</b>
<b>Purpose of the Study .....</b>	<b>6</b>
<b>Research Questions and Design .....</b>	<b>7</b>
<b>Layout of the Dissertation .....</b>	<b>8</b>
<b>Summary .....</b>	<b>10</b>
<b>Chapter 1: The Misdemeanor Legal System .....</b>	<b>12</b>
<b>Types of Legal Financial Obligations .....</b>	<b>12</b>
<i>Fines</i> .....	13
<i>Court Costs</i> .....	13
<i>Restitution</i> .....	14
<i>Fees</i> .....	14
<i>Auxiliary Legal Financial Obligations</i> .....	14
<b>The Misdemeanor Legal System .....</b>	<b>15</b>
<b>The Misdemeanor Legal System and Legal Financial Obligations .....</b>	<b>24</b>
<b>The Misdemeanor Legal System, Legal Financial Obligations, and Probation .....</b>	<b>26</b>



<b>Chapter 2: Theoretical Framework .....</b>	<b>30</b>
<b>Procedural Justice and Legitimacy.....</b>	<b>32</b>
<b>Procedural Justice, Legal Debt, and Legal Cynicism .....</b>	<b>36</b>
<b>Philosophical Purposes of Punishment.....</b>	<b>40</b>
<b>Chapter 3: Methodology.....</b>	<b>46</b>
<b>Research Design.....</b>	<b>47</b>
<b>Research Setting .....</b>	<b>53</b>
<i>City of Atlanta .....</i>	<i>57</i>
<i>Atlanta’s Misdemeanor Legal System .....</i>	<i>58</i>
<b>Study Procedures.....</b>	<b>63</b>
<i>Court Observations .....</i>	<i>64</i>
<i>Recruitment.....</i>	<i>68</i>
<i>Interviewing .....</i>	<i>71</i>
<i>Data Analysis .....</i>	<i>82</i>
<b>Chapter 4: Perceptions of Procedural Justice in Atlanta’s Misdemeanor Legal System .....</b>	<b>92</b>
<b>Relational Fairness .....</b>	<b>94</b>
<i>Impartiality.....</i>	<i>95</i>
<i>Dignity .....</i>	<i>99</i>
<i>Voice .....</i>	<i>104</i>

<b>Procedural Fairness .....</b>	<b>109</b>
<i>Procedural Hassle</i> .....	110
<i>Transparency or Accessibility</i> .....	116
<b>Substantive Fairness .....</b>	<b>122</b>
<i>Outcome Expectations</i> .....	123
<i>Proportionality</i> .....	128
<b>Conclusion .....</b>	<b>132</b>
<b>Chapter 5: Legal Cynicism, Procedural Justice, and Legitimacy .....</b>	<b>134</b>
<b>Legal Cynicism .....</b>	<b>137</b>
<i>Prior Criminal Legal System Exposure</i> .....	138
<i>Financial Exploitation</i> .....	146
<b>Legal Cynicism and Procedural Justice .....</b>	<b>151</b>
<b>Legal Debt, Legal Cynicism, and Legitimacy .....</b>	<b>154</b>
<i>A Note on Avoidance and Trauma</i> .....	161
<b>Chapter 6: Discussion, Policy Implications, Limitations .....</b>	<b>164</b>
<b>Discussion .....</b>	<b>165</b>
<b>Policy Implications .....</b>	<b>171</b>
<b>Limitations .....</b>	<b>173</b>
<b>Conclusion .....</b>	<b>176</b>

<b>Appendix A. Informed Consent .....</b>	<b>180</b>
<b>Appendix B. Interview Guide .....</b>	<b>183</b>
<b>References .....</b>	<b>188</b>
<b>Vita .....</b>	<b>196</b>

## **List of Tables**

<b>Table 1: Participant Demographics</b> .....	79
<b>Table 2: Coding Process</b> .....	86

## **List of Figures**

<b>Figure 1: Georgia Annual Incoming Criminal Cases Estimates 2019-2023 .....</b>	<b>18</b>
<b>Figure 2: Percent Limited Jurisdiction Misdemeanor Motor Vehicle Cases 2019-2023 .....</b>	<b>19</b>
<b>Figure 3: Initial Thematic Map .....</b>	<b>88</b>
<b>Figure 4: Final Thematic Map.....</b>	<b>90</b>

## **Introduction**

Each week, hundreds of people make their way to the Municipal Court of Atlanta (MCA) to resolve a traffic or low-level misdemeanor violation. Located three blocks from the Fulton County Justice Center building and across the street from the Atlanta Police Headquarters and the Atlanta City Detention Center, the MCA is part of a larger network of public and private criminal justice entities in the heart of downtown Atlanta. The MCA's primary responsibility is to adjudicate low-level traffic violations, most of which are considered misdemeanors in the state of Georgia and carry a fine of up to \$1,000 and up to 12 months of incarceration. A person's experience at the MCA largely depends upon their financial resources. For defendants with sufficient finances, contact with the MCA may be limited to one visit. Alternatively, defendants without sufficient financial resources may have multiple contacts with the MCA, culminating in a sentence to private probation for a period of 12 months.

D, a 27-year-old father of young twins, represents the latter defendant. During a difficult time in his life, D was arrested along with his girlfriend for shoplifting food from Walmart to feed his children for the weekend. At the time of his arrest, D reported only having \$10 to his name and no friends or family to rely on for financial support. He spent a few days in the Fulton County Jail before seeing a judge for his arraignment. Ultimately, D pled *nolo contendere*, a plea option that allows you to resolve your case without admitting guilt, to a misdemeanor shoplifting charge. He was sentenced to 12 months of probation with Judicial Correction Services (JCS), the private probation company that contracts with the MCA, and 200 hours of community service. JCS charges people \$49 a month for supervision. If defendants are unemployed or experiencing significant financial hardship, MCA judges have the discretion to offer community service at a rate of \$10/hour and waive probation supervision fees. Despite being unemployed, D did not

have his probation supervision fees waived by the judge in his case. At the time of our interview, D had spent 7 months under JCS supervision and had paid the company over \$350 (a 5% payment processing fee is added to the \$49 monthly payment).

In December of 2023, the City of Atlanta, City Auditor's Office published an audit of the MCA. From 2018 to 2023, 85% of cases (n= 629,805) filed in the MCA were traffic related. Georgia is one of 17 states that classifies traffic violations as misdemeanors. Therefore, they are punishable as such (Fines & Fees Justice Center, 2024). Legislation passed in 1991 transferred responsibility for misdemeanor probation supervision from the Georgia Department of Corrections to local jurisdictions and allowed them to contract with private probation companies. Because private probation is often offered at no-cost to the city or county, many jurisdictions have opted to use private companies to manage their misdemeanor probation supervision. The City of Atlanta is one such jurisdiction. Judicial Correction Services, which is owned by the parent company Professional Probation Services, contracts with the City of Atlanta at no cost to provide supervision services to people sentenced to misdemeanor probation through the MCA and to a lesser extent, the State Court of Fulton County. The company and its subsidiaries earn their profit in part through charging a monthly supervision fee to those placed under its supervision. A previous audit of misdemeanor probation operations in the state of Georgia found that private companies provided most misdemeanor supervision services across Georgia. These companies collected over \$120 million annually in fees from 2008-2012 (Georgia Department of Audits and Accounts, Performance Audit Division, 2014).

Although originally intended as an alternative to incarceration, probation now serves as an add-on to incarceration, a pathway to incarceration, and a debt-collection tool (Phelps, 2019;

Ruhland, 2020). Taking the latter function into account, most criminal sentences include the assessment of legal financial obligations (hereafter LFOs), which allegedly recoup the costs of administering court and probation services as well as satisfy the retributive or deterrent functions of criminal punishment. LFOs include court-imposed fines, court costs, surcharges, or restitution as well as fees associated with supervision such as monthly supervision fees, drug testing fees, programming fees, electronic monitoring fees, and online payment processing fees. Therefore, probation both collects and creates legal debt.

The debt collection function of probation is most apparent in the misdemeanor legal system, which is the primary mode of contact between Americans and the criminal legal system. Recent estimates show that around 13 million, or 3 quarters of all charges filed annually, are misdemeanors (Natapoff, 2018; Stevenson & Mayson, 2020). Although misdemeanor charges are more common, much of the research on involvement with the criminal legal system focuses on the felony level. This incongruity is due, in part, to the perceived difference in punishment severity between misdemeanor and felony sentences. Indeed, conviction of a misdemeanor offense rarely, if ever, lands one in state prison, as may be the case for a felony offense. Yet, the punishments that arise from misdemeanor convictions are far from negligible and research shows that they may make a person more likely to have subsequent and more serious contacts with the criminal legal system (Agan et al., 2022). Although there is a great deal of variation among jurisdictions, fines, probation, or both, are common outcomes of a misdemeanor conviction (Bureau of Justice Statistics, 2022; Mayson & Stevenson, 2020). Moreover, people who are charged with misdemeanor offenses are more likely to accept a plea deal faster and less likely to have legal representation in court (Petersen, 2019; Woods et al., 2020). Given that most



Americans who experience the criminal court system do so through the misdemeanor legal system, which processes cases quickly and often without consideration of due process rights, it is important to understand how perceptions of these encounters shape overall perceptions of our criminal legal system.

In his shoplifting case, D reported having a negative interaction with the police officers who arrested him. Due to previous experiences with police use of excessive force, D was scared that the officers would escalate the situation. He added that the whole experience was embarrassing and felt that the officers viewed him as “another statistic”. Alternatively, D reported having positive perceptions of the judge and his probation officer. Regarding his probation officer, D said, “She’s a cool lady – She like, asks how I’m feeling, how my day’s going, how I’ve been, stuff like that. Not just going to collect that money. I kind of be happy when I talk to her.” D’s responses echoed a common sentiment among my interviewees. Their encounters with specific criminal justice professionals during the processing of their misdemeanor charges were not overwhelmingly negative. In fact, participants reported having generally neutral or positive interactions. Yet, at the end of each interview, I asked the participant how they define the word legitimate and then posed the question, “Do you think the criminal justice system is legitimate?” D, along with most of my participants, said no. According to D, and many others, “They just honestly want money.”

The social psychological procedural justice and legitimacy framework has long been applied in studies on citizen perceptions of various criminal legal system actors. According to the framework, the legitimacy of government institutions is derived by the degree to which citizens experience procedural fairness in their interactions with system actors. If citizens are treated in a

procedurally fair manner, they are more likely to view the system as legitimate, whether they received a favorable outcome or not. Research on procedural justice and legitimacy in the criminal legal system has been advanced primarily in studies on policing through the contributions of Tom Tyler and colleagues. Tyler's research shows that procedurally fair treatment by the police may have a larger impact on the legitimacy of police than actual policing outcomes such as reduced crime rates (Sunshine & Tyler, 2003).

Yet, the application of this theoretical framework to the latter stages of criminal processing (i.e., contacts with court officials, probation officers) remains limited and some have called attention to the lack of empirical evidence regarding the relationship between legitimacy and legal compliance (Nagin & Telep, 2017). The framework has also been criticized for ignoring the social and historical contexts that may influence perceptions of legitimacy, leading some researchers to examine the influence of legal cynicism on the relationship between procedural justice and legitimacy (Gau & Brunson, 2010; Gau, 2019). These studies have shown that legal cynicism and procedural justice potentially have a bidirectional relationship, but this evidence has yet to be fully explored, especially in the misdemeanor setting (Gau, 2019).

Several studies have recently used the framework to examine perceptions of LFOs and the misdemeanor legal system, finding variability among perceptions of specific LFOs (i.e., restitution vs. fees) and perceptions of procedural justice in interactions with "auxiliary personnel" (Paik & Packard, 2024; Pleggenkuhle et al., 2020). To my knowledge, only one study on LFOs and legitimacy has invoked the concept of legal cynicism. The researchers found that their participants, who had been assessed LFOs as juveniles, viewed the system as financially motivated. Their experiences as system-involved youth affected their attitudes toward the system

as adults, with many believing the system to be illegitimate and untrustworthy (Paik, Giuffre, Harris, & Shannon, 2023). The aforementioned studies laid the groundwork for future theory building and research using procedural justice and legitimacy to study perceptions of LFOs. Accordingly, I aim to build on these studies to explore how legal debt impacts perceptions of procedural justice and legitimacy in the misdemeanor legal system.

### **Purpose of the Study**

The purpose of this dissertation is to explore how legal debt impacts people's perceptions of procedural justice and legitimacy in the misdemeanor and wider criminal legal system. To accomplish this goal, I rely on over 50 hours of court observations at the Municipal Court of Atlanta, 33 semi-structured interviews with people on misdemeanor probation through Judicial Corrections Services, and several informal conversations with probation officers, judges, court officers, and solicitor generals. This research is derived from recent studies that highlight procedural justice and legitimacy as a promising path for studies on the intersection of LFOs, probation, and the misdemeanor legal system. As such, I exclusively examine how LFOs affect perceptions of legitimacy for misdemeanor defendants sentenced to private probation. I provide much-needed nuance to the framework to better understand the mechanisms by which people form their opinions about the legitimacy of their specific criminal sentence as well as the broader criminal legal system. Ultimately, I argue that the perception of *financial exploitation* via the assessment of probation fees to a private probation company, in combination with *prior criminal legal system exposure*, increases feelings of legal cynicism. Subsequently, legal cynicism erodes the impact of procedural justice, leading to a breakdown in perceptions of legitimacy.

This dissertation contributes to both theory and policy. In terms of the theoretical contribution, this dissertation addresses not only questions related to procedural justice and legitimacy but also weighs in on broader philosophical questions about the role of punishment in modern society, especially in the lower courts. To frame my discussion on punishment, fairness, and legitimacy in the misdemeanor legal system, I draw on sociologists such as Garland (1990), Wacquant (2004), and Friedman (2021) as well as legal scholars such as Reznick (2019), Jain (2018), and Zatz (2020; 2021). Ultimately, I argue that the findings from my dissertation research lend support to an alternative framework of procedural justice and legitimacy where the express purpose is not legal compliance but rather accountability. In terms of policy, I offer several practical policy reforms that policymakers and criminal legal system actors can implement to reduce misdemeanor arrests, bookings, and subsequent judicial caseloads.

### **Research Questions and Design**

In the context of the felony system, many people receive comprehensive probation services with a clear rehabilitative purpose. Alternatively, the participants in my study had routine contact with supervising agency officials where the sole purpose of these contacts was to discuss payments toward their legal debt. These repeated contacts between the person on probation and their supervisor provide opportunities for supervising officials to act in a procedurally just manner (or not) and for people on probation to respond to these repeated interactions in ways that shape or reinforce their views about the legitimacy of the supervising institution, the regime of LFOs that has been imposed on them, and the criminal legal system at large. Subsequently, the research questions guiding this dissertation are:

- 1) What role does legal debt play in shaping perceptions of procedural justice for people on misdemeanor private probation?
- 2) What impact does this perception have on the legitimacy of the broader criminal legal system?

This research took on a primarily deductive design. I used the procedural justice and legitimacy framework to generate the research questions, interview questions, and analysis questions. I used a hybrid version of codebook and reflexive thematic analysis to engage with the collected data. At the beginning of data analysis, I used a codebook thematic analysis approach and coded based on data topic summaries. Data were coded through an essentialist, rather than constructivist lens. Ultimately, my approach to data analysis and the write-up transformed into a mostly reflexive version of thematic analysis. Using the reflexive approach, I developed the concept of legal cynicism through the interpretation of latent meanings in participant responses regarding the financial aspect of their punishment (Braun & Clarke, 2021a).

### **Layout of the Dissertation**

In chapter 1, I begin with a review of the literature on the misdemeanor legal system, legal financial obligations, and probation. To give readers important context for the current study, I describe in general terms the size and process of the misdemeanor system. I then highlight two common punishments that arise from a misdemeanor conviction, legal financial obligations and probation. I begin chapter 2, which focuses on the theoretical framework, by outlining the procedural justice and legitimacy framework as produced by Tom Tyler and colleagues. I briefly discuss the empirical base for the framework on studies of policing, before segueing into a discussion on its application in research on LFOs and the misdemeanor legal system.

Additionally, I explore the philosophical arguments that have been used to justify LFOs and consider how this discourse fits into larger sociological debates about punishment in modern society. In chapter 3, I justify my research methodology. I offer readers an explanation of the type of hybrid thematic analysis I used for my research design, and I rationalize its use within this research setting. Next, I describe the study procedures, including court observations, recruitment, and interviewing, as well as the group of participants I recruited for the research. I end the chapter with an in-depth explanation of the data analysis procedures and a brief discussion about the limitations of this research.

In chapter 4, I focus on the aspects of procedural justice that were important to my participants. I organize these themes into three categories: 1) relational fairness 2) procedural fairness and 3) substantive fairness. I explain how these three categories are interwoven and create the larger perception of procedural justice. In chapter 5, I introduce the concept of legal cynicism. I argue that prior criminal legal system exposure (direct or indirect) coupled with the perception that private probation fees are exploitative create and sustain feelings of legal cynicism. Furthermore, I contend that there is a bidirectional relationship between legal cynicism and procedural justice.

I then move from discussing the concrete findings into a theoretical discussion about procedural justice, legal cynicism, and legitimacy in the context of misdemeanor private probation. I offer a definition of legitimacy that I created from participant responses to the question, “How do you define the word legitimate?” as well as from our dialogue surrounding the important aspects of procedural justice. I highlight the importance of citizen interactions with the misdemeanor legal system and how these “trivial” interactions impact perceptions of the

legitimacy of the broader criminal legal system. Moreover, I discuss the theoretical implications that arise from these findings. Here, I argue that the legitimacy problem cannot be remedied by procedural justice alone and that procedural justice and legitimacy should be viewed from a retributive perspective where the aim of legitimacy is accountability and restoration, not compliance with the law. Finally, I conclude this dissertation with a broader discussion about the contributions of these findings, their implications for policy and future research, as well as limitations to the research.

## **Summary**

This dissertation research focuses on the use of legal financial obligations in the misdemeanor legal system. More specifically, I examine how LFOs impact perceptions of procedural justice and legitimacy for people placed on misdemeanor private probation in Atlanta, Georgia. I rely on over 50 hours of court observations at the Municipal Court of Atlanta as well as 33 semi-structured interviews with participants currently or previously on misdemeanor private probation. I followed a primarily deductive approach to the beginning phases of research. The procedural justice and legitimacy framework guided my research questions, interview questions, and initial data analysis questions. However, I eventually implemented a hybrid version of thematic analysis to structure my research design and data analysis and moved from a deductive and essentialist perspective to an inductive and constructivist one.

Based on the data collected for this research, I argue that LFOs, private probation supervision fees in particular, amount to *financial exploitation* which increases feelings of legal cynicism that precede participants' current involvement in the system. The increase in feelings of legal cynicism subsequently mediates the relationship between procedural justice and legitimacy.

In other words, despite participants having mostly neutral or positive perceptions of procedural justice, most did not view their individual punishment or the broader criminal legal system as legitimate because they viewed the abstract “system” as only interested in revenue generation and not justice. These perceptions were supported by prior direct or indirect negative experiences. Thus, to alleviate the criminal legal system’s legitimacy problem, practitioners need to couple behavioral modifications (procedurally just treatment of citizens) with increased due process protections and substantively fair outcomes.



## **Chapter 1: The Misdemeanor Legal System**

What follows in this chapter is a description of the misdemeanor legal system and its relationship to legal financial obligations and probation. I start this chapter by providing readers with an explanation of the various types of legal financial obligations. Then, I present recent estimates on the number of misdemeanor cases adjudicated annually, including estimates specific to the city of Atlanta. I explain how cases are typically processed in the misdemeanor system and note important procedural differences between the felony and misdemeanor systems. Next, I briefly explore research on LFOs and the misdemeanor legal system that explores revenue-generating practices and police behavior. Finally, I end the chapter by discussing how LFOs and probation operate as punishments for misdemeanor offenses. I focus this discussion both on the impact of legal debt on probation outcomes and on introducing the philosophical justifications or critiques of their use as punishment for minor offenses.

### **Types of Legal Financial Obligations**

Before engaging in this research, it is essential to understand the differences among the various types of LFOs. These differences are important because they are relevant to both philosophical arguments about their use as a form of punishment as well as their operationalization in research. For instance, although only the fine is classified as an official sanction, all types of LFOs act as sanctions in practice because of their ability to escalate the level of punishment imposed (i.e., unpaid supervision fees can lead to incarceration or extended time on probation). Therefore, I use the terms LFOs, monetary or financial sanctions, and legal debt interchangeably throughout this paper to encapsulate any financial payment made by a

defendant to the legal system or any debt incurred by contact with the legal system. Below is a list of key terms found in this dissertation and their definitions in this context.

### ***Fines***

A fine refers to a monetary sanction levied on a defendant by the court as punishment for a crime. It is the sole type of LFO defined as an official sanction. For example, if a person is found guilty of a traffic violation, they are frequently assessed a fine as punishment. Fines vary in amounts across and within states (e.g., district court vs. municipal court) and offenses. Fines for some offenses are mandatory and set by legal statutes while others are left to the judge's discretion. For instance, in Georgia, most traffic violations are considered misdemeanors (some are felonies), and according to the 2024 Official Code of Georgia, persons found guilty of a misdemeanor may be assessed a fine *up to* \$1,000 (O.C.G.A. § 17-10-3). For court-only traffic offenses (meaning the fine cannot be paid without a court appearance), judges in Georgia have the discretion to fine a person between \$0-\$1,000.

### ***Court Costs***

Court costs are assessed by the court to recoup the costs associated with the day-to-day functions of the court. They include clerk's fees, criminal records fees, public defender's fees, victim's assistance fees, etc. These are sometimes referred to as "user fees" in the literature on LFOs and are often added to the original fine. They are not intended to act as a sanction. For example, in the Municipal Court of Atlanta, a fine for "following too close" is \$200. After court costs are added, the total amount comes to \$286.

### ***Restitution***

Offenders are assessed restitution as a means for them to repay their victim for the damages caused by their crime (Ruback, Gladfelter, & Lantz, 2014). Restitution is generally reserved for more serious offenses such as property or violent crime. As such, restitution is not a focal point in this work given that most participants were only assessed a fine, court costs, and third-party probation supervision fees.

### ***Fees***

Local governments often contract with private, third-party businesses to help criminal legal processing run more efficiently. Their services are provided at no cost to the partnering agency, typically a local government or jurisdiction. For example, Judicial Innovations LLC handles online payments for Fulton County Courts and charges a third-party fee for the use of their services. If you are placed on probation through the Municipal Court of Atlanta, you pay \$49 per month to Judicial Correction Services, the private probation company in charge of misdemeanor probation supervision for the city. Third-party fees may also include electronic monitoring fees, drug test fees, anger management classes, and so forth. The MCA offers several community court programs that require defendants to participate in classes or counseling sessions with third-party vendors, and some sentences to probation require these conditions. Examples from the MCA website include classes such as anger management (\$55-\$150), alcohol and drug evaluations (\$93.50-\$110), or shoplifting prevention (\$60-\$90).

### ***Auxiliary Legal Financial Obligations***

Relevant to the current study, other LFOs include failure to appear (FTA) fees and driver's license reinstatement fees. For example, at the MCA, if a person fails to appear in court,

their driver's license is suspended 28 days after missing court. Once the person returns to court, the judge may assess a discretionary FTA fee of \$100 per missed court date and a 10 day sentence to jail (judges typically suspend the in-custody portion of the sentence). After having the necessary paperwork issued by the court to reinstate their license, the person must go (online or in-person) to the Department of Driver's Services, where they will pay either a \$90 (in-person) or \$100 (online) fee to have their license officially reinstated. These LFOs are often referred to as hidden costs or fees (Bannon et al., 2010).

Although these terms will often be grouped under the larger umbrella terms of LFOs or monetary sanctions earlier on in this dissertation, certain types of LFOs are more relevant to my findings than others. For instance, the almost \$50 monthly supervision fee charged by Judicial Correction Services was cited by participants as especially burdensome and participants did not understand the addition of court costs to their base fine. Importantly, it is often difficult for people who are assessed LFOs to parse out the different types of LFO payments made to the government or private entity. Payments are generally made in a lump sum and itemized receipts are rarely offered. The same is true of data on LFOs. It is difficult for researchers to explore the differential burden certain types of LFOs have on people on probation because they are rarely demarcated in the data. In my findings, I note when participants discuss the specific types of LFOs.

### **The Misdemeanor Legal System**

Much like state-level felony systems, there is not a unified misdemeanor legal system in the United States. For instance, in Georgia, a misdemeanor is defined as "any criminal act that is not a felony" which is punishable by "a fine not to exceed \$1,000 or by confinement in the

county or other jail, county correctional institution, or such other places as counties may provide for maintenance of county inmates, for a total term not exceeding 12 months, or both” (O.C.G.A. §17-10-3). Most traffic offenses in the state of Georgia are classified as criminal misdemeanors and are punishable as such. Georgia also specifies that misdemeanors of a high and aggravated nature are punishable by a fine of up to \$5,000 or a term of imprisonment not to exceed 12 months, or both (O.C.G.A. § 17-10-4). The Municipal Court of Atlanta is given jurisdiction over local ordinance violations which are punishable by a fine of up to \$1,000, 6 months’ imprisonment, or both (Sec 1-8). Conversely, Texas classifies misdemeanors into three categories: Class A, Class B, and Class C. Class A misdemeanors are punishable by a term of incarceration not to exceed 12 months, a fine of up to \$4,000, or both. Most traffic offenses are considered Class C misdemeanors and are punishable by a fine only, not to exceed \$500. Because of the variability in state and local law, some scholars have defined “misdemeanor” as any offense that is less serious than a felony (Stevenson & Mayson, 2018). Misdemeanor offenses generally range from traffic violations, such as speeding, to public order offenses, such as loitering or vagrancy, to more serious offenses, such as battery. They are typically adjudicated in courts of limited jurisdiction, such as municipal or district courts

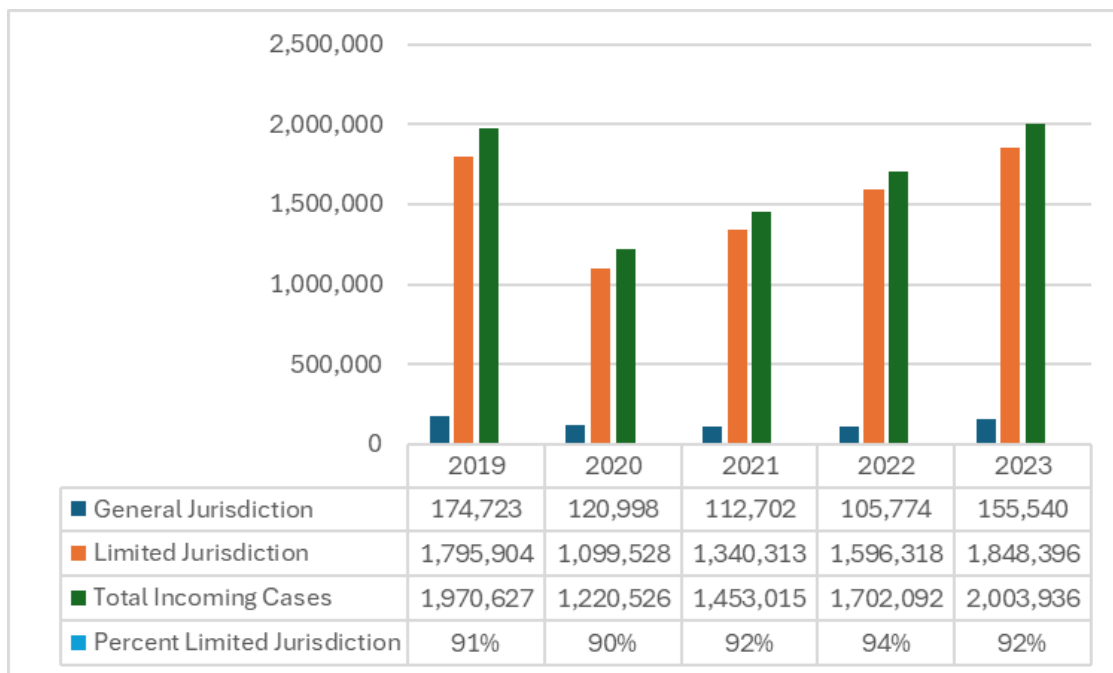
Currently, no national effort is undertaken by the Federal government to collect annual data on the adjudication of misdemeanors, meaning that criminal justice researchers lack a basic statistic – the number of misdemeanor cases filed annually. However, several recent attempts have been made to estimate that number. Using data from the Administrative Office of the Court, the National Center for State Courts’ Court Statistics Project, and local government sources, Natapoff (2018) estimated that 13 million misdemeanor cases were filed in 2015. That number

translated to a filing rate of 4,124 per 100,000 people, which is four times the filing rate for felonies. Notably, she excluded low-level traffic offenses, such as speeding or running a stop sign, in her estimate. She argued that their inclusion in the estimate would “swamp the results... and obscure insight into the scale that the narrower count provides” (Natapoff, 2018, p. 255). Stevenson and Mayson (2018) also used data from the NCSC Court Statistics Project to estimate the number of misdemeanors filed annually. In addition to the NCSC data, they used Uniform Crime Report arrest data to supplement their estimate. Using random forest models, they estimated that 13.2 million misdemeanors cases were filed in 2016, an average of 4,261 cases per 100,000 people. The researchers additionally reported that the number of misdemeanors filed annually over a period of 10 years (2007-2017) decreased by almost 17%.

The NCSC itself has also generated misdemeanor case filing estimates. In 2023, the Court Statistics Program reported that out of the 16.2 million incoming criminal cases, 12.1 million, or 78%, were criminal misdemeanor cases. Per the CSP’s guide to statistical reporting (2023), felony cases, and misdemeanor cases that are punishable as felonies, are classified under courts of general jurisdiction. Subfelony (misdemeanor, local ordinance violations, traffic, parking) cases are classified under courts of limited jurisdiction. Traffic, parking, and local ordinance cases are further classified into two categories: criminal and noncriminal. Criminal traffic felony or misdemeanor cases may include offenses such as driving while intoxicated. Non-criminal traffic, parking, or local ordinance violations may include offenses such as speeding. The CSP guide to statistical reporting (2023) states that these offenses are reported separately to “avoid inflation of criminal caseload figures due to the high volume of non-criminal traffic violations” (p. 27) According to state-level data, most cases filed in Georgia each year

from 2019-2023 were filed in courts of limited jurisdiction, such as the MCA (Gibson et al., 2024). **Figure 1** depicts the difference in cases filed annually in general jurisdiction versus limited jurisdiction. This trend is relatively stable over time, with a low of 90% of cases filed in courts of limited jurisdiction in 2020 and a high of 94% of cases filed in courts of limited jurisdiction in 2022.

**Figure 1: Georgia Annual Incoming Criminal Cases Estimates 2019-2023**

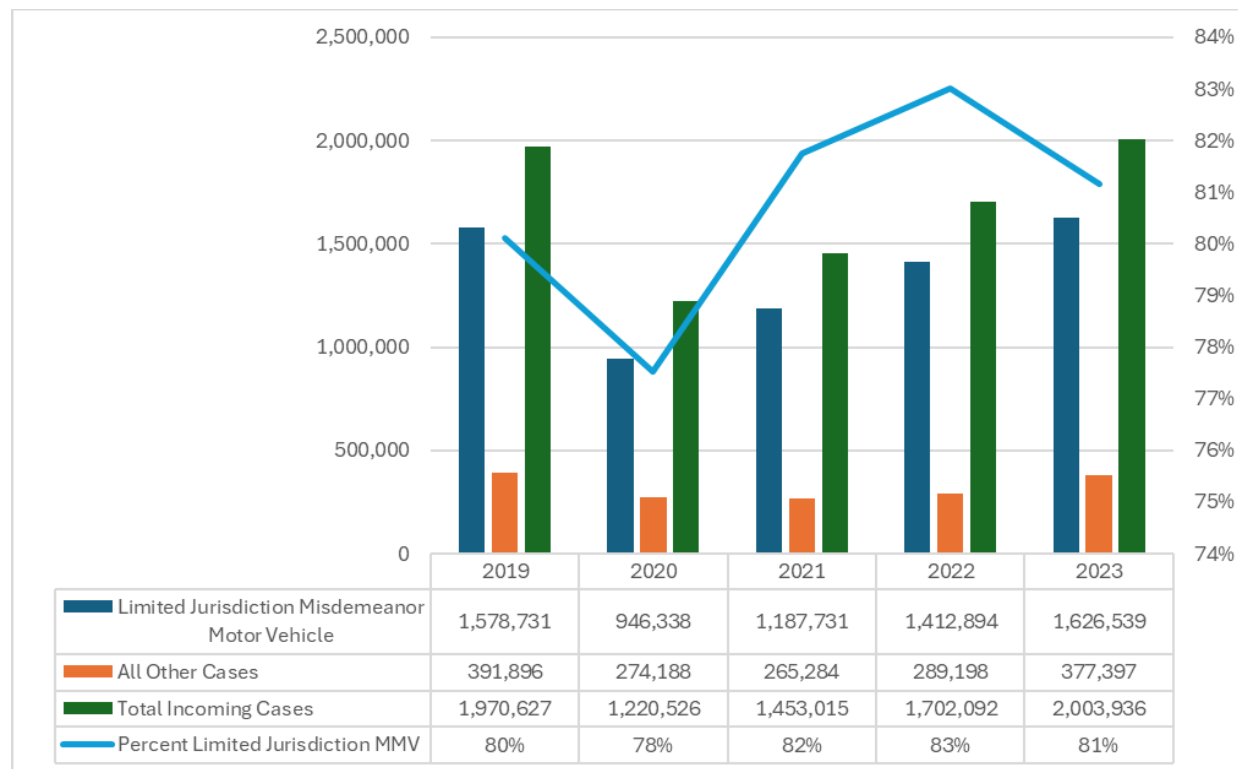


A 2023 audit of the Municipal Court of Atlanta, one of two courts that handles misdemeanor offenses in Atlanta, found that 85% of the 737,797 misdemeanor cases filed in the court between 2018-2023 were traffic related (City of Atlanta, City Auditor’s Office, 2023)<sup>1</sup>. This number is

<sup>1</sup> The Fulton County State Court also has jurisdiction over some misdemeanor offenses.

slightly higher than the state-wide average. **Figure 2** depicts the percentage of misdemeanor motor vehicle offenses adjudicated in courts of limited jurisdiction. From 2019-2023, these offenses constituted between 78-83% of all cases filed in the state of Georgia (Gibson et al., 2024).

**Figure 2: Percent Limited Jurisdiction Misdemeanor Motor Vehicle Cases 2019-2023**



Notably, out of the 30 or so states providing data to the NCSC Court Statistics Project, Georgia ranked highest in number of misdemeanor cases filed in 2023 at 1,869,240 cases filed in both courts of limited and general jurisdictions (Gibson et al., 2024). As stated, Georgia classifies most traffic violations as criminal misdemeanors rather than civil offenses, which is likely why it displays an outsized criminal misdemeanor case docket.



Studying the misdemeanor legal system is not just important because of its magnitude. It is also important to study because fewer procedural protections and services are offered to defendants in the misdemeanor system than in the felony system. *Gideon v. Wainwright*, the U.S. Supreme Court case that guarantees a right to counsel, only applies to misdemeanor charges that may incur a sentence to jail or prison. Since misdemeanor and local ordinance violations are punishable by incarceration in Georgia, this ruling should apply to everyone who comes before a judge for a criminal case. Yet, research on 37 misdemeanor courts in Georgia showed that counsel was provided in only 12% of bond hearings (Woods et al., 2020).

Per Georgia law, to meet indigency status and to qualify for a public defender, the defendant's reported income must be below federal poverty guidelines, or they must display significant financial hardship that would prevent them from making payments toward their case for 2 months (O.C.G.A. §§ 17-12-1 — 17-12-120). The 2024 Federal poverty guidelines for one individual under 65 years old was \$16,320. For a family of 4 with two people under the age of 18, it was \$31,812. According to the U.S. Census Bureau, 17.9% of Atlanta residents meet these qualifications. During my court observations, I regularly observed people denied the right to counsel after applying for a public defender. Anecdotal evidence from my interviews suggests that many people who marginally exceed the federal poverty guidelines still do not have the financial means to hire a private attorney to represent them in court. In my court notes from 2/21/2024, I noted an interaction between a judge and a defendant where the defendant asked the judge why they were denied a public defender, and the judge responded, "Simply put, you make too much."

According to Georgia law and the Municipal Code of Atlanta, people arrested for misdemeanor or local ordinance offenses are supposed to be guaranteed release within 48 hours of the arrest (O.C.G.A. § 17-4-62; O.C.G.A. § 17- 4-26). The same study mentioned above found that across the 37 misdemeanor courts under investigation in Georgia, only 8% guaranteed release within 48 hours and 41% held bond hearings within 48 hours (Woods et al., 2020). A study commissioned by the Atlanta City Council and conducted by the Justice Policy Board found that they were unable to assess the frequency in which persons were incarcerated at the Fulton County Jail for more than 24 hours without a scheduled bond hearing due to the lack of sufficient data. The same report estimated that people charged for misdemeanor-only offenses tended to stay incarcerated at the Fulton County Jail for about a week (Justice Policy Board, 2022).

Additional studies show that when comparing felony and misdemeanor defendants, misdemeanor defendants are more likely to plead guilty, plead faster, and receive a carceral sentence, with one study showing that people charged with a misdemeanor plead guilty 2.86 times faster than those charged with a felony (Peterson, 2020; Thomas et al., 2022). Throughout my court observations, I regularly witnessed judges, solicitors, and public defenders encourage defendants to take care of their cases as quickly as possible. One judge even set an unofficial 6-month threshold for disposition. That same judge noted that should defendants plead not guilty, their cases would be bound over to neighboring state courts, such as Fulton, Dekalb, or Clayton County, where the courts had backlogs of three to four years. I witnessed another judge arraign and accept pleas from defendants in groups of three. In my court observation notes from 2/26/2024, a defendant pleaded not guilty to a moving violation and the judge asked, “Do you

understand the dangers of going to trial without a lawyer?” In another instance, a defendant pleaded not guilty to no tag and no insurance and had his case bound over to the State Court of Fulton County. He asked the judge if he could receive the appropriate paperwork to have his license reinstated, and the judge told him that because his case wasn’t being disposed of that day, he could not receive the reinstatement forms. I also witnessed city solicitors pressure defendants into accepting plea offers. The very first thing defendants do upon entering the courtroom is fill out a plea sheet. On several occasions, I witnessed solicitors encourage defendants to change their pleas from not guilty to “nolo” so that the case could be disposed of that day.

In *Bearden v. Georgia*, the U.S. Supreme Court ruled that probation revocation for inability to pay legal debt is unconstitutional and that ability to pay hearings must be conducted to determine whether the defendant is willfully noncompliant. Yet, I learned through my court observations and conversations with probation officers that after three months of no contact or nonpayment, probation officers appear in court to ask the judge to issue an arrest warrant and the person’s driver’s license is suspended. On 2/27/2024, I witnessed a judge revoke probation for two defendants who were not present in court. One defendant was on probation for driving with an expired license, had 52 days left on their sentence to probation, and owed \$356.73. The judge issued a warrant for their arrest and set the bond at \$500. These punishments arose prior to an ability to pay hearing.

In his classic work on the lower courts, Feeley (1979, p. 31) states, “It is understandable why so many defendants in lower courts waive rights, ignore options, and plead guilty at first appearance. The costs of exercising the rights available under due process – or even of engaging in plea bargaining – are often greater than the gains they might produce.” Feeley’s primary

argument in this work is that it is the judicial process, rather than the actual sentence, that constitutes the punishment for misdemeanor defendants. Although misdemeanor sentences are viewed as “lighter” than felony sentences because they do not include sentences to state prison, they can still derail someone’s life. Misdemeanor tickets and arrests can, by Georgia law, trigger deportation, driver’s license suspensions, operational licensing revocations, pension loss, loss of public housing, and incarceration in local jails (Counsel of State Governments, 2021). These collateral consequences disproportionately burden racial minorities and the poor (Pew Charitable Trusts, 2023; Smith & Maddan, 2020).

In sum, the misdemeanor legal system is characterized by higher caseloads and fewer constitutional or procedural protections. Because of this reputation, it has been referred to as “assembly line justice” “McJustice” or “cash register justice” (Kohler-Hausmann, 2018; Natapoff, 2018). In fact, Kohler-Hausmann (2018) argues that the misdemeanor system has completely abandoned the adjudicative model and instead operates what she calls the “managerial model.” Rather than adjudicate guilt or innocence, she argues, misdemeanor court operations are “largely organized around the supervision and regulation of the population that flows through misdemeanor courts, often with little attention to questions of law and facts in individual cases” (Kohler-Hausmann, 2018, p. 61). While the process of the lower courts has largely remained unchanged since the 1970s, when Malcolm Feeley’s (1979) research was conducted, the punishments and collateral consequences that arise from contact with the system are more severe. The proliferation of mass incarceration throughout the end of the 20<sup>th</sup> and beginning of the 21<sup>st</sup> centuries, and the subsequent increase in the use of alternative sanctions such as fines, fees, and probation at the misdemeanor level has created a more punitive

misdemeanor system than that of Feeley's era. Arguably, the process is no longer the *only* punishment in the context of the lower courts.

### **The Misdemeanor Legal System and Legal Financial Obligations**

Recent research on LFOs has turned its attention to the revenue-generating practices carried out by local police and courts. The rise in attention to this issue is partly attributed to the Department of Justice's 2015 investigation into the Ferguson, Missouri, police department after the shooting of Michael Brown. The investigation found that the Ferguson Police Department worked in tandem with the Ferguson Municipal Court to exploit its poor and Black residents for revenue generating purposes. The report states, "The Ferguson Municipal Court handles most charges brought by FPD, and does so not with the primary goal of administering justice or protecting the rights of the accused, but of maximizing revenue" (Department of Justice, Civil Rights Division, 2015, p. 42).

Multiple research and policy reports since the Ferguson report have taken aim at predatory fining by local police and courts. In 2011, an article written by Steve Visser for the Atlanta Journal Constitution reported that Atlanta Mayor Kasim Reed intended to increase the number of municipal judges from 8 to 10, despite a recent audit of the MCA showing that it could reduce the number of judges based on the court's caseload. According to the article, "he expects the municipal court to help pay for the expansion of the police department through imposing more fines" (Visser, 2011). In Georgia, a 2019 study found that fines and fees made up over 30% of the annual budget for 43 jurisdictions (Maciag, 2019). According to more recent findings, municipalities across Georgia "with higher-than-average poverty and Black populations consistently generated a disproportionate share of statewide fine and fee revenue, accounting for

51% in 2016 and 44% in 2022, despite only comprising 29% and 26% of all municipalities, respectively” (Khalfani, 2024). The final sentence of the 2023 audit of the MCA states, “imposing fines, fees, and other financial obligations should be based on administering impartial justice, not generating revenue for a municipality” (City of Atlanta, City Auditor’s Office, 2023).

Additional research shows that across a sample of 9,000 U.S. cities, communities with a higher concentration of Black residents are more likely to use criminal monetary sanctions as a source of revenue (Sances & You, 2017). In Texas, researchers found that Black and Latinx misdemeanor defendants spend more time and resources resolving their cases and that the smaller counties included in their sample appeared to use LFO assessment as a major source of revenue (Slavinski & Pettit, 2022). In fact, 43 states allow a portion of the revenue generated by fines and fees to be put back into the police budget. Previous research has found a correlation between local budget declines and increased ticket issuance, especially since the Great Recession, when budgets across all levels of government were strained and mass incarceration reached its peak (Garrett & Wagner, 2009; Su, 2021).

While some research describes how local police and courts accomplish revenue generating goals, other research has begun to focus on the impact of revenue generating activities on public safety. Namely, it has been hypothesized that revenue generating goals impact policing styles and behavior. Early research indicates support for the hypothesis. For instance, municipalities that rely heavily on revenue generated from LFOs solve violent crime at significantly lower rates and have higher rates of police killings of citizens (Beck 2023; Goldstein et al., 2020). Likewise, municipal dependance on LFO revenue leads to greater racial disparities in traffic stops and higher rates of incarceration for poor women (O’Neill et al., 2022).

These studies describe the impact of LFOs on police behavior and subsequent outcomes for citizens in one area of criminal legal system processing- police stops (and subsequent ticketing). Yet, LFOs are prevalent at almost every other stage of the process. Given what we know about the size, process, and impact of misdemeanor adjudication, and the outsized role that money plays in all of it, an important question to ask ourselves is, what public safety or punishment goal is accomplished through the assessment of monetary sanctions at the misdemeanor level?

### **The Misdemeanor Legal System, Legal Financial Obligations, and Probation**

In Georgia, misdemeanor probation does not exist without some form of financial sanction for the involved person or incentive for the government or private entities. In fact, a specialized version of probation exists in Georgia where the sole requirement is to pay fines and fees. This form of probation is referred to as “pay-only probation”. According to the 2024 Georgia Code, “the term ‘pay-only probation’ means a defendant has been placed under probation supervision solely because such defendant is unable to pay the court-imposed fines and statutory surcharges when such defendant’s sentence is imposed” (O.C.G.A. § 42-8-103). Although the only condition of pay-only probation is to make payments, it is still probation. Therefore, people on pay-only probation are subject to the same procedures and consequences as people on “regular” probation (e.g. regular visits with a probation officer, probation violations, extensions, revocations).

Despite countless policy reports documenting the consequences of using monetary sanctions as punishment (Alabama Appleseed Center for Law & Justice, 2019, Brennan Center for Justice, 2022; Brett et al., 2020; Carpenter et al., 2019; Fines & Fees Justice Center & Reform Alliance, 2022; Human Rights Watch, 2014; Maciag, 2019; Menendez et al., 2014;

United States Department of Justice, Civil Rights Division, 2015) a scant amount of literature has empirically examined the relationship between LFOs and misdemeanor probation outcomes. Most of the existing research focuses on felony probation, where data is more readily available. The few existing quantitative studies have shown that LFOs often negatively impact misdemeanor probation success to varying degrees. For example, one study shows that the status of LFOs (dichotomous variable where paid=1 and unpaid= 0) is the strongest predictor of success in a misdemeanor probation program in a Georgia county probation agency among variables such as gender, offense-type, education, employment status etc. People in the study who had paid their LFOs in full were 7.2 times more likely to have successfully completed their probation (Turner et al., 2022). However, this finding is perhaps unsurprising given that a common requirement of completing probation is paying off all legal debt.

Another study examined the influence of LFOs on misdemeanor and felony probation outcomes. Using administrative records from 1,660 people on probation (50% misdemeanor and 50% felony) in a single jurisdiction in Texas, researchers explored the relationship between legal and extralegal factors on probation revocation. Findings indicated that, “for every 1 standard deviation increase in the total amount of fees assessed, an individual’s odds of revocation due to a technical violation increased by a factor of 3.94, net of other factors” (Ruhland et al., 2020, p. 1254). Restitution has also emerged as a potential outlier in LFO research. Individuals who are assessed higher restitution amounts are more likely to receive a probation violation (Iratzoqui and Metcalfe 2017), more likely to be revoked and be revoked more quickly (Ruhland et al., 2020), more likely to have missed a payment (White & Sabol, 2021). Thus, researchers need to account for the impacts of different LFOs on probation outcomes



In political and practitioner spaces, supporters of the use of LFOs for misdemeanor convictions have used retribution and deterrence as philosophical underpinnings to justify their use (Hyatt, Powell, & Link, 2020; Ruhland, Leigh, & Petkus, 2022). LFOs, they argue, are justifiable forms of punishment because they require defendants to repay the costs associated with their crimes to the state and to victims (retribution) while also signaling to potential offenders that a criminalized behavior is not worth the associated punishment (deterrence) (Harris, 2016). A randomized control trial using a sample of people on misdemeanor probation in Oklahoma City set out to answer the deterrence question (Pager et al., 2022). The researchers argue that theoretically, LFOs connect socioeconomic disadvantage to enduring state surveillance and punishment, contributing to the claims that the use of LFOs in the legal system doesn't punish people for actual crimes. Rather, it criminalizes behaviors often attributed to living in poverty and subsequently allows the state to manage impoverished communities through the legal system. Results indicated support for these claims. In the first three months, treatment-group participants (those who had their debt completely absolved), "were significantly less likely to be charged with a new offense and also had a lower rate of new criminal convictions" (Pager et al., 2022, p. 539). At the twelve-month mark, however, treatment effects were close to zero. Despite the waning impact of debt relief on crime reduction over time, control-group participants were significantly more likely to have accumulated more debt, have new warrants issued, have debt transferred to private debt collectors, and have tax refunds intercepted by court order.

Although research on LFOs and misdemeanor probation outcomes is limited, the existing research suggests that the presence of LFOs often has adverse effects on probation success and has little or no impact on deterrence. The findings of these preliminary studies have important

implications for future research, but scholars have highlighted a few methodological limitations to them. First, there are limitations due to sampling inconsistencies. A considerable number of studies of LFOs have used samples of juveniles. While research on LFOs in the juvenile justice system undoubtedly has its place in this reform arena, research on juvenile populations cannot be generalized to adult populations because parents of juveniles are often on the hook for the child's legal debt (Iratzoqui & Metcalfe, 2017). Second, using probation success as an outcome variable ignores the real-life impacts that criminal legal system contact has on individuals and is not a good measure of rehabilitation. Probation conditions, such as monthly visits to a probation office during working hours, may lead to time spent away from family and work. Probation impacts personal finances but can also impact the finances of family and friends. Subsequently, time on probation may weaken social support while also not contributing to the overall well-being of the person being "treated". Researchers should therefore take caution when operationalizing probation success in their work.

## **Chapter 2: Theoretical Framework**

At the outset of this dissertation, I chose the social psychological framework of procedural justice and legitimacy to structure this research. I set out to explore whether legal debt mediates the relationship between perceptions of procedurally just treatment and perceptions of legitimacy for people on misdemeanor private probation. As will be discussed, I ultimately included in the findings a separate, but related, concept of legal cynicism and its role in the procedural justice and legitimacy relationship. As I continued to engage critically with the data and the body of literature on procedural justice and legitimacy, I arrived at the conclusion that questions regarding the legitimacy of contemporary punishments and legal institutions should extend beyond whether there is an association between fair procedures, legal cynicism, and perceptions of legitimacy. The legitimacy question within the context of state punishment reveals a deeper set of philosophical and sociological questions that are deserving of our attention in contemporary mainstream criminology.

Indeed, Garland (1990) points out that unlike previous generations, who tended to have a clear(er) set of principles regarding the purpose of punishment (i.e., rehabilitation, deterrence), the role of punishment in contemporary society is facing an identity crisis. He acknowledges the instrumental role punishment plays in satisfying the crime-control and retributive goals of punishment, yet he also advocates for a more complete examination of the social forces and conditions under which punishment operates within the legal institution. In other words, he argues that sociologists and criminologists should challenge the taken-for-granted assumptions regarding the role of punishment in modern society. This theoretical challenge serves to change not only how we think about problems in the criminal legal system, but our approaches to

dealing with them. Thus, a well-rounded theoretical perspective on punishment is a practical pursuit for researchers, policymakers, and practitioners alike.

To be fair, these questions have not been completely ignored in contemporary criminological literature on legal financial obligations. One example includes Slavinski and Pettit (2022), who assess the applicability of traditional sociopolitical justifications of more punitive sanctions (i.e., incarceration, capital punishment) in the realm of legal financial obligations for Class C misdemeanor defendants (non-jailable offenses) in Texas. Using a variety of data sources (county-level misdemeanor data maintained by the Texas Office of Court Administration; voting data from the Texas Secretary of State's office; U.S. Census data 2000-2010; Law enforcement data from the Texas Department of Public Safety), the researchers ran a series of regressions using LFO collections as the dependent variable and found that as the crime rate declines, the collection of LFOs increases. Moreover, they found that LFO collections are concentrated in sparsely populated jurisdictions and those with higher Black and Latinx populations. In line with Wacquant (2009) and others (Harris, 2016), the authors argue that "LFOs are a defining feature of a contemporary punishment regime where racial injustice is fueled by economic inequality" (Slavinski & Pettit, 2022, p. 1). Likewise, Issa Kohler-Hausmann (2018) argues that rather than serve any utilitarian, or even retributive purpose, punishment in the modern misdemeanor legal system is used as a tool to mark and manage racial minorities and the poor. Yet, engagement with foundational questions related to punishment in modern society remains limited in contemporary mainstream criminological research, including legitimacy research.

In the first section of this chapter, I explain the social psychological perspective on procedural justice and legitimacy, including challenges to its central tenets. In the second section,

I illustrate how the procedural justice framework has been applied to studies on LFOs and introduce the literature on legal cynicism that informed the findings of this dissertation. The final section of this chapter covers the traditional philosophical purposes of punishment that have been used to justify as LFOs a form of punishment (e.g., retribution and deterrence) and presents research on LFOs that draws on these concepts. I end this chapter by highlighting the tie between the procedural justice and legitimacy framework and the traditional philosophical purposes of punishment in research on LFOs.

### **Procedural Justice and Legitimacy**

According to Sunshine and Tyler (2003), the power wielded by social institutions, such as the legal system, is only legitimate if the public perceives it as such. An institution that is viewed by the public as legitimate “leads people to feel that the authority or institution is entitled to be deferred to and obeyed” (Sunshine & Tyler, 2003, p.3). Yet, legitimacy doesn’t occur in a vacuum. Thus, one question asked by researchers across an array of disciplines is, how do social institutions come to be viewed by the public as legitimate? Myriad research has found support for the process-based model of effective regulation and adherence to the law (Sunshine & Tyler, 2003; Tyler & Huo, 2002; Tyler, 2003). In other words, when citizens view legal procedures as fair, they are more likely to view the legal institution as legitimate and adhere to the law. Procedurally just treatment encompasses dignity and respect, neutrality, trustworthiness, and voice (Tyler, 1988; Blader & Tyler, 2003). Importantly, the procedural justice and legitimacy framework advanced by Tyler and colleagues is outcome independent, meaning that if citizens are treated in a procedurally just manner, they will defer to the authority of the legal system, despite the outcome of their involvement with the system (Sunshine & Tyler, 2003). Ultimately,

Tyler argues throughout his body of research that the procedural justice and legitimacy framework is an important contribution to policing research because it leads to increased cooperation with legal authorities and a decrease in crime (Tyler, 1987; Tyler, 2003; Tyler, 2006).

The procedural justice and legitimacy framework is not limited to the work of Tyler and his colleagues, and other scholars have offered alternative perspectives on the relationship between procedural justice and legitimacy. For instance, Gau and Brunson (2010) complement the research on procedural justice and legitimacy by highlighting the negative impact of order-maintenance policing on perceptions of procedural justice for inner-city young men. Drawing on qualitative interview data and quantitative descriptive data from 45 young men located in inner-city St. Louis, the authors found that the young men in their sample had both personal and vicarious, negative, and involuntary experiences with police. Participants characterized these contacts as overly aggressive, demeaning, and without cause. Notably, the Black men in the study cited more negative perceptions of the police than their white counterparts. The authors conclude that aggressive maintenance-order policing can undermine perceptions of procedural justice and subsequent police legitimacy.

Whereas some research works to complement the social psychological paradigm of procedural justice and legitimacy, other bodies of work challenge its conventional wisdom. Jenness and Calavita (2018) argue that the procedural justice and legitimacy theory is not outcome independent. Using quantitative and qualitative data from a random sample of incarcerated men in three California prisons, they found that the men placed a higher value on the outcome of their interaction with the corrections officers, rather than their treatment by the officers. Like Gau and Brunson (2010), Jenness and Calavita (2018) recognize the contextual

importance of their sample and research setting. For Gau and Brunson (2010), it was young men, with an emphasis on young Black men in the inner-city of St. Louis who were more likely to be the targets of aggressive maintenance-order policing and, as reported by participants, disrespectful treatment by police. This context was an important factor in shaping their perceptions of police and procedural justice. For Jenness and Calavita (2018) the prison context was an important aspect of their research. Incarcerated men may view the stakes as being higher than someone out in the free world (extended time in prison, solitary confinement, etc.). Thus, the outcome of the interaction mattered most. Prior research by Sparks, Bottoms, and Hays (1996) on legitimacy and prisons also found support for perceived outcome fairness in the prison context. Because outcomes were widely known throughout the prison, unlike in a community setting, prison staff legitimacy rested on both procedurally just treatment and substantively fair outcomes.

Nagin and Telep (2020) challenge another aspect of the framework, the claim that it reduces crime. According to their earlier review of the legitimacy research, Nagin and Telep (2017) find a strong evidence-based for the connection between perceptions of procedurally just treatment by police and subsequent police legitimacy. Moreover, increased legitimacy was positively related to self-reported compliance with the law. They conclude their review with suggestions for future research. Notably, they encourage future researchers to focus on the evidence-base behind the procedural justice and crime-control relationship and the legitimacy and crime-control claims, which are arguably the framework's most important contributions to studies on crime.

In 2020, the authors published a follow-up study re-testing their original findings and adding the crime-control aspect. They double-down on their original argument that, to date, no research exists that shows a causal relationship between procedurally just treatment and compliance with the law. Further, they echo the sentiments of others (Gau & Brunson, 2010; Jenness & Calavita, 2018) in that context matters, stating, “An important gap in PJ theory is how the accumulation of experience with the police, both positive and negative, historical context, and community influence combine to affect perceptions of legitimacy and legal compliance” (Nagin & Telep, 2020, p. 774). They add that given the importance of context, and its absence in the literature, distributive justice should also be considered alongside procedural justice.

At the conclusion of their review, the authors argue two points. First, procedural justice is a valuable tool regardless of its crime control effects. Second, researchers should temper their expectations regarding the production of an evidence-based proving a causal relationship between procedural justice and legal compliance. Regarding their first argument, the authors invoke the work of Bottoms and Tankebe (2012), who rightfully point out that treating citizens in a procedurally just manner has intrinsic value outside of any crime-control effects. They argue that the evidence-based on legitimacy in criminology is lacking because criminologists had not considered legitimacy through a multi-disciplinary perspective. Thus, drawing on theorization in the political sciences, the authors propose a dialogic approach to legitimacy. This approach differs from the social psychological approach in that they recognize a dual transaction between both the powerholders who claim legitimacy and the audience’s response to those claims. The powerholders, in addition to the citizens, form attitudes regarding self-legitimacy.



In Chapter 5 of this dissertation, I expound on the argument that legitimacy is not as straightforward as the social psychological perspective purports, and I agree that criminal legal system research would benefit from the exploration of multi-disciplinary theorization on legitimacy. As it was, my starting point for this research was the social psychological perspective offered by Tom Tyler because early qualitative research on LFOs and procedural justice has produced interesting findings, some of which are outlined below.

### **Procedural Justice, Legal Debt, and Legal Cynicism**

The use of the procedural justice and legitimacy framework has recently gained traction in the literature on LFOs. Qualitative researchers have used it to argue that experience with legal debt leads people to view the punishment process as procedurally fair or unfair. Pattillo and Kirk (2020) interviewed 68 people with legal debt in Illinois. They found that the people with legal debt in their study felt that they deserved the financial sanctions they received, but not without qualification. Study participants cited inability to pay, double punishment, extortion, and revenue driven justice as barriers to accepting their financial punishment as procedurally fair. Participants thought that the judge and other legal authorities, such as probation officers, did not consider their ability to pay before assessing the financial penalties, which translated to a lack of voice in the process. Additionally, participants thought that legal authorities were untrustworthy after being threatened with additional sanctions for nonpayment and amounted these threats to extortion. The perceived procedural unfairness ultimately led to a breakdown in trust between defendants and the legal system.

In other studies, the type of LFO emerged as significant in perceptions of procedural fairness. Pleggenkuhle, Kras, and Huebner (2021) interviewed people on probation or parole

about their experiences with legal debt. Study participants in their sample felt that of the various types of LFOs, restitution was the most defensible, but they questioned the purpose of LFOs such as supervision fees. Restitution, they thought, could be attributed to retributive and restorative functions of punishment whereas fees were viewed as having no purpose other than to contribute to the revenue of the court. Additionally, lack of voice was cited as having an impact on decreased feelings of legitimacy. Participants in their study thought that the probation and parole officers who were more demanding regarding on-time payments did not listen to their concerns or consider their financial circumstances. Research on offender perceptions of LFOs has consistently shown that restitution is viewed as deserved (retribution), but these perceptions are often muddled by the addition of other fees and fines (Gladfelter, Lantz, & Ruback, 2018; Harris, 2016; Pattillo & Kirk, 2020; Pleggenkuhle et al., 2021). Importantly, these studies focus primarily on people sentenced to felony probation, where restitution is more likely to be assessed. Paik and Packard (2023) used a sample of juvenile defendants and their parents to explore their perceptions of procedural justice in encounters with “auxiliary personnel” such as clerks and community agencies. The authors found that lack of transparency and voice in the process led participants to question the legitimacy of the court.

Additional studies on LFOs such as, Needham, Mackall, and Pettit (2020) incorporate themes of procedural justice and legitimacy in their discussion, despite not explicitly using the framework to guide their analysis. Through a qualitative analysis of 62 interviews with people convicted of misdemeanors and over 200 hours of ethnographic field observations of a misdemeanor courtroom, the researchers illuminate how misalignments between court system structures and defendants’ daily lives hinder their ability to resolve their cases in a timely

manner. Furthermore, they note that interpersonal interactions with court personnel undermined defendants' voice in the legal proceedings, leading participants to characterize the process as confusing or frustrating. They argue, "interview data revealed a great deal of confusion and frustration among people we interviewed about the law, their rights, and their potential fates. These observations suggest that the high volume, highly decentralized processing of low-level misdemeanor cases may undermine perceptions of procedural justice" (Needham et al., 2020, pps. 9-10).

Early research on procedural justice and LFOs suggests that both the process of being sentenced to pay LFOs and the individual types of LFOs assessed impact perceptions of procedural justice. Research participants tend to weigh the fairness of different types of LFOs against traditional punishment philosophies (e.g., retribution and deterrence) and their individual encounters with criminal justice actors against characteristics of procedural justice (e.g., voice, neutrality, respect). These views combine to shape their overall perceptions of the system. This research has primarily focused on the felony setting, which is characteristic of the larger literature on LFOs. At least one study focuses exclusively on procedural justice and LFOs in the misdemeanor legal system and one study focuses exclusively on procedural justice and LFOs in the juvenile justice system. Although there is much to be explored, experiences with legal debt appear to be a promising avenue for future research using the procedural justice and legitimacy framework.

A separate, but related, concept found in studies on procedural justice and legitimacy is that of legal cynicism. The current study was specifically informed by Gau (2019), who asks if legal cynicism is a mediating factor between procedural justice and legitimacy and whether there

is a bilateral relationship between procedural justice and legal cynicism. She uses survey data collected from a single city in Florida and structural equation modeling where the dependent variable was “police legitimacy” and the main independent variables were “procedural justice” and “legal cynicism” to test her hypotheses. Her results show a bidirectional relationship between perceptions of procedural justice and legal cynicism, meaning that procedurally just treatment may erode feelings of legal cynicism, and vice versa. Further, she concludes that “encounter-based justice diminished cynicism and that reduced cynicism, in turn, increased legitimacy” (Gau, 2019, p. 411). She cautions that given the cross-sectional nature of the study and that it is limited to one relatively small city in Florida, generalizability may be limited. Regardless, the findings are important in that they add to the evidence-base on the relationship among procedural justice, legal cynicism, and legitimacy, which she concludes is a worthy avenue of future exploration in legitimacy research.

A study published by Paik, Giuffre, Harris, and Shannon (2023) Is the only study (known to me) that invokes legal cynicism in the context of legal debt and procedural fairness. The researchers used a sample of people who have legal debt from juvenile and adult criminal convictions to explore the consequences of early involvement with the criminal legal system on perceptions of legal institutions. Through qualitative analysis of 19 interviews, they find that monetary sanctions exacerbate feelings of legal cynicism, leading people to view the criminal legal system from a purely economic perspective (i.e., they just want money). However, they note that despite these perceptions, a few of their participants didn’t dismiss monetary sanctions outright. Some accepted the legitimacy of their arrest (retribution) or the state’s need to make money, but the excessiveness of the debt hampered their full acceptance of the punishment as

legitimate. Moreover, the authors cite community context as being an important factor in shaping perceptions of legal cynicism.

The research questions I set out to answer were: 1) What role does legal debt play in shaping perceptions of procedural justice for people on misdemeanor probation? 2) What impact does this perception have on the legitimacy of misdemeanor probation and the broader criminal legal system? Put another way, these questions ask whether legal debt is a mediating factor in the relationship between procedural justice and legitimacy. As previously discussed, early research on perceptions of LFOs and procedural justice shows that people with legal debt weigh both the philosophical purpose of their legal debt (e.g., retribution, deterrence) and their treatment by criminal justice actors during their encounter (e.g., lack of voice in the court setting leading to confusion and frustration). These studies represent foundational theoretical contributions to the evidence-base on the impact of LFOs on perceptions of procedural fairness and legitimacy. Yet, plenty of room remains to substantively contribute to these discussions.

### **Philosophical Purposes of Punishment**

Recent scholarship on LFOs and the misdemeanor legal system has turned its attention from mere descriptions of the issue to more fundamental questions surrounding theory and philosophy (Martin, 2020). In line with other contemporary criminal legal system studies, these questions revolve around whether LFOs satisfy a deterrent or retributive purpose (Weisburd et al., 2008). For those who study the misdemeanor legal system, the use of retribution and deterrence as justifications for the assessment of legal financial obligations for people convicted of low-level and nonviolent offenses are not as cut and dry.

Outside of the consensus that retribution is a past-oriented philosophy, geared toward punishment rather than crime prevention, the concept of retribution is contested. For instance, some people believe retribution is characterized by vengeance and cruelty. This version of retribution is advanced by those who believe that offenders are “just getting what they deserve.” The truth, argues Murphy (2017), is that this view of retribution is flawed. Genuine retribution, he argues, “can just as easily be used to condemn some punishments as too severe as well as condemning others as not severe enough.” In his view, humans are free, rational beings who make choices about whether to participate in criminal behavior. If a person makes a rational decision to commit a crime, punishment is deserved. However, that punishment must be parsimonious, meaning the minimum acceptable punishment should be imposed first. Tonry (2020) expands on this sentiment by offering two forms of retribution: positive retributivism and negative retributivism. Positive retributivism argues that people deserve to be punished whereas negative retributivism argues that people *may* be punished but need not be. He goes on to argue that negative retributivism should be the standard in the legal system, especially for low-level offenses.

While retribution is a past-oriented punishment philosophy, deterrence is future-oriented. It is a utilitarian philosophy geared toward crime prevention. According to deterrence theory, crime will be deterred if punishments are swift, certain, and proportionately severe. Like retribution, deterrence is a contested philosophy, and research on whether deterrence is an effective crime prevention strategy has been largely inconclusive. Some research shows support for certainty of punishment but not severity. Other research shows support for deterrence in certain offenses, but not others, and little research has covered the question of proportionality

(Nagin, 2013; Nagin, 2017). Thus, sweeping generalizations about the effectiveness of deterrence as a crime prevention mechanism cannot be made.

One study that frequently appears in discussions about the efficacy of deterrence explored the impact of the threat of additional sanctions on people on probation who are required to make monthly payments toward their legal debt. Weisburd, Einat, and Kowalski (2008), conducted a randomized experiment using a sample of low-risk adults on probation who had been assigned to an intensive probation program called Project MUSTER (Must Earn Restitution) in New Jersey. The explicit goal of Project MUSTER was to increase the payment compliance of people on probation. The authors boast that their results show that threats to violate probation or threats of incarceration increased payment compliance. Yet, the sample consisted of people who were mostly charged with nonviolent offenses, who were mostly lower-income, and who for the most part had no prior imprisonment records. In their own words, “It would be a mistake, however, to overstate the social and occupational positions of the probationer sample. Most participating probationers worked in unskilled or semi-skilled occupations, and more than half made less than \$250 a week at their last job” (Weisburd et al., 2008, p. 20). The mean legal debt owed by people in their sample was \$2,344.

I use this study to open a discussion about philosophical and theoretical neglect in research on the criminal legal system, especially in the context of punishments for people convicted of low-level and nonviolent offenses. According to the authors, the major finding from their experiment lent support to deterrence because it showed that threats of more severe punishment led to increased compliance. If that is true, the study fails to make the case as to what crime is being deterred by threatening to incarcerate a group of wholly nonviolent, non-chronic

offenders. Although the study does not directly address retribution, it does raise the question of whether or what kind of retribution is appropriate in this context. If true retribution is characterized by desert and parsimony, how should the state punish people convicted of such offenses and should threats of incarceration be included in the punishment regime? As stated, the study sample is a group of low-income, nonviolent, nonchronic offenders. Negative retributivism tells us that threats of incarceration made to this group of people breaches the concepts of parsimony and desert.

In fact, recent research on probationer perceptions of LFOs affirms this sentiment. According to Pattillo and Kirk (2020, p.10), “The threat of incarceration and other punishments—such as extending probation time, sending bills to credit reporting agencies, and terminating probation unsuccessfully— constituted strong breaches of procedural justice for the people we interviewed.” The authors go on to make the point that “Obtaining something through threat of force is extortion” (Pattillo & Kirk, 2020, p. 10). The people in their sample generally agreed that some form of financial sanction met a retributive function of punishment, but the piling on of additional sanctions for nonpayment was a breach of desert, proportionality, and procedural justice, all of which will be discussed in the findings and discussion chapters.

All of that said, preliminary research on offender perceptions of LFOs has shown that citizens think critically about the punishments they receive and often lend support to the retributive, restorative, and rehabilitative philosophies of punishment (Gladfelter et al., 2018; Patillo & Kirk, 2020; Pleggenkuhle et al., 2021). In these bodies of work, participants connect the reasons for punishment (e.g., retribution, restoration, and rehabilitation) to the experience or process of punishment (e.g., procedural justice). In other words, people are more likely to view



the process as procedurally just when both their treatment and the outcome of their case are viewed as fair, and the sociopolitical context of their lives colors these perceptions.

To be clear, I am not advocating for the advancement of philosophical and sociological engagement with the role of punishment in modern society at the expense of more practical and applied studies of crime and criminology. In fact, in the discussion chapter, I offer practical solutions to issues that I outline in my findings. However, I do believe that much of the practical and applied criminological research has lost sight of these foundational philosophical questions. The “so what?” question need not simply apply to implications for crime-control policy or future research but should also be grounded in a well-rounded theoretical commitment. In my view, the legitimacy question regarding punishments for misdemeanors provides a suitable space for theorizing about punishment in modern society. Not only is the misdemeanor legal system the largest component of our country’s criminal legal system, making it the most common way a citizen experiences the legal system, but it requires us to think more critically about the “offenses” that do or do not require us to punish and how much punishment is prescribed.

In this dissertation, I draw on an array of perspectives to advance the notion that the process of punishment, the outcome, and the context of my participants’ lives are important in shaping their perceptions of the legitimacy of the broader criminal legal system. When people perceive the outcome of their case as unfair or unjust, it exacerbates preexisting feelings of legal cynicism and erodes legitimacy despite procedurally just treatment. In short, procedural justice alone will not suffice but should not be abandoned. Further, I aim to contribute to the discussion on punishment, legitimacy, and LFOs through an examination of people who have been sentenced to *private* misdemeanor probation. While the privatization debate has been widely

addressed in the context of felony incarceration in state or federal prisons (Dolovich, 2005), little discussion has occurred in the context of noncarceral misdemeanor punishment. This dissertation focuses on privatized punishment experienced by people who committed low-level misdemeanor offenses, a bulk of which are traffic-related, and who could not afford their legal debt at the time of their court date.

### **Chapter 3: Methodology**

Due to the increased use of legal financial obligations throughout the 21<sup>st</sup> century, early research tended to focus its attention on documenting the scope and impact of enhanced monetary sanctions for felony defendants (Martin, 2020). These studies show that LFOs in the criminal legal system are not only pervasive but have wide-ranging negative impacts on individuals and communities (Greenberg et al., 2016; Harris, et al., 2010; O'Neill et al., 2022). Recent studies have shifted their focus from describing the scope and impact of LFOs and toward theoretical development (Martin, 2020). Several studies have used the social psychological framework of procedural justice and legitimacy to assess the impact of LFOs on perceptions of legitimacy. Findings from these early, mostly qualitative, empirical studies suggest that LFOs may negatively impact perceptions of procedural fairness in the criminal legal system (Needham et al., 2023; Paik & Packard, 2023; Pleggenkuhle et al., 2021). However, this theoretical framework remains underdeveloped in this context.

Thus, the purpose of this dissertation is to build on the growing body of research to address how the assessment of LFOs impacts peoples' perceptions of procedural justice and legitimacy in their experiences with the criminal legal system. To do so, I draw on qualitative data from 33 in-depth, semi-structured interviews with people currently or previously on misdemeanor private probation in Atlanta. I used a hybrid approach to thematic analysis, moving from codebook to reflexive, to structure the research design and analyze the interview data. I support the findings with field notes from over 50 hours of court observations at the Municipal Court of Atlanta and informal conversations with probation officers employed at Judicial Corrections Services and judges and court officers at the Municipal Court of Atlanta.

The research design followed a primarily deductive approach. I conceptualized the research using existing literature that suggests a potential fit between the procedural justice and legitimacy framework and studies on LFOs and probation. I created the interview guide based on this theoretical framework, and my prior knowledge on the topic guided the initial coding process. While I began the coding process using a codebook approach, organizing codes around data topics based on specific interview questions, the flexibility of thematic analysis allowed for the refinement and addition of codes throughout the analytical process. This approach facilitated a transition from coding based on data topics to interpreting patterns of meaning within these topics. Subsequently, I incorporated the concept of legal cynicism, which was not included in the proposal, interview guide, or initial codebook, into the findings. The flexibility of TA allowed me to add a level of complexity to the findings that is required of qualitative research on complex social problems.

Importantly, there is no universally applicable approach to qualitative research. In fact, Braun and Clarke (2020, p. 1) refer to the search for a single method to rigorously analyze qualitative data as the “hallowed method quest.” In the following sections, I justify the hybrid thematic analysis approach I used as the framework for my research design and methodology. I include an overview of the study setting, study procedures, and study participants. I then present a comprehensive description of the codebook and reflexive thematic analysis procedures used to generate my findings.

## **Research Design**

Thematic analysis (TA) is a “method for identifying, analyzing, and reporting patterns (themes) within data” (Braun & Clark, 2006). Since publishing their original article on TA,

Braun and Clark (2006) have made distinctions among three types of TA: coding reliability TA, reflexive TA, and codebook TA. The three types, while distinct from one another, are part of a spectrum of TA approaches. Researchers using the coding reliability approach typically join positivist perspectives with qualitative techniques. Coding is performed using a predetermined, structured codebook and themes are conveyed as topic summaries, or “as summaries of what participants said in relation to a particular topic or data collection question” (thematicanalysis.net, n.d.). This approach is often referred to as “small q” qualitative research due to its commitment to positivist principles such as objectivity, generalizability, and replicability. Importantly, coding reliability TA depends on inter-rater reliability scores to affirm the “accuracy” of the codes and themes that “emerge” in the data. Language such as “emergent” themes emphasizes the positivist outlook taken by coding reliability TA researchers. In other words, coding reliability TA operates under the assumption that an unbiased truth lies within the data, and it is the researcher’s job to find it (Braun & Clarke, 2021a).

Reflexive TA, categorized as “Big Q” qualitative research, fully embraces a qualitative research paradigm. This approach emphasizes subjectivity and methodological flexibility. Braun and Clarke’s (2006) reflexive TA involves a six-phase, iterative process, which I elaborate upon in the data analysis section. Briefly, these phases comprise: (1) data familiarization, (2) coding, (3) generating initial themes, (4) developing and reviewing themes, (5) refining, defining, and naming themes, and (6) writing up. While each phase builds upon its predecessor, the methodology is non-linear and allows for movement between phases. In contrast to coding reliability TA, reflexive TA does not use a codebook at the outset of data analysis, nor does it assume that themes emerge autonomously from the data. Codes serve as the foundational elements for themes, rather than evidence of their existence, and themes are actively generated

by the researcher through the coding process. If necessary, both codes and research questions can evolve throughout the reflexive analytical process. Reflexive TA places significant emphasis on the researcher's subjective role in conceptualizing the research design, conducting data analysis, and developing the findings. Subjectivity is not perceived as a limitation but rather as a strength in conducting robust qualitative research using reflexive TA. Given its epistemological commitments, reflexive TA is thought of by Braun and Clarke (2021a) as more of a methodology rather than simply a method to analyze qualitative data.

Braun and Clarke (2020, 2021a, 2021b) conceptualize the three variants of TA as existing on a spectrum, with coding reliability TA at one end, reflexive TA at the other, and codebook TA somewhere in between. This study's methodological approach falls between codebook TA and reflexive TA. Codebook TA, like coding reliability TA, uses a codebook at the outset of analysis. However, unlike coding reliability TA, the researcher is not constrained by these predetermined codes or themes<sup>2</sup>. Instead, the codebook serves primarily to structure the data analysis process. As the analysis progresses, codes can be modified and new themes can be generated, reflecting a more flexible approach than coding reliability TA. While codebook TA may involve multiple researchers, it does not rely on inter-rater reliability scores to determine the "accuracy" or "quality" of themes. This approach acknowledges researcher subjectivity to some degree, although not to the extent emphasized in reflexive TA. Braun and Clarke (2021a) suggest that codebook TA is frequently used in more applied research contexts, particularly when specific answers are sought within time constraints (i.e., to inform new policies or procedures). This

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<sup>2</sup> In coding reliability TA, there is little distinction between what constitutes a code and a theme (Braun & Clarke, 2021a).

practical orientation makes it well-suited for studies that aim to address concrete research questions while still maintaining some degree of analytical flexibility. By positioning this study's methodology between codebook and reflexive TA, I leveraged the strengths of both approaches.

Although TA is a flexible methodology for qualitative research, it does require the researcher to make certain research design decisions to create a well-organized research project. For example, research using TA can be inductive or deductive, report latent or semantic meanings, and can take a more constructionist or essentialist/experiential approach to design and analysis. The deductive, or top-down, approach begins with a theory and seeks out confirmation of that theory. It moves from specific to general. The inductive, or bottom-up, approach starts with a general question and moves to a specific theory. It moves from general to specific. The approach you choose guides three important sets of questions during the research project: research questions, interview questions, and analysis questions. I chose to take a deductive approach to the beginning phases of this project. As stated, sufficient research has been published by this point to allow researchers to move away from describing the scope of the issue and toward theoretical engagement (Martin, 2020). Therefore, I set out to answer specific questions based on the existing literature that shows procedural justice and legitimacy as a potential fit for studies on LFOs and probation. The research questions I set out to answer were:

- 1) What role does legal debt play in shaping perceptions of procedural justice for people on misdemeanor probation?
- 2) What impact does this perception have on the legitimacy of misdemeanor probation and the broader criminal legal system?

These questions fit the overall essentialist orientation of this research project. Rather than exploring how my participants used language to construct meaning in their interactions with criminal legal system actors, I sought to understand their subjective perceptions and sense-making of the misdemeanor legal system they experienced. In accordance with the elements of procedural justice and legitimacy, I focused the interview questions on participants' perceptions of their treatment from the initial police stop through their experience with the probation company. At the conclusion of the interview, I asked about their perceptions of the legitimacy of their individual sentence as well as the wider criminal legal system.

The procedural justice and legitimacy framework also guided my data analysis questions. Prior to data analysis, I reacquainted myself with the elements of procedural justice and legitimacy, and I continued to familiarize myself with the literature during the analysis. I reflected on which aspects of procedurally just treatment, if any, participants tended to discuss without my prompting. What did these responses mean regarding the theoretical framework? Did they converge with or diverge from the theoretical framework in a meaningful way? If so, what are the practical or theoretical implications? Initially, I coded based on semantic meanings. In other words, I coded for exactly what the participants said, rather than underlying meanings in the text, and I interpreted their responses as truths about their social reality.

The flexibility offered by TA allowed my research design to evolve over time. At the front end of the project, I used a deductive orientation to conceptualize the research questions, interview questions, and analysis questions. I used a codebook approach to begin the analysis and coded for semantic rather than latent meanings. However, there were a few points throughout the research process that pushed me toward a more reflexive approach. First, after



conducting several court observations and interviews, I paused the interviewing process to pinpoint weaknesses in my interview guide. Not only did I add questions to build a better rapport with participants, but I also added questions that were more relevant to their experience at the MCA. Without the court observations and subsequent reflection period, I would not have known to refine my guide and therefore would not have collected data as rich. Second, I familiarized myself with the data while interviews were still being conducted. As I will explain in the interviewing procedures section, my research assistant and I swapped roles after I conducted the first 20 interviews. This change allowed me to begin to clean and read through the transcripts before the conclusion of data collection, leading to more focused coding at the outset. Finally, I paused again midway through data analysis to assess whether my initial thematic map made sense. I looked within the coded data items under my predetermined codes to identify latent meanings within the codes. I engaged with more literature on legitimacy and began to develop themes outside of the predetermined codes I started with. This shift solidified the move from more of a codebook type of thematic analysis to a more reflexive one. Ultimately, by the time the analysis was complete, and I began to write up the methodology and findings chapters, I took on a fully reflexive approach.

To summarize, I used a hybrid (codebook and reflexive) thematic analysis approach to this study. At the beginning of the study, I used a deductive orientation to conceptualize the research questions, interview questions, and analysis questions. These questions aligned with an essentialist perspective, focusing on participants' subjective perceptions of and experiences with the criminal legal system. The initial codebook approach to data analysis allowed me to organize my transcripts around data topic summaries and conveyed semantic meanings in the data.

However, multiple reflection periods throughout the research process gradually shifted the project towards a more reflexive approach. These reflection periods played a crucial role in shaping the findings presented in this dissertation. The final step of the dissertation, the write-up, embraced a mostly reflexive approach. Ultimately, the balance between systematic coding and reflexive interpretation enabled a rich exploration of participants' subjective experiences with the misdemeanor legal system.

## **Research Setting**

The State of Georgia's correctional system underwent significant transformations during the 2010s that impacted misdemeanor probation supervision. In 2011, the Georgia General Assembly created the Council on Criminal Justice Reform to audit the operations of the correctional system, which had seen significant expansion since the 1980s, and to offer evidence-based policies to reduce both correctional populations and spending. The GCCJR initially targeted issues such as reentry and recidivism, but later shifted its attention to juvenile justice and misdemeanor probation (McPhillip et al., 2016).

In 2014, the Georgia Department of Audits and Accounts, Performance Audit Division published an audit of misdemeanor probation across the state of Georgia. The audit found that, "courts provided limited oversight of providers, with contracts that often lack the detail needed to guide provider actions and periodic reports from providers that tell little about their own or their probationers' performance." The auditors additionally cited inadequate case management and inadequate reporting and payment policies that led to probationer non-compliance and arrest. At the time of the audit, 80% of people on misdemeanor probation in Georgia were being supervised through a private company, and the auditors estimated that approximately \$125

million was collected annually in fines and surcharges. In their 2014-2015 annual report, the GCCJR provided 12 recommendations for improvement of the misdemeanor probation system. For example, the GCCJR recommends: 1) fines and fees be converted to community service if the defendant is unable to pay 2) that absent a waiver by the court, the probationer's sentence may not be revoked for failure to pay without a hearing 3) the General Assembly establish a definition of "pay-only" probation to differentiate between cases where the defendant was unable to pay the fines and fees at the time of sentencing and cases where restitution is owed or other conditions of probation are necessary given the offense.

In addition to these audits and reports, Sentinel Offender Services, LLC, the largest private probation provider in Georgia at the time, was subject to multiple lawsuits during the early 2010s which led to a major Georgia Supreme Court decision in 2014. *Sentinel Offender Services, LLC v. Glover*, addressed the issue of tolling, or pausing, a probation sentence for failure to pay or report as well as Sentinel's ability to add special conditions to a defendant's supervision conditions when the judge did not order such conditions as part of the defendant's official sentence. Moreover, it challenged the constitutionality of O.C.G.A. 42-8-100, which allowed for private probation companies to handle probation supervision for misdemeanors or ordinance violations cases, and it challenged the validity of Sentinel's contract with the Superior Court of Columbia County. The Court affirmed the position taken by the lower trial court that Sentinel did not have the legal authority to alter probation sentences, either by tolling or adding special conditions. The Court upheld the constitutionality of O.C.G.A. 42-8-100 but ruled that the plaintiffs had a right to recovery regarding the fees paid to the company.

These audits, reports, and judicial decisions culminated in the passage of House Bill 310 in 2015 and Senate Bill 367 in 2016. Known as the State-wide Probation Act, HB 310 transferred felony probation and parole supervision responsibilities from the Department of Corrections to the newly established Department of Community Supervision (DCS). It additionally created a Board of Community Supervision to act as the oversight committee for DCS. Senate Bill 367 clarified the responsibilities of the Board of Community Supervision and created the Misdemeanor Probation Oversight Unit, which answers to the Board. Prior to the bill's passing, the County and Municipal Probation Advisory Council (CMPAC) oversaw private and public misdemeanor probation. CMPAC was comprised of the commissioner of corrections, numerous judges from varying courts (i.e., superior, magistrate, probate, municipal), and a sheriff, mayor, public probation officer, private probation officer, and county commissioner who were all appointed to the Council by the Governor. CMPAC was responsible for the promulgation of rules and regulations for a variety of activities related to the uniform professional standards for probation officers employed by public or private probation entities. After HB 310 and SB 367 passed, these responsibilities were transferred to the Board of Community Supervision and the Misdemeanor Probation Oversight Unit.

HB 310 and SB 367 addressed many of the legal wrongdoings found by the Court in the Glover case. For instance, HB 310 stipulates that people on pay-only probation are only liable for a maximum of three months' worth of supervision fees. SB 367 instructs probation entities to terminate a person's "pay-only" probation within 30 days if the person has made all necessary payments. However, legal gray areas remained regarding misdemeanor private probation practices. In 2016, Sentinel was the subject of yet another Georgia Supreme Court case.

Anderson v. Sentinel Offender Services again took up the issue of tolling probation sentence. In this case, the Court clarified that privately supervised misdemeanor sentences *can* be tolled under Georgia common law and that the State-wide Probation Act (HB 310) did not repeal the common law rule allowing private probation companies to toll sentences. In their opinion, the Court writes, “as a matter of common law, the mere passage of time does not extinguish an unserved sentence and that the common law principle has not been abrogated by the State-wide Probation Act.” Ultimately, these and other lawsuits eventually led Sentinel Offender Services, LLC to close the doors to their Georgia locations in 2017.

The 2010s marked a significant period of criminal justice reform in Georgia. Legislation passed during this time had direct implications for both misdemeanor probation entities and people sentenced to misdemeanor probation, including improved oversight of private probation practices, caps on probation supervision fees, the option of community service in lieu of fines and fees, and so on. Reforms targeting misdemeanor probation were additionally influenced by a handful of Georgia Supreme Court case, such as the Glover and Anderson cases. This legislative and judicial framework forms the backdrop for the current study, which examines privatized misdemeanor probation in Atlanta.

Indeed, despite recent legislative and judicial changes, misdemeanor private probation remains a booming industry in Georgia. Today, 15 private sector entities manage misdemeanor probation supervision across Georgia, including in the City of Atlanta which contracts with Judicial Correction Services, a subsidiary of Professional Probation Services. Many of these private probation entities manage misdemeanor probation in multiple jurisdictions across the state. For instance, Professional Probation Services and its subsidiaries currently manage

misdeemeanor probation for 32 local jurisdictions in Georgia. In 2017, CRSA Probation Services announced that it had acquired 11 former Sentinel offices, more than 50 of its previous contracts, and 80 of its former employees. It is now the largest private probation provider in Georgia.

### ***City of Atlanta***

Atlanta, the capital city of Georgia, is the largest metropolitan center in the southeastern United States. The city of Atlanta is comprised of 2 counties (Fulton and Dekalb) and covers 132 square miles. As of 2022, the city proper had an estimated population of about 500,000 residents, and the broader metro Atlanta area boasted over 6 million residents (American Community Survey, 2023). The population density is low for a city of its size at 3,685.7 persons per square mile. The population in Atlanta is predominantly Black (47.6%), followed by White alone, not Hispanic or Latino (38.9%), Hispanic or Latino (5.4%), Asian (4.9%), and other races and ethnicities (4%). 59.3% of Atlantans hold a bachelor's degree, which is higher than the national average of 37.7%. The median household income in Atlanta is \$83,251, which is slightly higher than the national median household income of \$80,610. Yet, Atlanta's poverty rate is 17.3%, which exceeds the national rate of 11.1%.

In the mid-20<sup>th</sup> century, Atlanta earned the moniker “Black Mecca” for its reputation as an intellectual and entrepreneurial hub for Black residents. Indeed, the city is home to many Historically Black Colleges and Universities (HBCUs) including: Morehouse College, Spelman College, and Clark Atlanta University. These HBCUs (along with the Morehouse School of Medicine) comprise the Atlanta University Center Consortium (AUC), the oldest consortium of HBCUs in the world. Atlanta is the birthplace of Martin Luther King Jr. and was the headquarters of many pivotal civil rights organizations at the height of the Civil Rights Movement. Despite

this reputation, Atlanta currently has the largest racial wealth disparity in the country. According to the Community Foundation for Greater Atlanta (n.d.), “for every \$1 of wealth the average Black family in Atlanta holds, the average white family in Atlanta holds \$46.”

As stated, the median household income of Atlanta residents was \$83k as of 2021, slightly above the national average. However, this figure overlooks significant intra-urban income disparities. Notably, the median household income for Black families in the City of Atlanta is \$28,105 (Atlanta Wealth Building Initiative, n.d.). These existing socioeconomic disparities are perhaps nowhere more prevalent than in the city and county jail populations. Indeed, Atlanta recently faced scrutiny regarding its management of minor criminal offenses and the consequent impact on low-income residents. In 2022, 1 in 8 Atlanta City Detention Center bookings were unhoused Atlanta residents. These residents were booked for offenses such as trespassing, disorderly conduct, and pedestrian violations (Prison Policy Initiative, 2023). In the Fulton County Jail, 40% of jail bookings in 2022 were for misdemeanor offenses (Justice Policy Board, 2022). Importantly, the city continues to face challenges related to overcrowding and conditions at the Fulton County Jail and attempted to transfer some of the incarcerated people to the Atlanta City Detention Center. In 2024, the Department of Justice published a report from its years long investigation into the conditions at the Fulton County Jail. The report details numerous constitutional violations, especially relating to violent, unsafe, and unhealthy conditions.

### ***Atlanta’s Misdemeanor Legal System***

For the purposes of this study, I focus here on two key entities in Atlanta’s misdemeanor legal system: the Municipal Court of Atlanta (MCA), and Judicial Correction Services (JCS).

The Atlanta Police Department, the city's primary law enforcement agency, is one of a few police departments that are responsible for the initial contact with individuals accused of city ordinance violations and misdemeanor offenses (Georgia State Patrol, Georgia State University Police, MARTA police, among others also operate within the city limits). These cases are then adjudicated in the MCA, which has jurisdiction over city ordinance violations and certain misdemeanors committed within the city limits. Following the court's decision, misdemeanor probation supervision is outsourced to JCS. This section will examine the dynamics of the MCA and JCS to give further context to the current study. Importantly, the Fulton County State Court also has jurisdiction over certain misdemeanors committed in the city of Atlanta, and defendants who plead not guilty to their charges in the MCA will sometimes have their cases bound over to the FCSC. The FCSC also contracts with JCS to supervise people placed on misdemeanor probation.

Over the course of its history, Atlanta has operated a variety of local courts. In 2005, the City of Atlanta dissolved the City Court of Atlanta and transferred all cases to the Municipal Court of Atlanta. An audit of operations of the two courts in 2004 found, "the City Court was not performing basic accounting functions, such as daily reconciliation of casher tills." Prior to the audit, recommendations by the City Court Review Panel were made to the mayor to consolidate the two courts. As a result, the MCA now acts as the sole municipal court in the city of Atlanta. The MCA is located on 150 Garnett St, across from the Atlanta Police Headquarters and the Atlanta City Detention Center. The court currently has 9 full-time, sworn judges and a total of 185 personnel employed. It has jurisdiction over city ordinance violations, general and aggravated traffic violations, as well as some misdemeanor criminal violations. Judges at the



MCA have the discretion to sentence a defendant to up to 12 months of incarceration and up to a \$1,000 fine for misdemeanor state violations and up to 6 months of incarceration and up to a \$1,000 fine for city ordinance violations. The MCA does not have the authority to hold jury trials, but bench trials may occur in cases when a defendant pleads not guilty, and the court has jurisdiction over the case (i.e., city ordinance violations).

At the MCA, defendants are presented with a plea sheet with three plea options: guilty, not guilty, and nolo contendere. Upon entering the courtroom, they must complete the plea sheet by selecting their chosen plea and signing the sheet as an acknowledgement of their plea decision and the implications associated with their plea decision. After returning their plea sheet to the solicitor's desk, the solicitor calls on defendants one by one to discuss their charges and to negotiate a plea deal. Once the two parties agree on the plea and sentence, the defendant then sits in the gallery seating behind the solicitor's desk and waits for the judge to enter the courtroom to begin proceedings.

When the judge calls the defendant's name, they approach a podium in front of the judge's bench and are sworn in. The solicitor then reads the circumstances of their case and the charges aloud. The judge asks the defendant how they would like to plea. Should the defendant plead guilty or nolo contendere, the judge asks the defendant to confirm that they are aware that they are waiving the rights indicated in their plea sheet (i.e., right to jury trial, right to appeal). The judge additionally asks the defendant to confirm that their plea was free and voluntary, and that the defendant was not threatened or coerced into taking the plea. Finally, the judge reads the defendant's sentence aloud and may or may not ask the defendant if they have any questions. If the defendant is required to make a payment toward fines and court fees, the judge asks the

defendant whether they can pay in full that day. If full payment is possible, the defendant is directed to the cashier's window on the second floor of the court. In instances where immediate payment is not feasible, the judge can impose a 12-month probationary period<sup>3</sup>, which terminates upon full remittance of court-assessed fines and fees. The defendant is then instructed to wait outside the courtroom for the probation intake officer to call their name. Of note, cases can also be resolved through dismissal by the solicitor or judge or successful completion of a diversion program. In these instances, the charge is completely removed from the defendant's record.

In 2023, the City of Atlanta, City Auditor's Office published an audit of the Municipal Court of Atlanta. The audit was conducted due to citizen complaints made to the city council that judges at the MCA were often late or did not show up at all. The audit sought to address the number and types of cases adjudicated in the MCA, the amount of fines collected annually per case category, the extent of the failure to appear problem, and so on. According to the audit, 85% of the 737,797 cases filed in the MCA between 2018-2023 were traffic cases and almost 92% of all assessed fines were for traffic cases. In 2022, the court assessed over \$18 million in fines, with slightly over 10% left outstanding.

Judicial Correction Services provides probation supervision services to defendants who are placed on misdemeanor probation through the MCA or the Fulton County State Court. JCS has offices in-house at the MCA. Floor three has one JCS office and floors 5 and 6 each have two offices. Their off-site is located on 110 Mitchell Street, three blocks from the MCA and one block from the FCSC. Though formerly an individual company, JCS was acquired by

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<sup>3</sup> 3-, 6-, and 9-month sentences to probation are also offered to people on "pay-only" probation.

Professional Probation Services (PPS) on January 1, 2017 (ppsfamily.com/history, n.d.).

According to the PPS website, their probation services, “focus on reducing recidivism by attacking joblessness, making referrals, and personal financial coaching” (ppsfamily.com/history, n.d.).

In my informal interview with three JCS probation officers, one officer estimated that the average monthly caseload was anywhere from 500-1,000 cases per month and another told me that they currently had 1,053 cases. This same officer estimated that JCS supervises around 5,000 people per month from the MCA alone. A personal contact, Donna Marain, submitted an open records request to receive access to data on private probation. She received data on private probation for each quarter for the years 2021-2022, though the data only include state courts (i.e., Fulton County State Court). In 2022, JCS had an average of 2,500 people on active supervision per quarter through the FCSC alone, with a quarterly average of 520 people in warrant status. They collected an average of \$130,714 per quarter in probation fees from FCSC alone.

There are two types of probation through JCS: pay-only probation and probation with conditions. For people on pay-only probation, probation is terminated upon payment of their legal debt in full. Recall that JCS can only charge people on pay-only probation for three months’ worth of supervision fees. Probation with conditions may include people who were convicted of driving while intoxicated. Typically, these sentences are 12 months long and probation fees are charged monthly unless specified by the court. Conditions may include community service hours, anger management courses, victim impact panels, etc. Importantly, probation with conditions also includes people who have had their fines converted to community service. The MCA offers defendants the option to complete community service at a rate of \$10 per hour,

meaning that if you have a \$200 fine converted to community service, you must complete 20 hours. There is no cap on the number of months JCS can charge probation fees for someone completing community supervision in lieu of their fine, unless otherwise specified by the judge. People can also be under active supervision or non-report supervision. For people on non-report supervision, all they need to do to satisfy probation requirements is make monthly payments online. For people under active supervision, they must check-in with their probation officer each month at the office. If conditions or payments are not satisfied within 12 months, cases are “unsuccessfully terminated” and the person’s license is suspended, and a warrant may be issued for their arrest.

The probation officers I spoke to described their jobs as stressful, but they were grateful for the cases that made them feel like they made a difference in someone’s life. According to these officers, they started out making \$31,000 annually with a college degree. To my surprise, all three officers mentioned that they would struggle to meet the financial requirements of a traffic ticket should they be pulled over. They commented that they could easily end up on the other side of things. One probation officer mentioned the lyrics to a Ludacris song about Georgia, “come on vacation, leave on probation.”

## **Study Procedures**

The study procedures for this research were designed to comprehensively examine the misdemeanor legal system in Atlanta. Rich data were collected through a combination of court observations and in-depth interviews. The court observations provided insight into the day-to-day operations of the Municipal Court of Atlanta and allowed me to refine my interview guide to ask questions that were more relevant to participants’ experiences. Moreover, conversations with

court and probation officials during the observations led us to a more informed approach to recruitment. For instance, probation officers advised us that they did not see clients on Wednesdays due to it being an administrative day. The evolution of recruitment and interviewing throughout the research is indicative of the reflexive nature of the project.

### ***Court Observations***

Court observations were conducted systematically beginning in November of 2023 and ending in April of 2024. Only two court observations were conducted in November of 2023 and no court observations were conducted during December of 2023. As such, the bulk of the observations occurred between January 18, 2024, and April 18, 2024. During this time, 24 sessions were completed, totaling over 50 hours and approximately 450 cases observed. After speaking with court officers, my research assistant and I learned that potential participants would be more likely to be present on Mondays and Tuesdays because the court is usually busier earlier in the week. I additionally spoke with probation officers, who told me that they do not see clients on Wednesdays because it is an administrative day. Therefore, schedules permitting, we tried to attend court on Mondays, Tuesdays, and Thursdays to maximize the likelihood that we would recruit at least one participant.

In addition to street parking and nearby MARTA bus and rail access, there are plenty of paid parking lots near the Municipal Court of Atlanta. Access to the MCA requires passage through a metal detector and having your personal belongings scanned. The lobby is typically bustling with activity, primarily due to the lines for the cashier windows, which are located immediately upon entry. After passing through the security checkpoint, we generally paused in front of the elevators to scan the dockets. The dockets are found on four large television screens

in front of the elevators. At the beginning of court observations, I would plug in the information of a few cases on the MCA website. This activity helped me understand which courtrooms handled relevant cases and to get a general sense of the types of cases handled by each judge.

The MCA building has 6 floors. Floor 2 is the main entrance and lobby where the cashier's windows are located. Floor 4 houses offices for various court actors. Floors 1, 3, 5, and 6 contain courtrooms and probation offices. Floor 1 is reserved for in-custody or first appearances for defendants incarcerated at the Atlanta City Detention City. Floor 3 has two courtrooms and is typically the busiest floor. Most (15 of 26 observation days) of the court observations were conducted exclusively in one of these two courtrooms, or in addition to watching another court proceeding. Floors 5 and 6 each contain four courtrooms and two probation offices. We did not observe any cases in courtrooms 5A or 5C. Based purely on observation, courtroom 6A seemed to be as busy as the third-floor courtrooms on most days.

My research assistant and I attended court together a handful of times so I could get her acquainted with the procedures. During these visits, one of us would sit outside the courtroom on one of the benches lining the lobby while the other observed proceedings within the courtroom. This strategy allowed us to view both the court dynamics and the interactions taking place in the lobby. When attending individually, we would typically observe court proceedings for around one hour before transitioning to observations and recruitment in the lobby. On a few occasions, I would observe more than one court during the same observation session. For instance, if the 10 A.M. court wrapped up early, I would observe the 11 A.M. court next door.

During court observations, we were permitted to take notes. The note-taking process was informed by the ethnographic methods outlined by Emerson, Fretz, and Shaw (2011) which

emphasizes in-the-moment jottings that capture both the physical environment and the social interactions within it. I made jottings in a notebook that I used for court observation notes and interview notes. For example, on 4/11/2024 at 11:00 a.m. court, I jotted:

-It's LOUD in here today. One SG enrolls people in PTIT and the other negotiates pleas.

- SG keeps having to explain pretrial program

-Fee to pay in 6-week period

-Fee received in email

-Court attendee "She went through it so quick you couldn't understand."

-SG is laughing w/ everyone

Much like the lobby of the MCA, it was also busy inside the courtrooms. Conversations between solicitors and defendants, attorneys and defendants, attorneys and solicitors continued even after the judge began proceedings. On many occasions, the presiding judge or the court officer would remind folks in the gallery to speak in a whisper so that the judge and the defendant could hear each other properly. These jottings also highlight some of the interactions between court officials (SG stands for solicitor general) and defendants and give insight into how one defendant felt after the interaction.

In addition to jotting down notes about the physical environment and social interactions, we also took notes on the cases that were processed in court that day. For instance, once court proceedings began, I numbered each case, noted what the charges were, the plea, whether the

defendant had a lawyer present, what type of lawyer (i.e., public defender or private attorney), the sentence they received, and whether the defendant was put on probation for inability to pay. These case characteristics gave me a sense of the types of defendants that come through each courtroom.

Jottings and case characteristic notes were subsequently expanded and added to the interview log post-observation, along with a reflection on court that day. For example, notes in the interview log from court observations on 02/27/24 state:

We went to court today to watch the probation revocation hearings in Judge Ward's court at 11 am on Wednesdays. He said he handles the revocation hearings last, so we had to wait until around 12:15 for the two hearings that were on the docket. A private attorney had a back and forth between the judge and solicitor over his client's fines. The woman was assessed a \$500 fine for failure to report an accident. After court costs, that totaled \$715. She was also assessed a \$200 fine for following too close. After court costs, that totaled \$286. She owed a total of \$1,001. She was also given 12 months of probation with conditions. That means that she will also owe the probation company \$49/month for supervision fees. The conditions she was given were to complete a defensive driving course and a MADD victim impact panel. According to the Georgia Department of Drivers Services website, a defensive driving course costs \$95. According to the MADD website, victim impact panels cost \$50. So, if she stays on probation for a year and completes the terms of her probation, she will end up paying \$1,704. \$700 of



that is fines, \$1,004 of that is fees and surcharges (supervision fees, class fees, and state-mandated surcharges).

After this interaction, the next defendant came before the judge wearing a sweatshirt that said “fuck the system” across the front. The judge ordered him to leave the courtroom and come back without the sweatshirt. In my reflection that day, I wrote, “The judge was PISSED... I honestly was too nervous to take notes while the judge was speaking. It was very tense in the courtroom.”

The observational data collected through this process provided insights into the day-to-day operations of the court, the interactions between court personnel and attendees, and the overall atmosphere of the judicial proceedings. By immersing myself in the court environment, I gained firsthand knowledge of the processes and dynamics that shape individuals’ experiences with the Municipal Court of Atlanta. This knowledge allowed me to ask more specific questions during my interviews about participants’ experiences with each of the court officials. These reflexive actions served to enhance the quality of the study’s findings.

### ***Participant Recruitment***

To qualify for this study, individuals had to be at least 18 years old and have current or previous experience with misdemeanor probation through Judicial Correction Services in Atlanta. Additionally, participants needed to have made financial payments related to their case. I excluded individuals on misdemeanor probation in jurisdictions outside Atlanta, those solely on felony probation or parole, and people who paid their fines and court fees on their court date without entering probation. While I did not restrict participation based on the type of offense, my group of participants predominantly consist of individuals with traffic-related offenses. Specifically, 22 out of 33 participants were on misdemeanor probation for traffic violations. Of

these 22 participants, 21 received their sentences through the Municipal Court of Atlanta (MCA). The remaining participant, initially arraigned by the MCA, had their case bound over to the Fulton County State Court following a plea of not guilty.

My research assistant and I conducted participant recruitment at two primary locations: the Municipal Court of Atlanta and the Judicial Correction Services office, located a few blocks away from the courthouse. 16 participants included in this study were recruited from JCS, and 15 participants were recruited from MCA. 2 participants were recruited through snowball sampling. This dual-site approach captured participants at various stages of their interactions with the misdemeanor legal system. I combined purposive and convenience recruitment methods. At the court, we approached individuals whom we observed being placed on misdemeanor probation due to their inability to pay court fines and fees. Similarly, at the JCS office, we approached potential participants as they exited the probation office. This method allowed us to identify individuals who met our study criteria efficiently. As an aside, the first 3 participants I interviewed were recruited through Craigslist, per prior research on LFOs showing success with this recruitment site (Huebner & Shannon, 2022). However, these participants were not included in the study because I could not verify that they 1) went through the MCA or FCSC and 2) were on JCS misdemeanor probation through either of these courts. I excluded one additional participant due to the incompleteness of the interview.

As stated, each floor of the MCA has 2-4 courtrooms and at least one probation intake office. After court proceedings begin, individuals placed on probation wait outside of the courtroom to be called by the probation intake officer. Typically, 4-5 individuals sit on the benches lining the lobby, waiting to register for probation. When recruiting at the MCA, I sat on

a bench near the probation intake office and approached people as they exited the office. This timing allowed me to invite participants immediately following their court and initial probation experience. When I approached people, I introduced myself as a student at Georgia State University and provided them with the Institutional Review Board-approved recruitment flyer. I verbally described the study and their potential role in it. I then showed each potential participant my contact information at the bottom of the flyer and let them know that they could call, text, or email me if they were interested in learning more about the study. I used a free Google number to communicate with participants through text or phone call, and I provided them with my Georgia State University faculty email address. I did not track the response rate, but these interactions generally yielded at least one participant.

At the Judicial Correction Services office, we used a slightly different strategy. Rather than recruiting participants in the office lobby, we stood outside the building's exit and approached potential participants as they left the probation office. We refrained from approaching individuals engaged in phone conversations or wearing earphones. The same recruitment flyer and verbal description used at the court was given to potential participants at this location. On days when I conducted court observations, I often transitioned to recruiting at the probation office afterward. The probation officers take lunch from 12-1:30, so I made sure to stay in court until afternoon appointments commenced. These recruitment procedures were designed to be non-coercive, transparent, and to provide potential participants with clear information about the study's purpose and their potential role. This method aligned with ethical guidelines for human subject's research, as approved by Georgia State University's Institutional Review Board.

In all, my research assistant and I recruited and interviewed 37 people for the study, and I included 33 of these participants in the findings. Although I originally planned to interview 50 participants, the 33 interviews included in this study are sufficient to answer my research questions. Had I approached this project using grounded methods or through a positivist lens, the question of saturation would be relevant here. Saturation is typically conceptualized as “information redundancy” (Braun & Clarke, 2021b). Given the epistemological commitments underpinning reflexive TA, the question of saturation is not appropriate for this research project. Research findings are not waiting under the surface of interview transcripts to be discovered by the researcher. Moreover, a reflexive TA project cannot quantify theoretical saturation because findings could be generated in any number of ways. In reflexive TA, continued data collection means the continued opportunity for new findings to be generated by the researcher. As such, a more relevant question to answer in this research design is that of data adequacy. The homogeneity of my research participants, combined with the deductive nature of my research questions, meant that specific participants in a specific context answered specific research questions. The incorporation of court observations also allowed me to refine my interview guide early on to ask more relevant questions and to engage participants in deeper conversations. Thus, the data I collected allowed me to reach the level of conceptual density I needed to answer my research questions.

### ***Interviewing (Instrumentation)***

Participants were given the option to conduct their interview in-person, over the phone, or via Webex. All but one interview included in this study was conducted via telephone. The in-person interview was conducted at Georgia State University in the offices of the Department of

Criminal Justice and Criminology. The participant was recruited from the JCS office. Since he was unhoused at the time and our office downtown was convenient for him. Interviews lasted between 26 and 97 minutes, with an average length of 58 minutes. Although in-person interviews have their advantages, for instance building rapport faster, not losing connection midway through the conversation, or seeing facial expressions, etc., telephone interviews were largely chosen out of convenience for the participant. The first three interviews were conducted in September of 2023 via telephone, but they are not included in this study. An additional interview took place at the courthouse, but I excluded it from the study due to too many environmental distractions which led to an incomplete interview and an inaudible recording. Interviewing occurred from November of 2023 through May of 2024.

I conducted 24 of the interviews that are included in this study, and my research assistant conducted 9. After I conducted 20 interviews, I transferred interviewing responsibilities to my research assistant. The transfer of these responsibilities occurred in March of 2024, at which time I began to experience some interviewing burnout due to the personal nature of some of my interviews (i.e., participants discussing suicide, deaths in the family). Burnout aside, transferring the interviewing responsibilities at this point in the project was advantageous because it allowed me to begin data familiarization much earlier. These decisions ultimately strengthened my project management skills. Prior to my research assistant assuming interviewing responsibilities, she had conducted a handful of court observations, read through and cleaned interview transcripts, and was given the opportunity to ask questions about interviewing at any point during the interviewing process. In May of 2024, I conducted an additional 4 interviews before officially ending recruitment.

I used a Google number to contact participants to maintain privacy. Typically, participants reached out via text, at which point we set up a time for me to call them. At the beginning of the phone call, I let each participant know that the interview would last around an hour and asked them if it was still a good time to talk. If they confirmed, I then explained the interview procedures, including the informed consent sheet, a brief description of the interview guide, and the compensation. Before I began the consent process, I made sure to ask participants if they had any questions.

Due to the confidential nature of this project, I received approval from the Institutional Review Board to waive written consent. As such, each participant verbally consented to the research and was offered an electronic copy of the informed consent sheet. I additionally asked participants to choose an alias for themselves. Therefore, the names I use in the findings chapters are not my participants' real names but rather their chosen alias. During the consent process, I asked participants what their preferred method of compensation was (Cash App or Visa Gift Card) and asked them if I had permission to record the interview. Every participant allowed me to record. After I was approved to make Cash App payments, every participant chose Cash App as their preferred method of compensation. The funding I received from the Russell Sage Foundation allowed me to compensate participants \$50 for a one-time interview.

The interview guide, found on page 184 in Appendix B, consisted of an introduction section, a general background section, five key sections aimed at answering the research questions, a concluding section, and a demographics section. As stated, the interview guide changed slightly after conducting the first 10 interviews. In addition to adding questions to build rapport, I changed the order and structure of a handful of questions and added a few questions to

ask about more specific experiences. For instance, some of my participants were confused when I asked them to define the word “legitimate.” I decided to switch the order of my questions to ask whether they thought their punishment was legitimate first, and then I asked them to define the word legitimate. This change helped participants understand my aim for the question. I also added a few “demographics” questions. During the initial interviews, I simply asked about their employment status (e.g., full-time, part-time, unemployed) and bank account status (yes or no). I added a question asking them to estimate their annual income and a question on whether they received government benefits like social security, food stamps, etc. These questions gave me more context surrounding their financial situation.

The five key sections moved through each phase of the misdemeanor legal system. They include: police experience, pretrial experience, courtroom experience, probation experience, and reflections on fines, fees, and legitimacy. The introduction section was intended to give the interviewer a brief overview of the participant’s case that put them on misdemeanor probation, including the police department that pulled them over, their charges, how they pled, and their official sentence. This information allowed the interviewers to cater the interview to relevant aspects of the participant’s experience. For example, the researcher could skip questions regarding incarceration if the participant said they were not arrested during their interaction with the police.

After the initial round of questions, the interviewer then switched gears and asked participants to describe themselves and their day-to-day lives. These questions were added after the initial 10 interviews to strengthen rapport with participants. Here, we also asked participants whether they had any other debts in addition to their legal debt (i.e., medical, student, credit

card). Importantly, many participants jumped straight into talking about frustrations with the handling of their case in the first section of questions. Since the interviewing style was intended to be semi-structured, we generally let them discuss whatever was important to them in that moment and then eventually guided the conversation back to the interview questions.

The first key section touched on the participants' experiences with the police officer or officers whom they encountered. The main question we asked in this section was, "Will you please walk me through your encounter with the police officer who issued the citation that led to you being put on probation?" We probed for information regarding how the officer spoke to the participant, how the participant felt during and after the encounter, and whether this was their first ever encounter with police. To signal a shift from this topic to the next, and to ensure the participant was able to fully describe their encounter, we asked, "Overall, what did you think of the officer whom you had the encounter with?" In section two, pretrial experience, we inquired about any conversations participants had about their encounter with police or if they did anything to prepare for court. For participants who were arrested, we asked about their experience while incarcerated, including questions regarding the length of incarceration, where they were held, and what type of bond or release they secured.

Most of the interviews were spent discussing sections 3, 4, and 5. In particular, participants had much to say about their experience in court, which we asked about in section 3. We began by asking the participants to tell us about their experience in court the day they were put on misdemeanor probation. If necessary, we probed for information regarding their interaction with the city solicitor and public defender. Specifically, we asked whether they had an attorney present with them in court and if not, if they would have preferred to have



representation. Before moving on to perceptions of their sentence, we asked participants to recall their overall sense of the judge. Like the question on the police officer, this question was designed to signal a shift in topic but to also give participants a chance to think back and include anything they might've missed. We concluded section 3 questions by asking participants about their perceptions of their sentence to fines, fees, and probation. For instance, we asked, "How do you feel about having to pay a probation supervision fee?"

In section 4, which focused on their experience on probation, we asked the same questions as the sections on police and courtroom experiences. We began by asking participants to walk us through their experience on probation, including information such as how often they spoke to their probation officer, what their probation requirements were, whether they check in with their probation in-person or via phone, etc. For some participants, this section was not as relevant as sections 1-3 because some participants paid their fines and court fees before ever having to check in with their probation officer. If that was the case, we focused more on their perception of being put on probation and their perception of the fines and fees that they paid.

The interview culminated in questions regarding their perception of the purpose of paying fines and fees and the legitimacy of their sentence and the broader criminal legal system. These questions comprised section 5. As stated, I changed the order of these questions after 10 interviews were conducted to help with clarity. First, I asked participants, "Do you think your sentence to probation is legitimate?" Then, I asked them to define legitimate. I clarified that there was no right or wrong answer, and that I was just interested in finding out how they personally differentiate between something that is legitimate or illegitimate. After they gave their definition, I also clarified whether they viewed their sentence as legitimate based on the definition they

provided. For instance, many participants initially defined legitimate as something that is “real” or “authentic.” In my follow up question, I asked, “So you do [or do not] believe your sentence to probation is real or authentic?” This follow-up question often gave me clarity about not only their views about their sentence, but what was important in their definition of legitimate. Lastly, I asked participants whether they thought the criminal justice system was legitimate.

Before asking standard demographic questions, I concluded the interview by asking participants what, if anything, they would change about their experience and what they would tell the Atlanta community about their experience. I also let them know that if they had anything to add that they could reach out to me. We compensated participants through Cash App as soon as they sent over their information. We also logged our interview notes in an Excel file as soon as possible after the interviews were completed. In these notes, we gave a general summary of the participants’ personal circumstances, their criminal legal system experience, and their overall views of the system and their sentence. We tried to write notes that were in-depth as possible so that by the time data analysis came around, I could refer to the interview notes to jog my memory.

### ***Research Participants***

**Table 1** (below) depicts the demographic information of participants included in this research. Participants ranged in age from 20 to 64 years old with an average age of 37 and a median age of 33. 14 participants self-identified as women, and 19 participants self-identified as men. 26 participants self-identified as Black, 3 participants self-identified as white, 1 participant self-identified as Hispanic, 2 participants self-identified as Black and Hispanic and 1 participant self-identified as bi-racial. 2 participants reported finishing some high school, 15 participants

reported graduating high school or holding a GED, 10 participants reported completing some college, 2 participants reported holding an associate's degree, and 4 participants reported holding a bachelor's degree. 22 participants rented their homes, 2 participants owned their homes, and 8 participants were insecurely housed (i.e., using housing vouchers or temporarily staying with friends or family) or unhoused, and 1 participant was living in a voluntary residential treatment facility. 8 participants did not have a bank account, and 10 participants reported being unemployed. The median annual income of my participants was \$30,000 and the average annual income was \$35,000. 6 participants either did not have a driver's license or had their license suspended at the time of the interview. 23 participants were placed on misdemeanor private probation for traffic offenses such as expired tag, failure to yield, following too close, failure to stop, and speeding.

**Table 1: Participant Demographics**

<b>Category</b>	<b>Sub-Category</b>	<b>Frequency (N = 33)</b>	<b>Percent (%)</b>
Sex	<i>Male</i>	19	57.6%
	<i>Female</i>	14	42.4%
Age	<i>18-29</i>	10	30.3%
	<i>30-39</i>	10	30.3%
	<i>40-49</i>	5	15.2%
	<i>50+</i>	7	21.2%
	<i>Missing</i>	1	3%
Race/Ethnicity	<i>White</i>	3	9.1%
	<i>Black</i>	26	78.8%
	<i>Hispanic</i>	1	3%
	<i>Black/Hispanic</i>	2	6.1%
	<i>Biracial</i>	1	3%
Education	<i>Some High School</i>	2	6.1%
	<i>High School/GED</i>	14	42.4%
	<i>Some College</i>	10	30.3%
	<i>Associate's Degree</i>	2	6.1%
	<i>College Degree</i>	4	12.1%
	<i>Missing</i>	1	3%
Dependents	<i>0</i>	17	51.5%
	<i>1</i>	2	6.1%
	<i>2</i>	7	21.2%
	<i>3</i>	4	12.1%
	<i>4+</i>	3	9.1%
Employment Status	<i>Unemployed</i>	10	30.3%
	<i>Part-time</i>	3	9.1%
	<i>Self-Employed</i>	5	15.2%
	<i>Full-time</i>	15	45.5%
Estimated Income	<i>&gt;\$20,000</i>	2	6.1%
	<i>\$20,000-\$29,000</i>	7	21.2%
	<i>\$30,000-\$39,000</i>	7	21.2%
	<i>\$40,000-\$49,000</i>	3	9.1%
	<i>\$50,000+</i>	3	9.1%
	<i>Missing</i>	11	33.3%
Housing Status	<i>Unhoused</i>	2	6.1%
	<i>Living With Family</i>	6	18.2%
	<i>Rent</i>	22	66.7%
	<i>Own</i>	2	6.1%
	<i>Residential Treatment</i>	1	3%
Bank Account	<i>Yes</i>	25	75.8%
	<i>No</i>	8	24.2%
Current Offense	<i>Traffic</i>	23	69.7%
	<i>Property</i>	3	9.1%
	<i>Drug</i>	1	3%
	<i>Violent</i>	3	9.1%
	<i>Public Order</i>	3	9.1%

Notably, though several attempts were made, I was unable to recruit white participants with above-average incomes. It is likely that these participants, as well as others with above-average incomes, would not have been placed on pay-only probation. Moreover, wealthy defendants may also have sent their private attorney to resolve the case on their behalf, which I witnessed several times. Ultimately, this omission impacts the slice of the population that is represented in the findings. Future research may attempt to include a comparison group.

Importantly, 11 participants had previously been incarcerated in the Fulton County Jail, either from their current charge or previous charges. These participants repeatedly brought our conversation back to their experience and treatment at the Fulton County Jail. Statements regarding the suboptimal conditions in the Fulton County Jail were common among this group. Participants additionally noted their treatment by the correctional officers employed by Fulton County Jail. A few participants discussed thinking their treatment by the correctional officers was worse than others because of their lack of connections or resources. An additional 3 participants reported having been incarcerated in other facilities in Georgia, bringing the total number of participants with previous stints in jail or prison to 14, or 42% of participants. Only one participant, Sam, was previously incarcerated for a felony. His current offense was traffic related.

Five participants encountered police while commuting to or from work. Four participants encountered police while working as DoorDash or Lyft drivers. All four of these participants reported ending their shift after receiving their tickets. Ben, a construction worker, was arrested for driving on a suspended license and cited for having an expired tag while in route to a job site. Participants who lost their licenses due to traffic offenses or otherwise often relied on MARTA (Metro Atlanta Rapid Transit Authority, Atlanta's public transit system) to get around town.

During our interview, Coco described how reliance on MARTA after losing her ability to drive impacted her life. “It was impacted severely. I would get to work late, getting home late. And then I would have to take the bus to train to go pick up my grandkids and then go get home late. It was crazy.” She was frustrated by the lack of public transportation in her neighborhood and having to walk a mile to her house from the bus stop after getting off work. She said, “walking back home at that time in the morning or coming home that time of night in the area... it’s dangerous, and they need to do something about that.” Conversely, Annie said the availability of MARTA was crucial after her license was suspended, and she needed to take her newborn son to see his pediatrician.

Several participants talked about recent losses they experienced or their caregiving responsibilities for older parents, in addition to their jobs, children, etc. For instance, Shonte was on unpaid bereavement leave at the time of her court date due to the unexpected loss her mother. Although Shonte had the money in her bank account to pay her speeding fine and court costs on her court date, she did not have her new debit card with her. As a result, she was placed on probation for a period of 12 months or until her balance was paid. She paid the fine and court costs but did not have the extra \$49 to cover the probation fees for a month. At the time of our interview, she was unsure how she would pay the supervision fee. Lou confided in me that she had recently lost her husband to a heart attack and her daughter to suicide. Lou resided in a city south of Fulton County and expressed that she was doing everything she could to get her two open cases resolved and move on with her life.

The general sense that I got from my participants was that they were all doing their best under sometimes arduous circumstances. Like many Americans, my participants’ lives were

characterized by their caregiving responsibilities, multiple jobs, lower incomes, higher bills, and everyday struggles such as grief, depression, and anxiety. A few of my participants with young children stated that they were on the brink of homelessness. These struggles were often exacerbated by contact with the misdemeanor legal system. A common sentiment among my participants was that they accepted responsibility for what they did and were happy to take accountability for it. Yet, the total impact of contact with the misdemeanor system, in combination with being placed on probation, vastly outweighed the severity of the offense they committed. I discuss these and other sentiments further in chapters 4 and 5.

### ***Data Analysis***

There are myriad ways to engage with qualitative data analysis. Indeed, a singular method for rigorously analyzing all types of qualitative data does not exist. In fact, many methods may be suitable for the same project. It is up to the qualitative researcher to decide which tools to use and to justify their use in the context of their research. I chose to use hybrid thematic analysis as both my methodological framework and as a tool for data analysis. As previously discussed, thematic analysis is a flexible “method for identifying, analyzing, and reporting patterns (themes) within data” (Braun & Clarke, 2006). During the data analysis, I transitioned from a codebook approach to a reflexive approach. Data analysis in reflexive TA is an iterative, 6-step process that includes: 1) data familiarization 2) systematic data coding 3) initial theme generation 4) theme development 5) theme refinement, defining, and naming 6) write-up. Here, I describe in further detail how I engaged with each of these steps and when I transitioned to a fully reflexive approach.

Before discussing the process of analysis, it is important to recognize that data analysis did not occur in a theoretical, epistemological, or ontological vacuum. Regarding the findings presented in this dissertation, I take the position that no objective, generalizable truths were uncovered in the data. Rather, these findings represent subjective truths about the “participants’ contextually situated experiences, perspectives, and behaviors” (Braun & Clarke, 2022). I actively generated these findings. Therefore, the knowledge, values, prior experiences, and biases (known and unknown) I hold are reflected in their presentation. In my opinion, this acknowledgement is the core strength of a reflexive thematic analysis approach. To deny the researcher’s influence on qualitative research findings in social sciences is a disservice to the method. In fact, acknowledgement of my influence is a key requirement of “good” reflexive TA (Braun & Clarke, 2022).

With that said, the first step of reflexive thematic analysis is familiarization with the data. In the past, this activity might have involved transcribing the interviews. For this project, I used the artificial intelligence transcription service, Otter AI to perform the initial transcription of all interviews. Therefore, the first step to familiarizing myself with the data involved the cleaning of the AI generated transcripts. Ahead of cleaning, I read the interview notes in my interview log to jog my memory about the participant and our conversation. I then downloaded each transcript to Word and listened to the corresponding recording as I read and corrected the errors made by Otter AI. It took between two to five hours to clean each interview depending on the length of the interview, the quality of the interview recording, and the quality of the initial transcript.

Familiarization with the data also includes active reading of the transcripts. After the interviews were cleaned in Word, I imported them into the software program Nvivo for analysis.



I divided up the interviews into six groups of five and one group of three to begin the initial familiarization and coding process. The interviews were not divided in a systematic fashion (i.e., grouped by race, sex, or age). They were mostly grouped in the order that they were conducted and cleaned. For the first 5 interviews, I read and followed along with the associated recordings and jotted down notes along the way. I also noted in the interview log whether the person had an overall positive or negative view of each phase of the legal process (i.e., interpersonal interactions with the police, court actors, probation) and whether they felt that their sentence and the broader criminal legal system was legitimate. I then repeated this step for the remaining six groups.

After cleaning and reading through the transcripts, I reviewed both my interview notes as well as the notes I took during the active reading process to get a sense of what might be important to pay attention to and to begin to create an initial coding plan. Before I proceeded with the second step of thematic analysis, coding the interviews, I had conversations with current and former mentors about the initial coding plan. Given that my research is deductive and focuses more on semantic themes rather than latent meanings, I decided to first focus on perceptions of each group of criminal legal system actors that were asked about in the interviews. For example, I created preliminary codes for ‘police,’ ‘judge,’ ‘solicitor,’ and ‘probation.’ The first section of my interview guide focuses on the participant’s perception of the police officer with whom they had an encounter. After speaking with them about the incident that led to their encounter with police, I asked the question, “overall, what did you think about the police officer you encountered?” If warranted, I coded their response under ‘police.’ During the next section of the interview guide, I asked participants about their interaction and overall perception of the

judge. Again, if warranted, I coded their responses under the ‘judge’ category and so on and so forth.

Thus, the first part of the initial coding plan followed a codebook approach. I based it on the interview guide, and I coded as data topics or summaries. It allowed for a straightforward method to organize overall perceptions of each criminal legal system actor, based on my theoretical framework. Alternatively, the second part of the initial coding plan focused on coding interesting data items based on organic conversations with participants. For example, I created the code ‘outcome expectations’ for whenever participants discussed whether the outcome of their case matched their initial expectation (e.g., “It could have been worse” or “I didn’t think I would pay this much”). Thus, the initial coding plan involved coding for data topics based on the interview guide itself as well as coding interesting data items.

**Table 2**, located below, illustrates my initial coding process. I coded the first group of five interviews based on the initial coding plan. After the first round of coding, I generated nine codes based on the guide itself (Police, Judge, Probation, Solicitor, Pretrial, Court, Public Defender, Legitimacy, and Money) and four codes that I viewed as interesting or potentially important moving forward (Accountability, Proportionality, Procedural Hassle, and Outcome Expectations). I then coded the same five interviews again, using the same coding procedures. During the second round of coding, I added the code “Impact on Extra Legal Factors” for whenever a participant discussed how their case impacted an aspect of their life outside of the legal system (i.e., “I gave up paying my light bill to cover the fine”). After coding the first five interviews twice through, I had a total of fourteen codes. I repeated this step, using the same coding procedures, for the second group of five interviews. During the first round of coding

group two, I added the codes “Fairness”, “Previous CJ Experience”, “Jail”, and “Staying Out of the Way.” I did not add any codes during round two of coding group two.

**Table 2: Coding Process**

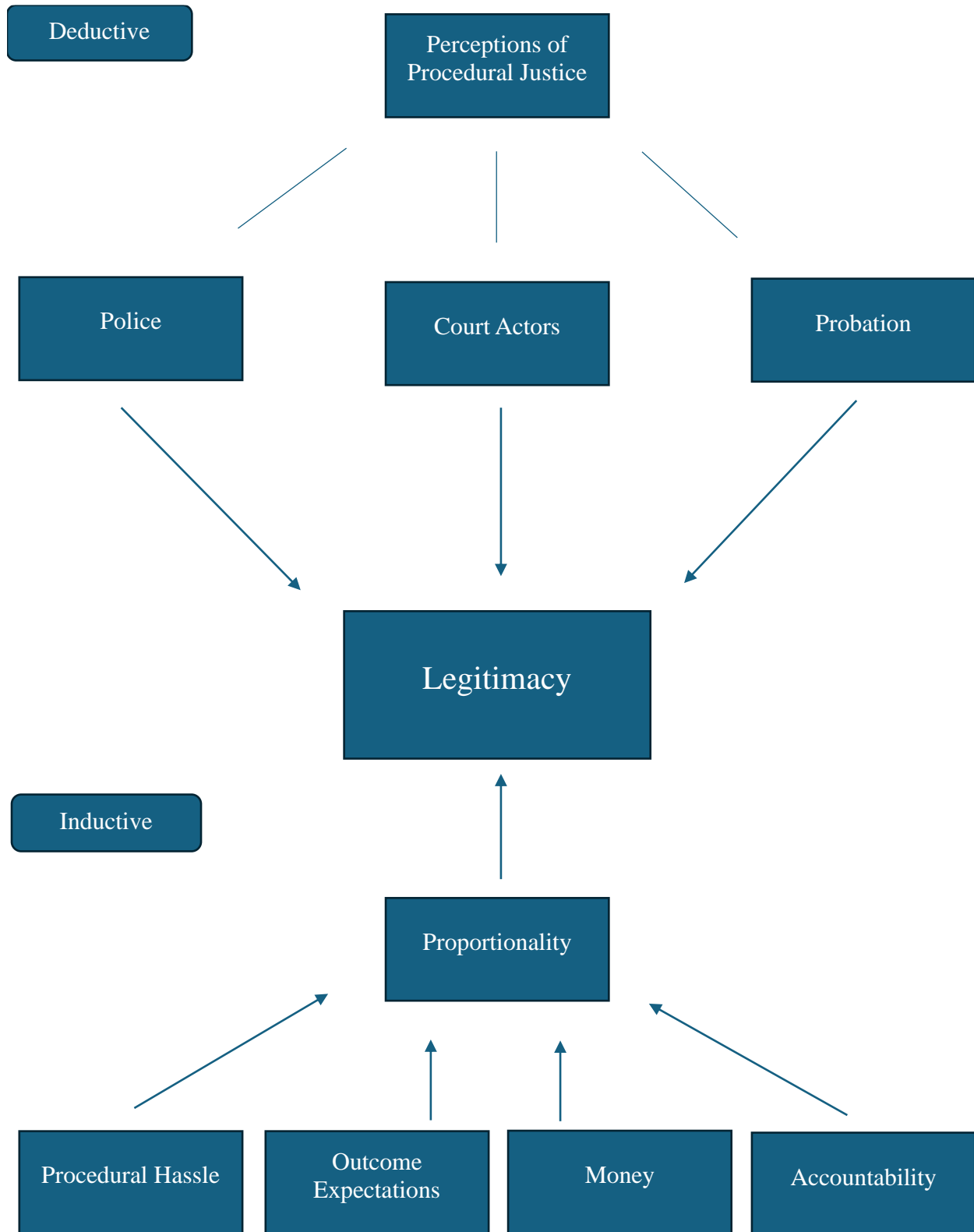
<b>Group 1</b>	<b>Round 1</b>	<b>Round 2</b>	<b>Group 2</b>	<b>Round 1</b>	<b>Round 2</b>	<b>Group 3</b>	<b>Round 1</b>
Amanda	<i>Outcome Expectations</i>		Rich	<i>Fairness</i>		Jaze	
Blue	<i>Procedural Hassle</i>	<i>Impact on Extra Legal Factors</i>	Kathy			Shonte	<i>Race</i>
Q			Ann	<i>Previous CJ Experience; Jail</i>		Alex	
X	<i>Proportionality</i>		Sam			Ren	
Coco	<i>Accountability</i>		Zaay	<i>Staying Out of the Way; “Public Defender” changed to “Legal Representation”</i>		Enrique	<i>Confusion Surrounding Court Process / Sentence</i>

At this stage, I stopped to examine the coded data items within each code that was a data topic summary. For instance, I looked inside the code “Judge” for similarities or differences in the people with positive or negative views of the judge. Did the participants with an overall positive view of the judge express having similar encounters with the other court actors? Did they have similar feelings about their sentence to probation? Did they express similar attitudes

toward the criminal legal system? In other words, I searched for what was most important in shaping their overall view of the judge. I repeated this step for each of the data summary codes (police, court actors, probation, etc.).

During this phase of data analysis, I created my initial thematic map to get a sense of how I might organize my coding moving forward (see **Figure 3** below). In my first map, I created groups for “Police” “Court Actors” and “Probation.” These data topic summary codes are located under the larger theme of procedural justice and they point to legitimacy. I label the top part of the map “deductive” for its focus on semantic meanings based on interview questions. At the bottom of the map, I include the codes that I generated as potentially important moving forward. I have the larger theme as “Proportionality” with an arrow pointing to legitimacy. The subthemes under “Proportionality” are “Accountability”, “Procedural Hassle”, “Outcome Expectations”, and “Money”. Even though “Money” was created as a data topic summary based on the interview question, at the time, I thought that it was better suited under “Proportionality” because people tended to discuss money in terms of the proportionality of their payments. I label this part of the map “inductive” for its focus on latent meanings that weren’t explicitly related to the theoretical framework that I used to shape the research design.

**Figure 3: Initial Thematic Map**

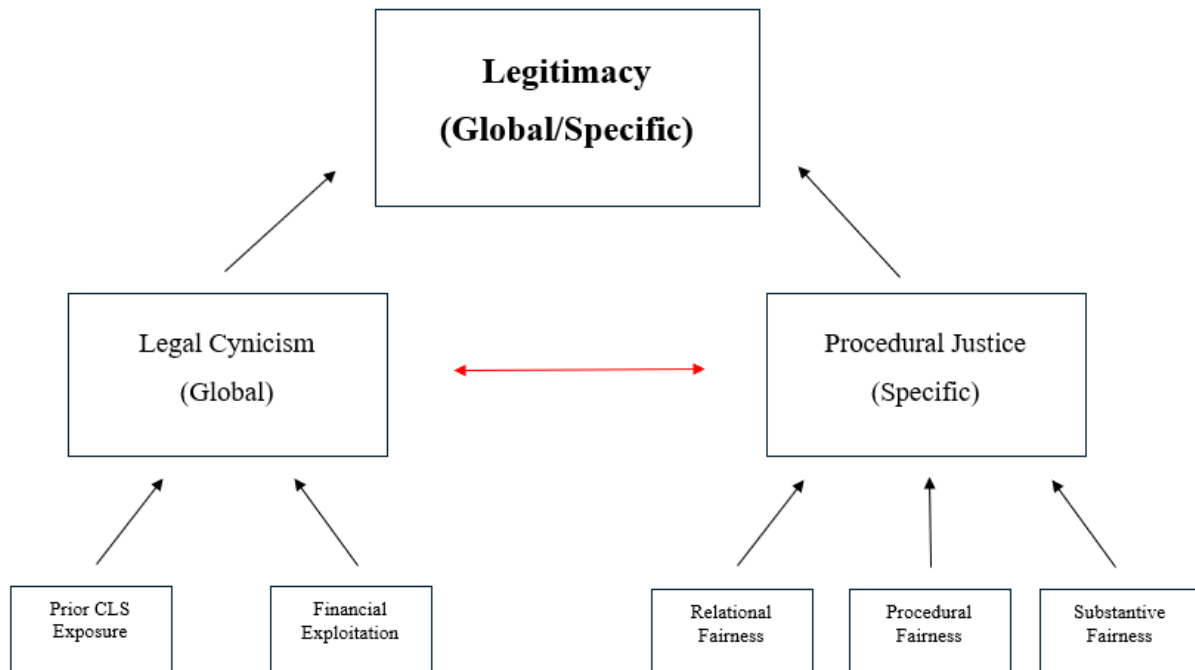


After generating my first thematic map, I proceeded to code group 3 using the same procedures. During the first round of coding group three, I added the codes “Race” and “Confusion Surrounding Court Process/Sentence.” By this point, I had coded fifteen interviews once, and ten interviews twice. I stopped again to assess the codes and the first thematic map I generated. I reread some of my court observation notes and data items coded under predetermined codes such as “money.” I additionally engaged in some of the literature on procedural justice and legitimacy to get a better understanding of how my data fits into the theoretical framework. These reflexive activities led me to the concept of legal cynicism, as discussed in chapter 2 (Gau, 2019; Paik et al., 2023). After engaging with this literature, I reflected on my coded data items within the categories “Money” and “Previous CJ Experience” and developed the larger theme of legal cynicism. I also transformed the code “Money” into the subtheme “*Financial Exploitation*” and the code “Previous CJ Experience” to the subtheme “*Prior Criminal Legal System Exposure*.” I did so because financial exploitation better described the sentiments my participants expressed when discussing their perceptions of the role of money in the abstract “system” and the word “exposure” better encapsulates indirect experiences my participants had with the system. These new subthemes added detail that was lacking in the initial codebook TA analysis. Before moving ahead with coding the second half of my interviews, I confirmed that these newly developed themes were a good fit by recoding group one a third time.

I then proceeded to code the remaining 18 interviews using the new codebook. The codebook remained unchanged during this coding phase. In total, I coded each group of interviews three times to ensure that my themes reached theoretical saturation. After all

interviews were coded, I proceeded with step four of data analysis, theme development. Here, I combined codes into themes and subthemes. My final thematic map, located below, shows the final themes and subthemes included in this dissertation.

**Figure 4: Final Thematic Map**



Procedural justice and legitimacy were the organizing concepts for this research. As such, these concepts are “themes” in the sense that they organized the initial codebook TA approach to this analysis. The reflexive themes I generated through the second half of the analysis are legal cynicism, relational fairness, procedural fairness, and substantive fairness. In the following chapter, I outline the subthemes that comprise the three domains of fairness, not pictured in my final thematic map for clarity’s sake, found under procedural justice. I include *impartiality*, *dignity*, and *voice* as subthemes under relational fairness, *procedural hassle* and *transparency or*

*accessibility* under procedural fairness, and *proportionality* and *outcome expectations* under substantive fairness.



## Chapter 4: Perceptions of Procedural Justice in Atlanta's Misdemeanor Legal System

According to a judge in one of the busier courtrooms at the Municipal Court of Atlanta, his daily caseload at the MCA ranges from 50-200 cases, five days per week. His estimate tracks with findings from the 2023 audit of the MCA, which found that between January 2018 and May 2023, 10,500 new cases were filed each month. In the same 5-year span, 629,805 traffic-related cases were filed, making up 85% of the court's docket (City of Atlanta, City Auditor's Office, 2023). These estimates do not include data from the Fulton County State Court, which also has jurisdiction over some misdemeanor charges. Thus, it is fair to say that upwards of 100,000 people experience Atlanta's misdemeanor legal system each year, primarily through contact with local police agencies and the Municipal Court of Atlanta. As the primary point of contact, these experiences may inform their perceptions of our criminal legal system as a whole

In this chapter, I present my findings related to participants' perceptions of procedural justice throughout their experience with the misdemeanor legal system in Atlanta. These findings are organized into three domains of fairness, relational fairness, procedural fairness, and substantive fairness, which comprise procedural justice. Relational fairness concerns participants' perceptions of their interpersonal treatment by police, court actors, and probation officers. I highlight *impartiality*, *dignity*, and *voice* as subthemes due to the emphasis placed on these attributes of relational fairness by participants. Procedural fairness concerns participants' perceptions of the fairness of the process, from their encounter with police through their experience on probation. Here, I incorporate *procedural hassle* and *transparency or accessibility* as important subthemes. Lastly, substantive fairness concerns participants' perceptions of the fairness of the outcome of their interactions with police, court actors, and to a lesser extent

probation officers. I include *outcome expectations* and *proportionality* as subthemes under this domain.

The three dimensions of fairness depart marginally from the social psychological framework which divides procedural justice into two categories: quality of decision making and quality of treatment (Tyler, 2003). Quality of decision making involves the belief that decision makers are neutral and consistent and that the person affected by the decision was able to voice their perspective in the decision-making process. Quality of treatment involves perceptions of dignified treatment (Tyler, 2003). Both categories can be attributed to an individual's behavior. Interpersonal treatment of one individual by another and a decision made by one individual that impacts another. My participants did not attribute every aspect of procedural justice to the individuals they encountered. For example, the transparency or accessibility of the court process was not solely attributed to, say, the judge or the solicitor himself. Furthermore, individual outcomes were not solely attributed to the behaviors of the judge or the police officer herself. Sometimes, my participants implicated the abstract "system" as impacting their perceptions of these experiences (i.e., the system isn't fair, the court process was confusing).

Importantly, the aspects of procedural justice found under each of the three domains of fairness are included in the discussion because they were notably present or absent from participants' experiences, both within and across themes. Within the subtheme *voice*, some participants discussed having a voice in the process whereas others emphasized that they did not have a voice. Regardless of which sentiment the participant expressed, *voice* was clearly an important contributor to overall perceptions of procedural justice. Across themes, some participants viewed the process as confusing but were pleasantly surprised with the outcome of

their interaction. Thus, the subthemes found under each domain of fairness are discussed in terms of how they contributed positively or negatively to overall perceptions of procedural justice. Ultimately, this chapter precedes my first research question: what role does legal debt play in shaping perceptions of procedural justice? It describes which aspects of procedural justice were most important to participants as they faced the misdemeanor legal system, before discussing legal debt's impact on the relationship between procedural justice and legitimacy.

### **Relational Fairness**

As stated, relational fairness concerns the perception of the interpersonal treatment experienced by my participants during their journey through the misdemeanor legal system. Although the express purpose of this qualitative study isn't to quantify these perceptions, where possible, my research assistant and I evaluated the overall perception of each of the criminal justice actors involved in the participants' misdemeanor legal system experience: the police, court actors, and probation staff. **Table 3**, located below, depicts the frequency and percentage of these perceptions. My participants had more negative perceptions of the police than the other two groups. 14 participants viewed their encounter with the police as negative, whereas 8 viewed their encounter with court personnel as negative and 8 viewed their encounter with probation as negative. On the other hand, participants reported better overall perceptions of the court personnel, with 15 indicating positive experiences, and more neutral perceptions toward the probation staff, with 12 expressing neither a positive nor negative perception.

**Table 3: Perceptions of Relational Fairness**

<b>Category</b>	<b>Sub-category</b>	<b>Frequency (n=33)</b>	<b>Percent</b>
Police	<i>Negative</i>	14	42.4%
	<i>Positive</i>	8	24.2%
	<i>Neutral</i>	10	30.3%
	<i>Missing</i>	1	3%
Court Actors	<i>Negative</i>	8	24.2%
	<i>Positive</i>	15	45.5%
	<i>Neutral</i>	10	30.3%
	<i>Missing</i>	2	6.1%
Probation	<i>Negative</i>	8	24.2%
	<i>Positive</i>	8	24.2%
	<i>Neutral</i>	12	36.4%
	<i>Missing</i>	5	15.2%

Ultimately, my participants' perceptions of their interpersonal encounters were mostly positive or neutral. Despite the largely neutral to positive encounters, most participants did not view their individual punishment or the broader criminal legal system as legitimate. Statements regarding the legitimacy (or illegitimacy) of the system are often woven into their recollection of these interactions. The disconnect between interpersonal experiences and system legitimacy is developed through several key themes in participants' narratives, beginning here with impartiality.

### ***Impartiality***

In line with previous research, I discuss the importance of *impartiality* as it relates to interpersonal treatment, not impartial processes or outcomes. I make this distinction because my participants tended to voice their feelings regarding impartiality as it related to their interpersonal treatment by the individuals they encountered, instead of voicing them in terms of an impartial,

abstract process. Take Shonte's statement, for example, "I don't think that the judges be impartial. I feel like she's just railroading us into probation." Interestingly, this subtheme applies primarily, though not exclusively, to legal actors such as judges, solicitors, and public defenders, who were regularly evaluated based on the perception that they treated people with financial means better than those without.

During my court observations, I noticed that when proceedings began, the presiding judge would call defendants with private attorneys first. Presumably, because the defendant is paying the attorney for their time and the attorney has other clients to attend to. During my court observations on March 26, 2024, I noted that the judge began proceedings by asking, "Do we have any private attorneys to check in?" Throughout the course of my court observations, I witnessed cases where private attorneys attended court on behalf of their clients, pled guilty or nolo, and were directed to the cashier's window to pay their client's fines and fees. I witnessed cases where private attorneys attended court on behalf of their clients, pled not guilty, and had their client's case bound over to Fulton County State Court, and I witnessed cases where private attorneys asked for a reset date because they hadn't had a chance to properly negotiate with the city solicitor.

Many of my participants reported witnessing similar scenarios. Sam, who was ticketed for following too close, said, "I saw people in there with lawyers for like speeding tickets and that's like a luxury for me." To them, these interactions signaled that the court personnel were partial to defendants who had the money to hire a private attorney. Nicole responded to my question asking about whether she had lawyer present by saying:

Yeah, so I wish I had one. When we were in the line, one of the ladies that worked with the judge, she was like, “Well, does anyone in the line have a lawyer?” And it seems like if you had a lawyer, they would work with you more. It seemed that way. Because it seemed like she was just checking to see if you had a lawyer before they just throw you under the bus and run you over with the bus. So if you have a lawyer, let us know. If you have a lawyer, let us know. So we can treat you nicely. Or with respect. If you don’t, then just we’ll just keep yelling at you. That’s what I got out of it. So of course that comes back down to money again, who has money to hire a lawyer and come in? Because we will be nice to you if you have that, but if you don’t have the money for a lawyer, then we’re gonna yell at you, and tell you to pick nolo or guilty. So it’s like, bringing you back to the rich get richer and the poor get poorer.

The perception that court personnel were partial to people who could afford to hire a private attorney ultimately impacted perceptions of the *dignity* of their treatment and the procedural protections offered to them. Nicole’s sentiment, “If you don’t have the money for a lawyer, then we’re gonna yell at you, and tell you to pick nolo or guilty” captures this theme nicely.

Interestingly, Shonte, who was ticketed for speeding, told me that she asked the solicitor for her case to be reset so that she could hire legal representation despite knowing that she probably wouldn’t be able to afford to hire a private attorney. In truth, she said, she wanted her case to be reset so that she could try to avoid being put on probation. “And I really did have, you know, I wanted to get a lawyer. Because when you go to court and you see the difference, you know, like how they treat you without a lawyer and how they treat defendants with a lawyer. You

can see the difference.” At her second court date, Shonte pled nolo contendere to speeding without legal representation and was placed on private probation to pay off her fine and court costs.

Yet, it wasn’t just the judges and city solicitors who were viewed as being partial to people with financial means. To my surprise, public defenders were commonly accused of behaving in a partial manner. For these participants, the public defender was viewed as an extension of the court. Q, who was ticketed for possession of marijuana under an ounce by an Atlanta Police Officer as he was exiting a convenience store, said regarding his public defender, “It was like she was on his [the judge’s] side... And you know they all have lunch and stuff together.” D, who was arrested for shoplifting at Walmart, held the same opinion regarding his public defender, saying, “He was with basically with the judge, like, whatever the judge say...Of course the government paying him and stuff.” Other participants felt that, because their public defender was working with the judge, they wanted them to take a guilty plea without considering the facts of their case. Ann said she terminated her services with a public defender in a previous case because she felt that he was working for the judge presiding over her case. “He just kept saying plead guilty. I have these cases 1,000 times a day,” she responded when I asked whether she trusted her legal representation.

When I asked whether she applied for legal representation in her current case, an arrest stemming from driving without a license and insurance, she said, “it wasn’t that deep of a situation to need a lawyer.” Ann spent one month at the Atlanta City Detention Center before seeing a judge, where she was then assessed over \$1,000 in fines and fees and sentenced to 12 months on private probation. Her story demonstrates how perceptions of partial treatment can

erode trust in the system and leave people more vulnerable throughout the legal process. That so many of my participants held negative perceptions of their public defenders, while simultaneously believing that people with private attorney's fare better, is noteworthy from a legitimacy standpoint.

### ***Dignity***

As reported by my participants, another salient feature of relational fairness is *dignity*. It is noncontroversial to say that people generally seek to be treated with dignity by others in society, and that, regardless of our circumstances or personal attributes, people deserve to be treated with dignity. Drawing on interview data, I conceptualize dignity as being treated with respect, kindness, and basic human decency. My participants emphasized interactions with police, court personnel, and probation officers where they felt they were treated with dignity and interactions that lacked dignity.

Blue, who was ticketed for driving without insurance, characterized her interaction with the police officer who pulled her over as respectful, calm, and generous, noting that, "it wasn't like he was trying to be aggressive or anything." Ann, who spoke negatively about her legal representation, spoke positively about her interactions with the police officer who arrested her. She said, "I thought he was a really nice, handsome young guy just doing his job. Usually I would've been like, 'oh man they're gonna charge me' but he was really respectful, even though he arrested me." Despite telling me about their previous negative interactions with police officers, Blue and Ann both reported positive interactions with the police officers stemming from their current cases. Ann's sentiment that "usually" she would have been upset "but he was really respectful" indicates support for the positive impacts of procedurally just treatment. Likewise,



Blue went on to say that she was satisfied with her interaction with the police officer who “let us go on about our day” as opposed to aggressive treatment resulting in an arrest.

For some participants, perceived neutrality on the police officer’s part was viewed as a positive, while others perceived it as though the officer didn’t care or wasn’t listening to them. Amanda, who was in a fender bender and given a ticket for following too close, expressed frustration that the officer was “nonchalant” about the situation after having waited over an hour for them to show up. Alternatively, Ren, who was pulled over for a stop sign violation, said his officer, “wasn’t mean or nothing, but he just had a neutral expression. Like, he didn’t really care. He was just doing his job.” Somewhat unexpectedly, a couple of participants who had negative interactions with police voiced their understanding that they were just doing a job. One such participant, Zaay, who felt that the police officer who arrested him for loitering and obstruction exhibited behavior that was “rude and ignorant” emphasized later that:

I understand people have to do a job, and such and such things of that nature. But, it’s, it’s ways to go about things, you know, and the way he had came about it... It was like, as if he was pulling up like, as if he was trying to take someone to jail.

Regarding the entirety of her experience with the misdemeanor legal system, Lynee emphasized, “what I have to say about my whole experience – everybody... they’re doing their job.” AD reported a positive experience with the police officer for his current, saying, “Definitely a smooth process. I have dealt with some hostile officers before, they were doing their job but might have had a bad day. Where the situation didn’t go as smooth as this one did.” Here again, there is evidence that treating citizens with dignity may lead to greater acceptance of institutional authority (i.e., enhanced legitimacy) and subsequent outcomes of interactions with authorities.

In court, participants reported dignified interactions with many of the personnel. Coco, who was ticketed for a hands-free violation and had multiple FTAs due to sicknesses or other personal issues, was one participant who reported having a positive experience with both the solicitor and the judge. When I asked her to describe her experience in court, she said:

Smooth sailing. Everyone was so nice. Down to the bailiff, the probation officer... And the gentleman who gave me the papers and explained everything to me, he was wonderful. He was wonderful. The young lady who, I believe she was the prosecutor, who explained to me, you know, if you make this purchase, I'll throw it out. She was wonderful. The judge was very nice. She explained the charges and what was going to take place. And she asked if I understood the charges and everything, and she let me explain why I did the failure to appear and threw everything out. It was a very nice experience.

I found Coco's response particularly important because it touches on quite a few of the subthemes related to procedural justice. According to Coco, every individual was "nice" and "wonderful", and she described her day in court as an overall "nice experience." There are several viable reasons why Coco felt this way. First, it appears that the solicitor and the judge satisfactorily explained the process to her (i.e., "she asked if I understood the charges" "she explained to me"), indicating that the court proceedings were *transparent*. Second, Coco noted that the judge allowed her to explain why she failed to appear in court a handful of times and then threw out the FTA fines, meaning she felt like she had a *voice* in the matter. Finally, after Coco purchased a car mount for her phone, the solicitor reduced the fine for her hands-free

violation. Thus, her *outcome* was better than expected. Coco is one of two participants who said that she thinks the criminal legal system is legitimate.

Yet, experiences with dignified treatment were not universal across participants or even within individuals' own experiences. For instance, George reported dignified treatment by the police officer who gave him a ticket for an expired tag and said the judge who gave him the fine was "cool", but he said that the probation staff was unprofessional and had a "bully mentality." Other participants, such as D or Kathy, felt that some court actors, like the judge, treated them with dignity while other court actors, such as the public defender, contributed greatly to their negative perception of the experience. Kathy said regarding the judge, "She was nice. I liked her. She's... I got what I got because I think there was not enough help with my lawyer. That's what I think that's the bottom line. That's what I feel." Within the court setting, participants tended to report more negative experiences with the solicitor or public defender and positive experiences with the judge.

Notably, 11 of my participants had been previously incarcerated in the Fulton County Jail, either for their current charge or a previous charge, and each of those participants characterized the Fulton County Jail experience as inhumane. The quality of the food (baloney and mustard sandwiches), treatment by corrections officers (verbal harassment, beatings), conditions inside the cells (sewage leaks, rodents, bugs, electric problems), and violence at the hands of other inmates were all cited as contributing factors to their inhumane treatment. For example, when I asked Alex to elaborate on his thoughts regarding the criminal legal system, he said:

Well, I feel like okay, I understand if people are incarcerated for the actions they do. But at the same time, it's supposed to be like rehab-reh-rehabilitative however you say the word. If you going to have people housed in a building, at least have em housed up to standards. Where they got people in Fulton County Jail, it's horrible. Open sewer, smell the sewer all day, shower water come out like a pressure washer real hot like boiling hot. It's bad in there, like the way they got inmates housed it could be a lot better. I understand why people locked up, but at the same time, you don't gotta treat them like animals.

As I will discuss in the following chapter, not only did his stint at the Fulton County Jail not satisfy any philosophical purpose of punishment (rehabilitation), but he was also treated inhumanely. For Alex, his number one takeaway from his experience with the misdemeanor legal system was the lack of dignity in the jail experience. Ted, who was arrested for trespassing, also brought up the conditions inside the Fulton County Jail. He remarked, "This was around the time when the guy died from bedbugs! I was in there at the same time, like, I was in there when all the stabbing was going on. I was in there." D, who was arrested for shoplifting at Walmart, said, "It's a war zone in there. That is basically what it is. I feel like it should be better. I'm only in there for misdemeanors, and it's not a guarantee that I come back home." Ann said that her stay at the Atlanta City Detention Center was, "like I had rented the presidential suite" compared to her stay at the Fulton County Jail. For people who experienced the Fulton County Jail, perceptions of dignified treatment while housed there were not nuanced. It was categorically described as inhumane.

Their stories are supported by an investigation of the Fulton County Jail conducted by the United States Department of Justice. In a report published by the DOJ in November of 2024, investigators describe hazardous and unsanitary living conditions including, broken toilets and sinks, cockroach, rodent, and pest infestations, exposed wires, unsanitary food preparation, and inadequate food distribution. Ted's recollection of the man who died from bedbugs, Lashawn Thompson, is reported in the DOJ findings. According to the investigation, a report "prepared after his death found that every person in the mental health housing unit, meaning about 100 people, had lice, scabies, or both" (p. 47). The extensive investigation chronicled conditions that were wholly inhumane, leading the DOJ to conclude that Fulton County and the Fulton County Sheriff's Office violated the constitutional rights of people confined at the Fulton County Jail.

The accounts of *dignity* offered by participants reveal the complex nature of interpersonal interactions within the misdemeanor legal system. Some participants reported dignified or impartial treatment from police officers but not court officials and vice versa. Some participants reported dignified treatment by one court actor, but not another. Every participant who had experienced the Fulton County Jail reported callous treatment by correctional staff coupled with inhumane living conditions. As we will discuss in the following section, the important takeaway is that perceptions of undignified treatment can manifest themselves in an even more fundamental way: through participants' ability or inability to meaningfully participate in their own court proceedings.

### ***Voice***

In line with the social psychological framework, *voice*, or the lack thereof, was cited by participants as being important to their overall perceptions of relational fairness. *Voice*

encompasses the view that defendants' own accounts and explanations hold weight in their interactions with CJ actors. Thus, I did not simply code for whether my participants expressed that they did or did not speak up, ask questions, etc. I also coded when they felt like they could speak up, and if they did, whether they felt like their questions or concerns were adequately addressed by the CJ actor. This approach to coding revealed that, even when participants were given the opportunity to speak, they often felt their voices were quickly dismissed.

My court observations helped shape this coding process. At some point in every case, the judge would ask the defendant if there was anything that they would like to tell them about their case or ask the defendant if they had any questions. Yet, I routinely watched MCA judges adjudicate cases in under 3 minutes and noted that many people walked away from the interactions appearing confused or outwardly voicing their confusion. Amanda, who was ticketed for following too close, generously estimated that she spent 5 minutes in front of the judge. When I asked her whether she gave the judge information regarding her case she said, "We didn't get to do any of that. It was basically – I talk, you listen, you answer. That's exactly how it was." Jaze, who was also ticketed for following too close, said regarding the judge, "She was definitely ready to go home. She wanted us in and out of there. She really was not playing with nobody. It's either a yes or a no. Can you pay today or no?" Ren had a similar experience in court. Though he characterized the court process as "efficient" he said that that the judge "gave off the vibe that it was "just one of those 'nother days. It was just business. No, we're not going to do much talking. Just answer questions and then yes or no depends on where you go."

Rich, who was ticketed for following too close, was frustrated by his experience in court. He explained to me that not only did he view his sentence to probation as unfair, but he did not

think the judge adequately explained why he had to be put on probation or listened to him when he told the judge that he could come up with the money in a few days' time. "She explained that I will be put on probation since I pled guilty. That's all the explaining she did," he said. After court, he took his frustrations out on his probation officer. When I asked whether he thought the officer was respectful he said yes, but "she wasn't trying to hear what I was trying to say about the system. I'm quite sure she heard it before. I'm quite sure she's heard they're forcing people on probation if they don't have money to pay right now." Interestingly, Rich also characterized the judge as respectful. He explicitly stated that it wasn't the judge who he had a problem with. Rather, it was "just about her actions towards the case." Q noticed that many of the defendants in court before him were just accepting whatever the solicitor or judge said. "They were just so ready to go home and everything. They just take it. Ya know, not knowing that it can mess you up in the long run" he expressed. Although Q, like Rich, did not think the judge or solicitor listened to him, he made sure to voice his opinion that he did not think the sentence to probation was necessary since he had simply forgotten the money in his car.

Typically, by the time defendants appear in front of the judge, a decision has already been made regarding their case through their negotiations with the solicitor general, leading some participants to view the judges as simply complying with the solicitor's recommendations rather than imparting their individual opinions about the facts of the case. Shonte described that judge as "fake" and "more like a tape recorder." She explained, "I thought the judge was supposed to be a neutral party, but the judge just goes with whatever the solicitor says. She doesn't, you know, examine the case." Lynee noted that, "The judge was depending on the clerk to give her updates on what... what the court had decided. Like, she was just pretty much further defining

what had already been laid out by the clerk. The two clerks.” Enrique did not think that his public defender relayed the relevant information to the solicitor or the judge. Our interaction below demonstrates this aspect of the theme:

I: What was your overall kind of sense of the judge?

E: I thought he was a nice guy. I thought he was pretty fair. You know, I listened to his, you know, the arguments for other people’s cases and stuff. And I didn’t think anything that he did was unkind. You know, I think he gave a lot of people a lot of leeway. He was very, you know, just like gentle mannered. You know, he made some jokes and stuff. I thought he was a good judge. From – from what I know, you know, he wasn’t a Judge Judy, you know, he wasn’t like, you know, harsh on anybody. He seems pretty fair.

I: So compared to like, your public defender, who you did not think did a good job. You thought this judge was pretty fair and did a good job?

E: Yes. From the information that he was given, you know.

I: Right.

E: I still feel like if I would’ve been able to say my story, it would have been different.

Ultimately, even when participants themselves spoke up about their case or asked questions, many did not think that their concerns were heard. Take Rich’s statement regarding his probation officer “she wasn’t trying to hear what I had to say” or Q’s thoughts about the judge “He should have listened to me. I feel like he shoulda just listened.” These experiences reflect a



deeper frustration with interpersonal interactions where participants thought their voices were silenced by criminal legal system actors throughout the misdemeanor process.

While some participants expressed frustration that their voices were not heard in their interactions with criminal legal system personnel, others were satisfied in these interactions. Recall Coco, who I included in the previous section on dignity. Coco was pleased with her experience in court because 1) the court personnel satisfactorily explain the court procedures to her and 2) she was given an opportunity to explain her circumstances surrounding the failures to appear to the judge, who then dismissed them. Likewise, Sam, who was involved in a road rage incident where another person tailed him through rush hour traffic in downtown Atlanta, felt that the police officers who arrived at the scene listened to his side of the story, saying:

Most cops, when they arrive on scene already have a picture of what's going on in their head, and pretty much kind of, from my experience, kind of know what they're gonna do. But these ladies sit down, they talk to me, they talk to her. It was probably like 30 minutes... 30 or 40 minutes that we had to wait for them. So I think they went through with the camera footage to see what was going on. And I think they came out with a judgment that was good for both parties.

Although Sam ended up receiving a ticket for following too close, he felt that it was the best outcome given the circumstances. That Sam and Coco both reported favorable outcomes in these interactions presents interesting questions that are beyond the scope of this study. Do favorable outcomes enhance the perception that a person's voice was heard? Do unfavorable outcomes have the opposite effect? Either way, both cases strengthen the argument that outcomes remain

an integral factor to consider in how people shape their perceptions of procedural justice and subsequent legitimacy.

*Voice* is common in the existing literature on LFOs and procedural justice, which has found that people who are assessed LFOs are often frustrated by an opaque process where personnel across varying criminal justice agencies do not readily listen to defendants' concerns or satisfactorily answer their questions (Paik & Packard, 2023; Pleggenkuhle et al., 2021). When Willis was asked at the end of his interview whether he wanted to add something about his experience, he remarked that it's hard for some people to understand the court process and that the court officials usually don't have an exhaustive record of a person's overall circumstances. He urged the judges at MCA to "never deny when a person is trying to explain something." These experiences of feeling unheard and pressured into decisions can significantly shape how defendants view the legitimacy of the criminal legal system.

### **Procedural Fairness**

While participants' experiences with *voice*, *dignity*, and *impartiality* revealed the interpersonal dynamics of their interactions with CJ actors, equally significant were their encounters with the mechanical aspects of involvement with the misdemeanor legal system—namely, the *transparency* of the procedures and the *procedural hassles* involved in resolving their case. Existing literature on LFOs and procedural justice has captured each of these subthemes in different ways. For instance, some researchers have situated them under larger subthemes such as discretion or inaccessibility, where discretion concerns individuals' decision-making and inaccessibility characterizes the abstract "process" or "system" (Pleggenkuhle et al., 2021). In this dissertation, procedural fairness is more concerned with the process itself, rather

than individual behaviors or decision-making. The process was or was not viewed as a hassle, not the behavior of the criminal legal system actors. The process was or was not transparent.

### ***Procedural Hassle***

To illustrate the process-related characteristics of this subtheme, I coded for when participants discussed the amount of time it took to resolve their case. I included discussions about the total time from police interaction to satisfaction of probation requirements and the time it took out of their day on the day of their ticket, court date, probation visit, etc. Further, I coded when participants described the barriers to resolving their case and whether attempts to resolve their case disrupted their day-to-day lives.

Although I did not attend court as a defendant, I did experience the court and probation process from an outsider's perspective. During the court observations and recruitment phase of this research, I became well-accustomed with the court procedures. Each day that I observed court proceedings, I spent more than 20 minutes commuting downtown. I paid \$15 to park in a lot located diagonally across the street from the courthouse. I walked past the long line of unhoused Atlantans waiting for services outside of the Gateway Center and entered the courthouse through the large rotunda. I went through the security line and took the elevator to the courtrooms. Like my participants, I sat and waited for court proceedings to begin, sometimes waiting for 45 minutes to an hour for the judge to enter the courtroom. If my research assistant was not present, after observing the proceedings on the docket for that court, I would sit and wait outside of the probation office to recruit people as they came and went. After the initial excitement of data collection and recruitment wore off, I noticed that the court observations felt draining. Food and drink are not allowed in the court rooms and in most court rooms, cellphone

use is prohibited or greatly restricted. On February 26, I noted in my observations notebook that I felt tired leaving the courtroom. In my conversations with participants, I empathized with them over the monotonous nature of the proceedings and was not surprised to hear that many people “just wanted to get it over with.”

X, who was ticketed for following too close, estimated that he spent 3 to 4 hours at the MCA on his court date. He wasn't frustrated by the length of the court proceedings. Rather, it was the wait time to sign up for probation after going before the judge. “I was just sitting down there waiting and waiting and waiting. And I'm like when are they going to finally get me out of here...I had to still wait on the bench for the probation” he said when I asked about how long he spent in court that day. He continued, “And then after that I left because I wasn't trying to stay around in that courtroom for too long because I had to pay to park anyway, across the street. I was just giving 'em money.” In some cases, participants avoided asking clarifying questions to probation staff because they didn't want to prolong their time in court. When I asked Ann whether she received information about probation or if she asked any questions about it, she said, “Nope, I was so happy to get out of there.”

In addition to court, many participants said probation was not something that they were trying to “deal” with or that it was something that they wanted to “get over with” as quickly as possible. Blue said, “I don't want to be on probation for 12 whole months. Really it shouldn't take 12 whole months to get it out of the way.” However, it wasn't necessarily the looming threat of incarceration that motivated people to successfully terminate their probation, it was the hassle of having to come down to the probation office every month or having to attend court again. Both these efforts take time out of peoples' days, cost money for transportation or childcare, and

can result in lost wages. Ashley, who was ticketed for failure to yield, echoed these sentiments, saying, “even the thought of still having to do this, still put the time that I don’t really have anymore into this and having to drive to these places and do whatever it still is time consuming.” She noted that the time-consuming aspect of probation was a tremendous source of stress because she was working full-time and was concerned about scheduling conflicts.

Shonte understood that a sentence to probation was not just a financial commitment, but a time commitment as well. She asked for her case to be reset to avoid the sentence to probation, saying:

The first court date when I was there, when I told her that I wanted to reset my court date, and the reason why, I told her that I didn’t want to be on probation because I already don’t have the money to pay the fine. So probation is just more money, and not only more money, it’s more time, you know? Like you have to come – you actually have to take time off of work and out your life to come here, pay for parking, and do all this stuff, when you can just reset my court date and give me a little bit more time to come up with the money.

On her second court date, Shonte couldn’t pay her fine and court costs because her new debit card had not yet arrived in the mail. Because defendants are not allowed to leave the courtroom without 1) paying their fine and court costs or 2) if unable to pay, signing up for probation, Shonte was placed on private probation for a period of 12 months. She paid her fine and court costs soon after her court date, but the probation company reached out to her via text message a few weeks later to let her know that until she paid the \$49 probation fee, she would remain on probation (despite the judge having stated that her probation fees would be waived due to

financial hardship). When Shonte asked about the fee waiver, she was told that the judge did not sign the appropriate paperwork, and to go before the judge again, her probation would have to be violated. At the time of our interview, Shonte still had not paid the \$49 probation fee, meaning that despite having paid her fine and court costs, her probation was not yet successfully terminated.

George, one of my older participants at 64 years old, faced similar challenges in resolving his traffic case. He explained that he missed his first court appearance because the writing on his ticket was illegible (a common complaint among my participants). He called up to court and had his court date reset, but at the time of his second scheduled court appearance he was sick and couldn't make the trip. Once he was finally able to get to court, his license had been suspended for failure to appear and he was told that if he did not come back to his next court date with his tag renewed, the court would fine him \$500. At his last court appearance, he said he came in with everything straightened out regarding his tag. He was given a license reinstatement form to take to the Department of Drivers Services (it costs \$90-\$100 to reinstate your license depending on whether you pay in-person or online) and was only fined \$100. George said, "Well, I didn't have \$100 at the time, so they put me on probation." He said with the added court costs, his total that day came to over \$140. In court, I witnessed many people fined \$100 for an expired tag and the total ended up being \$144 with court costs included. Notably, the judge could have also issued George a failure to appear fine and given him 10 days in custody. I commonly witnessed judges assess these fines in the \$80-\$100 range per failure to appear and waive the 10 days in custody.

George was unable to pay the balance before 30 days, meaning that he had to check in with his private probation officer downtown at a rate of \$49 per monthly visit. His first visit was

at 11:30 a.m. on a weekday. He said he arrived early for the appointment, but he still had not been called back by 11:45 a.m. When he asked to reschedule his appointment so that he would not be late for work, he said the woman at the front desk told him, “Well, you supposed to be here at 11:30 but that don’t mean we’re going to see you at 11:30. You got to wait like everybody else.” He responded, “Well that’s cool, but I’m not gonna be late for my job, you know, for no misdemeanor traffic violation because I’m on probation.” Recall from the section on *dignity* that George thought the probation department had a “bully mentality”. At the end of our interview, I thanked him for stopping on his way out of the office to take a recruitment flyer. He apologized and said, “I had a little attitude when I walked out.” These interactions were important in my understanding of my participants’ experiences.

Sometimes, delays in case processing were through no fault of the defendants’ own. During my court observations on February 13<sup>th</sup>, I jotted down an interaction between the judge and a defendant where the judge told the defendant that since the system that processes payments was down, the defendant could have their court date reset or wait until the 1:00 p.m. docket. The defendant responded, “I had to miss school for this so I’m going to have to wait.” The rest of the cases that day were reset to April 2<sup>nd</sup>, almost two months later. On another occasion, I arrived at the courthouse and the online case management system, Benchmark, was down. No information was available on the monitors about reset dates and people were turned away at the courtroom door. In addition to creating a situation where people need to come back to court on more than one occasion, computer system failures may also exacerbate the perception that the process is inaccessible or opaque. On almost every day that we went to court, there were adults in court with small children. Having experienced the court process from an outsider’s perspective (with

no children), it is easy to see how traveling to and from court on multiple occasions can quickly become burdensome.

According to the 2023 audit of the MCA, FTAs are a major issue plaguing the court operations with almost 50,000 defendants failing to appear in court each year from 2018-2022 (City of Atlanta, City Auditor's Office, 2023). Like most of us, my participants led complex lives and had many responsibilities. The high FTA rates suggest a mismatch between the court's operations and the reality of defendants' lives. This divide is noted in previous literature on LFOs and rituals of compliance or the performative aspects of compliance (Huebner & Shannon, 2022). Defendants "must undergo the 'procedural hassle' of continual hearings and the attendant opportunity costs (childcare, lost wages, and so on), while abiding the courtroom's strict rules and customs" (Martin et al., 2022, p. 132). Their performance under these circumstances signals to the relevant legal authorities that the defendant is taking accountability for their actions, or not. For example, Annie had a failure to appear on her record because she was living in a drug rehabilitation center on the day she was supposed to be in court. The judge told Annie that it was her responsibility to ensure that the court had the correct address on file. Annie said, "I get it. I take responsibility for my life... I didn't have another address to change it to by the time I got out of rehab. Because I didn't have a definite place where I was living after rehab."

To at least one judge at the MCA, failure to appear in court represented a grave violation of these rituals of compliance. In my court observations, on March 27, I noted that the judge exclaimed to the court, "for some reason people in the City of Atlanta don't come to court!" The judge made this statement in front of a defendant with a small child in tow, who had three FTAs on her record. Before the defendant approached the bench, the judge asked her to spit her gum



out in the waste basket next to the solicitor's desk. He then let the woman know that he had the discretion to sentence her to 10 days in custody and a \$200 fine per failure to appear (for a total of 30 days in custody and \$600 in fines), but he said in this case he would offer her "grace and compassion". The judge waived the FTA penalties, waived the license reinstatement fee, and waived the woman's probation fees. When it was all said and done, the woman was still on probation but only had to pay the original \$200 fine for failure to maintain lane plus the \$86 in court costs. She told the judge that she had been unemployed for 5 months and did not have the ability to pay to which he responded, "take it up with probation."

Participants reported many obstacles to successfully resolving their cases. These challenges are particularly acute for defendants juggling work, school, childcare, and other responsibilities. Some judges occasionally exercised their discretion to reduce financial penalties resulting from missed court dates, yet the demands of the system remained at odds with the realities of defendants' lives.

### ***Transparency or Accessibility***

Like other subthemes found in this dissertation, the lack of *transparency or accessibility* throughout the processing of a defendant's case is documented in the existing literature on LFOs and procedural justice (Paik & Packard, 2023). For the purposes of this dissertation, *transparency or accessibility* encompasses perceptions of whether the process was comprehensible or confusing, and whether the requirements of the court or probation department were accessible. This theme is particularly evident in participants' experiences with the pre-trial intervention program, where confusion about program requirements or eligibility created significant barriers to participation.

The voluntary Pre-Trial Intervention Program for Traffic Offenses (PTI-T) is offered to defendants at the discretion of the City Solicitor. Upon successful completion of the program, traffic charges are dismissed, no points are added to your license, and fines and surcharges are waived. Notably, the program participation fee costs close to the fine and surcharge amount and may cost up to \$1,000 or more depending on statute. According to the Atlanta government website, “PTI-T strives to make resolving your case QUICK and CONVENIENT. So no need to call-out from work, rush to add more time to the parking meter, or pay extra daycare fees for picking the kids up late. PTI-T is your hassle-free alternative.” Yet, the qualifications for acceptance into the PTI-T program are not transparent and, in some instances, result in multiple trips to the court to try to sign up for the program.

Jaze went to court three times to try to enroll in the PTI-T program. When I asked her how she felt about her overall experience in court, she said, “The first time, I was kind of confused because I didn’t know if I was going to get up there and they was gonna send me to jail, or I was going to pay something. I didn’t know what was going on.” During her first court appearance, the solicitor told her that she qualified for the PTI-T program, but at her second appearance, a different solicitor said that since she did not have insurance, she did not qualify for the program. This accusation upset Jaze, who said that if she hadn’t had insurance at the time of her accident, the police would have cited her for that offense in addition to the failure to yield. At her third appearance, Jaze said that the solicitor didn’t ask about the program at all and instead she pled nolo to the failure to yield and was placed on pay-only private probation. Regarding her third trip to the MCA, she said, “But the third time it was like, ‘Okay, am I about to pay them? What am I about to do?’ Because they were just giving me the run around at that point.” When it

was all said and done, Jaze said that she couldn't have afforded the PTI-T program, estimating it to cost around \$500 as opposed to her \$200 fine, \$86 in court costs, and \$49 probation fee.

Similarly, Amanda and Lynee felt that the enrollment qualifications for the PTI-T program were unclear. Amanda attempted to enroll in the PTI-T program but eventually received a summons to appear in court. She expressed confusion, saying, "I was upon the impression that I was trying to do the pretrial. And then if I did this, all of my paperwork was supposed to be in and they was like, 'oh, no, it didn't go to that email. It's going to another one.'" When she appeared in court, the solicitor told her that she no longer qualified for the PTI-T program. "That's how I ended up on probation," she said, "the judge was like, 'Well do you have the money to pay the ticket?' 'No, I don't.'" When I asked Lynee to describe her feelings about her experience in court, she conveyed to me:

I mean It was an overall good experience. Well, I – you know what? No. I actually – I'm anywhere from neutral to maybe not so good of an experience as I talk it out. Because to me, when you go to court, a good experience is that you leave feeling like you are handled fairly. I left feeling like, "Okay this is neither here nor there. I'm not talking about a whole lot of money. I don't have it now. But at the same time, It's not a lot. I do have an option. But do I really feel like I'm supposed to pay this? Not really. Do I really have a few more questions about the PTI-T program that was shut down? Yeah." So, I felt like I was kind of shuffled along with very little information, very little options.

This passage is important because it illustrates how *voice* and *transparency* mutually reinforce one another to shape defendants' perceptions of the *fairness* of the experience in court. As a

defendant in court, Lynee felt that she did not receive adequate information about her options. This lack of *transparency* led her to report a neutral to negative experience.

In addition to confusion surrounding the PTI-T program, participants often voiced that the process of being placed on probation was opaque. Ren explained that he thought he was just signing up for a payment plan. He said, “When I got a text message saying, ‘A reminder from your probation officer that you may make payments online towards your case at any time.’ And it sends me a link where I could pay. That’s when I realized I was on probation.” Ashley expressed a similar situation. She said she initially tried to plea nolo, but there was an issue with her insurance. She ended up pleading guilty to failure to yield and was placed on pay-only probation. When I asked her about the probation intake officer, she recounted, “She [the probation officer] actually helped me understand it a little more, because when the judge said it, I just heard ‘probation.’ It kind of was like, I don’t want to be on probation. You know?”

Once participants were placed on probation, they didn’t realize that extra fees would be added, understand why the extra fees were added, or understand what entity that money went to. Ann explained that she thought the fine and court costs assessed by the judge were the total amount she owed. She recalled feeling surprised when she arrived at her first probation visit that she owed an additional \$49. After her third visit to probation, she asked if she could see the judge again and the probation officer told her to “just pay anything.” She said, “If I paid them anything, it’d be \$20, and I still owe them \$40, and I’m still going to owe the fine. They get nowhere with that.” X remarked:

You got to pay them all this extra money. And then I’m like, where does this money go, actually? Like, when I be driving around, I feel like the roads are still

horrible. Some of these roads we driving on are horrible. So I'm like, where is this money going to that they're getting out of each person through misdemeanor probation court?

Court and probation requirements also suffered accessibility issues. Many of the less tech-savvy participants were not aware that they could check for updates on their court date through Benchmark, the MCA's online case management system. Often, the court dates written on their tickets (if legible) did not match up to their actual court date, causing some participants to fail to appear in court on the appropriate date. By and large, the most common accessibility issue noted by participants was with the probation department. Participants reported that it was difficult to get in contact with their probation officer outside of their actual visits to the office. As Jacob put it, "getting in contact with her [the probation officer] is like really hard. It's like, impossible." Jacob needed to reschedule his probation visit because he was supposed to be out of town for work. In a visit prior to his work trip, he let his probation officer know that he would email her with the details of his trip. He said he reached out to her three to four weeks before the trip and never heard back. Lou reported similar frustrations, saying, "I wanted to change my actual appointment, but there's no way of doing that. They don't answer the phone for that... you have to change your appointment in person with your probation officer, which is crazy."

Some participants were frustrated because they would arrive for a probation check-in and their probation officer was not present that day or had left the job altogether. Enrique described his experience with the private probation company, saying, "I'm on the third, I think, probation officer that I've had. It's been a different person, every time I've gone in, if there's been a person." He continued, "If the person's not going to be there, to make some people come from

hours away to come here just to tell them sign a paper, then you can go. There's just got to be a better system for that." He said it was disrespectful of people's time to make them come all the way downtown, just for their probation officer to not be there. Ann, Lou, and Zaay reported similar frustrations. Zaay said:

My probation officer had got pregnant. I had been calling every month when I got out [of jail], you know, checking in, and doing this, doing that. Like she – and remember when we were just talking earlier, I told you that I was backed up on my probation [payments], but I was only backed up because they never told me that I had to pay every month! So, when something had came up, and they called me looking for me or something like that, they told me I had to come in the building, and I came in the building. I'm thinking I'm gonna go back to jail, that I got a warrant out or something like that. But they tell me, they said to me, we just calling you in because you haven't paid any money to us. And if you don't pay such and such, by this time, we're going to put out a warrant for you. You get what I'm saying? But I told them that no one ever told me since I been outta jail that I was supposed to be paying any money.

I: Mhm.

Z: And you see how that worked? Like I had to pay the money, or I was going back to jail, but no one ever told me that!

Alex, like Zaay, said that he was also threatened with a warrant for nonpayment. He explained that his phone broke so he couldn't check-in online and make payments. He said he tried calling the probation office from a landline, but he also couldn't get in touch with anyone. He said,

“They really don’t think, ‘Okay, people have lives. His phone could be damaged. He could be in the hospital, but they don’t think about that. I don’t know, the whole system messed up.”

From confusion about pre-trial intervention eligibility to unexpected probation fees and technological barriers, participants struggled to navigate court processes and requirements. These challenges are particularly evident in the disconnect between the court’s promoted image of accessibility (PTI-T program’s marketing as a “hassle-free alternative”) and the reality of multiple court appearances, unclear qualification criteria, and opaque procedures. When combined with difficulties accessing basic information about court dates, contacting probation officers, and understanding financial obligations, these issues create a system that many defendants find difficult to navigate successfully. As with the themes included under relational fairness, the impact of these findings regarding procedural fairness extends beyond mere inconvenience. They shape how defendants perceive the fairness of their experience within the misdemeanor legal system.

### **Substantive Fairness**

The final domain of fairness that comprises my conceptualization of procedural justice is substantive fairness. Here I coded when participants discussed the outcomes of their interactions with police, court personnel, and to a lesser extent, probation staff. The social psychological version of procedural justice and legitimacy says that the relationship between the two is outcome independent. If people perceive their treatment as procedurally just, they will view the institution as legitimate, even if the outcome is not in their favor. This aspect of the theory has been criticized because, framed this way, procedurally just treatment may lead to acceptance of unjust or unfair outcomes. Yet, in my research, outcomes were essential to participants’ overall

perceptions of their experiences with the misdemeanor legal system. Namely, participants discussed whether the outcome they received matched their expectations before or during their interaction and whether they believed the outcome of their interaction to be proportionate to the offense. As we saw in cases like Jaze's and Amanda's experiences with the PTI-T program, the gap between expected and actual outcomes sometimes created frustration, particularly when defendants received conflicting information. These misaligned expectations shaped how participants viewed the overall fairness of their misdemeanor experience.

### ***Outcome Expectations***

As previously mentioned, my participants drew on the relational, procedural, and substantive aspects of fairness to formulate their opinions on procedural justice. This perspective departs from the traditional wisdom surrounding procedural justice and legitimacy, which asserts that the relationship between the two is outcome independent. In reflecting on their experiences, my participants often vocalized whether the outcome of their case aligned with their anticipated results or whether they felt that the outcome was well-reasoned based on the facts of their case. Thus, in this study, I incorporate elements of substantive fairness, such as *outcome expectations*, into my conceptualization of procedural justice.

For example, participants like George were glad that the encounter with the police officer did not result in their car being towed. When I asked George what he thought about the police officer who pulled him over, he said:

He was very considerate. Honestly, he could have towed my car right there, technically he really could have towed my car. Because my tag was suspended, and it wasn't just expired. It was suspended. My insurance was good, my license



was good, but my tag was suspended so he could have towed my car, but he didn't.

On the other hand, Willis, who was pulled over for an improper lane change, thought that the police officer towed his truck unnecessarily. He said “usually” police officers will let you call someone to come get your car, but the officer he encountered “didn’t explain none of that” to him. He ended up selling some food stamps the following day to get his truck out of the impound lot. Annie was pulled over by an Atlanta police officer for an expired tag and no insurance. She described the police officer as a “wonderful, super, super nice guy” because he understood her circumstances. Instead of towing her car, he wrote her a ticket for the expired tag and told her, “You’re gonna drive this car home right now because I understand your situation.” I asked her whether she appreciated that, and she said, “Ohhhh more than you know.”

In other encounters with police, participants expected to be arrested. Because of his prior criminal history, Sam assumed the police officers who he waived down for help would immediately put him in the back of their cop car. He did not expect them to listen to his side of the story and was surprised when they did. When he got off with a ticket, he was satisfied with the outcome, saying, “I think it’s the best outcome that I could have had. I could have been in jail.” In fact, quite a few of my participants expressed that they were relieved to not have ended up in jail. Blue, who was surprised to receive a sentence to probation despite feeling like her case should have been dismissed, said, “I took the plea, and I was happy that it wasn’t me going to jail.” Q, who was stopped by an Atlanta police officer outside of a convenience store and ticketed for possession of marijuana under an ounce, said that the judge “could have locked me up right there in the courtroom” because he didn’t have the money to pay his \$75 fine. When I asked him

how he felt about having to pay the \$49 monthly probation fee from what started as a \$75 fine, he said, “I feel jipped... I’m coming out of pocket more than I should have. That’s how I feel honestly, but to not go to jail... y’all can have the money. I’m not tryna be locked up.” I asked Willis, who was displeased when his car was towed, whether he thought the judge in his case was fair. He replied, “Yeah, I find them pretty fair to be honest. I didn’t get locked up.” Even though these participants weren’t necessarily happy about their sentence to probation, they were happy that they did not have to go to jail. Importantly, none of these participants would be at risk of jail time if they had the money to pay for their tickets on time.

Ren was working as a DoorDash delivery driver at the time he was pulled over for failure to stop at a stop sign and an expired tag. I asked him what was going through his mind when he got pulled over. He responded, “Is this the first time I’m going to jail? I don’t want to know what handcuffs feel like. I don’t want to know what that feeling is like. I have people who depend on me to do stuff.” Indeed, Sam, Blue, Q, Ren, and others spoke about the expectation that they would be taken to jail as it related to the impact on their everyday responsibilities. At 25 years old, Blue, who was unemployed at the time of our interview, had just recently found out she was pregnant with her third child. Sam was working three jobs to take care of his wife and their two children. Q talked about how the money he had paid toward probation and the fine could have gone toward new shoes for his kids. Ren lived with and financially supported his parents. Coco even went so far as to say that she appreciated the sentence to probation because it gave her time to pay off her fine. At the beginning of our interview, I asked her what her day to day is like. She told me that she recently gained custody of her two granddaughters and that life had been “hectic.” She explained:

It's just working and them [her granddaughters]. Working and them. So that's why it's very imperative. I mean, the probation is going to be rough, but I appreciate it. Because now that my monies are tied up into them. I didn't have it at the moment. So that's why I appreciate the probation, because it gives me time to get that money together. Because it's tied up. So I appreciate – I mean, it's gonna be inconvenient, but it's convenient at the same time. You get what I'm saying?

Coco added that she would likely pick up extra shifts at her airport job pushing wheelchairs to make up for the money spent on her legal debt. For these participants, who were unable to pay their legal debt at the time of their court date, probation was a far better outcome than incarceration.

Alternatively, some of my participants were not expecting to be placed on probation and were not satisfied with that outcome. Recall Rich, who was frustrated by his experience in court. Rich explained that in his home state of North Carolina, the judge will give you 30 days to pay the legal debt if you cannot pay it on the day of your court date. "So, I'm thinking, well, the judge is gonna give me a date to pay it off," he added, "Then she said I'm going to put you on probation, you know, and that surprised me." I asked him how he felt about his sentence to probation, and he responded, "Oh I'm quite sure you know." As it happened, Rich was one of my participants who I recruited from the courthouse, and I witnessed his frustration walking out of the courtroom. He continued, "I was mad as hell... Yeah, I'm not used to being put on no probation for, you know, just cause I can't pay no money right now." Lynee, who expressed confusion surrounding the PTI-T program, said of her day in court:

It didn't pan out to be what I would have liked, because I went there thinking that my case will be referred to the PTI-T program. And I knew that involved – whatever my fine was, I knew that it was going to be less than that. I knew that I wouldn't have points taken off, which is better than the situation I'm in now. The situation I'm in now, is probation, money tacked on to what the original fine is, and still no points and all of that. But still, I'm paying more money.

Lynee clarified that after watching nine or ten people ahead of her, she wasn't surprised that she ended up on probation. If she had been the first person to go before the judge that day, it would have been more of a shock. "I think I probably would have been saying, 'Excuse me, Your Honor. What does that mean?'"

Participants appeared to enter their encounters with CJ actors having some preconceived idea about what the outcome might be. Sometimes, participants believed they walked away with the best outcome they could've hoped for (i.e., the police officer didn't tow my car; I didn't go to jail). In other instances, they felt confused, surprised, or upset that the outcome was worse than expected (i.e., I don't understand why I'm on probation). Regardless, their expectations surrounding the outcome of their interactions remained important in their overall conception of procedural justice. In the following chapter, I will discuss in greater detail how expectations are related to the social and historical context of my participants' lives. Namely, that so many of my participants expected to be arrested or to spend time in jail speaks to their prior experiences with the criminal legal system.

## ***Proportionality***

The final theme I want to address under procedural justice is *proportionality*. This subtheme encompasses participants' discussions of whether the probation sentence, associated monetary sanctions, or other penalties were appropriate or excessive given the nature of the offense. It additionally includes discussions regarding the disproportionate burden (financial or otherwise) on people with lower socio-economic status. As is true of several of the previous subthemes I included in this chapter, *proportionality* is commonly discussed in the literature on LFOs. Examples include Huebner and Shannon (2022) who show how probation costs and rituals of compliance in misdemeanor court impact the proportionality of private probation, Pleggenkuhle et al. (2021) who illustrate that their participants felt that LFOs amounted to double punishment, and Martin, Edgemon, and Horowitz (2024) who describe how legal debt disproportionately burdens women, especially those in caregiving positions. The findings presented here contribute to the growing body of evidence that LFOs, especially when coupled with a sentence to private probation, disproportionately impact people with lower socio-economic status. This disproportionate impact has both tangible consequences for the people wrapped up in the misdemeanor system, but also affects global perceptions of the legitimacy of the misdemeanor system.

Consider D, who I introduced at the beginning of this dissertation. D was arrested for shoplifting at Walmart to feed his kids for the weekend. Because he was arrested on a Friday, D estimated he spent three to four days in the Fulton County Jail. He argued that because he spent more than the 48 hours maximum before seeing a judge for his first appearance, he should have received time served for the offense. Instead, he received 12 months on probation and 200 hours

of community service in lieu of a fine. Weighing the nature of his offense to the outcome, he said, “Like, it’s not like it was grand theft or no, no violent crime. I’m trying to figure out why they have me doing all these hours.” He continued, “I feel like I need to get my lawyer involved because I feel like they’re – like I said it’s just time and money. And that’s just time wasted, and I understand I did the crime but sheesh.” D received the community service hours in lieu of the fine because the judge determined that he met the qualifications for indigency status. Yet, he still had to pay the monthly probation fee of \$49. At the time of our interview, D estimated his annual earnings to be \$16,000.

Blue discussed how her pregnancy and childcare responsibilities would make it difficult for her to make the money to pay off her legal debt and probation fees. Although she was glad to not be incarcerated for her inability to pay, she thought that there should be options outside of probation for people in her situation. She said, “just putting us on probation, because we don’t have the full amount at that time. That’s... That’s just hindering the person.” I asked her what she meant by hindering the person, and she explained:

It's like, we already go through enough. And yes, we put ourselves in a situation to begin with. But I feel like it should be more optional choices like, just not straight probation, I'm going to put you on probation for this minimum of time, you got this long to pay this. And it's even like, even if you miss one payment, you still have to pay \$45 extra. So it's like, no matter what or how you try to do it is still hindering you In the best way that it can. Because you have rent, you have water, light, you may have to pay for kids, you got to – it's a whole lot that you

have to pay for. And then you got this on top of other things that you already had to pay for or you already responsible for.

Note that both Blue and D accepted responsibility for putting themselves in the situation (e.g., “I understand I did the crime” or “We put ourselves in the situation to begin with”), but the punishment they received outweighed their offenses. In the following chapters, I elaborate more on how displays of accountability were woven into my participants’ discussions about the level of punishment they received.

Several other participants discussed how probation impacted them financially. Amanda used the money she budgeted for her light bill to pay off her legal debt because she “didn’t have time to keep just going back and forth with it.” Joe explained that all the money he makes is for his household “so whatever gets taken out of there is affecting it!” Shonte said she was unable to pay her car insurance for the month because she prioritized paying off her legal debt so that she wouldn’t have to continue paying the probation company \$49 per month. She worried about not having car insurance and being put in the same situation all over again, saying:

But I just paid y’all, so it’s like, if I go up the street and the police officers pulls me for no insurance, I can’t tell them that I didn’t pay my insurance because I had to pay a speeding ticket and court costs and fines, which if I would’ve only had to pay the \$350, I could have took the other 300 or 200 and something dollars and put that towards my insurance. But the police officer that pulled me over is not going to want to hear that. He’s still going to give me the ticket.

Nicole and Lou, who both worked in the service industry, discussed having to take time off work to go to their probation check-ins, which resulted in lost wages. I asked Nicole if she was

stressed about paying off her legal debt and she replied, “I’m very stressed. That’s definitely not in my budget... I have three kids. I’m a single mom.” In addition to work and childcare responsibilities, Nicole was also a part-time caretaker for her grandmother so that her own mother could go to work. She continued, “I have to come up with \$150 in two weeks, which – I have to buy food for my kids. I have to pay for their field trip at school. I have to miss a lot to just have a big \$150 fine, you know, just come out of nowhere.” She added that the almost \$50 monthly probation fee exacerbated her stress about the situation. Lou said that the day she met me in front of the probation office, she had missed out on a party of 80 people at the restaurant she works for. “I missed out on a lot of money that day” she stated.

In our conversation, Nicole added that probation “just sounds bad.” Indeed, many of my participants voiced the opinion that probation should be reserved for more severe offenses, like violent crime. Recall D, who said “it’s not like it was grand theft or no, no violent crime” when discussing his frustrations with the amount of community service hours he was sentenced to. Jaze further explained, “I thought people who’s on probation like did something big. It needs to be something like serious, not something simple and small that could just be handled through the court system.” Shay said she didn’t like the word probation or court and that her kids were confused by her sentence to probation. “My kids are like, ‘You on probation? You can’t go out of town? You can’t go nowhere?’ I said, ‘Listen honey, I’m just on probation for a ticket. I’m not a criminal.’” Thus, it was not simply the time and money that contributed to the perception that the punishment was disproportionate to the offense, it was also the label of “probation” that was perceived as unduly harsh. Enrique agreed, saying that he thought probation should be reserved for people who robbed banks or killed somebody. He explained, “That to me is what probation



was always for, and what I did does not compare to that.” Here, the sentence to probation violated my participants’ perceptions of themselves as law-abiding citizens.

## **Conclusion**

The procedural justice and legitimacy framework offered by Tom Tyler (2006) conceptualizes procedural justice as the quality of decision-making and quality of treatment by one set of individuals to another. These interpersonal dynamics were certainly important to my participants. However, they also invoked the abstract “system” in their recollections of procedural and substantive fairness. Therefore, this study conceptualized procedural justice through three overlapping domains of fairness: relational, procedural, and substantive. Each of these domains were important in shaping defendants’ overall perceptions of procedural justice in Atlanta’s misdemeanor legal system. Under relational fairness, my participants emphasized *impartiality*, *dignity*, and *voice*. Perceived differences in treatment of defendants by criminal legal system actors based on financial means impacted their overall views of their own treatment. In turn, this perception affected their ability to meaningfully participate in their case.

Procedural fairness encompassed both the *transparency* of court processes and the practical challenges of navigating the system, the *procedural hassles*. Participants consistently reported difficulties with unclear procedures, technological or communication barriers, and the substantial time commitment required for court appearances and probation. These *procedural hassles* created hardships, financial or otherwise, for defendants juggling work, childcare, and other responsibilities. Lastly, in a departure from some of the existing literature on procedural justice and legitimacy, substantive fairness emerged as crucial to participants’ overall perceptions of procedural justice. Participants evaluated outcomes based on their *expectations* and sense of

*proportionality*. Many viewed probation and associated fees as excessive punishment for minor offenses. Indeed, the financial burden was a key factor shaping perceptions across all three domains.

Despite reporting mostly neutral to positive perceptions of procedural justice in their experience with the misdemeanor legal system in Atlanta, participants overwhelmingly viewed the broader criminal legal system as illegitimate. This disconnect suggests that procedural justice alone may be insufficient to creating and sustaining legitimacy. In the following chapter, I argue that the findings from my interviews indicate that legal debt plays a central role in shaping perceptions of procedural justice, but that argument is not as straightforward as I originally anticipated. Rather, I develop my argument around the concept of legal cynicism. I argue that legal debt, especially stemming from private probation fees, exacerbates the perception that the misdemeanor legal system is financially exploitative. This perception is supported by prior direct or indirect exposure to the criminal legal system and culminates in feelings of legal cynicism. Subsequently, legal cynicism, which includes perceived *financial exploitation* and *prior criminal legal system exposure*, mediates the relationship between procedural justice and legitimacy.

## Chapter 5: Legal Cynicism, Procedural Justice, and Legitimacy

In Chapter 4, I discussed the aspects of procedural justice that my participants placed importance on across three overlapping domains of fairness: relational, procedural, and substantive. For instance, it was important that my participants felt like they had a *voice* during their interactions with criminal legal system actors, that the process was *transparent*, and the outcome was *proportionate* to the offense. Did the police officer who pulled them over listen to what they had to say about why their tag was expired? Did they have enough time in front of the solicitor or the judge to voice their concerns over their charges? Additionally, did they understand the procedures that led to their sentence to probation? Did they think the outcome they received was well-reasoned and deserved? While only two of my participants expressed positive perceptions of relational fairness across the board, my participants' overall perceptions of procedural justice *were not* overwhelmingly negative.

Yet, at the end of the interviews when I asked participants whether they viewed the criminal legal system as legitimate, the response *was* overwhelmingly “No.” Thus, my findings contradict conventional wisdom regarding the impact of procedurally just treatment on perceptions of legitimacy. The procedural justice and legitimacy framework proposes that if citizens are treated in a procedurally just manner, they are more likely to view the overall system as legitimate, despite the outcome of their interaction. Indeed, the link between procedural justice and legitimacy has the strongest evidence-base within the framework (as opposed to, say, the link between legitimacy and legal compliance) (Nagin & Telep, 2017; 2020). I found that although participants reported procedurally just treatment, they did not view the system as legitimate.

Moreover, the outcome (substantive fairness) was important in shaping their overall perceptions of procedural justice.

As I continued to engage with the data and familiarize myself with the literature on procedural justice and legitimacy, this pattern became more evident. At this stage of the analysis, I began to focus on the concept of legal cynicism. Specifically, Gau (2019) sparked my interest in the concept and its potential fit in my findings. She asked, “Does legal cynicism mediate the relationship between procedural justice and legitimacy?” Framed another way, my research questions ask, “Does legal debt mediate the relationship between procedural justice and legitimacy?” She conceptualized legal cynicism as “a set of attitudes expressing skepticism about the law and its creators and enforcers” (Gau, 2019, p. 411). She found support for her hypothesis that legal cynicism and procedural justice have a bidirectional relationship where increased feelings of procedural justice can decrease feelings of legal cynicism and vice versa. She also found support for her hypothesis that legal cynicism would mediate the relationship between procedural justice and legitimacy. Ultimately, she concluded that her findings support the argument that procedural justice in face-to-face encounters is valuable because it can erode feelings of legal cynicism and foster legitimacy.

When I reviewed my data analysis, I realized that many of the data items I coded under “Money” invoked an abstract “they” or “the system” when participants discussed the involvement of money, rather than a specific criminal legal system actor like “judge”. That my participants did not place the blame on individual criminal legal system actors, like specific judges or police officers, is significant. Further, I noticed that I had also coded for “previous CLS experience” whenever participants discussed a prior direct or indirect experience with the

criminal legal system. Many participants had previous direct experiences with the criminal legal system, like a prior traffic violation or prior stint in jail resulting from a misdemeanor arrest. Participants also discussed indirect experiences with the criminal legal system. Several participants had friends or family members who had previously been arrested, incarcerated, or placed on probation. Likewise, these participants tended to discuss the neighborhoods they grew up in, their race, and the race of the criminal legal system actors as a major factor in these direct or indirect experiences.

Thus, to answer my research questions, I moved from a deductive and essentialist approach toward an inductive and constructivist one and developed the concept of legal cynicism based on my analysis. The argument resulting from my analysis is that *prior criminal legal system exposure*, and the perception of *financial exploitation* via the accumulation of legal debt to a private probation company, contribute to feelings of legal cynicism which impact perceptions of procedural justice. Further, I argue in support of the claims made by Gau (2019) that procedural justice and legal cynicism exhibit a bidirectional relationship. For instance, I argue that better-than-expected outcomes (based on prior exposure) decrease feelings of legal cynicism whereas an inaccessible, opaque process contributes to increased feelings of exploitation and subsequent increased feelings of legal cynicism. In other words, perceptions of procedural justice can work to either erode or affirm feelings of legal cynicism. I end this chapter by narrowing in on the theoretical and philosophical aspects of legitimacy that I introduced in chapter 2, and I focus on two behavioral consequences of system involvement – avoidance and trauma.

## Legal Cynicism

In this dissertation, I conceptualize legal cynicism based on prior literature and findings from my interviews. Like the subthemes procedural fairness and substantive fairness, legal cynicism refers to a set of attitudes toward the abstract “system” rather than specific individuals. My conceptualization of legal cynicism revolves around two themes, *prior criminal legal system exposure* and *financial exploitation*, where they contribute to an overall negative view of the criminal legal system. The inclusion of these themes as they relate to legal cynicism allows me to capture important historical and social context surrounding my participants and their lives. As I discuss below, prior direct or indirect criminal legal system *exposure* leads many people to enter their interactions with CLS officials with cynicism. Here, participants discussed social context, such as their socio-economic status and neighborhood where they reside, as well as historical context surrounding the relationship between Black communities and the system. Regarding *financial exploitation*, most participants viewed the added fees, rather than the fine, as exploitative. They mostly acknowledged that they had done something wrong and admitted that some level of punishment (i.e., the fine) was appropriate. Yet, fees paid to a private probation company were unnecessary and excessive from a philosophical standpoint and amounted to exploitation.

This section focuses primarily on explaining legal cynicism and its prevalence in my interviews with participants. While the three domains of fairness capture participants’ immediate experiences with the misdemeanor legal system, legal cynicism, and the themes I use to conceptualize it, incorporates important social and historical context that is often missing in these discussions. This deeper examination of attitudes allows us to better understand how participants’

cynicism toward the legal system develops and persists, despite procedurally just treatment. Additionally, the inclusion of legal cynicism allows us to explore not just individual interactions, but how these interactions reinforce broader perceptions of the criminal legal system, particularly in poor and marginalized communities.

### ***Prior Criminal Legal System Exposure***

Roughly half (n=16) of my participants discussed having either direct or indirect *prior criminal legal system exposure* that was negative. Direct exposure included previous arrests, tickets, encounters with police, incarceration and so on. Indirect exposure primarily involved hearing stories from close family members, friends, and community members who have had direct experiences with the criminal legal system. Often, recollections of prior criminal legal system exposure offered by my participants were added within the context of their current case.

For example, Lou, one of three white women in my sample, recalled a prior negative experience with police where she believed she was framed for drug manufacturing. She and her husband were arrested in a town south of Atlanta where she resides after being pulled over and having their car searched. She admitted that her husband had methamphetamine on him, which the police found during their search. However, she said was also arrested but was later released without being charged because the police did not have a valid reason for stopping them in the first place. At one point during our interview, I asked about her perception of the police officer in her current case, she responded, “I don’t really like cops. Experiences in my life – and I don’t trust none of them. I believe that for the most part, most cops are crooked. They do what they want to do when they want to do it.” In her current case, she was charged with leaving the scene of an accident after she rear-ended someone on her way home from work. She said she offered

the other driver cash for the damages, but when the driver refused and said they were going to call the police, she left. She added, “I can’t stand to be in contact with police anytime. Because, I mean, it can go from zero to 100. I mean from nothing into something just because they want to.”

Lou, like several other participants, made broad, negative statements regarding the police, even if the police officer in their current case did not treat them poorly. Ben said that even though he had never personally had a bad interaction with police, he “detested” them. Common reactions I heard from my participants were that they were glad the situation did not escalate. I asked Shonte how she felt during her encounter with the police officer who pulled her over for speeding. She replied, “I can’t lie. I was nervous... I didn’t want it to escalate into something. That’s why I really wasn’t trying to argue with him, because I didn’t want it to escalate.” Shonte revealed that she had previously experienced police violence in a neighboring county, where a police officer broke her finger. Regarding his interaction with the police officer who gave him a ticket for following too close, Sam said, “Overall it was a good experience for me, considering my former dealings with the law enforcement and the court systems. I’ve had very negative views of them.”

I previously introduced Sam in the section on *voice*. Sam was formerly incarcerated for a traffic offense and had also spent time in a private prison for a felony offense. Sam explained that he is a veteran, and his felony conviction stemmed from a PTSD-related incident with police. At the time of our interview, he was almost finished with his 10-year probation term related to that offense. Because he was still on probation for that conviction, he expected the officers to arrest him or at the very least, put him in the back of the police car while they figured everything out.



Because of his prior experiences with incarceration, his biggest worry throughout his current case was going back to jail. I asked him if he tried to apply for a public defender to represent him in the current case, and he said, “No, I pretty much knew on a traffic ticket my choices would either be probation or jail.” I followed up by asking how he knew that, and he replied, “I’m 36 years old. Been in Atlanta for a long time so I’ve dealt with the court system before.” He further explained that in his previous traffic case, he chose to take 20 days in jail over the sentence to probation “because at least it’s done with.”

While some participants recalled their own experiences, other participants discussed their indirect experiences with the criminal legal system. I asked Alex how he felt about having to pay the probation fees, and he responded, “I already knew how it went. My granddad, he been incarcerated for a lil minute, and I knew he had to pay fees and all that.” Lou also had family members who were previously involved with the system. She said she initially pled not guilty and had her case bound over to the state court based on the advice given to her by her brother. Not only would it buy her time before having to go back to court, Lou said they are also more lenient in the state court. She said, “I learned that from my brother. He was in and out of the courts and getting arrested a lot during my life. So I learned that from him.” Jaze mentioned that her mother was previously incarcerated and under parole supervision. Annie said she had a brother, aunts, and uncles who were all in and out of jail for minor offenses. She had also previously been on private probation through the MCA for a traffic violation. Notably, my participants, Blue and Q, are siblings. At the time of our interviews, Blue had just begun her sentence to private probation, and Q had already been under supervision for 7 months. Blue passed my information along to her brother, Q, who reached out to me to participate. At the end

of my interviews, many of my participants mentioned a family member, friend, or neighbor who had also been on private probation and might be interested in participation. Alex was Coco's neighbor, and she passed my information along to him.

A few of my participants discussed the relevance of the neighborhood that they grew up in or currently reside in as one reason for the frequency of their contacts with police. Q, who said he lived in southwest Atlanta, had stopped at a convenience store to buy a soda on the way to a train station. He said he was stopped by Atlanta police upon exiting the store and ticketed for possession of marijuana. When he asked the officers why he was being stopped, he said they told him that they were running around the area trying to see who had warrants out. This interaction between Zaay and myself illustrates several important themes related to legal cynicism:

Zaay: To keep it 100, like, I don't live in – I don't live in the suburbs, or anything like that, you know, I live in the hood, you know, so, you know, in the hood or how can you say your poor areas it's, you know, that's, that's all you see is the police. Get on the train, and they're trying to make their money. So, you know, they're gonna stop, or they're gonna pull up and just hop out the car, act like they're not doing anything, but they're looking for trouble.

Interviewer: Mhmm

Z: So, because, because I'm in the hood! You know, that's – that's where the crime is. That's where everything that goes on, you know, so, you know.

I: So you see them around. You don't maybe personally have run ins, but you do see them and you're –

Z: No, no, no, no, I see them a lot. Yeah, I've had, I haven't had a run in with an officer since then.

I: Mhmm. Yeah

Z: Yeah. I haven't had a run in with an officer since then. You know, I see officers a lot.

I: Yeah.

Z: There's not a day that I don't see an officer. There's not a day.

First, Zaay described a disproportionate police presence in his neighborhood ("in the hood") compared to more affluent neighborhoods ("the suburbs"). His statement that police are "looking for trouble" suggests that he viewed their presence as more predatory than protective. Moreover, Zaay perceived that the predatory police presence was financially motivated (i.e., "they're trying to make their money"). Zaay's perception of police presence in his community shows how everyday experiences with police can erode perceptions of fairness and legitimacy in the legal system.

My participants' race and the race of the criminal legal system actors they encountered also factored into their discussions on prior criminal legal system exposure. Indeed, most (n= 26) of my participants, and the participants I discuss below, identified as Black. Although I did not ask any questions about race outside of the demographics section at the end of the interview, many participants brought it up organically. In recalling her encounter with an Atlanta police officer, Nicole said, "I call my mom on the phone because I was scared. I'm a Black female... He's telling me to get out of the car, and he's like – you know how they get." Jacob said the

criminal legal system isn't legitimate because the police profile Black men. I asked him to elaborate, and he said:

Like, you can get pulled over for no reason. Like, if I go to Atlanta – my tags are good because I drive a Hellcat. So like, I'll just drive to Atlanta, and I'll get pulled over instantly, cause they'll just look at me like 'Oh, a young black man is driving this car, pull him over, pull him over.' Or like when I pull into my neighborhood and stuff like that, like the police would look at me – like when I first moved in, they'd look at me like 'Oh does he own this house??' I'm like, the police just – they're all corrupt... Profiling like a motherfucker out here in Georgia.

Recall Sam, who was previously incarcerated for a PTSD-related felony incident with police. In that interaction, Sam said, "The situation in which I got sentenced for, a guy tried to rob me, but I left the scene of the crime." He continued, "But I was suffering PTSD with hyper awareness, and I wasn't sure how the police were gonna be – being a Black male in a bad area and stuff and having a gun." Ted additionally felt like he was profiled based on his skin color. He explained that his friend had recently moved into a primarily white suburb of Atlanta. One afternoon when he was visiting his friend in that neighborhood, the police were called on them. "I just feel like we was discriminated against by the neighborhood watches... Like I said, they just seen two black guys – I got dreads and then my friend has dreadlocks as well – so it probably didn't look good. I don't know." Ted was arrested for trespassing and spent a few days in the Fulton County Jail as a result.

Often, participants brought up the subject of race in the context of the race of the criminal legal system actors they encountered. George said all his negative experiences with police

officers in the past were with Black officers. Zaay expressed a similar opinion. I asked him what he thought about the officer from his current case, and he replied, “I don’t want to curse, but he was a bitch. And from it being a Black officer and the way he – you know, I’m not saying it’s supposed to be any favoritism. Like I said, it’s ways to handle things, you know?” Shonte was particularly distressed by the fact that everyone working in the courtroom was Black:

Shonte: The entire court room is Black. Everyone. The bailiff. The judge. The only person that I’ve seen in a court, in that courtroom, that is not Black is the public defender. The solicitors, the judge, the bailiff. All of them are Black.

Interviewer: And what do you... I mean, do you mind if I ask what do you think about that?

S: It’s kind of devastating. You know? Like, I just honestly feel that everyone should get the same treatment. For one. Everyone. No matter what it is. You know, everyone’s here for misdemeanor charges. It’s not like, you know, we’re murderers, rapists or anything. We’re, we’re basically being charged with minor speeding violations or no tag, no decal, you know, stuff like that. And it’s just – It just makes me sad, because, just looking around the courtroom, like everyone that’s in the courtroom, you can tell that they’re living in poverty, or they don’t have high income. But it’s like, as, as a woman, and as a Black woman, like you see all these people in here and all you see is dollar signs. You don’t even hear what people are going through. Like, there were older people in there that could barely, barely walk. Like one man was like, “I live on a fixed income. Like I use soc – I use Social Security Disability.” And they was like, “Well, we’ll waive your

probation fees.” And he was like, “But I still got a \$300 fine?” It’s just like, there’s no, no empathy? You know? And for her, you know, for her being a Black woman it’s like, I could easily be your sister, or this could be your uncle, you know? Like, why would you treat us like that? It’s just crazy.

That Shonte described the racial composition of the court personnel as “devastating” exposed a deeper concern among my participants about intra-racial dynamics in the criminal legal system. Her reaction suggested that having Black court personnel does not automatically translate to greater perceptions of empathetic treatment or just outcomes for Black defendants. In tandem with the theme *dignity*, her comments referencing familial relationships depict how participants evaluated fairness and legitimacy, not just through formal procedures, but through expectations of basic human dignity. Nicole’s comment also captured this attitude. Because she previously incorporated race into our discussion about police, I asked what it meant to her as a Black woman to go into court and interact with criminal legal system actors who were also Black women. She responded, “the black women thing was a terrible experience too. I don’t know if the white women would act the same exact way because they have the same rules and procedures. But it was terrible.” Lastly, Shonte’s comments that the court personnel “only see dollar signs” connects to the following theme, *financial exploitation*, where participants view the system as prioritizing revenue generation over justice or fairness.

*Prior exposure* to the criminal legal system impacts how participants perceive their future encounters with the system. Whether through direct experiences like Lou’s and Sam’s prior encounters with police, or indirect knowledge about the system like Alex’s and Annie’s incarcerated relatives, these past experiences create the foundation for legal cynicism. Even

when participants like Sam report subsequent “good” interactions with police, their prior negative encounters continue to shape their broader views of system legitimacy. Moreover, the racial dynamics of these encounters are especially salient in my participants’ recollections. Jacob, Ted, Shonte, and others explained complex concerns regarding racial profiling and intra-racial dynamics within the system. Concentrated police presence in poor and Black communities, coupled with the perception that the system is predatory and primarily motivated by money, further affirms cynical beliefs about the system that transcend procedurally just individual encounters.

### ***Financial Exploitation***

While *prior exposure* to the criminal legal system created a foundation for legal cynicism, participants’ experiences with private probation fees reinforced their negative attitudes toward the system. Indeed, although participants acknowledged the need for and legitimacy of the fines they received, they viewed the additional fees charged by the probation company as unnecessary and *exploitative*. This distinction between fines and fees, and the philosophical purpose of punishment, is discussed in previous literature on LFOs and procedural justice. Pleggenkuhle, Kras, and Huebner (2021) found that their participants expressed a willingness to accept restitution orders because they served a purpose (retribution). Yet, the purpose of the monthly supervision fee was unclear. Many amounted it to double punishment (incarceration plus financial sanctions) and expressed confusion that paying the probation fee took priority over any rehabilitative or retributive aspect of their punishment.

“They just want your money, and they get it. Boy, they get it. \$49 a month to be on it,” Lou said regarding her thoughts on her sentence to private probation. The participants in my

study had routine contact with private probation officers where the sole purpose of these contacts was to discuss payments toward their legal debt. Sometimes, after a few months of in-person check-ins, the probation company allowed participants to move to “virtual” check-ins, where they just had to make monthly payments over the phone. Amanda said, “Because the supervision fees, what are you even supervising when you don’t reach out?” She explained that all the probation company did during her time on probation was send her text message reminders to make payments online.

By and large, these interactions led participants to view private probation fees as particularly exploitative. Take for example the following interaction between myself and X:

X: The fees on probation and all of this craziness, because it was more money. And I had to pay on top of this. On top of the fine plus the fees that come with having probation. So I had to basically pay them for being on probation is what the probation court officer, whoever was telling me.

Interviewer: Okay. Did the judge tell you when she said she was putting you on probation that it would come with extra fees?

X: No, but when I got to the probation court area, that’s when they told me that it would have the fees on top of the original cost of the ticket. And then I started scratching my head, like man this is highway robbery, because you know, too much fees they adding on.

In addition to financial exploitation (i.e., “highway robbery”), this exchange highlights the importance of *transparency*. X wasn’t aware of the probation fees until the probation intake



officer explained to him that he would pay \$49 per month, meaning he was sentenced without full knowledge of the repercussions of doing so. Blue also questioned the purpose of the extra probation fee. She said, “If I pay \$109 a month, that includes the \$49. I want to know why there’s the extra \$49 even included?” Her original ticket was \$200. After court costs, the total amounted to \$289. After the monthly probation fee was added, it came to \$338. Blue continued, “But I just learned sometimes to not ask questions, and just to be like, ‘Okay, I understand. I agree.’ And I’ll just get it out of the way.” In addition to the lack of clarity surrounding the monthly probation fee, Blue stated that she abstained from asking questions (*voice*) so that she could “just get it out of the way” (*procedural hassle*). Despite her confusion, she reported positive perceptions of the actual probation officer she spoke with in court. In fact, she said that the probation officer told her outright that, “they just want money by any means.” I probed for more information and Blue continued, “She was like, they will try their best to just try to get money up outta you before trying to do what’s best for you.”

In court, I witnessed an interaction between a private attorney and a judge where the private attorney was confused by the total amount his client owed. The attorney’s client pled guilty to following too close and failure to report an accident. The following too close fine was \$200, plus \$86 in court costs, and the failure to report an accident fine was \$500, plus \$215 in court costs. I jotted down the following interaction between the attorney and the judge:

Attorney: Your Honor, I was under the impression that the total fine is \$500.

Judge: Respectfully, the fine is what you negotiated with the city.

Attorney: Yes, Your Honor, I think that fine is excessive.

Judge: If you think they're excessive you can contact your legislator.

The judge also pointed out that the city amended the defendant's initial charge from failure to render aid to failure to report an accident. When the attorney attempted to get his client off probation, the judge continued that even if the defendant had the means to pay the legal debt today, they would still be on probation for a period of 12 months because the probation sentence came with conditions (defensive driving class and a victim impact panel). At that point, the judge expressed frustration and called a recess as he "reflect[ed] on how simple matters become difficult." It is noteworthy that the judge assigned blame for the high fine and fee amounts to the state legislature. The complex structure of the misdemeanor legal system shields individual actors, such as judges, while enabling exploitative practices to continue largely unchallenged. Regarding the judge in her case, Nicole said:

The only question they asked Is, "Do you have money?" That's it! Nothing else.

She [the judge] didn't ask nothing else. "Do you have your money?" If not, probation. "Do you have your money?" If not, probation. "Do you have your money?" If not, probation. I mean, this is all through the three hours I was in there. Like, they just care about money.

Nicole elaborated that she could have paid her legal debt in two weeks when she got paid, but the judge didn't give her that option. She continued, "So there's nothing in the State of Georgia in 2024 where we can't wait two weeks for me to come up with \$150. You want to put me on probation for a year. That's crazy. Like, for real? I don't know if Georgia broke or what? But they are after just money." Interestingly, Nicole implicated both the judge and the abstract "they" in her comments about money. "They just care about money" implies that her perception

of financial exploitation goes beyond a singular court actor. Ren expressed a similar opinion. He said, “You told them to make sure that I’m in line, why do I have to pay them to make sure I’m in line? It makes no sense to me.” I asked him if he was referring to the judge when he said “you” and he replied, “Um, the whole system because I know the judge can’t control that. So it’s more of a system thing.” He went on to explicitly question why he had to make payments to the private probation company.

Like other themes included in this dissertation, *financial exploitation* wasn’t typically described in terms of one individual exploiting another. Rather, it was the “system” that wanted money or the “system” that was unfair. These recollections are noteworthy. Drawing on Mettler’s (2011) concept of the “submerged” state, Berk (2024) argues that public/private partnerships such as the MCA’s contract with JCS work to cut costs for some (MCA), generate revenue for others (JCS), and operate in the shadow of public law. Submerged policies have grown increasingly popular over the years because they allow elected officials to avoid backing direct spending programs. The network of relationships between the state and nongovernmental organizations (NGOs) are largely hidden from public view. When citizens are unable to pinpoint and hold the responsible party accountable to the policy, it erodes public confidence in governmental institutions (Berk, 2024).

In the final section of this chapter, I present participant responses to questions about their perceptions of the legitimacy of their sentence and the larger criminal legal system. After asking questions about legitimacy, I asked whether they knew that their probation supervision was through a private company. Most did not. In fact, most participants expressed shock and dismay after finding out that the probation company was privately owned. The lack of *transparency* in

penal policies and procedures creates an environment where *financial exploitation* can occur without clear attribution of responsibility. Taking social and historical context into account, this dynamic culminates in legal cynicism and erodes public trust and confidence in the criminal legal system.

### **Legal Cynicism and Procedural Justice**

This section answers my first research question: what role does legal debt play in shaping perceptions of procedural justice? As stated, the answer to this question was not as straightforward as I anticipated. Rather than including legal debt alone as the topic of interest, I incorporated it into the broader category of legal cynicism. Doing so allowed me to add important historical and social context regarding my participants' lives. Indeed, the argument isn't as simple as, say, "my participants hold negative perceptions of procedural justice and legitimacy because of legal debt." Rather, the perception of *financial exploitation* via legal debt owed to a private probation company, in conjunction with *prior criminal legal system exposure*, amounted to legal cynicism. Here, I describe the bidirectional relationship between legal cynicism and procedural justice, and in the following section, I describe the relationship between legal cynicism, procedural justice, and legitimacy.

Take Nicole's statement regarding her perception of the judge "Um, yeah, she spoke nicely. She seemed like she was after money. To be honest." Nicole said that for every case she witnessed, that was all the judge seemed to care about. If people had the money, the judge ordered them to make their payments at the second-floor cashier's window, and if not, they were ordered to sign up for probation. X had virtually the same thing to say about the probation officer he interacted with at the courthouse. I asked him what he thought about her, and he said, "She

was nice, but she was breaking down the fees.” He continued, “I was just telling her, like, this is highway robbery. Like, these fees that y’all are adding on here. I was like, I gotta pay y’all to be on probation? It’s like I’m getting milked like a cow basically.” Rich, who was outwardly upset about his sentence to probation, recalled his conversation with the probation intake officer:

Rich: I don’t think she’s felt any kind of way about me. She was just wanting me to fill out that paperwork and get on up out of there.

I: So it was mostly business for her?

R: Right, right. I don’t think she felt any kind of way, ya know, and I didn’t feel any kind of way towards her. Just the system!

I think it is significant from a procedural justice perspective that my participants didn’t have anything substantive to say about their interaction with the court’s probation officer, and instead immediately discussed the topic of their conversation (payments). Sam responded similarly when asked about his interaction with the court’s probation officer. “My sense of her?” he asked. “We sat down, and I had to give her my name, my address, my driver’s license number. She told me my next appointment to meet them is March 5.” He continued, “And she told me the payment methods that they take. They don’t take cash. They take credit card or money order. And that’s what she told me. I still have to pay the \$49 a month probation fee.” Notice that he didn’t say anything about her treatment of him or her behaviors, attitudes, etc. He answered the question, “what did you think about the probation officer who you interacted with in court?” by telling me that the probation officer discussed payment methods with him.

Similar statements were made regarding their assigned probation officers. When Ann and I discussed her interactions with her probation officer, she reported that he didn't ask her any questions about her life circumstances that would help her in any meaningful way. "All he want is money," she said. I asked Jaze about her first check-in with her probation officer, and she said, "She was pretty chill. She had me in and out. I can't really tell you, cause we barely even had a conversation. She just told me about paying the fine and how much I had to pay." To me, these statements signaled that the main takeaway from their interactions with the probation company was not whether they were treated fairly or with respect, though that was important to some. Rather, it was that the probation company only asked them about making payments.

Even when officials were described as "nice" or "chill," participants immediately pivoted to discussing the topic of their conversation, fees and payments. The transactional nature of these encounters overshadowed any positive procedural elements that might have been present. This is not to say that perceptions of procedural justice are unimportant. Rather, I argue in line with previous research (Gau, 2019) that perceptions of procedurally just treatment may work to erode feelings of legal cynicism, especially when prior exposure to the system has been largely negative. For example, Sam, who I previously mentioned had mostly negative experiences with police and the criminal legal system, thought that the police officers in his current case treated him with respect and listened to his side of the story. Even though he received a ticket for following too close, he was satisfied with these interpersonal interactions with system officials. Though more research is needed, these interactions illustrate the importance of procedural justice in affirming or eroding feelings of legal cynicism.

## Legal Debt, Legal Cynicism, and Legitimacy

Up to this point, I have discussed the findings from my interviews with people on misdemeanor private probation. I described the aspects of procedural justice across three domains of fairness that were most important to my participants in their experience with the misdemeanor legal system. I built the argument that *prior criminal legal system exposure* and the perception of *financial exploitation* vis a vis private probation fees exacerbated feelings of legal cynicism. I then illustrated the bidirectional relationship between legal cynicism and procedural justice. Here, I return to the theoretical and philosophical questions introduced in chapter 2, and I answer my second research question: What impact does this perception have on the legitimacy of the broader criminal legal system? In other words, how does everything discussed up to this point relate to legitimacy and why is it important? To support my arguments throughout this section, I use participant responses from my interview questions, “what do you think is the purpose of paying fines and fees”, “do you think the criminal justice system is legitimate?”, and the follow-up question, “what does legitimacy mean to you?”

Tyler (1990) set out to answer a basic question, “why do people obey the law?” To answer his question, he argues from a social psychological perspective that when people are treated in a procedurally just manner, and perceive their treatment as such, they are more likely to view legal authorities as legitimate. This perceived legitimacy leads people to comply with the law. Yet, when I asked my participants whether they thought that the criminal legal system is legitimate or not, I received a resounding “no” despite many having described procedurally just interactions with criminal justice actors.

In their study on LFOs, Patillo and Kirk (2020) found that their participants believed in retributive justice and took accountability for their wrongdoings, but these statements were made with qualifications. Specifically, the authors argue that the threat of incarceration or other punishments related to ability to pay violated procedural justice and amounted to extortion. My participants held similar opinions. Nicole elaborated, “No. It’s very unfair. It’s set up to make people that don’t have money to go to jail. That’s a major problem – I haven’t committed any crime.” This sentiment was echoed widely among my participants and represents a few themes I covered in previous chapters, including *proportionality*. In her view, it is unfair that she was sentenced to probation, incurring the risk of jail time, simply because she doesn’t have the money to pay her legal debt. Moreover, the sentence to probation implies that she is a criminal. She continues, “This is just traffic. But we’re on probation for a year? And we have to pay you a \$75 court fee? And you’re saying that this isn’t state? What is this? Like, if this is not state, what is it?” Not only are the label “criminal” and the sentence to probation inappropriate given her offense, but the financial penalty and the risk of jail time for nonpayment amounts to financial exploitation by an unknown entity.

Nicole’s sentiments “I haven’t committed any crime” and “this is just traffic” speak to previous arguments made in the legitimacy discourse that those who place a higher value on conformity and investments in conventional social bonds perceive fairer treatment and greater legitimacy of enforcers of the law (Tyler & Blader, 2003). In this instance, and many others like it, my participant, who viewed herself as being a law-abiding citizen with ties to her community, was branded a criminal and placed under the supervision of the criminal legal system. Like other participants, Nicole began her justification by citing “fairness” (or unfairness). To her, it is unfair



that because she does not have the financial means that other defendants have, she risks going to jail. Q expressed a similar attitude, “If you don’t pay the money, they’re gonna arrest you. And it’s just like, I don’t get that. Like, how you get arrested for being poor?” I asked Joe whether he thought the criminal legal system was legitimate and he said, “No, no, no, no, no. We all know that.” I responded by asking him what he meant by that, and he replied, “The – I always said the laws are for poor people.” These statements illustrate how threats of incarceration (actual or perceived) for inability to pay undermine perceptions of legitimacy.

Shonte’s response to my question “Do you believe your sentence to probation is legitimate?” mirrors these opinions. She said:

Probation can lead to jail time! You know, and it’d be just for something as minor as a traffic ticket. I don’t think that it is legitimate. I don’t think that... I honestly don’t think that’s a legitime punishment for someone that was just speeding on the highway. I wasn’t in the school zone or – just on an open highway.

Here again, there is evidence that my participants weighed the severity of their offenses (“I wasn’t in a school zone”) to the punishment they received (“Probation can lead to jail time!”). Although Shonte was one of few participants who had mostly negative interactions with the criminal legal system actors in her speeding case, and did not perceive her sentence to be legitimate, when I asked her whether the criminal legal system was legitimate, she said, “I do feel like it’s legitimate in some cases, and in others, not, not so much, you know, but I guess that’s with anything, you know, there’s good and bad to everything so.” As is true of many of my respondents, Shonte’s experiences with the criminal legal system are nuanced. She disclosed to

me that 10 years ago, her brother was murdered in Atlanta, and while the case did not go exactly as she had hoped, she did feel as though “justice was served” in his case.

My participants largely viewed themselves as law-abiding and took accountability for their mistakes. Therefore, being sentenced to probation by the court added a degree of stigma and made the entirety of their punishment overly punitive, unjust, and illegitimate. I asked Shonte how she felt about paying the fine, court costs, and fees. She responded, “You know, I feel like, I’ll take the fine. Okay, maybe I was speeding. I’ll pay the 350 but for me to have to pay court costs and probation fines and all this park[ing] like it’s just too much.” Jaze said she thought the court and probation fees were unnecessary. I asked if she was including the \$200 fine she received in that response and she said, “No, because if I did something wrong then I’m definitely going to pay for it. You know, accept my consequences.” I asked Joe if he thought his sentence to probation was legitimate, and he said, “I’ve never really thought about that. I know I fucked up, so, you know, I’ll do whatever it is they’re asking, but the fine and the paying that monthly probation shit, that’s just ridiculous.” Lastly, George said the ticket he received was called for and that he “was wrong” because he wasn’t in a licensed vehicle. He said, “I wasn’t licensed, and I can’t just ride around without a license all willy nilly, and you know, not have to answer for it.” Yet, his attempts to satisfy the requirements of probation led him to view it as overly punitive. Indeed, attempts to display accountability for their actions were thwarted by the perception that the added fees or sentence to probation did not serve a justifiable philosophical purpose of punishment. For a group of people who otherwise viewed themselves as law-abiding citizens, this experience undermined their perceptions of system legitimacy.

These feelings were exacerbated by the perception that the system “just wants money.” I asked X whether he thought the criminal legal system was legitimate, he responded, “No, it’s corrupt. The whole thing is corrupt... Because they’re just trying to make money.” He added, “And it’s not about the betterment of people or peoples’ lives or health. None of that. It’s just trying to make money.” When I asked Q how he felt about having to pay the fine and supervision fees, he said:

Q: I don’t feel like it’s fair. Honestly, I don’t feel like it’s fair, or like, I feel like they could have had other options. I coulda done community service. I coulda done any other thing. I feel like they just wanna just make me just pay, pay, pay, pay. What if you can’t pay it? I feel like there should be other procedures that come along like, like at least like community service or you can probably like – mmm – I’m tryna figure it out too though. They need to come up with a big brother program, but I feel like it – it should have been something else other than just money, money, money, money, money. That’s all they want. The system just wants some money. That’s all they want is the money.

I: You said the system just wants the money?

Q: Yeah, the system. That’s all they want. They want the money. Gotta get all these lawyers and this that and the third. They just want some money. Probably some of the people could have got community service.

Rather than avoid responsibility for the offense, Q offered alternatives to paying that he thought were better suited given his financial situation. Community service is an option given to defendants at the MCA, but because I was not in court when Q was sentenced, I do not know

why the judge opted to place him on probation instead of offering him that option. Prior studies in other Georgia jurisdictions have shown that ability to pay hearings are often inadequate or nonexistent (Woods et al., 2020). Participant after participant expressed the same attitude: the system is not legitimate because the system just wants money. In one of the more surprising interactions, I asked Annie whether she thought her sentence to probation was legitimate and she said:

A: No. I don't think it's legitimate.

I: Can you? Can you elaborate on that a little bit?

Annie: So I grew up in a town where the probation office was owned by one of the judges. So no matter what, nothing got dropped, you were put on probation, because all that money went back into that judge's pocket.

Recall from back in chapter 4 under the section on *dignity* when Annie said that the officer who gave her the ticket for no insurance was a “wonderful, super, super nice guy.” Despite this positive interaction, Annie maintained that her individual punishment as well as the broader system, were both illegitimate. Not just that, she invoked her *prior exposure* to the legal system where the town judge owned the private probation company.

To be sure, participants took issue with the fact that they were paying extra fees to a private company, rather than the city or state. Rich said, “Yeah, I don't think it's legitimate because it's not state-owned. It's a private organization who's charging you money to be on probation.” He continued, “Now, where I'm from, they charge you the same thing if you're on probation, but it goes to the state, not a private-owned company.” Blue agreed, saying:

You're having us paying an extra \$49 fee to provide for the company of theirs. I feel like that is completely wrong. If it's not the court that's giving us this extra \$49, then why should we have to come out of pocket with the extra \$49 fee?

I asked Sam whether he thought the criminal legal system was legitimate. He said no, and he based his answer on his past experiences and the knowledge that the probation fees were going toward a private company. Sam said the criminal legal system is “a way to funnel more money out of the peoples’ pockets.”

Finally, that so many of my participants accepted some responsibility for their actions is notable from a legitimacy standpoint. In tandem with prior literature on the relationship between LFOs and procedural justice (Pleggenkuhle et al., 2021), my participants supported the retributive aspects of their punishment but maintained that the level of punishment they received in relation to their offense was disproportionate. They attributed this disproportionate punishment in large part to their financial circumstances (e.g., Joe’s statement that the “laws are for poor people” or Q’s statement “how you get arrested for being poor?”) which cultivated their legal cynicism.

My participants’ experiences with the misdemeanor legal system in Atlanta depict a complex relationship between legal debt, legal cynicism, and perceptions of system legitimacy. Even when participants reported procedurally just treatment in their direct encounters with criminal legal system actors, the imposition of fees they viewed as exploitative, particularly those paid to the private probation company, undermined their belief in system legitimacy. The widespread view that “the system just wants money,” coupled with participants’ prior negative exposure to the criminal legal system, created a dynamic in most cases where procedurally just

treatment did not overcome legal cynicism, and fundamental doubts about system legitimacy remained intact. These findings suggest that legitimacy cannot be achieved through procedural justice alone.

### ***A Note on Avoidance and Trauma***

Before I move on to the discussion chapter, I want to include a brief note on the behavioral consequences of procedurally unjust treatment and legal cynicism –avoidance and trauma. It is evident in some of the previous passages I included that my participants did not avoid accountability for their offenses. In most cases, they stated that they knew they had done something wrong, and they were willing to atone for it. Yet, the level of punishment they received far outweighed their perception of the “harm” that they caused. The excessive punishment, or even the excessive police presence in many participants’ neighborhoods, led them to make statements such as Blue’s, “I’m trying to stay out of the court’s way, the police way. I really do try my best, but sometimes you just get that day, and you’ll be like, ‘Wow, here we go.’”

To be sure, exposure to the criminal legal system informs citizens’ legal and political socialization. Myriad research shows that the impact of this version of legal socialization (as opposed to say, jury duty) may work to push people away from political participation such as voting (Ben-Menachem & Morris, 2022; White, 2018; White, 2019). Moreover, alienation from social institutions and negative experiences with the police can, in turn, foster legal cynicism (Nivette et al., 2015). This iterative process of legal socialization and legal cynicism primarily impacts underserved and minority communities. Prior research shows that the combination of unpredictable and monetized contacts with police impacts institutional avoidance behaviors. In

their qualitative study on economically disadvantaged people and people of color with prior justice system contact in St. Louis, Missouri, Giuffre and Huebner (2023, p.234-235) found that their participant narratives “reflect the need for constant calibration of behaviors and decisions, as well as the legacy that police contact and monetary sanctions can have on everyday routines.”

Several of my participants said they try to keep a low-profile when they are not at work and avoid leaving the house altogether. Willis said, “I always try to keep myself out of trouble and away from the cops.” At the beginning of our interviews, I asked participants what they like to do in their free time. Lou said, “There’s really not much to say, you know. I’m depressed a lot, and so I just go to work and come home really, and you know, pay my bills.” Zaay said he likes to rap, and he wants to design a clothing line, but most of that had been put on pause. He continued:

Basically, all I’ve been doing is, you know, just taking it one day at a time. I try to stay out the way as much possible. Because, you know, my situation that I’m in with the probation and things, I’m not trying to get caught back up with anything or be in that type of situation anymore. So, you know, that’s, that’s basically my everyday life. You know, I try to stay in the house, you know, to just prevent anything from going on.

When he and I discussed the police encounter that resulted in his being charged with loitering and obstruction, he said that he was hanging out at a convenience store where his aunt’s boyfriend worked, waiting for his cousin to pick him up. He explained, “I really didn’t have nothing going on, no job, just in the way. Just graduated and was just outside. That’s why I say I’m trying to keep myself busy as hell. So I won’t be in the way.” Towards the end of our

interview, I asked Zaay some questions about his sentence to probation. He said it was “scary” to be on probation and likened it to having a bullseye on his back because anything could happen. He said, “It just has me kind of scared, you know. I just don’t want to go through this no more. I don’t want to have to be back in jail.” Lou made similar statements regarding jail. After she rear-ended someone on her way home from work, she said she left the scene after the man insisted on calling the police. She explained, “I thought that you’d go to jail for no proof of insurance, but it turns out that’s not true... I just left because I didn’t want to go to jail.”

These interactions left many of my participants describing how their involvement in the system was “traumatizing.” At the end of our interview, I asked Ben if there was anything that he would like to add about his experience. He said, “It’s traumatizing. It is traumatizing. I’m defeated. It’s traumatizing. I swear, I’m glad I don’t got a gun.” He disclosed to me that he would have committed suicide long ago had he not had his four children to take care of. D said when the police car pulled up and approached him about shoplifting, he was scared. He explained, “I had been through a lot and seen a lot so to hear tires screeching kinda close, it shook me.” I asked him if he was comfortable telling me more about his previous experiences. He disclosed that when he was younger, he witnessed a “good amount” of excessive force by police. In his encounter with police for shoplifting, he said the police officers didn’t draw their weapons, but they had their hands over their guns. He continued, “We only were shoplifting, and we both have our hands occupied. It’s understandable, but it is kinda traumatizing a little bit, but um, I try to forget about it. I go to therapy and stuff.”



## **Chapter 6: Discussion, Policy Implications, and Limitations**

Tom Tyler's body of research revolves around one complex question: why do people obey the law? Legal compliance, he argues, hinges on citizen perceptions that the legal system is a legitimate authority to be deferred to. To achieve legitimacy, state actors must treat citizens in a procedurally just manner and citizens must perceive their treatment as such. If citizens view their treatment by state actors as procedurally just, legitimacy is achieved despite a positive or negative outcome for the citizens. Framed this way, procedural justice and legitimacy can be viewed as a deterrence-based theory where procedurally just treatment and increased legitimacy purportedly deters people from breaking the law. While there exists a strong evidence-base regarding the relationship between perceptions of procedurally just treatment and legitimacy, much less is known concerning the relationship between legitimacy and legal compliance.

My dissertation findings depict a complex relationship between procedural justice, legal cynicism, and legitimacy in Atlanta's misdemeanor legal system. Namely, even when my participants reported procedurally just treatment by criminal legal system officials, legal cynicism resulting from prior criminal legal system exposure and the perception of financial exploitation eroded the overall legitimacy of the system. These findings suggest that in addition to fair and dignified treatment, achieving legitimacy may require additional procedural and substantive elements such as transparency and proportionality.

Before concluding this dissertation, I use this chapter to discuss the major contributions of my work and to demonstrate how these contributions are built upon the previous literature. Based on my findings, I additionally propose a retributive framework of procedural justice and legitimacy that centers accountability on both the state and the citizens' part. This framework

relieves the traditional procedural justice and legitimacy framework of major criticisms such as the theoretically increased acceptance of unjust outcomes and ties together previous research on legal financial obligations and procedural justice that I view as currently acting as individual pieces of a larger theoretical puzzle. I argue for policy implications that the court can implement quickly, such as fact sheets regarding the potential case outcomes, and policies that may take longer to implement, such as electronic court notifications. Finally, I end this chapter by explaining the limitations of this research.

## **Discussion**

My findings build upon and make several distinct contributions to the body of research on legal financial obligations, procedural justice, and legitimacy. First, building on Gau (2019), who examined legal cynicism as a mediator between procedural justice and legitimacy, my findings demonstrate that even when participants reported procedurally just treatment, the perception that the “system just wants money” exacerbated feelings of legal cynicism, which in turn diminished the impact of procedural justice on perceptions of legitimacy. Thus, I contribute to the discussion on legal cynicism through my conceptualization of legal cynicism as encompassing prior criminal legal system exposure *and* financial exploitation via probation fees.

Second, while previous research has noted different perceptions of various LFO types (Pleggenkuhle et al., 2021), my findings specifically highlight private probation fees as creating a unique form of perceived injustice. Third, and building on the second point, my research challenges the social psychological procedural justice and legitimacy framework by demonstrating that when the underlying financial structure of the legal system is perceived as exploitative, legitimacy is undermined despite procedurally fair treatment from system actors.

This finding extends Paik et al.'s (2023) work on how monetary sanctions shape legal cynicism, but places greater emphasis on the role of privatized justice. My findings suggest that the hidden or “submerged” nature of private probation companies in the justice system creates a disconnect where citizens cannot attribute responsibility or hold accountable those profiting from their punishment (Berk, 2024). Finally, this dissertation contributes to scholarly understanding of procedural justice by highlighting how outcome-based factors like financial sanctions interact with process-based elements to shape perceptions of legitimacy in the misdemeanor context, particularly when profit is involved in punishment. This finding extends Jenness and Calavita's (2018) critique that procedural justice may not truly be outcome-independent and suggests that in this study, substantive fairness was inseparable from judgments about procedural fairness.

The totality of the findings of this research begs the question – Is there room for a retributive procedural justice and legitimacy framework, where the question to be answered is “what constitutes (il)legitimate punishment?” Although it is beyond the scope of this dissertation to fully formulate such a framework, I argue that it is worthy of scholarly exploration for a couple reasons. To start, rather than legal compliance, under the retributive procedural justice and legitimacy framework the end goal may be accountability, on both the part of the state and its citizens. The question “what constitutes (il)legitimate punishment” removes the possibility for citizens to accept unjust outcomes and places the responsibility on the state to both 1) treat citizens in a procedurally just manner and 2) hand down sentences that are fair and justifiable from a retributive perspective. This shift in responsibility to the state resolves one of the chief criticisms of the framework as it stands – that it may lead citizens to accept unjust and unfair outcomes. For citizens, the shift from legal compliance to accountability marks a shift from a

utilitarian perspective on criminal law to a retributive one. As stated, the evidence regarding the impact of increased legitimacy on legal compliance is limited (Nagin & Telep, 2017, 2020). This is not to say that research on the relationship between the two should be abandoned. Rather, I argue that additional avenues, such as accountability, should be explored. Indeed, in this research, displays of accountability were integral to my participants' recollections of their experiences with the misdemeanor legal system.

In addition, this framework allows for the integration of historical and social context. Reznick (2019, p. 152) argues that under a retributive framework “rather than completely dismissing culpability on account of social disadvantages, we may strive to incorporate difficulties surrounding fairness into the assignment of individual responsibility.” He continues that by incorporating issues with fairness into these discussions, we are obligated to ensure political equality, specifically equal concern and respect, for those subjected to law enforcement. As depicted in chapters 4 and 5, fair treatment, transparent and accessible procedures, and proportionate outcomes were equally important in forming my participants' perceptions of legitimacy. An ideal retributive framework of procedural justice and legitimacy would emphasize responsibility and accountability for wrongdoings without violating political equality.

A limited number of existing studies on LFOs that support the retributive procedural justice and legitimacy framework. For instance, Ruback, Gladfelter, and Lantz (2014) found that people who were ordered restitution exhibited a lack of understanding surrounding how much they owed and where the payments were directed and believed that the restitution assessment was unfair. The authors conducted an experiment where one group of debtors received information about how much they owe and how much they had paid up to that point

(information). A second group only received a rationale for restitution payments (rationale). A third group received information and a rationale for paying restitution (information and rationale), and the control group did not receive any information or a rationale for payments. They found that people who received information about their restitution payments paid significantly more toward their debt than debtors in the other experimental conditions. They conclude that deterrence-based enforcement of legal debt, such as threats of additional punishment or incarceration for non-payment are inefficient and expensive. Further, they argue that their findings suggest a change in internal motivation on behalf of the debtors and that the increase in restitution payments may benefit, victims, society, and the offenders themselves.

In their follow-up study, Gladfelter, Lantz, and Ruback (2018) found that people on probation were more likely to pay something toward their restitution when they perceived fair treatment from the officials responsible for collecting payments. These studies lend credence to the notion that deterrence-based enforcement may erode trust and confidence in the legal system. An approach to debt collection that emphasizes transparency and fairness may lead to increased payments and accountability on the offender's part.

Additional studies include, Patillo and Kirk (2020, p. 7), who explicitly state, "The people we interviewed in Illinois believed in retributive justice." The researchers analyzed interview data from 68 people sentenced to pay LFOs in Illinois. They highlight five themes related to legal debt, including: justifiable punishment, impossible to pay due to poverty, double punishment, extortion, and collected by an opaque and greedy state. Under the theme justifiable punishment they explain that their participants understood there are consequences to breaking the law and accepted the role of the state in imposing punishments. However, they elaborate that

these statements were made with the qualification that the total amount of punishment imposed given their financial status, was disproportionate to the harm caused and, in some cases, amounted to extortion. Finlay et al., (2023) conducted a natural experiment on LFOs across five states that passed legislation regarding LFOs from 2003-2014, including Florida, North Carolina, Texas, Michigan, and Wisconsin. In addition to finding null effects of LFOs on recidivism or labor-market outcomes, they conclude that their study suggests there is no evidence to support general or specific deterrent effects of LFOs. Moreover, LFOs placed people with lower incomes at a higher risk for additional fines, arrest warrants, and driver's license suspensions.

Research from practitioners' perspectives also supports a retributive framework for procedural justice and legitimacy, where accountability is significant. In their study on the procedural integrity of post-sentencing adjudication of monetary sanctions, Martin, Spencer-Suarez, and Kirk (2023, p. 141) found that "the demonstration of effort was important to court actors. Court actors described wanting to see defendants 'do the work' in these shows of compliance." In my interviews, participants emphasized that the probation company just wanted to see that they had paid something. It could be as little as \$5 per month. These shows of compliance signal to the appropriate criminal legal system actors that people are taking accountability. Under the retributive model of procedural justice and legitimacy, the central aim for both the state and its citizens is increased accountability.

Historically, philosophical principles of retribution have been difficult to translate into policy, often resulting in policies that are vengeful and malevolent rather than predicated on desert. Thus, to properly implement a retributive procedural justice and legitimacy framework requires us to reconcile existing structures that dilute the strength of the public to hold the system

accountable, as is the case with submerged penal policies, such as private misdemeanor probation. The hidden or submerged state framework recognizes the incentive that a variety of industries have in lobbying against reforms that may undercut their profit margins (Thurston, 2020; Berk, 2019). Because penal policies are hidden or submerged, it is difficult for citizens to attribute responsibility and hold these industries accountable to the public. I contend that punishment in a liberal democracy should not be administered by nongovernmental organizations (NGOs) who stand to profit from penal policies at the expense of citizens nor should they be administered solely for revenue generating purposes. Punishment for the sake of revenue or profit generation is wholly incompatible with retributive principles.

Indeed, Reznick (2019, p. 155) argues that retribution, “predicates the moral legitimacy of punishment on responsibility for crime, gauged by the offender’s culpability and the harm his offense caused.” He argues that punishments are legitimate when they are administered by a legitimate authority to a blameworthy offender and that the concept of desert restrains policies aimed at utility maximization (revenue-generating practices). I further argue that a retributive framework may curtail submerged policies aimed at profit maximization, such as those allowing local governments to contract with private probation companies to oversee misdemeanor probation supervision. Though previous attempts have been made to measure crime and punishment severity, the answer to the question “what constitutes legitimate punishment?” remains elusive. From a public policy or societal standpoint, it is easier to recognize punishments that are overly punitive than to come to a consensus on an acceptable and legitimate punishment. As such, a retributive framework of procedural justice and legitimacy might be best applied to projects seeking to uncover illegitimate punishment. Returning to Garland (1990, p. 277),

“Theoretical work seeks to change the way we think about an issue and ultimately to change the practical ways we deal with it.”

### **Policy Implications**

In addition to influencing future theoretical research on this topic, these findings have a couple of key policy implications. Namely, the Municipal Court of Atlanta should implement an automated, electronic court notifications system to help alleviate failure to appear (FTA) issues. When defendants miss court, it sets off a cascading system of collateral consequences like suspended driver’s licenses, FTA fees, and driver’s license reinstatement fees. It also leaves the defendant vulnerable to arrest for driving with a suspended license. To be sure, in a car-centric city such as Atlanta, the ability to drive is all but necessary, and these penalties create disproportionate financial and time burdens for economically disadvantaged Atlantans.

Moreover, these penalties may have additional civic consequences, such as the loss of the right to vote. Legislation passed in Georgia in 2020 requires identification, such as a driver’s license, to participate in elections. Subsequent research shows that Black Georgians are less likely to have a driver’s license than white Georgians, thus the impact of the new voter ID law is disproportionately felt by Black voters, whose turnout decreased in the 2022 mid-terms (Niesse & Prabhu, 2024). Research on electronic court notifications shows that electronic court date reminders reduce FTAs to varying degrees (Lowenkamp et al., 2017; Zottola et al., 2022), with one study showing that electronic court reminders reduced warrants issued for FTAs by 20% (Chohlas-Wood et al., 2023). The implementation of an automated, electronic court notification system could significantly reduce FTA rates that currently plague the MCA. The 2023 audit of the MCA showed that over the five-year period under review, the median FTA cases per year was



48,792. In 2022, 15,935 arrest warrants were issued for failure to appear in court for a traffic case, exceeding pre-pandemic levels.

Secondly, court transparency must be improved. In addition to an electronic court notification system, the court should clarify its sentencing practices. While judges currently inform defendants of the statutory minimum and maximum punishment, they should also clarify the range of options that are available to them, such as community service. This action could be as simple as drawing up a document that resembles the plea sheet, to include information about the parameters of the PTI-T program or community service. This document, along with the plea sheet, should be written in lay terms and at the average reading level. As stated, research supports the argument that increased access to information about monetary sanctions has positive effects on both the government and offenders (Ruback, Gladfelter, & Lantz, 2014). Participants in this study consistently brought up issues with transparency regarding their choices in court. Thus, the court should standardize and make clear the parameters for qualification into the PTI-T program and be more explicit regarding the option for community service.

Building on that, charging defendants who choose community service a \$49 monthly probation fee creates a counterproductive barrier to resolving low-level misdemeanor violations. All probation fees should be waived for those who elect to complete community service. Perhaps more fundamentally, and in line with the theoretical implications posed earlier in this chapter, policymakers should reconsider the use of private probation companies for misdemeanor supervision altogether. The findings of this research strongly suggest that the profit motive inherent in privatized supervision creates perceptions of financial exploitation. Punishment administered by private entities with a financial interest in continued supervision or increased

supervision loads is incompatible with retributive principles of justice and creates structural barriers to accountability. These recommendations directly address several of the structural barriers that undermine perceptions of fairness and legitimacy in Atlanta's misdemeanor legal system. By implementing these changes, the MCA could move toward a system that better balances accountability with fairness.

## **Limitations**

While this dissertation makes important and thought-provoking contributions to our theoretical understanding of legal debt, procedural justice, and legitimacy, several methodological limitations must be acknowledged. Regarding the research design, in the future, I will remain open to other qualitative method(ologies) that might suit a project such as this one. For example, I would take more time on the front end of the project to think through certain design elements such as whether and how my research questions fit the chosen method(ology). Having a clear understanding of and justification for the chosen methodology at the outset of the project is beneficial for numerous reasons. For one, the researcher does not lose sight of the overarching goals and methods to obtaining the stated goals. I am not arguing for researchers, especially student researchers, to choose a neatly packaged methodology with premade design decisions. Rather, I am arguing that students should spend more time learning about a variety of qualitative methodologies and their ontological, epistemological, and philosophical commitments before deciding on which method to use in their work. Ultimately, I would not have chosen a different method due to the flexibility afforded by TA, but I would have taken more time on the front-end to understand the variety of TA approaches and best practice to conduct TA.

Fortunately, Victoria Clarke and Virginia Braun have put a tremendous amount of effort into clearly defining these approaches and articulating best practice.

Moving forward, I also have a more realistic expectation regarding the timeline for each phase of research. I began recruiting participants for interviews in September of 2023, and I finished interviewing at the end of May of 2024. I originally planned to collect data over the course of four months, but I did not account for interviewing and transcript cleaning fatigue. Ideally, I would have spent more time on the analysis and write up than the recruitment, data collection, and data cleaning, although data cleaning was an integral part of the first step of TA as a tool for data analysis.

Additionally, given the financial and time constraints of this dissertation research, I was only able to conduct one interview with each participant. Thus, participant responses represent their attitudes toward the criminal legal system at a single point in time. Future research would benefit from conducting additional interviews with participants. For example, participants who I interviewed in the day or two after their court appearance may have different attitudes after having been removed from the system. Further, soon after we began court observations, I realized that it would have been beneficial to interview people who were able to pay their fines and fees on the day of their court debt. Although this population did not receive a sentence to private probation, which was the primary area of interest for this research, they could have served as a comparison group. In other words, are the attitudes of this population similar to or different from the people who were placed on probation? Given the complexity of my findings, it is difficult to hypothesize whether they would have different attitudes.

To be clear, this study should not serve as evidence of any causal relationship between procedural justice, legal cynicism, and legitimacy. While the findings suggest that legal debt, particularly privatized probation fees, exacerbates legal cynicism and undermines legitimacy, alternative explanations cannot be fully ruled out. For instance, pre-existing attitudes about the criminal legal system may have shaped participants' interpretations of their current experiences more than the experiences themselves. Without baseline measures of attitudes prior to court involvement, it is difficult to isolate the specific impact of the current case on overall perceptions of legitimacy. Importantly, my intention was never to address a causal relationship. Rather, I aimed to encourage us to think more deeply about how we engage theoretically with research on legal financial obligations, and I attempted to tie together theoretically several foundational studies on procedural justice and legal financial obligations. All of this to say, the findings I present here are important because they left me with more questions than answers, and I hope that readers of this work leave thinking more deeply about how we engage with modern punishment theory.

Lastly, I did not participate in any ride-a-longs with police officers or sit in on any sessions between probation officers and their clients. Although my observations of Atlanta's misdemeanor legal system only include court observations and informal interviews with probation officers, I do not view this as a limitation to the study because I did not set out to objectively assess whether procedurally just treatment occurred in interactions between police and citizens. I view the court observations and informal interviews as additions to the study rather than ride-a-longs and session observations as missing pieces. Thus, ride-a-longs or probation session observations may serve as additions to future research.

## **Conclusion**

In this dissertation, I explored the experiences of individuals sentenced to private probation for misdemeanor offenses in Atlanta, Georgia. Through 33 in-depth interviews with people placed on probation and over 50 hours of court observations, I investigated how perceptions of procedural justice and legal cynicism shaped views of system legitimacy. The research was guided by two questions: 1) what role does legal debt play in shaping perceptions of procedural justice for people sentenced to misdemeanor private probation? And 2) what impact does this perception have on the broader criminal legal system?

The reflexive thematic analysis approach I used to answer these questions necessarily involved my subjective interpretation of participants' subjective experiences. Rather than viewing this subjectivity as a limitation to be overcome, I embraced it as an opportunity to engage deeply with the data I collected. My background as a researcher with a particular interest in legal financial obligations and the misdemeanor legal system undoubtedly shaped the questions I asked and the patterns I identified in the data. At the same time, this methodological approach required continuous reflection on how my perspectives influenced the research process and encouraged me to remain open to interpretations that challenged my initial expectations. The shift in my analytical approach, from a more deductive, codebook-oriented approach to a more inductive, reflexive one, exemplifies how researchers' engagement with data can and should evolve throughout the research process. This evolution allowed me to identify patterns, such as the importance of legal cynicism, that I had not anticipated at the outset of the research.

For readers and researchers engaging with this work, it is important to recognize that the findings presented here represent one possible interpretation of the data, shaped by my particular

theoretical orientation and methodological choices. Other researchers might identify different patterns or emphasize different aspects of participants' experiences. Rather than undermining the value of this research, this recognition invites dialogue and continued exploration of how legal debt shapes perceptions of justice and legitimacy.

Indeed, the role of legal debt in the relationship between perceptions of procedural justice and legitimacy was more complex than I anticipated. Legal debt, particularly in the form of private probation fees, contributed significantly to perceptions of legal cynicism, which in turn mediated the relationship between procedural justice and legitimacy. This relationship was exhibited in three key contexts. First, I identified three domains of procedural justice that mattered to participants: relational fairness (voice, impartiality, and dignity), procedural fairness (procedural hassle and transparency or accessibility), and substantive fairness (outcome expectations and proportionality). I conceptualized these domains through participant responses to questions about their perceptions of procedural justice throughout the misdemeanor process. These domains provide a more nuanced understanding of procedural justice than the social psychological model, which emphasizes interpersonal dynamics such as quality of treatment and quality of decision making.

Second, I argued that legal cynicism mediated the relationship between procedural justice and legitimacy for my participants. Even though my participants had mostly positive to neutral perceptions of procedural justice, the perception that the "system just wants money" or "they just want your money" created deep skepticism about its fundamental legitimacy. I conceptualized legal cynicism as involving two primary factors: prior criminal legal system exposure and financial exploitation through private probation fees.

Third, my participants consistently distinguished between fines, which many viewed as a legitimate consequence, and private probation fees, which most saw as exploitative. This distinction is crucial for understanding how people who are sentenced to misdemeanor probation form their evaluations of legitimacy. When participants perceived they were being financially exploited via paying fees to a private company, they questioned the legitimacy of both their individual sentence and the broader criminal legal system.

These findings challenge the traditional procedural justice and legitimacy framework in several important ways. Most importantly, they demonstrate that procedural justice alone was insufficient to establish legitimacy for my participants. The findings also illuminate the importance of outcome-based factors in shaping perceptions of legitimacy. Contrary to the outcome-independent model, substantive fairness was critical to participant evaluations of their experience. When the punishment (particularly financial penalties and the addition of probation supervision) was perceived as disproportionate to the offense, participants questioned the legitimacy of the system regardless of how they were treated interpersonally. Furthermore, this research highlights how the privatization of misdemeanor probation creates unique challenges for system legitimacy. The “submerged” nature of private probation companies in the justice system creates a disconnect where citizens cannot attribute responsibility or hold accountable those profiting from their punishment.

The findings from this dissertation have important implications for how we conceptualize justice in the misdemeanor legal system. They suggest that achieving legitimacy requires more than ensuring fair interpersonal treatment, it necessitates transparent procedures, substantively fair outcomes, and structural arrangements that prioritize justice over profit. For the Municipal

Court of Atlanta and similar institutions, these findings suggest the need for greater transparency in sentencing practices, elimination of financial barriers to resolving low-level violations, and reconsideration of private probation arrangements. The perception that the system prioritizes revenue generation over justice undermines its fundamental legitimacy in the eyes of those it processes.

More broadly, this research illustrates the need to reexamine our theoretical approach to research on legal financial obligations, procedural justice, and legitimacy. A retributive procedural justice framework would place greater responsibility on the state to deliver not only procedurally just treatment but also substantively fair outcomes that are proportionate to the offense. Moreover, a retributive model centers accountability rather than compliance as its primary goal. This focus aligns with previous research that demonstrates the value that defendants themselves place on accountability. Ultimately, this research contributes to our understanding of how justice is perceived and experienced in the misdemeanor context. These insights offer a foundation for reimagining how justice might be better served in the context of minor offenses.



## **Appendix A. Informed Consent**

### **Informed Consent**

Title: Legal Debt and Legitimacy in Misdemeanor Probation

Principal Investigator: William J. Sabol

Co-Principal Investigator: Marshall L. White

### **Introduction and Key Information**

You are invited to take part in a research study. It is up to you to decide if you would like to take part in the study. The purpose of this study is to examine the impact of legal debt on perceptions of procedural justice and legitimacy in misdemeanor probation. Your role in the study will last approximately 45 to 90 minutes. You will be asked to do the following: Participate in an interview. Participating in this study will not expose you to any more risks than you would experience on a typical day. This study is not designed to benefit you. Overall, we hope to gain information about how legal debt impacts attitudes toward misdemeanor probation.

### **Purpose**

The purpose of this study is to explore how paying money on misdemeanor probation impacts attitudes toward the legal system. You are invited to take part in this study because you are on misdemeanor probation and are paying money toward your supervision. A total of 50 people will be invited to take part in this study.

### **Procedures**

If you decide to take part in this study, you will be asked to participate in an interview with a researcher from Georgia State University. You will be asked questions about your experiences with the police, the courts, and probation, as well as your thoughts on

paying legal fines and fees. The interview will last between 45 to 90 minutes. With your permission, the researcher will tape record the interview.

### **Future Research**

Upon conclusion of the study, the researcher will remove any information that may identify you.

### **Risks**

There are no more risks than you would expect in a normal day of life.

### **Benefits**

Participation in this study may not benefit you personally. Overall, we hope to learn about how paying money on probation impacts attitudes toward the legal system.

### **Alternatives**

The alternative is to not take part in the study.

### **Compensation**

You will receive a \$50 VISA gift card for participating in this study.

### **Voluntary Participation Withdrawal**

You do not have to participate in this study. Your participation in this study is completely voluntary, and you may refuse to participate or withdraw consent from the study without penalty or loss of benefits to which you may otherwise be entitled. You may skip any question during the interview. This will not cause you to lose compensation.

### **Confidentiality**

We will keep your records private to the extent allowed by law. The following people and entities will have access to the information you provide:

- William J. Sabol, Georgia State University; Marshall L. White, Georgia State University
- GSU Institutional Review Board
- Office for Human Research Protection (OHRP)

Your responses to interview questions will be kept confidential. At no time will your actual identity be revealed. You will choose an alias for yourself. Anyone who helps us transcribe responses will only know you by this name. The recording will be destroyed as soon as the study concludes. The transcript, with your alias, will be kept until the research is complete. When we present or publish the results of this study, we will only use your alias.

### **Contact Information**

Contact Marshall White at [mwhite129@gsu.edu](mailto:mwhite129@gsu.edu) or (470) 781-6650.

## Appendix B. Interview Guide

Topic	Questions	Probes
<b>Introduction and Case Characteristics</b>	<p>Introduce myself and go over the informed consent sheet.</p> <p>Once the interviewee has consented, have them choose an alias.</p> <p>What is the current offense for which you are serving time on misdemeanor probation?</p>	<ul style="list-style-type: none"> <li>• Were you placed under arrest for the charge that put you on misdemeanor probation?</li> <li>• Which police jurisdiction brought the charges against you?</li> <li>• Which court did you go through?</li> <li>• Who are you being supervised by?</li> <li>• How long is your sentence to probation?</li> <li>• How many months have you been on probation?</li> <li>• Are you currently serving time on probation anywhere else?</li> <li>• Do you owe any court costs, fines, or fees from previous charges?</li> <li>• In the same or different jurisdiction?</li> </ul>
<b>General Background</b>	Tell me about yourself.	<ul style="list-style-type: none"> <li>• Are you from the Atlanta area? If not, what brought you to town?</li> <li>• What are your responsibilities?</li> <li>• What is your day-to-day like?</li> <li>• What do you like to do in your free time?</li> <li>• In addition to legal debt, do you have any other debts? (e.g., credit card, student loans, medical, pay day loans)</li> </ul>
<b>Day of Offense</b>	Tell me about the day you were pulled over/cited/arrested for the offense that put you on probation. What were you up to that day?	

<b>Perception of Police Officer</b>	<p>Will you please walk me through your encounter with the police officer who issued the citation/arrest that led to you being put on probation?</p> <p>Overall, what did you think of the officer whom you had the encounter with?</p>	<ul style="list-style-type: none"> <li>• When did this event take place?</li> <li>• Were you with anyone?</li> <li>• What was the officer's behavior like?</li> <li>• How did the officer speak to you?</li> <li>• What was going through your mind during your encounter with the police officer?</li> <li>• How did you feel during the encounter with the police officer?</li> <li>• What information did the officer give you about the charge? Do you feel like the officer gave you enough information?</li> <li>• Was this your first encounter with a police officer? If not, how did it compare to other encounters?</li> </ul>
<b>Pretrial Experience</b>	<p>What did you do after the encounter with the police? Did you talk to anyone about it? What did they tell you?</p> <p>How did you feel during the time between the encounter with the police and your court date?</p>	<p><b>ARRESTED:</b></p> <ul style="list-style-type: none"> <li>• After your arrest, were you released from custody or held pretrial?</li> <li>• If held, where? How long? What was the experience like?</li> <li>• If released, were you released on bond, on your own recognizance, etc.?</li> <li>• During this time, were you on any type of pretrial supervision?</li> </ul> <p><b>NOT ARRESTED:</b></p> <ul style="list-style-type: none"> <li>• What information did you receive about your ticket and court date?</li> <li>• What, if anything, did you do to prepare for your court date? Did you do anything to prepare to pay a fine?</li> </ul>

<b>Courtroom Experience</b>	<p>Tell me about your experience in court the day you were put on misdemeanor probation.</p> <p>Overall, what did you think of the judge?</p> <p>How do you feel about your sentence to probation?</p> <p>How do you feel about having to pay a fine and court fee?</p> <p>Overall, what did you think of the probation intake officer?</p> <p>How do you feel about having to pay a probation supervision fee?</p>	<p><b>CASE CHARACTERISTICS:</b></p> <ul style="list-style-type: none"> <li>• Did you have a lawyer present? If not, why not? Would you have preferred to have a lawyer present? If yes, were they a public defender/assigned by the court? How do you think having a lawyer would've impacted your case?</li> <li>• Did the solicitor or the judge take your financial history into consideration?</li> <li>• How did you plead? Why?</li> <li>• What was your official sentence? Including any fines, fees, probation, programs, etc.</li> </ul> <p><b>COURT EXPERIENCE:</b></p> <ul style="list-style-type: none"> <li>• How did the judge speak to you?</li> <li>• Did you ask the judge any questions? Do you think they listened?</li> <li>• How did the judge handle your case compared to others?</li> <li>• Was the judge fair?</li> <li>• Who else did you speak to that day? Solicitor General? What did you think of them?</li> <li>• Were you aware of what the total cost would be prior to coming to court?</li> </ul>
<b>Probation Experience</b>	<p>Walk me through your experience on probation, including information such as how often you speak to your probation officer, your probation requirements, whether you check in over the phone or in person, etc.</p> <p>Tell me about your most recent check-in with your probation officer.</p> <p>Overall, how do you feel about your probation officer?</p>	<ul style="list-style-type: none"> <li>• How would you describe your relationship with your probation officer?</li> <li>• How does your probation officer speak to you?</li> <li>• Does your probation officer listen to you and answer any questions?</li> <li>• How has your probation officer helped you?</li> <li>• How do you feel after checking in with your probation officer?</li> <li>• Have you ever missed a supervision payment? If so, have you ever been threatened with jail or another punishment for nonpayment?</li> </ul>

<b>Reflections on LFOs and CLS</b>	<p>What do you believe is the purpose of paying a fine? Fees?</p> <p>How has probation and legal debt impacted your life, if at all?</p> <p>Do you believe the sentence to probation that you received from the judge is legitimate?</p> <p>How do you define the word legitimate?</p> <p>Do you believe the criminal justice system is legitimate?</p>	<ul style="list-style-type: none"> <li>• What payments are you currently making?</li> <li>• Do you prioritize some payments over others?</li> <li>• Have you had to give up paying for other things to pay your legal debt?</li> <li>• Have you asked a friend or family member for help paying your legal debt?</li> <li>• How stressed are you about your legal debt?</li> <li>• How much would you estimate that you have paid up to now?</li> <li>• Are you aware that the probation you're on is through a private company? Does that change your perception of the legitimacy of your punishment?</li> </ul>
<b>Concluding Questions</b>	<p>How would you change your experience, if at all?</p> <p>What would you tell the world about your experience with legal debt?</p> <p>Is there anything that I didn't ask that I should have?</p> <p>Is there anything else you'd like to add about your experience?</p>	
<b>Demographics</b>	<p>Age</p> <p>Race</p> <p>Gender</p> <p>Marital Status</p> <p>Dependents</p> <p>Education</p> <p>Military Service</p>	

	Housing Status Employment Status Annual Earnings Bank Account Status Driver's License Status Offense History	
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## **Vita**

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