



BJA Bureau of Justice Assistance

How To Use Structured Fines (Day Fines) as an Intermediate Sanction

Monograph



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(Day Fines) as an
Intermediate Sanction**

This document was prepared by The Justice Management Institute and the Vera Institute of Justice, supported by grant number 91-DD-CX-0016(S-2), awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

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The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

Foreword

As prisons continue to be overburdened with an ever-increasing number of inmates, States are searching for punishment options that are less costly than incarceration, yet limit the freedom of convicted criminals. Structured fines, or day fines, are a monetary sanction adjusted according to the seriousness of the offense and the financial status of the offender to guarantee that every sentence imposes a negative impact. Initiated and widely used with remarkable success in Western Europe, structured fines are just beginning to be used in the United States as an alternative intermediate sanction. The first structured fine project demonstration in the United States was designed and operated by the Vera Institute of Justice in Staten Island, New York, between 1987 and 1989. Soon after, several other U.S. jurisdictions implemented similar programs and discovered that their effectiveness required well thought-out policy formulation and program planning, as well as a strong collection system. Because structured fines are valued individually—unlike tariffs, which are set at a single, fixed amount for all defendants convicted of the same crime—they produce greater benefits for the criminal justice and the civic communities than other types of intermediate sanctions, particularly in regard to offender accountability, fairness, deterrence, and revenue generation.

This monograph presents guidelines for policymakers and criminal justice practitioners who are considering using structured fines as part of their overall sentencing system. Written by members of The Justice Management Institute and the Vera Institute of Justice and funded by the Bureau of Justice Assistance, this publication offers planning and operation instructions applicable to every jurisdiction, such as how to set goals and priorities, develop a unit scale that ranks offenses by severity, calculate fine amounts, and impose the structured fine sentence. Collection methods and techniques, critical to the overall success of a structured fine program, are also discussed.

Structured fines can become an integral part of every jurisdiction's sentencing system; however, evaluating the jurisdiction's current sentencing policy, organizational structure, and legal framework is key to creating a useful program. Also, gathering the support of a jurisdiction's criminal justice leaders and others who will help to operate the structured fine program should facilitate its implementation. Courts have a central role to play in both planning and operating a new fine program—for example, judges in helping to shape and impose sentencing policies, and court administrative personnel in collecting fines. Since structured fine programs are fairly new to our criminal justice system, substantial ongoing education and training will be required for all parties involved. By continually

monitoring and evaluating a program's effectiveness, program managers and policymakers will ensure that the structured fine program stays on course and make improvements as necessary.

Sentencing systems that include structured fines offer criminal justice practitioners an effective and efficient alternative sanction—an economic burden to the offender, not the taxpayer. It is our hope that this monograph will prompt more jurisdictions to consider the new concept of structured fines as a viable and valuable sentencing option.

Nancy E. Gist
Director

Acknowledgments

The Bureau of Justice Assistance wishes to thank Barry Mahoney and Joan B. Green of The Justice Management Institute and Judith A. Greene and Julie Eigler of the Vera Institute of Justice for their efforts in writing this monograph.

In addition, the Bureau of Justice Assistance acknowledges Terry Hudik, project director of the Iowa Project; David Factor, project director of the Oregon Project; William Carbone, project director of the Connecticut Project; Chris Stone, president of the Vera Institute of Justice; Jennifer Trone of the Vera Institute of Justice; and Charles Hollis and Marilyn Nejelski of the Bureau of Justice Assistance for their support and guidance in preparing the draft.

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Introduction

What Are Structured Fines and How Do They Work?

Structured fines, also called “day fines,” constitute a type of monetary sanction that can be used to sentence convicted criminal offenders. Initially developed in Europe, structured fines are based on a simple concept: punishment by a fine should be proportionate to the seriousness of the offense and should have roughly similar impact (in terms of economic sting) on persons with differing financial resources who are convicted of the same offense. Structured fines are set through a two-step process that determines the severity of the punishment separately from assessment of a specific dollar amount. First, on the basis of a scale that ranks offenses according to their gravity, the number of structured fine units for the crime is determined. Second, the dollar amount of the fine is figured by multiplying the number of fine units by a portion of a defendant’s net daily income (hence the term “day fine”), adjusted to account for dependents and special circumstances.

Structured fines thus are fundamentally different from the tariff fines widely used in American criminal courts. In courts that use tariff systems, fine amounts are typically set at a single fixed amount, or within a narrow range, for each specific offense. This fixed amount is imposed on all defendants convicted of a particular crime, without regard to the financial circumstances of individual offenders. When tariffs are set at low levels, the fines have little punitive or deterrent effect on more affluent offenders. When they are set at higher levels, collecting the fine amount from poor defendants is difficult or impossible, and, in many cases, these defendants are eventually given jail sentences.

Although many individual judges have attempted to temper prevailing tariff systems by considering offenders’ means in setting fine amounts, they have lacked the tools to do so in a systematic fashion. Structured fine systems, which have now been tried experimentally in more than half a dozen American jurisdictions, provide these tools. The structured fines concept and techniques have the potential to make the fine a much more valuable sentencing option for American criminal courts.

Potential Benefits of Structured Fines

Structured fines are a type of intermediate sanction—a sanction more severe than unsupervised probation, but not involving incarceration in jail or prison. The advantages of structured fines are discussed below.

Offender Accountability

Structured fines are unequivocally punitive, with the severity of the punishment (in terms of economic impact on the individual offender) varying with the gravity of the offense. The offender is, quite literally, made to pay his or her debt to society.

Deterrence

Structured fines provide an economic disincentive for criminal behavior. They enable courts to impose meaningful monetary consequences for conviction of a criminal offense.

Fairness

Judges and other criminal justice practitioners who have become familiar with structured fines are impressed by the essential equity of the concept. Although they may be simpler to use, tariff fines are inherently unfair because, all too often, the fine amounts are too low to be meaningful to affluent offenders but high enough to exceed the ability of some defendants to pay.

Effective and Efficient Use of Limited System Resources

Structured fines are relatively inexpensive to administer compared with most other types of intermediate sanctions—including intensive supervised probation, electronically monitored home confinement, day reporting centers, and residential or outpatient substance abuse treatment centers. Although staff and computer resources are required to establish payment plans, monitor compliance, and take followup action when necessary, the level of resources needed is far less than for virtually any other sanction. Additionally, the use of structured fines frees scarce (and more expensive) prison, jail, and probation supervision resources for use with offenders who pose more of a risk to public safety.

Revenue

There is evidence that structured fines can be more effective than tariff fines in generating revenue. As a source of net revenue, structured fines are undoubtedly far more effective than sanctions involving incarceration or supervision.

Credibility of the Court

In a well-designed structured fine system, the court has a good collections capability. Although payment may sometimes be difficult and require time, offenders pay in full in a very high proportion of cases. In the small proportion of cases where fines are not collected, the court imposes a backup sanction that is roughly equivalent to the structured fine in terms of punitive impact. When these conditions are present, the structured fine is a meaningful sanction, and the court's sentence has credibility with the offender and the community.

Structured Fines in Operation: Experience in Europe and the United States

The concept of day fines was first introduced in Sweden in the 1920's and quickly incorporated into the penal codes of other Scandinavian countries. The concept was adopted in West Germany in the early 1970's as part of sentencing reforms aimed at reducing the use of short-term incarceration. The policy of using structured fines in lieu of incarceration appears to have been remarkably successful in West Germany. Between 1968 and 1976, the number of prison sentences with terms shorter than 6 months dropped from more than 110,000 to approximately 10,000—a 90-percent decrease.

These Western European countries have made fines the sanction of choice in a high proportion of criminal cases, including many involving serious crimes. In Germany, for example, structured fines are used as the sole sanction for three-quarters of all offenders convicted of property crimes and two-thirds of offenders convicted of assaults.

In the United States, experimentation with structured fines began in Richmond County (Staten Island), New York, in 1988 with a demonstration designed and operated by the Vera Institute of Justice. The goal was to adapt Western European day fine models to the limited-jurisdiction court on Staten Island and to assess how the concept worked. An evaluation of the experiment, sponsored by the National Institute of Justice, showed very promising results:

- Judges used day fines for many offenses for which they formerly used tariff fines—including some property crimes, drug possession, and assault.
- The mechanics of using a two-step process to establish fine amounts (i.e., first establishing the number of day fine units based on the offense, then calculating the monetary value of the units based on information about the offender's net daily income and number of dependents) worked smoothly. All of the judges trained to use day fines did so consistently throughout the year-long experiment, without tying up their calendars.

- ❑ Average fine amounts imposed for penal law offenses rose by 25 percent, from \$206 before the experiment to \$258 during the year structured fines were used. The increase would have been much greater—to an average of \$441, or more than twice the previous average—had New York not established relatively low maximum fine amounts for many offenses.
- ❑ Collection rates in the court, which were already relatively high before the experiment, increased after structured fines were introduced. In 85 percent of the cases in which a day fine was imposed and an individualized collection strategy was used, offenders paid in full. Only 76 percent of fined offenders made full payment in the year before the experiment began.

Following the Staten Island experiment, several other U.S. jurisdictions undertook experimental structured fine projects. Appendix A contains brief descriptions of four of those projects: those in Maricopa County (Phoenix), Arizona, and the States of Connecticut, Iowa, and Oregon. Although the projects vary considerably in structure and operation, some important lessons can be drawn from them:

- ❑ Operationally, structured fines can work effectively. Information about a defendant's financial circumstances can be obtained; calculation of the amount of the structured fine is not difficult; the system is understandable to practitioners who are adequately trained; and the structured fines can be collected in a large number of cases if the system is structured properly and a sound collections system is in place.
- ❑ Collection has been a problem in some of the pilot jurisdictions. These problems underline the need for an effective collection system in any structured fine program.
- ❑ Practitioners who have used structured fines like the basic concept. Judges, prosecutors, and defense lawyers in the jurisdictions that have instituted pilot programs generally agree that structured fines are more fair than tariff fines.
- ❑ The potential effectiveness of structured fines as a sentencing option is significantly impaired by laws establishing mandatory fines, fees, penalty assessments, and other economic sanctions. When the minimum mandatory payment (fine floor) is high, it is difficult to develop a system in which fines can be collected from relatively poor offenders. At the other end of the monetary scale, a low maximum fine amount (fine ceiling) in some States makes it difficult to develop a system that results in meaningful economic impacts on relatively affluent offenders.

- To make structured fines work effectively, a great deal of up-front policy formulation and program planning is necessary. Time must be spent on education and training, both before implementation and on a continuing basis. Optimally, a structured fine program will be introduced as an integral part of a jurisdiction's overall development of a rational sentencing policy that includes a full range of intermediate sanctions.

Purpose of This Monograph

Although structured fines can serve as an appropriate sentencing option for some categories of offenses and offenders, it is clear from the experiments to date that much careful thought must be given to making day fines an option in specific jurisdictions. This monograph is intended as a practical guide for policymakers and criminal justice practitioners who want to develop and implement effective structured fine programs in their courts.

Planning a Structured Fine Program

The process of planning for the introduction of structured fines will be unique in each jurisdiction, depending on the jurisdiction's organizational structure, legal framework, traditions, personalities, and local legal culture. Despite these differences, however, every jurisdiction will have to address some of the same issues in the initial planning stages. The planning process should always involve a careful and comprehensive examination of sentencing policy and the potential role of structured fines as an option. Because of the complexity of the policy and of the legal and operational issues involved in developing a structured fine program, the planning process may be lengthy. If a good fine collection system is in place, however, the planning process can probably be completed in as few as 3 months. This section outlines the issues to be addressed during the planning process.

Who Should Be Involved in Planning?

An effective structured fine system or other sanction must have the support (or at least the acceptance) of a broad cross-section of the jurisdiction's criminal justice system leaders and others who have a stake in the operation of the overall system. At the county level, the following officials typically would be involved in planning a structured fine program:

- Chief or presiding judges of the general and limited-jurisdiction court.
- Prosecutor.
- Public defender.
- Representative of the private defense bar.
- Court administrator.
- Pretrial services agency director.
- Chief probation officer and/or director of the community corrections agency.
- Sheriff and/or jail administrator.
- Representatives of county government.

Optimally, these policymakers also will be integrally involved in the development of the entire range of intermediate sanctions and will be able to determine how structured fines will be used in conjunction with other sentencing options.

Judges, especially chief and presiding judges, have especially critical roles to play in the planning process, for two reasons. First, the courts play a central role in a structured fine program because judges impose the sentences and court administrative personnel are usually responsible for collections. Second, because of their status and neutral role, judges are in a unique position to exercise a leadership role in shaping policies and programs in the area of sentencing.

Although chief judges, agency heads, and other policymakers must be involved in shaping the general direction of a day fine program as well as in approving plans for implementation, detailed planning requires the input of trial court judges and staff from the court, the prosecutor's office, and other agencies involved in the criminal justice process. One of the first tasks of the policy group should be to identify individuals who are familiar with day-to-day operations, can help with the detailed planning, and can be part of the jurisdiction's planning group for the structured fine program.

Information Needed for Planning

The policymakers, judges, and staff members involved in detailed planning for structured fines need information about the sentencing patterns, collection operations, and effectiveness of the current system.

Sentencing Patterns

Policymakers and planners need to know how sentencing options and resources are being used. This baseline information is important in identifying the categories of offenses and offenders to be targeted for structured fines; in helping to calculate potential cost savings and other system impacts likely to result from introducing structured fines; and in monitoring and evaluating the program to determine what changes in sentencing patterns actually result from the introduction of structured fines. In the initial planning stages, this information can help answer the following questions:

- ❑ *By conviction charge(s) and offender characteristics, which categories of cases currently result in fine-only sentences or in sentences of probation that involves little or no supervision? In most jurisdictions, these are the obvious categories for inclusion in a structured fine program.*
- ❑ *Which categories of cases currently receive sentences of incarceration or probation but could instead receive a structured fine as an appropriate sentence? Some or all of these categories might be targeted for inclusion in the structured fine program.*
- ❑ *Which categories of cases currently receive sentences that include a fine as one component of a "combination" sentence, the principal component of which is incarceration, supervised probation, or another sanction? For these categories, if fines are to continue as part of the sentence,*

systems should be developed for setting the amount by incorporating structured fine principles that take into account the use of other sanctions.

- ❑ *For cases in which fines are imposed, (1) what are the fine amounts (by charge) and (2) within what time period must a fine be paid?* Current practices provide benchmarks for development of the new system.

Collection Operations and Effectiveness

Planning group members need to know not only how but also how well the collection of fines and other court-ordered monetary sanctions works in their jurisdictions. With this information, planners can (1) determine what operational changes (if any) need to be made to ensure that structured fines imposed by the court are collected promptly in a high percentage of cases, (2) estimate the likely impact of structured fines on jurisdictional revenue, and (3) establish a baseline against which to monitor and evaluate the effectiveness of collection efforts after structured fines are in place. Information on collections should help answer another set of key planning questions:

- ❑ *Of the cases in which fines are now imposed, what percentage of defendants pay in full and within what period of time?* If current collection rates are relatively high (for example, if 75 percent or more of fined defendants pay their fines in full within 6 months of the date of sentencing), then a basically sound collection system probably is in place. However, if collection rates are low, establishing effective collection policies and practices must become a top priority for planning and program implementation.
- ❑ *On an ongoing basis, how adequate is the information available for monitoring accounts receivable in individual cases and for monitoring the total caseload?* Few U.S. court systems have very good accounts-receivable information systems. Therefore, development of such systems should be an integral element of developing collection policies and procedures, and may need to be an early priority. Automation is especially appropriate and valuable in this area.

In addition to information on current sentencing patterns and collection effectiveness, planners should determine what information they will need to monitor program operations and evaluate program effectiveness. The question of the likely impact of a structured fine program on system operating expenses and revenue is especially difficult to answer before program implementation because so many unpredictable factors can affect both program elements. However, if basic data on current fine collection practices are available, impact can be projected using a range of assumptions about the variables that can affect costs and revenue. Knowing how the system works helps the policy group set realistic goals, and because the goals provide the yardstick by which the program is measured, they will determine the information to be collected for evaluation. Furthermore, the process of gathering information helps identify problems in the information

system that need to be corrected before a structured fine program is implemented and before monitoring and evaluation can proceed.

Setting Goals and Priorities for the Structured Fine Program

One of the main tasks of the planning group is to establish the goals of the structured fine program. There are several important reasons for having program goals, especially for an innovative program such as structured fines. First, goals express aspirations—the program’s expected results. Second, goals provide a common standard toward which practitioners can direct their efforts. Third, goals define success and provide a basis for measuring program effectiveness, thus answering the question: To what extent does the program meet or exceed the goals that have been established? Fourth (and perhaps most importantly), the process of setting goals requires policymakers to think through their reasons for instituting the program, and should lead them to consider the structural and procedural changes necessary for the program to succeed.

The first step that the group must take in establishing goals is to address and answer a fundamental question: What should be accomplished by introducing structured fines as a sentencing option? Goals for structured fine programs can logically include the achievement of both specific sanctioning purposes and particular normative values as well as system operation goals. The potential advantages of structured fines, as discussed in Chapter 1, serve as a starting point for shaping jurisdiction goals. For example, goals for structured fines might include the following:

- ❑ **Increased fairness.** Fine amounts set according to the seriousness of the offense and the financial circumstances of the offender should be more fair in terms of having roughly similar economic impact on persons convicted of the same offense.
- ❑ **Accountability.** As several commentators have noted, the fine is unequivocally punitive. It can be a meaningful punishment for a criminal offense if it is proportionate to the offense and the financial circumstances of the offender, and only if it is collected.
- ❑ **System credibility.** With a fair system for imposing fines plus an effective system for collecting them, fines should be paid in a large number of cases. The imposition of fines then becomes a meaningful sanction—one that has credibility as a sentencing option.
- ❑ **Effective and efficient use of system resources.** When fines are assessed fairly and are collected in most cases, a jurisdiction has an effective system. The system will achieve maximum effectiveness in the use of system resources if defendants who would otherwise have been incarcerated or placed on supervised probation instead are ordered to and actually pay fines.

- ❑ **Revenue.** Fines are an important source of revenue for many jurisdictions. It should be possible to design a structured fine system that will produce at least as much in fine revenue as the tariff fine system it replaces.

The goals that are set, such as those just discussed, should be measurable, and the jurisdiction should, through its information system, have the capacity to regularly assess the performance of the structured fine program. Along with goals, planners must establish priorities, or targets, for the use of structured fines. This process involves focusing on the types of offenses and categories of offenders that are prime candidates for structured fines. As with other sanctions, structured fines should not be used indiscriminately. The planning group needs to address at least the following issues with respect to priorities in the use of structured fines and other sanctions:

- ❑ In which cases—i.e., for which offenses and which offenders—will structured fines be an available option?
- ❑ In which cases will structured fines be the preferred or presumptive option? What sentencing purposes or goals would be achieved through the use of structured fines in these cases?
- ❑ In which cases, if any, will structured fines be available (or preferred) as an option to be used in combination with other sanctions? What would be accomplished by such combination sentences?
- ❑ In which cases, if any, will structured fines not be available as an option? Why would structured fines be inappropriate in such cases?
- ❑ Once structured fines are available as an option, should it be possible to impose any fine that is not a structured fine? Why—and under what circumstances—or why not?
- ❑ When an offender fails to pay a structured fine, what backup sanctions should be available?

Addressing Potential Legal Issues

Statutes, appellate court decisions, and State constitutional provisions affecting the use and collection of fines vary widely among States. In each jurisdiction, a legal framework exists that will affect planning for a structured fine project. The following paragraphs outline some of the legal issues that planners are likely to encounter and suggest ways to address them.

Mandatory Fines, Assessments, and Other Monetary Sanctions (Fine Floors)

In almost every U.S. jurisdiction, defendants convicted of criminal offenses have an array of monetary penalties assessed against them. These assess-

ments almost always include court costs, and they often include other mandatory sanctions called by a variety of names and often designed to produce revenue for specific purposes (for example, penalty assessment fees, crime victim compensation fees, indigent defense fees, and probation fees). Sometimes these monetary penalties have been established by the court; however, some fees are regulated by State statutes. This accumulation of mandatory monetary sanctions establishes a high floor of required payments even before a fine is imposed. The higher the floor of mandatory payments, the less flexibility a jurisdiction has in establishing a program of structured fines; almost any fine, when added onto a high floor, will exceed the ability of some defendants to pay.

U.S. jurisdictions using structured fines have sought to address the high fine-floor problem in two different ways. The first approach treats the entire package of economic sanctions—the fine amount, court costs, and all fees or assessments—as “the fine” for purposes of the structured fine program. This approach also avoids adding a fine amount to an already high floor in most cases involving very poor offenders. However, it still may result in a total amount that is uncollectible because the total sum of the fine—plus mandatory costs, fees, and assessments—simply is beyond the offender’s ability to pay. This approach has been adopted in Maricopa County (Phoenix), Arizona, and in two of the Oregon counties involved in that State’s demonstration project funded by the Bureau of Justice Assistance (BJA).

The second approach eliminates the other mandatory assessments and simply allocates a percentage of each structured fine to the funds that were to have received fixed amounts. This approach provides much more flexibility to planners in establishing a structured-fine unit scale and valuation system, and it incorporates the basic principles of structured fines into all of a jurisdiction’s economic sanctions (with the exception of restitution).

Fine Ceilings

It is clear that, in addition to low floors, relatively high fine ceilings are conducive to the development of a structured fine program. However, many States have legislatively established relatively low maximum fine amounts for different categories of offenses. In New York, the maximum fine for a Class A misdemeanor is \$1,000; for a Class B misdemeanor, it is only \$500.

These low ceilings pose a problem for the construction of a fine unit scale and valuation system that will have a meaningful economic impact on relatively affluent offenders. During the Staten Island Day Fine Project, researchers kept track of the number of cases in which the fine would have been higher than the allowable maximum. They found that if the ceilings had not been in place, the total amount of fines imposed would have increased by about 50 percent over the amount actually ordered.

Low fine ceilings are a problem that probably can be cured only by legislatively raising the maximum amounts. The Federal Government and a number of States have raised the allowable maximums in recent years.

Confidentiality of Financial Information

To set the amount of a structured fine, the court needs information about the defendant's financial situation. However, it is important that safeguards be put in place to ensure that the information is treated confidentially. A written policy or court rule may be necessary.

Availability of Backup Sanctions

No matter how well a structured fine program is designed and implemented, some convicted defendants will never pay the fine ordered by the court. The traditional backup sanction for nonpayment of a fine has been the use of jail as an alternative sentence or as a punishment for willful nonpayment that is deemed to constitute contempt of court. However, because jail space is a scarce resource in most jurisdictions, it is important to have statutory authority for other sanctions that can be used when an offender cannot, or will not, pay the fine. Chapter 6 presents a number of alternatives that can be used in the event of nonpayment.

Products of the Planning Process

From the information collected during the planning process, the planning group should be able to develop tangible products that will be needed to implement the program. These products include:

- ❑ A clear written statement of the goals to be addressed through the structured fine program.
- ❑ Detailed plans for setting structured fine amounts in individual cases (see Chapters 3 and 4), collecting the fines that are imposed (see Chapter 5), and taking action when offenders fail to pay (see Chapter 6).
- ❑ A plan for (1) educating the criminal justice community and the general public about why the program is being adopted and how it will work, and (2) training practitioners involved in the program in how to carry out their specific functions (see Chapter 7).
- ❑ A plan for monitoring ongoing operations and evaluating program effectiveness in light of the goals that have been established (see Chapter 8).
- ❑ An operations manual that contains the following:
 - The statement of program goals.
 - Procedures for obtaining information on a defendant's economic circumstances and making fine calculations.

- Collections procedures, including actions to be taken when an offender fails to pay.
- Copies of forms and instructions to be used in implementing the program.
- A description of the organizational structure and staff responsibilities in program implementation.

Developing a System To Set Fines at Appropriate Amounts Through a Structured Process

The central feature of a structured fine system—the feature that distinguishes it from traditional tariff systems and from systems that allow fines to be set at the discretion of the trial judge—is the structured nature of the process through which the fine amount is established in each case. There are two key components to this structure: a unit scale that ranks offenses by relative seriousness and severity, and a valuation system that enables practitioners to establish the dollar amount of each fine.

Developing a Unit Scale That Ranks Offenses by Severity

The unit scale is the foundation of the structured fine system. Therefore, establishing the unit scale is a key function of the planning group. The scale should reflect the planners' consensus on the relative seriousness of a large number of different offenses. In the U.S. jurisdictions that have experimented with structured fines, development of the unit scale typically has involved a four-step process.

Analyzing Sentencing Patterns

Planners should analyze a sample of all cases in which a conviction was obtained and a sentence was imposed during the preceding year. In a small court, it may be desirable to examine all of the cases. In a larger court, a random sample can be drawn, but it should be large enough to include the full range of offenses handled by the court. This sample should be analyzed to determine:

- The offenses handled by the court and, if possible, the actual behavior that led to the conviction.
- The relative frequency of specific offenses.
- The sanctions imposed for specific offenses.

This analysis should provide an overview of sentencing patterns in the jurisdiction and should help identify the categories of cases in which structured fines might be a sentencing option.

Ranking the Offenses by Severity

Once the full range of offenses is identified, the policy group should rank them in terms of relative gravity or seriousness. On Staten Island, this

ranking was performed by a core planning group that included three judges, the district attorney's criminal court bureau chief, and representatives of both the private defense bar and the public defender organization. Other demonstration sites used a similar collaborative process aimed at achieving a consensus among practitioners.

The ranking process inevitably will produce different opinions about the relative seriousness of different offenses or, more narrowly, of different criminal behaviors. These should be discussed in the policy group with a view toward reaching consensus with respect to both the relative gravity of specific offenses and the reasons for ranking a specific offense high or low in comparison with others.

Establishing Subcategories of Offenses Where Necessary

Most penal laws are drawn broadly, often encompassing a wide range of different types of conduct within a single offense category. In such cases, it makes sense to establish subcategories of an offense. The Staten Island planners, for example, established four different categories of the offense of assault in the third degree:

- Substantial injury caused in either stranger-to-stranger cases or cases in which the victim is known to the assailant and is weaker or more vulnerable.
- Minor injury caused in either stranger-to-stranger cases or cases in which the victim is known to the assailant or is weaker or more vulnerable.
- Substantial injury caused in altercations among acquaintances.
- Minor injury caused in altercations among acquaintances.

Establishing a Numerical Scale and Assigning Each Offense a Presumptive Number (or Range) of Units

Most experimental structured fine programs in the United States have used a unit scale modeled on the one used in the Staten Island experiment, which ranges from a low of 5 units to a high of 120 units for the most serious misdemeanor offense handled by the court. (The Maricopa County project, which targets felony offenders, uses a scale that ranges from 5 to 360, reflecting the greater severity of the offenses handled by that court.) There is no magic in the unit scale of 5 to 120; the important consideration is to establish a scale broad enough to cover the full range of offenses, from least serious to most serious, handled by the courts that will use structured fines.

The results of the process of ranking offenses by severity provide the start-

ing point for assigning a presumptive number of units for each offense. If the scale of 5 to 120 is used, then a presumptive number of 5 units would be assigned to the offense ranked as least serious, and 120 units would be assigned to the offense ranked as most serious; other offenses would be assigned units between those two extremes. The term “presumptive number” is used because the system should not be too rigid. There may be some circumstances in which the presumptive figure is modified for good cause. (For example, Staten Island uses a range; the presumptive number is the starting point for negotiation and possible upward or downward modification.)

Rather than assigning a specific number of units to each offense, planners might establish a range, thus allowing some room for judicial discretion with mitigating or aggravating circumstances in individual cases. For example, the presumptive number of units for the offense of resisting arrest in the Staten Island experiment was 25; the range was 21 to 29 units. Excerpted portions of the Staten Island unit scale, illustrating the range of units established for a number of common offenses, may be found in Appendix C.

Valuing the Structured Fine Units

Establishing monetary values for the structured fine units is as important as creating the scale. The procedures established for valuing the units will determine the amount of each fine and its economic impact on the offender.

In establishing unit values, two basic precepts regarding the use of structured fines should be followed:

- ❑ The decision to impose a fine as a sole or primary sanction is (or should be) a decision that incarceration or supervision is not necessary to achieve the purposes of sentencing the offender. Therefore, it is essential that the amount of the fine be within the ability of the offender to pay. It should involve a loss of discretionary income and in some cases—especially those involving relatively serious offenses—may involve some economic strain.
- ❑ Fine amounts imposed for the same offense should have roughly the same economic impact on offenders, whether they are poor or affluent.

The two European countries that have served as models for the U.S. structured fine projects take somewhat different approaches to valuation of the units. In Germany, where structured fines were introduced mainly as an alternative to short-term imprisonment, each day fine unit is valued at or near the offender’s net daily take-home pay. In Sweden, the valuation of a day fine unit is less onerous for the offender, being roughly one one-thousandth of the offender’s annual income (or about one-fourth of total daily income), with adjustments for dependents, taxes, and significant debts or assets. The

differences between these two models highlight the linkage between policy objectives and program design. The approach to valuation is the key link. The German model is probably more relevant for U.S. jurisdictions that want to use structured fines as an alternative to jail, whereas the Swedish model is more relevant if the main focus is simply on a more equitable way of using fines when jail would not usually be used.

The Staten Island experiment used elements of both the German and the Swedish systems to develop a valuation scheme appropriate to that jurisdiction. The Staten Island approach, variants of which have been adopted in most other U.S. jurisdictions experimenting with structured fines, establishes unit valuation by first ascertaining an offender's net daily income. This amount is the offender's income payment (after-tax wages, welfare allotment, unemployment compensation, etc.) divided by the number of days in a payment period. For example, for persons paid by the week, the weekly amount would be divided by seven.

Next, the net daily income figure is adjusted downward to account for subsistence needs and family responsibilities. On Staten Island, planners made two kinds of adjustments. Net income was adjusted downward to account for offender self-support and support of others: 15 percent for the offender's self-support, 15 percent for the needs of a dependent spouse, 15 percent for the first dependent child, 10 percent for the next two dependent children, and 5 percent for each additional dependent child. Then, because planners felt that the first set of adjustments would result in fines that were still too steep, they used another across-the-board discount: a flat reduction of one-third for offenders whose incomes fall above the Federal poverty line and one-half for offenders whose incomes fall below the poverty line.

Iowa planners took account of the same factors in a different and somewhat simpler fashion. They made no special discount for income below the poverty line but provided for several other adjustments or allowances: a housing allowance (40 percent of net daily income), an essentials allowance (20 percent of net daily income) and a quasi-essentials and dependent allowance (40 percent of net daily income after housing and essentials for a single person; additional allowances of 10 percent for the next four dependents and 5 percent for the sixth and seventh dependents).

It is important to emphasize that systems for valuing fine units are still being developed. More experimentation is desirable to establish valuation formulas that will result in fine amounts that can be broadly agreed upon as fair and collectible for offenders in different economic circumstances who are convicted of the same offense.

Valuation Tables

Once the unit scale and valuation formula have been developed, a valuation table should be created to help streamline determination of the amount of each structured fine. The valuation table is similar to an

Internal Revenue Service (IRS) tax table, with net daily income amounts (before adjustments) shown on the left vertical axis and the number of persons supported by the defendant shown across the top horizontal axis. (See Chapter 4 for a discussion on obtaining financial information about defendants.) Each column shows the dollar value of a single day fine unit after adjustments for support and other discounts. The dollar amount of a single structured fine unit for an individual defendant can quickly be determined by locating the defendant's net daily income in the left column and then moving horizontally across the table to the figure in the column for the number of dependents supported by the defendant. To determine the full amount of any structured fine, the value of a single day fine unit for the defendant is multiplied by the number of fine units imposed. Examples of two such valuation tables—one from Staten Island and the other from Polk County, Iowa—are shown in Appendix D. As these examples indicate, different jurisdictions have established different valuation systems.

Special Issues in Establishing Unit Values

Fining Low-Income Offenders

Court officials and planners who have been involved in developing structured fine programs have shared an assumption that any offender with a steady, legitimate income—however modest, and even if supplied by welfare payments, unemployment, or disability income—can be appropriately fined under a structured fine system.

This assumption is consistent with research findings indicating that many low-income offenders are routinely fined and that, in many jurisdictions, these fines are collected in a high percentage of cases. Although it does not make sense to fine totally destitute persons, it is reasonable to assume that most low-income offenders are capable of some financial payment, provided that their fines can be scaled appropriately to their resources (see the section titled “Valuing the Structured Fine Units,” above) and that careful attention is given to devising reasonable installment payment schedules when necessary (see Chapter 5).

Fining Offenders Who Have No Personal Income

There are several categories of offenders who have little or no income of their own and who depend on their families or others for their own support. These include:

- Homemakers dependent on their spouses.
- Students primarily dependent on their families.
- Disabled adults dependent on their families.
- Unemployed adults temporarily dependent on their families or others, but potentially self-supporting.

Planners who have considered how to fine offenders who fall into these categories have tried a variety of approaches. One approach is simply to base the fine amount on the income of the family or household to which the offender belongs. The fine would then be set at the same amount as if the offender were the head of the household, with the valuation table used to take account of all the dependents in the household. The difficulty with this approach is that the fine amount is set on the basis of the income of someone who had no involvement in the offense, effectively punishing the entire household.

A second approach, possibly applicable to students and to employable (but currently unemployed) adults, is to estimate the offender's potential income on the basis of his or her viability in the labor market. For an unskilled worker, this value could be figured on the basis of the statutory minimum wage or the typical take-home pay earned by those employed in low-paying, secondary labor market jobs (for example, fast-food workers, stock clerks, and porters). For a skilled worker, the value might be estimated on the basis of wages received for the last job held, assuming that a comparable job could be found. The conceptual difficulty with this approach is that in tight economic times a job may not be available, and an estimate would not be realistic.

A third approach looks at family or household income but is less onerous for members of the household who were not involved in the offense. Under this approach, the portion of the household income that goes to the support and discretionary income of the offender is estimated. That amount is then treated as the offender's income for purposes of calculating the amount of the structured fine.

A fourth approach, especially useful when unemployment rates are high and jobs are difficult to find, is to base the fine on the level of income available under a local general assistance welfare program. This was the approach taken by the structured fine experiment in Bridgeport, Connecticut, a community that has been hit especially hard by a protracted economic downturn.

Fining Offenders With Underground or Criminal Income

The underground economy—including “off-the-books” employment and other criminal activity—supports a significant portion of offenders who come before the criminal courts. For planning purposes, these offenders pose two problems. First, are they appropriate candidates for structured fine sentences? Second, if a structured fine is considered appropriate, how should the value of the fine units be determined?

In practice, fines have long been used when a defendant has no legitimate income. Typical examples include fines for offenders convicted of gambling charges, drug sale or possession, and prostitution. Sometimes these

finances are very stiff, and often they are imposed in combination with other sanctions. To impose structured fines in these situations, it may be most useful to assess an offender's lifestyle and thus estimate the offender's net daily income. This was the approach taken by the Staten Island planning group, which noted that judges routinely assess an offender's economic resources in setting bail amounts and determining whether to assign counsel to represent defendants. Experienced judges and court officials can draw some rough conclusions about an offender's income from observation of personal appearance and dress; criminal history; and questions about living situation, possessions (such as automobiles, televisions, and stereo equipment), and personal habits (such as smoking and recreation). The inability to verify an offender's income should not preclude courts from imposing a fine, but it will be important for the policy group to establish guidelines for when and how this can be done.

Taking Account of Offender Assets

Although most criminal offenders have little in capital assets, some do possess such assets. Moreover, some who have assets may have little or no regular income of their own. It seems desirable to take capital assets into account when developing a comprehensive structured fine program, but U.S. jurisdictions have not explored this area. The Swedes take personal and real property into account only if net capital assets are worth more than SKr200,000 (approximately \$33,500), and do so by adjusting the value of the day fine unit upward in relatively small increments for each SKr100,000 in net assets. If structured fines are to be used in felony cases (especially those involving white-collar crimes), it will be important to develop methods to account for an offender's accumulated cash and property as well as net income.

Setting "Exchange" Rates

The preceding sections of this chapter have dealt with establishing the amount of a structured fine when the fine is imposed as a sole sanction. However, if structured fines are to be an option for use as part of a combination sentence, the planning group will need to develop methods for systematically adjusting the fine amount to take account of the impact (on both earning capacity and personal liberty) of other sanctions such as jail, electronically monitored home confinement, or intensive supervised probation. Unless adjustments are made in the unit scale and/or valuation system, imposition of a structured fine in combination with other sanctions will obviously be more onerous for the offender than a structured fine alone.

It will also be important to assess the impact of a structured fine when an offender is truly unable to pay all or a portion of the structured fine amount. If the amount of the structured fine has been set fairly in the first

place, then it will be necessary to provide for an alternative sanction that is proportionate to the structured fine in terms of impact on financial circumstances and personal freedom.

The fact that structured fines are based on a unit scale that ranks offenses by gravity can provide a starting point for developing a system of “exchange” rates. For example, it should be possible to value a structured fine unit in terms of community service hours (perhaps varying by the nature of the community service) and to authorize imposition of that number of hours in the event of nonpayment. (See the section titled “Community-Based Sanctions” in Chapter 6.)

Reality Checks

Once a unit scale and valuation system have been developed, but before the system is put into place, the planning group should have the scheme reviewed and should solicit feedback on its basic soundness. In addition to the key system actors (judges, prosecutors, defense lawyers, court staff, probation officers, and law enforcement officials), it may be helpful to obtain reactions from community organizations, victims’ groups, experienced practitioners from other jurisdictions, and the public. One way to provide for a review is to develop a set of test scenarios describing specific types of offenses and offenders with differing incomes, occupations, and household situations. For each of the scenarios, the number of structured fine units that would be imposed and the resulting dollar amount of the fine would be shown for offenders in different economic circumstances.

Applying the Unit Scale and Valuation Table

Developing a sound unit scale and valuation system are crucial initial steps toward using structured fines. To actually impose a structured fine, however, someone in the court needs to obtain the necessary financial information from the defendant (or, if necessary, make sound estimates about potential income) and calculate the amount of the fine. Finally, the fine itself must be formally imposed in a fashion that facilitates collection.

Obtaining the Necessary Information About a Defendant's Financial Situation

In practice, it has not been difficult to obtain adequate information about an offender's financial circumstances, either in Europe or in the United States.

In Sweden, the structured fine system is bolstered by the court's legal access to the offender's tax records and its ability to check the financial information provided by offenders. However, this access is rarely used in Sweden, and structured fine units are routinely valued according to self-reports. In Germany, the courts do not have direct access to individual tax records, but some information about a defendant's occupation, employment status, and living situation is available to judges from police records that are part of the case file. Additionally, German judges routinely ask defendants about their income, marital status, and dependents at the beginning of each case. Upon conviction, the information is translated into a specific fine amount based on the offense and the offender's net daily income.

In the United States, as in Sweden and Germany, courts using structured fines have relied principally on defendant self-reports about their income and other aspects of their economic situation. Under Federal law, the IRS is not permitted to disclose income tax information to a court for purposes of sentencing, and both Federal and State privacy laws generally prohibit financial institutions from disclosing information without consent.

Given the reality that self-reported information is likely to be the primary financial information available for use in establishing a fine amount, jurisdictions face three practical questions:

- How and when can the information be obtained?
- How can the confidentiality of the information be protected?
- What can be done to maximize the likelihood that self-reports are reliable?

Staffing and Operational Issues

In U.S. courts, a considerable amount of information about defendants, including information about their financial circumstances, is routinely collected by a number of different agencies during case processing. Depending on the jurisdiction, such agents may include law enforcement officials, the prosecutor's office, a public defender agency, the defendant's lawyer, a pretrial services agency, the sheriff's department, the jail administrator, and the probation department or community corrections agency. If the automated information systems of these agencies are integrated into a single justice system network, it should be possible to retrieve most of the requisite information quickly and easily. If not, it still may be possible to obtain much of the essential data from the information system of a single agency. In New York City and Houston, for example, virtually all of the information needed for valuing fine units is routinely collected by a pretrial services agency before the defendant's first court appearance. In Oregon, information about a defendant's financial circumstances is included on a form used to determine eligibility for the public defender.

Even when a considerable amount of information is available from agency records, however, it is generally necessary to directly contact defendants before sentences are imposed so that information already collected can be updated and information that has not been recorded can be collected. On Staten Island, for example, the pretrial services agency would not have information on the financial situations of defendants who had been released on a desk appearance ticket (citation release) and were not held in custody.

When all of the requisite information is not available from agency records, a financial information interview (or a "means interview") must be conducted with the defendant, usually at the courthouse. An interview is especially important if a substantial amount of time has passed since the inception of the case. A means interview can be conducted at any of several points in the criminal justice process:

- Before a defendant's first court appearance.
- After the first appearance, but before entry of a plea.
- After a plea of guilty or a guilty verdict, but before imposition of a sentence.

After a guilty plea has been entered, courts generally have broad authority to inquire into an offender's financial circumstances. For example, New York's statute governing presentence investigations authorizes inquiry into "the defendant's social history, employment history, family situation, economic status, education, and personal habits." The permissible scope for such inquiry prior to a guilty plea or verdict is more problematic, however. The safest course might be to seek voluntary disclosure from defendants, notifying them about the uses to which the information may be put. If the information is not disclosed voluntarily prior to a plea or

verdict, it can be obtained thereafter pursuant to the authority of the court to obtain information relevant to imposition of a sentence.

Regardless of when the means interview is conducted, planners will want to ensure that such interviews are conducted in an efficient and cost-effective fashion. The following are some guidelines:

- ❑ Conduct means interviews only when the information is likely to be used for setting fines. (Note that this policy is consistent with the concept of targeting the use of structured fines for specific categories of offenses and offenders (see Chapter 2) and requires early identification of likely candidates for a structured fine sentence.)
- ❑ To the extent possible, tap information already obtained from the defendant by other agencies. Use the means interview as an opportunity to update or supplement it.
- ❑ Keep the information collection process simple and understandable; do not collect more information than is needed. A simple one-page form should be adequate. (For examples, see Appendix E.)
- ❑ If possible, inform defendants before the means interview that they will be expected to provide the necessary information.

Depending on case volume and how the structured fine program is organized, the means interview could be conducted by any of the following:

- ❑ A pretrial services officer.
- ❑ A courtroom deputy or other member of the clerk's office.
- ❑ A probation or community corrections officer.
- ❑ A member of the staff of a special structured fine project, if established.
- ❑ The judge, in a colloquy with the defendant at the time of sentence.

Sometimes more than one means interview is needed. For example, an initial interview might be conducted by the pretrial services officer; information obtained at that time could be updated by a probation officer or the judge.

In planning the project, provisions should be made for adequate staff to conduct the interviews. Typically, these interviews will be conducted shortly before the court opens for its morning and afternoon sessions. Once planners can reliably estimate the number of defendants likely to receive a structured fine sentence in the course of a month or a year, it is possible to estimate both the number of interviews that are likely to be conducted in connection with a single court session and the staff time needed to conduct the interviews.

Confidentiality Issues

Personal financial information is sensitive material. Even when a defendant can be required to produce or make available such information, it should be treated confidentially. If defendants are expected to produce such information voluntarily before conviction, then they must be assured that this information will be treated confidentially and used only for calculating the structured fine amount.

Verification

When a self-report is the principal source of information about a defendant's financial situation, some inaccuracies—whether deliberate or inadvertent—are inevitable. It may be possible to verify the income of a defendant who is employed (for example, by requiring the defendant to bring paycheck stubs), but there are many cases for which verification of reported income or lack of income is difficult. Attempting to verify income in all prospective structured fine cases would be a very expensive and time-consuming process, although it seems that it would have positive effects on collection rates. In Bridgeport, Connecticut, where the day fine officer attempted to verify the reported incomes of all defendants, the project reported that 88 percent of the defendants who received structured fines paid in full. However, the verification process required an additional court appearance, and the volume of day fine cases was relatively low in this jurisdiction (an average of 20–25 defendants per week). Jurisdictions planning to use structured fines in a large number of cases could plan to spot-check verification and to periodically check the accuracy of reported finances in specific cases.

Calculating Fine Amounts

The first step in setting a structured fine is to determine the number of fine units to be imposed. The second step is to multiply the number of fine units by the value established for each fine unit for a person with the defendant's net daily income. Mechanically, the second step can be broken into four parts, as follows:

- ❑ Ascertaining the defendant's net daily income. If the defendant is employed, this can be done easily by dividing the take-home (after tax) income for a period (for example, weekly, biweekly, or monthly) by the number of days in the period. If the defendant is not employed, a method of ascertaining or estimating income to be attributed to him or her must be used. (See the discussion in Chapter 3 in the section titled "Special Issues in Establishing Unit Values.")
- ❑ Locating the defendant's net daily income in the left column on the valuation table. (See the section titled "Valuation Tables" in Chapter 3.)

- ❑ Moving across the valuation table horizontally to the column for the number of dependents supported by the defendant. The figure at that place on the table is the value of one structured fine unit for that defendant.
- ❑ Multiplying the number of units to be imposed by the value of a single day fine unit. The product is the amount of the structured fine to be imposed.

In practice, calculation of the dollar amount of the structured fine is sometimes performed by the prosecutor and/or defense lawyer in advance of sentencing, especially if the sentence is one recommended as the result of a plea bargain. Alternatively, it can be performed by the judge or a courtroom clerk. If the judge or the clerk has a computer in the courtroom, it is possible to perform the calculations immediately.

Imposing the Structured Fine Sentence

The imposition of a sentence is the single most important formal event in a criminal case that results in conviction. When a structured fine is imposed, the announcement of the sentence—both the amount and the terms for payment—is also the first step in the collection process. The manner in which a defendant is informed of the sentence can have a significant effect on the defendant’s perception of the sentence’s meaning and on subsequent payment (or nonpayment) of the fine.

The first consideration in imposing sentences of structured fines is clarity. It is not uncommon for a fined defendant to be totally bewildered as to when, where, or how to pay the fine or what will happen in the event of nonpayment. Some or all of this confusion can be alleviated prior to sentencing, through dissemination of written descriptions of the structured fine process to defendants and their lawyers. What happens in the courtroom is still very important, however, and a judge’s colloquy with the defendant at the time a structured fine sentence is imposed can help ensure a high collection rate. For example, a judge may ask how much the defendant is prepared to pay “immediately” or “today.” If the defendant indicates difficulty in making immediate payment, the judge may follow up with further questions aimed at getting the defendant’s agreement to a short period for payment of the balance. Such a dialog, which should include directions to the defendant concerning where to go to pay the fine, can serve several purposes:

- ❑ To emphasize that the court is serious about payment of the fine.
- ❑ To make the defendant an active participant in setting the time within which full payment is to be made.
- ❑ To provide an opportunity for clearing up any confusion in the defendant’s mind about where and how to pay.

- ❑ To enable the judge to adjust the fine if special circumstances exist.
- ❑ To put the defendant on notice as to the consequences of nonpayment.

In a busy court, there simply may not be time for the judge to engage in an extended colloquy. In this situation, it is still important for the judge to be clear about the amount of the fine and the court's expectations concerning rapid and complete payment. However, the judge may direct the fined offender to the administrative office responsible for fine collection to work out a payment plan. The offender can be given a copy of the court's sentencing order and escorted directly from the courtroom to the fine collection office.

Effective Collections

The efficacy of structured fines as criminal penalties rests on the ability of courts to collect the amounts imposed, to do so expeditiously, and to compel payment (or impose an appropriate alternative sanction) if the offender fails to meet his or her obligation to the court. If judges are not convinced that such fines will be paid in a high proportion of cases, or if offenders assume that the fines need not be paid, the usefulness of the structured fine as a criminal sanction is seriously eroded.

Successful implementation of a structured fine program requires an effective collection system. In Harris County (Houston), Texas, planners of a structured fine pilot program in the county's criminal courts have made overhaul of the collection system a precondition for program implementation. They want to have a reliable and effective collection system in place before beginning to use the two-stage system for imposing structured fines.

In developing collection strategies and techniques, it should be remembered that the decision to impose a fine is fundamentally a decision to punish the offender and deter future criminal behavior by means of financial deprivation, without imprisonment. These two dimensions of a structured fine sentence—financial deprivation and nonimprisonment—suggest that a collection strategy should obtain maximum voluntary compliance with the fine sentence order. High rates of voluntary compliance will reflect success in carrying out the principal purposes of the structured fine sentence. This chapter focuses on ways to achieve high rates of compliance through well-designed techniques for enabling, monitoring, and notification.

Because a structured fine is a criminal sanction, it is not an ordinary debt owed to the government. Systemically, much more is at stake in collecting and enforcing such fines than simply clearing the court's books with respect to money owed. At the same time, however, it is clear that many aspects of fine administration are similar to the collection of other debts.

In developing systems designed to ensure a high rate of collection, courts (and other governmental agencies involved in the fine collection process) can use the full panoply of methods available to ordinary creditors. Effective collections, however, require sound internal organization of the collection process.

Collection Methods and Techniques

Few formal rules govern fine collection. The methods used by courts and other governmental entities to collect fines are basically similar to those available to private agencies seeking to collect civil debts. The methods fall

into four broad categories: (1) setting reasonable and appropriate terms of payment and communicating those terms clearly to offenders; (2) making it as convenient and easy as possible to pay fines; (3) using incentives to encourage prompt payment; and (4) when payments are not made on time, taking swift action to persuade offenders to comply with the terms of their sentences.

Setting Appropriate Terms of Payment

Earlier chapters of this monograph have described in detail the methods for setting an appropriate day fine amount, one that is commensurate with the seriousness of the offense and the offender's ability to pay. Setting the appropriate amount is the first step toward effective collection, but it is by no means the last step. Other steps that should be taken before or at the sentencing stage include the following:

- Ascertaining whether the offender will need time to pay the full fine and, if so, establishing a payment plan that can be met.
- Informing the offender of the terms of the fine sentence (including provisions for deferred payment of part or all of the amount due).
- Providing information to the offender on where to pay the fine, how to pay it, and the consequences of nonpayment.

Setting the terms of payment should be an interactive process involving the offender, the offender's lawyer, the administrative staff responsible for obtaining means information, the staff responsible for collection, the sentencing judge, and (perhaps) the prosecutor. Ideally, the process begins before sentencing, as means information is collected and discussions concerning possible nontrial resolution of the case are conducted.

In setting the terms of payment, two general principles may be useful: (1) provide for collection of at least a portion (preferably all) of the amount imposed on the day of sentence and (2) minimize the use of installment payments. Because structured fines are intended as meaningful punishments, some of them—especially those imposed for the more serious offenses—will be set at amounts too great for the offender to pay immediately or within a month or two; in these cases, a more extended installment payment schedule may be appropriate. In general, however, payment periods should be short—preferably no more than 3 months. A short payment period emphasizes the urgency of the matter and gives the offender the opportunity to comply quickly and move on with his or her life. It also means that the number of pending deferred payment cases that the court must monitor is lower. The research on fine payment, while not conclusive, indicates that setting relatively short time periods for payment is likely to increase the prospects for full payment.

Convenient Methods and Locations for Payment

Courts can significantly increase the likelihood of prompt payment by making it convenient for offenders to pay fines. For example, if the fine can be paid at a location adjacent to the courtroom or at an easily accessible and well-marked place between the courtroom and the exit from the courthouse, then the offender is more likely to pay. It also helps to provide clear instructions on where to pay or, better yet, arrange for a bailiff or other court officer to escort the offender to the cashier or fine payment office.

Collection rates can also be improved by accepting a wide variety of forms of payment. At least five forms of payment should ordinarily be acceptable: cash, personal checks, money orders, cashiers' checks, and credit cards.

Cash is universally accepted as a method of payment but is more subject to theft than any other type of payment. For that reason, it is important to establish receiving and cash-handling policies that enable easy tracking of cash payments and provide safeguards against theft or loss.

Personal checks are a troublesome method of payment for many courts, but it is counterproductive to have an inflexible no-personal-check policy. The risk of taking a check drawn on an account with insufficient funds can be reduced by establishing linkage with a check verification service.

Money orders, cashiers' checks, and certified checks are very secure forms of payment. Unlike cash, they are replaceable if lost. Unlike personal checks and credit cards, they require little validation. However, if money orders, cashiers' checks, and certified checks are to be useful, then an offender must know in advance the amount of the fine to be paid.

Credit cards are beginning to be accepted more widely by courts and can be a convenient method of immediate payment for some offenders. To accept payment by credit card, courts need to install a telephone line, establish verification and authorization procedures, and pay a service or transmission fee to the credit card institution. The fee can sometimes be passed on to the person paying by credit card if credit card company policy permits. Although a high proportion of fined offenders do not possess credit cards, some do; allowing payment by credit card, while using the same kind of safeguards against credit card fraud that are commonly used by merchants, can help encourage prompt payment.

In addition to encouraging immediate payment at the courthouse on the day of sentence and accepting payment in the forms discussed above, consideration should be given to enabling payments to be made at convenient locations outside the courthouse. Possibilities include:

- Payment at local banks or check cashing outlets (with possible computer linkage with the court).
- Payment at police stations, sheriffs' offices, and probation departments.

- ❑ Use of night deposit boxes outside the court.
- ❑ Payment by mail, particularly with a payment voucher system similar to those used by many banks and other lending sources—a set of payment slips and envelopes addressed to the court’s collection office is given to the offender on the day sentence is imposed, with instructions on when to send each payment.

Incentives To Encourage Prompt Payment

Although some U.S. courts use techniques designed to spur defendants into paying, surprisingly little attention has been given to the use of incentives. At least three types of incentives should be considered:

- ❑ **Discounts for Early Payment.** Discounts for immediate (or short-term) payment in full is a common practice in business; in principle, there is no reason for discounts not to be used by courts to motivate offenders to pay promptly. The structured fine project in Bridgeport, Connecticut, gives offenders a 15-percent discount for immediate payment of the full fine amount. Use of discounts should be governed by clearly established policies.
- ❑ **Surcharges for Late Payment.** Although it is common practice for commercial enterprises to charge interest for late payment of money owed, relatively few courts do this. Imposing surcharges for late payment (for example, a fixed amount or a percentage of the total owed, for each month the payment is overdue) seems reasonable because delayed payments result in increased administrative costs. However, effective surcharge incentives require the judge or the court administrative staff to inform an offender of the additional cost resulting from late payment at the time of sentencing. Deferred or installment payments may be necessary in a significant percentage of structured fine cases, and it would be unfair to impose a surcharge on such arrangements. Surcharges should not automatically be imposed any time an installment payment plan is set up for an offender, but it should be feasible (and fair) to impose a surcharge when an offender is late in making the deferred payment.
- ❑ **Structured Fine in Lieu of (Suspended) Alternative Sentence.** Knowledge that the consequences of nonpayment are likely to be more onerous than the burden of paying the fine should be an incentive to timely payment. One way to provide this incentive is to sentence the offender to an alternative sentence (for example, community service, day reporting center, or jail) and to suspend the alternative sentence on condition that the fine is paid within the time established. However, if the suspended sentence is to be an effective incentive, the court must be prepared to execute the sentence if the offender defaults. Idle threats will neither improve the court’s payment record nor enhance its credibility.

Prompt Followup

Although immediate payment in full is desirable, cases that demand the use of deferred payments or installment payments will inevitably occur. The deferred payment approach allows the convicted individual a specified amount of time in which to meet his or her financial obligations to the court. The individual is not required to pay the entire debt in one lump sum but must pay in full within a time period prescribed by the court.

Using structured fines effectively requires that courts have sound strategies for tracking payments and outstanding balances of all offenders who are given time to pay. Additionally—and of crucial importance—the court must have procedures for taking effective action immediately when payment is not made by the scheduled date. Computerized systems can be programmed to issue reminder notices when payments are not made on schedule. Even courts with large case volumes and manual recordkeeping systems can set up tickler systems that rapidly identify nonpayers. Every court should have such a system, automated or manual, and should also have clear guidelines and procedures for taking followup action upon nonpayment.

Initial followup actions should be designed to bring the failure to pay to the offender's attention and to encourage immediate payment. Often, failure to pay is inadvertent, and followup action will quickly lead to compliance in many cases. Prompt action by the collection unit is critically important and should be taken as soon as possible, preferably on the day following the payment due date. Possible actions include:

- A letter or postcard to the offender, with a reminder that payment is overdue.
- A telephone call to the offender, with a reminder.
- A second notice by phone or mail within 10–14 days, to inform the offender of actions to be taken if payment is not made promptly.

Although mail and phone notification procedures are labor intensive, they are likely to produce payments in a significant percentage of cases. These persuasive techniques can increase compliance, bring in revenue, and avoid the issuance of warrants or taking other action that may be much more costly and time consuming. Telephone notifications can be made by court employees or by contract with private firms. Current technology includes a number of features that can be useful for increasing collections, including automatic redial, prerecorded messages, and the recording of responses.

Individualized systems of monitoring fine payments—systems that keep close track of each case and include personal contacts with fined offenders—are less common than routine notification systems but can significantly increase voluntary compliance. For example, some courts use fine coordinators, fine payment officers, or collection investigators to help draw up payment schedules, counsel offenders on their obligations, monitor

payments, and contact offenders when payments are missed. On Staten Island, the use of such techniques when structured fines have been imposed resulted in an 85-percent rate of full payment, compared with a 71-percent payment rate when structured fines were imposed but collection procedures lacked individualized tracking and followup. Sometimes contact may include home visits and assistance to offenders in improving their budgeting skills or resolving other problems that interfere with their ability to make payments.

Administrative Structure and Policies

Fine collection generally works best when responsibility is plainly fixed: when supervisory duties and responsibilities are clear and when supervisors and staff are held accountable.

In some jurisdictions, responsibility for collections is organizationally fragmented, with two or more entities (such as a court clerk's office, probation department, sheriff's department, and/or county revenue department) authorized to collect fines. In such a case, collection responsibility should be centralized, if possible, ensuring that the responsible entity has the staff and management information system capacity to effectively collect fines.

In addition to centralizing organizational responsibility, individual responsibility for collecting fines from offenders should be fixed, and clear written policies and procedures for collections should be established. A key step toward establishing accountability in collections is to designate a single person (such as a senior member of the court's administrative staff) as the supervisor responsible for effective fine collection. Goals, objectives, and operational procedures can then be developed for the collection unit supervised by that person.

Whether fine collection is the formal responsibility of the court or some other government entity, the court must be integrally involved in the development and implementation of collection policies. Because the fine is a court order, the court has a special stake in ensuring compliance. The court needs to have information about collections that will enable it to take appropriate action in individual cases of nonpayment and devise policies for use in future cases.

As courts have become increasingly aware of their responsibilities in the area of collections, some jurisdictions have developed explicit policy statements to reinforce their commitment. The policy statement adopted by the Oregon Supreme Court, applicable to all courts in that State, reads as follows:

It is the position of the Oregon Judicial Department that courts have an obligation to pursue collection of fines, fees, costs, and assessments due to the courts. The imposition of fines, fees, and

costs is an integral part of the sentence or judgment entered and, as a result, the courts have a responsibility to ensure that the sentence or judgment is fulfilled through the ultimate collection of the financial obligations imposed by the courts.

Backup Sanctions and Strategies

In some cases, offenders sentenced to pay structured fines will not pay voluntarily. Even the best followup techniques employed by a collection unit may fail to obtain payment. Therefore, a jurisdiction needs an array of backup options and clear policies guiding the use of alternatives.

Procedurally, a court's choice of backup options is likely to be governed by State statute and, in some instances, by the form of the original sentence, particularly whether the structured fine was imposed as an independent sanction or as a condition of probation. In most jurisdictions, however, it should be possible to devise a set of policies that enable the court either to coerce payment of the fine (when the offender has income or assets that should be put toward payment of the amount owed) or to impose an alternative sentence that will have a punitive effect roughly equivalent to the original structured fine sentence.

Before a court decides to use or threaten to use any coercive fine enforcement technique or to impose an alternative sentence, it should first inquire into the circumstances surrounding the nonpayment. Information about the amount in arrears and the reasons for nonpayment may be provided by the unit responsible for collection, by a probation officer, or by the defendant. In some circumstances (for example, loss of a job), an extension of time or recalculation of the valuation of the units imposed may be in order. Generally, however, extensions of time should be granted only when there is a clear justification and a good likelihood that the extension will result in full payment. Understanding the circumstances surrounding the delinquency or default should also help the judge decide on the appropriate sanction(s) to impose, either immediately (as a substitute for the structured fine) or if the fine is not paid within a prescribed time (that is, as a threat to coerce payment).

This chapter discusses three types of sanctions that can be used as backups when an offender fails to pay: community-based sanctions, civil mechanisms, and (as a last resort) incarceration.

Community-Based Sanctions

In recent years, many jurisdictions have developed a wide array of community-based sanctions. Although these sanctions are most often used as direct sentences, some of them may be imposed when an offender fails to pay.

Compared with incarceration, community-based sanctions are generally less expensive to the taxpayers and probably just as effective as threats to induce payment or as substitutes for the structured fine originally imposed. Following are examples of community-based sanctions that can be used in the event of nonpayment.

Community Service

Community service typically involves work for a government agency or nonprofit organization for a set number of hours. For example, an individual offender or a group of offenders can be assigned to paint buildings, clean graffiti from fences and walls, or collect rubbish along a highway.

Day Reporting Centers

Day reporting centers are places to which offenders report daily and spend a prescribed number of hours under supervision. Some day reporting centers also provide services such as vocational training and job placement.

Home Confinement

Offenders can be confined to their homes for up to 24 hours a day, for a fixed period of time. Frequently, home confinement is monitored by attaching an electronic device to the offender's wrist or ankle; if the offender leaves the house, the device will alert corrections officials.

Halfway Houses/Work Release Centers

Offenders in halfway houses or work release centers can leave only for work, school, or other approved purposes. Such facilities can be located in the community or annexed to the jail.

Each of the four community-based sanctions is, in a sense, a fine on the offender's time and income-earning potential. This fact, coupled with the fact that structured fines are based on a unit scale that ranks offenses by severity, provides a starting point for establishing "exchange rates," or equivalencies, between structured fine units and the number of hours that a nonpaying offender may be required to serve in a community-based sanction. For example, a nonpaying offender convicted of an offense that involved 40 structured fine units would logically be expected to serve twice as many hours in community service or a day reporting center as a nonpaying offender whose offense involved 20 structured fine units.

Civil Mechanisms

Although the image of civil processes may seem gentler than the use of criminal sanctions, their actual use can result in substantial economic deprivation. Civil mechanisms are sometimes cumbersome to implement and may require the cooperation of agencies not ordinarily involved in the

administration of criminal justice. Little is known about the effectiveness of these civil mechanisms in producing payment of fines, but some mechanisms are being used in other situations involving nonpayment of court-imposed monetary obligations (for example, child support enforcement). Civil mechanisms that can be used either as threats or—when money or property is seized—as substitutes for voluntary payment include the following:

- ❑ Garnishment of wages.
- ❑ Interception of income tax return refunds.
- ❑ Driver's license suspensions.
- ❑ Denial of automobile registration renewal.
- ❑ Distrainment of property, or the use of distress warrants authorizing seizure and sale of personal property belonging to the nonpaying offender.
- ❑ Recording of the fine default order as a civil judgment lien.

Use of any of these civil mechanisms is governed by statutory law, but all are potentially available to aid fine collection efforts. As with community-based sanctions and incarceration, these mechanisms are probably more useful as threats than as ways of obtaining money owed. In England, for example, where there has been considerable use of distress warrants in recent years, the property of an offender is rarely seized and sold. However, service of the distress warrant, like service of a warrant for the arrest of an offender in default, induces fine defaulters to pay the money they owe (plus a surcharge to cover the costs of invoking the process) in a significant number of cases.

Incarceration

In American society, the ultimate threat in response to nonpayment of fines has generally been imprisonment in jail. The threat is sometimes effective: it is not uncommon for a family member or friend to come forward, cash in hand, to avert the jailing of the offender. However, other options should be explored before threatening imprisonment or actually jailing offenders who do not pay.

Under some circumstances, an offender cannot be jailed for nonpayment. In particular, if the offense of conviction does not carry imprisonment as an authorized penalty, the U.S. Supreme Court has ruled that an offender cannot be imprisoned for failure to pay a fine unless the default is willful (*Tate v. Short*, 401 U.S. 395 (1971)). When the offense is punishable by incarceration, the judge has more discretion. However, before imposing a term of imprisonment for default, the judge must first consider whether allowing payment in installments or using a noncustodial sanction will satisfy the State's legitimate interests in punishment and deterrence (*Bearden v. Georgia*, 461 U.S. 660 (1983)).

In addition to the constitutional constraints established by these Supreme Court decisions, the overcrowded status of most prisons and jails is a compelling reason for looking first at other options. Another reason is that the initial determination at the time of the sentence for the offense of conviction was that a nonincarcerative sanction should be imposed. If incarceration was not deemed necessary or appropriate at the time of the initial sentencing decision, it makes sense to consider sanctions other than jail in responding to the offender's failure to pay the fine.

Education and Training

The experience of U.S. courts that have experimented with structured fines clearly shows that considerable time and energy must be invested in education and training, both before and after program implementation. Structured fines are a new concept in the United States, and implementation of a structured fine program or sentencing option involves a departure from long-established jurisdiction practices. Practitioners and others affected by the implementation of a structured fine program need to be educated about the concept and, in some instances, trained in how to perform specific functions. Thus, education programs will be necessary to help concerned parties develop an understanding of the purposes of the program and its key operational features. Training programs will be needed to teach persons involved in the day-to-day operation of a structured fine program how to perform the specific functions for which they are responsible.

Education about structured fines begins during the program development process, as members of the planning group become familiar with the basic concepts and with details of how similar programs function in other jurisdictions. One of the products of the planning process should be an education and training plan, which should include:

- ❑ Identification of target audiences.
- ❑ Curriculum modules for key topical areas to be covered.
- ❑ Resource materials (described in greater detail later in this chapter).
- ❑ Prospective faculty for the programs.
- ❑ Preliminary schedule of education and training programs, including the types of programs; audience(s); and location(s), day(s), and time(s) for training.

Once detailed plans for program operation are developed, but before they are implemented, concentrated efforts should be devoted to educating all the audiences that are relevant to the program's operation. Potential audiences for educational efforts include at least the following:

- ❑ Criminal justice system leaders (the members of the policy team).
- ❑ Practitioners who handle cases that could result in a structured fine, including judges, prosecutors, defense lawyers, courtroom clerks, pretrial services staff members, probation and community corrections department staff members, and law enforcement personnel.
- ❑ Law and business leaders.
- ❑ Legislative and executive branch officials at the State, county, and municipal levels.

- The media.
- Community groups interested in criminal justice.

Education about the program should focus on:

- The concept of structured fines.
- The reasons for implementing a structured fine policy or program.
- The goals and potential benefits of the structured fine program.
- The types of cases that are targeted for use of structured fines.
- How the program works and how this method of operation is different from current practices.
- What happens when an offender fails to pay the fine.

The more heavily involved an individual is in the operation of the structured fine program, the greater the need for both education and training. Training for practitioners involved in program operations should focus on how to obtain information on a defendant's financial circumstances, calculate the fine, impose a sentence, set terms for payment, and conduct followup monitoring.

Such education and training programs need not be lengthy, but they should be thorough. Often, it is possible to conduct training on basic components of the program in 1 or 2 hours.

In developing education and training programs, it is helpful to have a structured fine resource book—a compilation of materials relevant to the operations of the program. Many of these materials are gathered and/or developed during the planning process. Contents of the resource book could include:

- A short description of the program, including an explanation of how structured fines work and how they differ from traditional tariff fines.
- A statement of the goals of the program.
- Copies of any authorizing legislation or resolutions.
- The unit scale.
- The valuation table.
- A description of the collection system, including policies and procedures, beginning at imposition of the structured fine sentence.
- Examples of the application of structured fines in specific situations, showing how structured fine amounts would be calculated for several different offenses and for defendants in different economic circumstances.
- An operations manual describing the organizational structure of the program, staff responsibilities, and procedures for obtaining

information on a defendant's economic situation and making the fine calculations, and including copies of any forms to be used in implementing the project.

- ❑ Policies developed by the planning group to be followed in implementing the program (for example, policies concerning the scheduling of cases eligible for structured fines, obtaining financial information not voluntarily disclosed, and imposing backup sanctions in the event of nonpayment of a structured fine).
- ❑ A summary of the program evaluation plan.
- ❑ A list of the members of the project planning committee.

Compiling these materials in a single looseleaf volume with tabs and an index facilitates reproduction. Although not all of these materials are relevant for every audience, several of them should be widely distributed, to judges, lawyers, court staff members, and others who will be involved in program operations. Distribution could take place in the context of a structured fine program workshop.

Education and training for the implementation of structured fines should be treated as important ongoing processes, not one-time events, for at least two reasons. First, job turnover in many courts and criminal justice agencies is high. In most jurisdictions, positions crucial for program operation may soon be filled by individuals who did not participate in preprogram education and training. New personnel will need to know why structured fines have been adopted by the jurisdiction and how the program works.

Second, it is likely that changes will be made in program scope and operation in light of experience gained in the implementation process and on the basis of information acquired through monitoring and evaluation. Everyone involved in or affected by the operation of the structured fine program needs to know about such changes, the reasons for them, and how they affect individual work responsibilities.

Information for Monitoring Program Operations and Evaluating Program Effectiveness

Monitoring and evaluation are closely related activities; collection and analysis of information on program operations are integral parts of both. However, because their purposes and focus are very different, they should not be viewed as the same activity.

Monitoring is an ongoing or periodic observation of operations. The main purpose of monitoring is to ensure that programs stay on course and that operational procedures can be revised if necessary. In the case of a structured fine program, policymakers and program managers should track case volume, sentencing patterns, fine payment timeliness, collection rates, and other key variables that affect resource allocation and indicate program effectiveness.

Evaluation may also involve periodic observation of operations but focuses primarily on assessing program effectiveness in terms of established goals. Evaluation should logically draw on the same information database that enables managers and policymakers to monitor operations. Feedback from evaluators, who are typically outside day-to-day program operations, can help supplement knowledge gained from program monitoring. However, if the policymakers and managers are doing a good job of monitoring, evaluation reports should seldom contain surprises.

The key to good monitoring and evaluation is information: not only the existence or availability of information, but also the capacity to gather and analyze information needed to provide a clear picture of program operations. Chapter 2 discussed the importance of having reliable information on sentencing patterns and collection effectiveness as a foundation for planning a structured fine program. The same kinds of information are needed for monitoring program operations on an ongoing basis and for evaluating program effectiveness.

Information Needed for Monitoring and Evaluation

Although information needs vary among jurisdictions, several types of information should be available to program managers, policymakers, and

evaluators wherever a structured fine program is undertaken. The following paragraphs describe this universal information.

Sentencing Patterns

In planning a structured fine program, the policy team will have identified particular categories of cases as eligible for structured fines and, within that broad group, some categories of cases that are primary targets for the use of structured fines. The jurisdiction's information system should provide data that enable comparison of the plans with actual practice. Information on all sentences imposed for all convictions, by charge and other relevant variables, enables managers to examine the use of structured fines within the context of all sentencing in the jurisdiction as well as the subset of offenders receiving structured fines.

Accounts Receivable

Program managers require information on the open accounts of persons who have received structured fines, both on a case-by-case basis and in the aggregate. Data should be available on the age of each account; the amount owed; the last action taken; the date and nature of the next scheduled court event or action; and addresses, telephone numbers, and other identifiers for offenders.

Input/Output Information

Once program implementation is under way, trends in workload and collections should be tracked. The information system should provide data on the number of cases in which structured fines have been imposed during a specific period and the amounts involved, and on the number of structured fine cases closed (including reasons for closure such as full payment or referral for alternative sentence) and monies received during the same period.

Effectiveness in Collecting Fines

Collection effectiveness is a critical performance indicator for any structured fine program. Data should be available, on at least a monthly basis, to show the following, by case category and for the totality of cases:

- Number and percentages of cases in which structured fines have been fully collected within specific periods following imposition (for example, same day or within 7 days, 14 days, 30 days, 180 days, or 1 year).
- Number and percentage of cases in which partial payment has been made or no payment has been made, by age, since the date that the fine was imposed.
- Total dollar amount of fines imposed that have been collected within specific time periods (for example, same day or within 7 days, etc.).

Ideally, program managers and evaluators would also have data on collection effectiveness prior to program implementation, to use as a basis for comparison.

Fine Collection and Case Processing Times and Procedures

For purposes of refining program operations, it will be helpful to know which categories of cases and fine amounts result in prompt payment, which take a long time, and what variables appear to correlate to rapid and slow payment. In particular, it will be useful to analyze the data to learn the type of results obtained from different collection techniques (for example, mail reminder, telephone reminder, mail or telephone notification of issuance of a warrant, etc.).

Identification of Problem Cases

Some fined defendants will pay slowly or not at all. Program managers and policymakers need information identifying these offenders individually, by case category, by structured fine amount, and by length of time the payment is overdue. Armed with this information, managers can take action to collect the money or impose alternative sentences. Such information is also useful for program planning purposes, to identify any patterns of nonpayment that warrant revision of the program.

Key Questions for Program Managers and Policymakers

If the necessary information is available, program managers and policymakers may obtain answers to basic questions about the utilization of structured fines and the effectiveness of collection methods. Questions that could be asked on a monthly, quarterly, or annual basis include the following:

- How many cases, by case category, resulted in a structured fine as a sole sanction? In how many cases, by category, was a structured fine imposed in combination with other (specific) sanctions?
- For each category of case in which a structured fine was imposed as the sole sanction, what was the range of fine amounts? What was the range when structured fines were imposed in combination with other sanctions?
- How have fine imposition patterns changed since the baseline data were collected?
- What is the total pending caseload of open structured fine cases (accounts receivable)? How does this caseload break down by case category and—
 - Age of account, since date of fine imposition?

- Amount of fine?
- What is the monthly inflow of new structured fine cases, by case category—
 - Paid in full on day of sentence?
 - Partly paid at time of sentence?
 - Unpaid at time of sentence?
- How many accounts are closed each month—
 - By full payment?
 - By other actions (to be specified)?
- What are the trends in structured fine use and collection by case category? Is the use of structured fines as a sanction increasing or decreasing? Is the proportion of cases resulting in full payment increasing or decreasing?
- Of the fined offenders who are allowed time to complete payments, how many pay in full—
 - On schedule?
 - After a reminder letter?
 - After a reminder phone call?
 - After notification that an arrest warrant has been issued?
 - After other actions (to be specified)?
- Which types of cases and/or offenders appear to cause particular problems with collections, indicating that revisions may be necessary in the unit scale, valuation table, or collection process?
- How has the effectiveness of fine collection changed since the preprogram period, by case category, in terms of—
 - Number and percentage of cases in which fined offenders pay in full?
 - Total dollar amount collected?
- To what extent, and in what categories of cases, have structured fines displaced other types of sentences, including—
 - Tariff fines?
 - Unsupervised probation?
 - Jail?
 - Other sanctions?

Computerization

Most U.S. courts now use computer systems, some of which are highly automated. Although relatively few courts can readily produce all the information discussed in this monograph, it should still be possible to obtain the information needed to design, monitor, and evaluate a structured fine program. Computers are an essential tool for this purpose. Any jurisdiction interested in using structured fines should invest in a computer system that can regularly produce this kind of information.

Having a computer is only the start of an effective automated system. The next steps include careful mapping of workflow, assessing information needs (for case decisionmaking and for program monitoring and evaluation), obtaining adequate programming for the full range of uses and needs, ensuring adequate data storage capacity, developing sound backup systems, and providing adequate training in computer use.

Fine use and collection is an area that is particularly well suited to the use of computers for the following reasons:

- ❑ A high volume of work is involved.
- ❑ Much of the work is routine and repetitive.
- ❑ Numerous arithmetic calculations are needed (especially for structured fines).
- ❑ A high standard of accuracy is essential.
- ❑ Case files must routinely be sorted by conviction charge, payment status, and other characteristics.
- ❑ Computer-generated notification of fined offenders can be used to facilitate collection.
- ❑ Management information reports and other statistical data are required on a regular basis.

The U.S. jurisdictions involved in the initial structured fine experiments have all found that their existing automated systems needed programming improvements to produce the information needed for ongoing operations, as well as for monitoring and evaluation purposes. It is much easier to make the improvements in advance—during the planning stages—than to attempt to make them once the program is under way.

Structured Fine Demonstration Projects and Sources for Further Information

Staten Island Day Fine Project

The Staten Island experimental day fine project was conducted in the Criminal Court of Richmond County (Staten Island), New York, between 1987 and 1989 as a joint venture among the court, the Vera Institute of Justice (Vera), and the National Institute of Justice (NIJ). Vera's research demonstrated that the day fine concept could be implemented in a typical American limited jurisdiction court that handles misdemeanor cases and the preliminary stages of felony cases. Many of the offenders who received structured fines were persons initially charged with felonies and ultimately convicted of misdemeanors. Although the project has formally ended, two persons associated with it can still provide information about design, implementation, and evaluation. Contact:

Arnold Berliner
Executive Assistant District Attorney
Richmond County District Attorney's Office
36 Richmond Terrace
Staten Island, NY 10301
Phone: 718-876-5723

Judge Michael Brennan
Staten Island Criminal Court
67 Targee Street
Staten Island, NY 10304
Phone: 718-390-8408

Maricopa County FARE Probation Project

Initially funded by grants from the State Justice Institute and the National Institute of Corrections, the Maricopa County (Phoenix), Arizona, structured fine program has continued operating with county support. Located in the Maricopa County Superior Court, the program has created a new form of probation between summary (unsupervised) and standard (supervised) probation: Financial Assessments Related to Employability (FARE). FARE targets offenders with low treatment and/or supervision needs who have historically received standard supervised probation. Additionally, offenders in the target group have a source of income or are employable. FARE payments have been closely monitored, and collection results have been excellent. Contact:

Meri Romero
Program Manager
Maricopa County Adult Probation Department
45 West Jefferson Street
Phoenix, AZ 85003
Phone: 602-506-3239

Ed Mansfield
Program Manager
Maricopa County Adult Probation Department
45 West Jefferson Street
Phoenix, AZ 85003
Phone: 602-506-3680
E-mail: eddie@ramp.com

Connecticut Structured Fine Demonstration Project

The Connecticut structured fine demonstration project is located in Connecticut's Geographical Area 2 Court in Bridgeport. Initiated by the judiciary's Office of Alternative Sanctions, the project has handled about 20 cases per week, mainly misdemeanors. Only in this project has offender self-reported income been verified. Although the volume of cases is low, collection results have been very good. Originally funded by a BJA grant, the project is now supported by the judiciary's budget. Contact:

Julie Paulson, Esq.
Day Fines Officer
Geographical Area 2 Court
172 Golden Hill Street
Bridgeport, CT 06606
Phone: 203-579-6360

Iowa Structured Fine Demonstration Project

The Iowa structured fine demonstration project was initiated by the State Department of Human Rights, Division of Criminal and Juvenile Justice Planning and Statistical Analysis Center. Polk County, the most populous county in Iowa, is the site of this pilot project, which operates from the county attorney's office. A wide range of offenses may receive structured fines. In practice, the sanction has been used mainly for several categories of relatively serious misdemeanors involving motor vehicles, including operating a vehicle while intoxicated and operating a vehicle with a suspended driver's license. Fine payments are closely monitored, and collections have improved greatly since the preproject period. The percentage of offenders paying in full has increased from 32 percent to 72 percent and, although the amount of the average fine has decreased from \$509 to \$469, the average fine amount collected increased from \$197 to \$360. Contact:

Richard Moore
Administrator
Criminal and Juvenile Justice Planning Division
Iowa Department of Human Rights
Lucas State Office Building
Des Moines, IA 50319
Phone: 515-242-5823

Oregon Structured Fine Demonstration Projects

The Oregon counties of Marion, Malheur, Josephine, and Coos have mounted structured fine pilot projects as part of an overall demonstration program conducted by the Oregon Criminal Justice Council. Initial results indicate that the courts have found it feasible to obtain the necessary financial information and to use the unit scale in imposing sentences. Collection results have been disappointing, and a variety of recommendations for improvement are being considered. Contact:

David Factor
Director
Oregon Criminal Justice Council
155 Cottage Street
Salem, OR 97310
Phone: 503-378-4123

Additional Sources of Information

For additional information on structured fines, contact:

Bureau of Justice Assistance Clearinghouse
Box 6000
Rockville, MD 20849-6000
Phone: 800-688-4252
BBS: 301-738-8895
E-mail: askncjrs@ncjrs.org

Criminal Justice Agency
Laura Winterfield, Senior Research Associate
305 Broadway
New York, NY 10007
Phone: 212-577-0519

The Justice Management Institute
Barry Mahoney, President
1900 Grant Street, Suite 815
Denver, CO 80203
Phone: 303-831-7564

National Institute of Justice
Sally Hillsman, Assistant Director for
Research and Evaluation
633 Indiana Avenue NW.
Washington, DC 20531
Phone: 202-307-2967

RAND
Susan Turner, Senior Researcher
1700 Main Street, Box 2138
Santa Monica, CA 90407-3297
Phone: 310-393-0411, ext. 6416

Vera Institute of Justice
Judith Greene, Director
377 Broadway
New York, NY 10013
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Vera Institute of Justice
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337 Broadway
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Bibliography

Albrecht, H. "Day Fines: A European Perspective." Unpublished.

Albrecht, H. "Fines in the Criminal Justice System." In *Developments in Crime and Crime Control Research*, ed. Klaus Sessar and Hans-Jurgen Kerner. New York: Springer-Verlag. 1991, pp. 150–169.

Bazell, C., and I. Lomax. *Unit Fines*. London: Fourmat Publishing. 1992.

Burnovski, M., and Z. Safra. "Deterrence Effects of Sequential Punishment Policies: Should Repeat Offenders Be More Severely Punished?" *International Review of Law and Economics* 14(3) (September 1994), pp. 341–350.

Casale, S.S.G. *Enforcement of Fines as Criminal Sanctions: The English Experience and Its Relevance to American Practice*. NCJ 106271. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice. 1985.

Cole, G.F., B. Mahoney, M. Thornton, and R.A. Hanson. "The Use of Fines by Trial Court Judges." *Judicature* 71(1988), pp. 325–333.

Cole, G.F., B. Mahoney, M. Thornton, and R.A. Hanson. "Practices and Attitudes of Trial Court Judges Regarding Fines as a Criminal Sanction." Executive Summary. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice. 1987.

Day Fine Demonstration Project (FARE Probation). U.S. Department of Justice, Office of Justice Programs, National Institute of Justice. 1991.

Farrell, P.G. "Day-Fine Comes to America." *Buffalo Law Review* 38(2) (Spring 1990), pp. 591–617.

Forman, J., and D. Factor. *Integrating Structured Fines in Four Oregon Counties*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. 1995.

Friedman, G.M. "West German Day-Fine System—A Possibility for the United States?" *University of Chicago Law Review* 50(1) (1983), pp. 281–304.

Glaser, D., and M.A. Gordon. "Profitable Penalties for Lower Courts." *Judicature* 73(1990), pp. 248–252.

Gowdy, V.B. *Intermediate Sanctions*. NCJ 140540. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice. 1993.

Greene, J.A. *Staten Island Day Fine Experiment*. New York: Vera Institute of Justice. 1990.

Greene, J.A. "Structuring Criminal Fines: Making an 'Intermediate Penalty' More Useful and Equitable." *Justice System Journal* 13(1988), pp. 37–50.

Hillsman, S.T. "Fines and Day Fines." *Crime and Justice: A Review of the Research* 12(1990), pp. 49–98.

Hillsman, S.T., and L.A. Winterfield. *The Staten Island Day Fines Project. Research in Brief*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice. 1993.

Hillsman, S.T., and J.A. Greene. "Tailoring Criminal Fines to the Financial Means of the Offender." *Judicature* 72(1) (June–July 1988), pp. 38–45.

Hillsman, S.T., and B. Mahoney. "Collecting and Enforcing Criminal Fines: A Review of Court Processes, Practices, and Problems." *Justice System Journal* 13(1988), pp. 17–36.

Hillsman, S.T., B. Mahoney, G.F. Cole, and B. Auchter. *Fines as Criminal Sanctions*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice. 1987.

Hillsman, S.T., J.L. Sichel, and B. Mahoney. *Fines in Sentencing: A Study of the Use of the Fine as a Criminal Sanction. Final Report*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice. 1984.

Junger-Tas, J. *Alternatives to Prison Sentences: Experiences and Developments*. The Hague, Netherlands: Netherlands Ministry of Justice Research and Documentation Centre. 1994.

Mahoney, B., and M. Thornton. "Means-Based Fining: Views of American Trial Court Judges." *Justice System Journal* 13(1) (Spring 1988), pp. 51–63, 90–92.

Mahoney, B., R. McBrien, and J. Greene. *Fines as a Sentencing Option*. Audiocassette. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, 1987.

Mahoney, B., R.A. Hanson, and M. Thornton. "The Use of Fines as Criminal Sanctions in American State and Local Trial Courts: Findings from a Survey of Clerks and Court Administrators." Working Paper #6, Fines in Sentencing Project. New York and Denver: Vera Institute of Justice and Institute for Court Management. 1983.

McDonald, D.C., J. Greene, and C. Worzella. *Day Fines in American Courts: The Staten Island and Milwaukee Experiments*. NCJ 136611. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice. 1992.

- McGarry, P., and M.M. Carter (eds.). *The Intermediate Sanctions Handbook: Experiences and Tools for Policymakers*. Washington, DC: National Institute of Corrections and State Justice Institute. 1993.
- Miller, R.P., J.M. Cosgrove, and L. Doke. "Motivating Adolescents To Reduce Their Fines in a Token Economy." *Adolescence* 25(97) (Spring 1990), pp. 97-104.
- Morris, N., and M. Tonry. "Fines." In *Between Prisons and Probation: Intermediate Punishments In a Rational Sentencing System*. New York: Oxford University Press. 1990.
- Moxon, D., M. Sutton, and C. Hedderman. *Unit Fines: Experiments in Four Courts*. London: Great Britain Home Office, Research and Planning Unit. 1990.
- Peters, G.J. *Intermediate Sanctions: A Discussion of Illustrative Programs*. Washington, DC: U.S. Executive Office of the President, Office of National Drug Control Policy. 1990.
- Smart Sentencing: The Emergence of Intermediate Sanctions*. Newbury Park, CA: Sage Publications, Inc. 1992.
- Tackling Fine Default*. London: Prison Reform Trust. 1990.
- Watkins, M.A., D. Chandler, A.R. Fuller, J.E. Gummer, M.A. Rich, and J. Goose. "Fines and Fine Enforcement." *Magistrate* 44(7) (July 1988), pp. 131-35.
- Williams, S.D. "Pay to the Order of Justice: Fines and Fees Pay for Crime." *Corrections Compendium* 11(7) (January 1987), pp. 1, 6-9.
- Winterfield, L.A., and S.T. Hillsman. *Staten Island Day-Fine Project*. NCJ 138538. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice. 1993.
- Winterfield, L.A., and S.T. Hillsman. "Effects of Instituting Means-Based Fines in Criminal Court: The Staten Island Day-Fine Experiment." Final Report. U.S. Department of Justice, Office of Justice Programs, National Institute of Justice. 1991.

Example of Day Fine Unit Scale

Staten Island Day Fine Unit Scale (Selected Offense Categories)

Penal Law Charge*	Type of Offense**	Number of Day Fine Units Discount - PRESUMPTIVE - Premium
120.00 AM	Assault 3: Range of 20–95 DF	
	A. Substantial Injury <i>Stranger-to-stranger; or where victim is known to assailant, he/she is weaker, vulnerable</i>	81 - 95 - 109
	B. Minor Injury <i>Stranger-to-stranger; or where victim is known to assailant, he/she is weaker, vulnerable; or altercations involving use of a weapon</i>	59 - 70 - 81
	C. Substantial Injury <i>Altercations among acquaintances; brawls</i>	38 - 45 - 52
110/120.00 BM	D. Minor Injury <i>Altercations among acquaintances; brawls</i>	17 - 20 - 23
	Attempted Assault 3: Range of 15–45 DF	
	A. Substantial Injury <i>Stranger-to-stranger; or where victim is known to assailant, he/she is weaker, vulnerable</i>	38 - 45 - 52
	B. Minor Injury <i>Stranger-to-stranger; or where victim is known to assailant, he/she is weaker, vulnerable; or altercations involving use of a weapon</i>	30 - 35 - 40
120.15 BM	C. Substantial Injury <i>Altercations among acquaintances; brawls</i>	17 - 20 - 23
	D. Minor Injury <i>Altercations among acquaintances; brawls</i>	13 - 15 - 17
	Menacing: Range of 30–45 DF	
	A. Threat of Serious Physical Injury <i>Stranger-to-stranger; or where victim is weaker, vulnerable</i>	38 - 45 - 52
140.05 vio	B. Threat of Serious Physical Injury <i>Altercations among acquaintances; brawls</i>	25 - 30 - 35
	Trespass	13 - 15 - 17
140.10 BM	Criminal Trespass 3	17 - 20 - 23
140.15 AM	Criminal Trespass 2	42 - 50 - 58
110/140.15 BM	Attempted Criminal Trespass 2	25 - 30 - 35
140.35 AM	Possession of Burglary Tools	42 - 50 - 58

* AM = Class A Misdemeanor; BM = Class B Misdemeanor; vio = Violation

** DF = Day Fines

Staten Island Day Fine Unit Scale (continued)

Penal Law Charge*	Type of Offense**	Number of Day Fine Units Discount - PRESUMPTIVE - Premium
145.00 AM	Criminal Mischief 4: Range of 15–60 DF <i>(Damage to property scaled as for petit larceny)</i>	
	\$1,000 or more	51 - 60 - 69
	\$700–\$999	42 - 50 - 58
	\$500–\$699	34 - 40 - 46
	\$300–\$499	25 - 30 - 35
	\$150–\$299	17 - 20 - 23
	\$1–\$149	13 - 15 - 17
110/145 BM	Attempted Criminal Mischief 4: Range of 15–30 DF <i>(Damage to property scaled as for attempted petit larceny)</i>	
	\$1,000 or more	25 - 30 - 35
	\$600–\$999	17 - 20 - 23
	\$1–\$599	13 - 15 - 17
155.25 AM	Petit Larceny: Range of 15–60 DF	
	\$1,000 or more	51 - 60 - 69
	\$700–\$999	42 - 50 - 58
	\$500–\$699	34 - 40 - 46
	\$300–\$499	25 - 30 - 35
	\$150–\$299	17 - 20 - 23
	\$1–\$149	13 - 15 - 17
110/155.25 BM	Attempted Petit Larceny: Range of 15–30 DF	
	\$1,000 or more	25 - 30 - 35
	\$600–\$999	17 - 20 - 23
	\$1–\$599	13 - 15 - 17
110/155.30 AM	Attempted Grand Larceny Range of 20–65 DF	
	A. Purse Snatch <i>Regardless of amount of value</i>	55 - 65 - 75
	B. Extortion <i>Regardless of amount of value</i>	55 - 65 - 75
	C. Value Exceeding \$1,000	51 - 60 - 69
	D. Stolen Credit Card	51 - 60 - 69

* AM = Class A Misdemeanor; BM = Class B Misdemeanor; vio = Violation

** DF = Day Fines

Staten Island Day Fine Unit Scale (continued)

Penal Law Charge*	Type of Offense**	Number of Day Fine Units Discount - PRESUMPTIVE - Premium
	E. Stolen Motor Vehicle: Range of 20–60 DF (<i>Car value scaled as for petit larceny</i>)	
	\$1,000 or more	51 - 60 - 69
	\$700–\$999	42 - 50 - 58
	\$500–\$699	34 - 40 - 46
	\$300–\$499	25 - 30 - 35
	\$150–\$299	17 - 20 - 23
	\$1–\$149	13 - 15 - 17
220.03 AM	Criminal Possession of a Controlled Substance 7: Range of 35–50 DF	
	A. Possession of cocaine, heroin, PCP, LSD, or other “street jobs”	42 - 50 - 58
	B. Criminal possession of valium, methadone, or other pharmaceutical drugs	30 - 35 - 40
221.05 vio	Unlawful Possession of Marijuana	13 - 15 - 17
221.10	Possession of Marijuana 5	13 - 15 - 17
230.00	Prostitution	13 - 15 - 17
240.20 vio	Disorderly Conduct	13 - 15 - 17
240.25 vio	Harassment	13 - 15 - 17
240.30 AM	Aggravated Harassment 2	42 - 50 - 58
240.37 B BM	Loitering for Prostitution	13 - 15 - 17
265.01 AM	Criminal Possession of a Weapon 4: Range of 35–60 DF	
	A. Criminal Possession of a Firearm	51 - 60 - 69
	B. Criminal Possession of Any Other Dangerous or Deadly Weapon	30 - 35 - 40
110/265.01 BM	Attempted Criminal Possession of a Weapon 4: Range of 15–25 DF	
	A. Criminal Possession of a Firearm	21 - 25 - 29
	B. Criminal Possession of Any Other Dangerous or Deadly Weapon	13 - 15 - 17

* AM = Class A Misdemeanor; BM = Class B Misdemeanor; vio = Violation

** DF = Day Fines

Examples of Fine Unit Valuation Tables

The two examples of fine unit valuation tables included in this appendix reflect different approaches to establishing the dollar value of a day fine unit. Both tables establish daily income in the same way, by ascertaining total income in a payment period and dividing the amount by the number of days in that period. Thus, a weekly paycheck of \$140 after taxes would mean a daily income of \$20. The daily income is then adjusted to take into account the offender's essential living expenses and support responsibilities.

In the first example, the table first used in Staten Island's day fine experiment, the net daily income figure has been adjusted in two ways. First it has been reduced by 15 percent for offender self-support, 15 percent each for the support of the first two dependents, 10 percent each for support of the next two dependents, and 5 percent for each additional dependent. Second, the dollar-value figures reached with the first set of adjustments have been further "discounted" to help ensure that the resulting day fine amounts are affordable. The initial adjusted dollar-value figures have been discounted by one-third for offenders whose incomes are above the poverty level and by one-half for offenders who are living below the Federal poverty-level income guideline.

In the second example, the structured fines assessment table used in Polk County, Iowa, no special allowance or discount is made for income below the poverty line, but several other adjustments, or allowances, are made, as follows:

- ❑ Housing allowance: 40 percent of net daily income.
- ❑ Essentials allowance: 20 percent of net daily income, to cover costs of food, clothing, utilities, etc.
- ❑ Quasi-essentials and dependent allowance: 40 percent of net income after housing and essentials for a single person (one dependent); for four more dependents, an additional allowance of 10 percent per dependent; for two more dependents, an additional allowance of 5 percent per dependent. Maximum allowance: 90 percent for a family of seven persons or more, total.

The offender's net pay, minus allowances, is considered discretionary income available for fine payments, as shown in the table in the second example.

Staten Island, New York, Valuation Table

Dollar Value of One Day Fine Unit, by Net Daily Income and Number of Dependents

Net Daily Income (\$)	Number of Dependents (Including Self)							
	1	2	3	4	5	6	7	8
3	1.28	1.05	0.83	0.68	0.53	0.45	0.37	0.30
4	1.70	1.40	1.10	0.90	0.70	0.60	0.50	0.40
5	2.13	1.75	1.38	1.13	0.88	0.75	0.62	0.50
6	2.55	2.10	1.65	1.35	1.05	0.90	0.75	0.60
7	2.98	2.45	1.93	1.58	1.23	1.05	0.87	0.70
8	3.40	2.80	2.20	1.80	1.40	1.20	1.00	0.80
9	3.83	3.15	2.48	2.03	1.58	1.35	1.12	0.90
10	4.25	3.50	2.75	2.25	1.75	1.50	1.25	1.00
11	4.68	3.85	3.03	2.47	1.93	1.65	1.37	1.10
12	5.10	4.20	3.30	2.70	2.10	1.80	1.50	1.20
13	5.53	4.55	3.58	2.93	2.28	1.95	1.62	1.30
14	7.85	4.90	3.85	3.15	2.45	2.10	1.75	1.40
15	8.42	5.25	4.13	3.38	2.63	2.25	1.87	1.50
16	8.98	5.60	4.40	3.60	2.80	2.40	2.00	1.60
17	9.54	5.95	4.68	3.83	2.98	2.55	2.12	1.70
18	10.10	6.30	4.95	4.05	3.15	2.70	2.25	1.80
19	10.66	8.78	5.23	4.28	3.33	2.85	2.37	1.90
20	11.22	9.24	5.50	4.50	3.50	3.00	2.50	2.00
21	11.78	9.70	5.78	4.73	3.68	3.15	2.62	2.10
22	12.34	10.16	6.05	4.95	3.85	3.30	2.75	2.20
23	12.90	10.63	6.33	5.18	4.03	3.45	2.87	2.30
24	13.46	11.09	8.71	5.40	4.20	3.60	3.00	2.40
25	14.03	11.55	9.08	5.63	4.38	3.75	3.12	2.50
26	14.59	12.01	9.44	5.85	4.55	3.90	3.25	2.60
27	15.15	12.47	9.80	6.08	4.73	4.05	3.37	2.70
28	15.71	12.94	10.16	8.32	4.90	4.20	3.50	2.80
29	16.27	13.40	10.53	8.61	5.07	4.35	3.62	2.90
30	16.83	13.86	10.89	8.91	5.25	4.50	3.75	3.00
31	17.39	14.32	11.25	9.21	5.43	4.65	3.87	3.10
32	17.95	14.78	11.62	9.50	5.60	4.80	4.00	3.20
33	18.51	15.25	11.98	9.80	7.62	4.95	4.12	3.30
34	19.07	15.71	12.34	10.10	7.85	5.10	4.25	3.40
35	19.64	16.17	12.71	10.40	8.09	5.25	4.37	3.50

Staten Island, New York, Valuation Table (continued)

Dollar Value of One Day Fine Unit, by Net Daily Income and Number of Dependents

Net Daily Income (\$)	Number of Dependents (Including Self)							
	1	2	3	4	5	6	7	8
36	20.20	16.63	13.07	10.69	8.32	5.40	4.50	3.60
37	20.76	17.09	13.43	10.99	8.55	5.55	4.62	3.70
38	21.32	17.56	13.79	11.29	8.78	7.52	4.75	3.80
39	21.88	18.02	14.16	11.58	9.01	7.72	4.87	3.90
40	22.44	18.48	14.52	11.88	9.24	7.92	5.00	4.00
41	23.00	18.94	14.88	12.18	9.47	8.12	5.12	4.10
42	23.56	19.40	15.25	12.47	9.70	8.32	5.25	4.20
43	24.12	19.87	15.61	12.77	9.93	8.51	7.09	4.30
44	24.68	20.33	15.97	13.07	10.16	8.71	7.26	4.40
45	25.25	20.79	16.34	13.37	10.40	8.91	7.42	4.50
46	25.81	21.25	16.70	13.66	10.63	9.11	7.59	4.60
47	26.37	21.71	17.06	13.96	10.86	9.31	7.75	4.70
48	26.93	22.18	17.42	14.26	11.09	9.50	7.92	6.34
49	27.49	22.64	17.79	14.55	11.32	9.70	8.08	6.47
50	28.05	23.10	18.15	14.85	11.55	9.90	8.25	6.60
51	28.61	23.56	18.51	15.15	11.78	10.10	8.41	6.73
52	29.17	24.02	18.88	15.44	12.01	10.30	8.58	6.86
53	29.73	24.49	19.24	15.74	12.24	10.49	8.74	7.00
54	30.29	24.95	19.60	16.04	12.47	10.69	8.91	7.13
55	30.86	25.41	19.97	16.34	12.71	10.89	9.07	7.26
56	31.42	25.87	20.33	16.63	12.94	11.09	9.24	7.39
57	31.98	26.33	20.69	16.93	13.17	11.29	9.40	7.52
58	32.54	26.80	21.05	17.23	13.40	11.48	9.57	7.66
59	33.10	27.26	21.42	17.52	13.63	11.68	9.73	7.79
60	33.66	27.72	21.78	17.82	13.86	11.88	9.90	7.92
61	34.22	28.18	22.14	18.12	14.09	12.08	10.06	8.05
62	34.78	28.64	22.51	18.41	14.32	12.28	10.23	8.18
63	35.34	29.11	22.87	18.71	14.55	12.47	10.39	8.32
64	35.90	29.57	23.23	19.01	14.78	12.67	10.56	8.45
65	36.47	30.03	23.60	19.31	15.02	12.87	10.72	8.58
66	37.03	30.49	23.96	19.60	15.25	13.07	10.89	8.71
67	37.59	30.95	24.32	19.90	15.48	13.27	11.05	8.84

**Staten Island, New York, Valuation Table
(continued)**

**Dollar Value of One Day Fine Unit, by Net Daily Income
and Number of Dependents**

Net Daily Income (\$)	Number of Dependents (Including Self)							
	1	2	3	4	5	6	7	8
68	38.15	31.42	24.68	20.20	15.71	13.46	11.22	8.98
69	38.71	31.88	25.05	20.49	15.94	13.66	11.38	9.11
70	39.27	32.34	25.41	20.79	16.17	13.86	11.55	9.24
71	39.83	32.80	25.77	21.09	16.40	14.06	11.71	9.37
72	40.39	33.26	26.14	21.38	16.63	14.26	11.88	9.50
73	40.95	33.73	26.50	21.68	16.86	14.45	12.04	9.64
74	41.51	34.19	26.86	21.98	17.09	14.65	12.21	9.77
75	42.08	34.65	27.23	22.28	17.33	14.85	12.37	9.90
76	42.64	35.11	27.59	22.57	17.56	15.05	12.54	10.03
77	43.20	35.57	27.95	22.87	17.79	15.25	12.70	10.16
78	43.76	36.04	28.31	23.17	18.02	15.44	12.87	10.30
79	44.32	36.50	28.68	23.46	18.25	15.64	13.03	10.43
80	44.88	36.96	29.04	23.76	18.48	15.84	13.20	10.56
81	45.44	37.42	29.40	24.06	18.71	16.04	13.36	10.69
82	46.00	37.88	29.77	24.35	18.94	16.24	13.53	10.82
83	46.56	38.35	30.13	24.65	19.17	16.43	13.69	10.96
84	47.12	38.81	30.49	24.95	19.40	16.63	13.86	11.09
85	47.69	39.27	30.86	25.25	19.64	16.83	14.02	11.22
86	48.25	39.73	31.22	25.54	19.87	17.03	14.19	11.35
87	48.81	40.19	31.58	25.84	20.10	17.23	14.35	11.48
88	49.37	40.66	31.94	26.14	20.33	17.42	14.52	11.62
89	49.93	41.12	32.31	26.43	20.56	17.62	14.68	11.75
90	50.49	41.58	32.67	26.73	20.79	17.82	14.85	11.88
91	51.05	42.04	33.03	27.03	21.02	18.02	15.01	12.01
92	51.61	42.50	33.40	27.32	21.25	18.22	15.18	12.14
93	52.17	42.97	33.76	27.62	21.48	18.41	15.34	12.28
94	52.73	43.43	34.12	27.92	21.71	18.61	15.51	12.41
95	53.30	43.89	34.49	28.22	21.95	18.81	15.67	12.54
96	53.86	44.35	34.85	28.51	22.18	19.01	15.84	12.67
97	54.42	44.81	35.21	28.81	22.41	19.21	16.00	12.80
98	54.98	45.28	35.57	29.11	22.64	19.40	16.17	12.94
99	55.54	45.74	35.94	29.40	22.87	19.60	16.33	13.07
100	56.10	46.20	36.30	29.70	23.10	19.80	16.50	13.20

Polk County, Iowa, Structured Fine Assessment Table

Dollar Value of One Day Fine Unit, by Net Daily Income and Number of Dependents

Net Daily Income (\$)	Number of Dependents (Including Self)						
	1	2	3	4	5	6	≥7
3	0.72	0.60	0.48	0.36	0.24	0.18	0.12
4	0.96	0.80	0.64	0.48	0.32	0.24	0.16
5	1.20	1.00	0.80	0.60	0.40	0.30	0.20
6	1.44	1.20	0.96	0.72	0.48	0.36	0.24
7	1.68	1.40	1.12	0.84	0.56	0.42	0.28
8	1.92	1.60	1.28	0.96	0.64	0.48	0.32
9	2.16	1.80	1.44	1.08	0.72	0.54	0.36
10	2.40	2.00	1.60	1.20	0.80	0.60	0.40
11	2.64	2.20	1.76	1.32	0.88	0.66	0.44
12	2.88	2.40	1.92	1.44	0.96	0.72	0.48
13	3.12	2.60	2.08	1.56	1.04	0.78	0.52
14	3.36	2.80	2.24	1.68	1.12	0.84	0.56
15	3.60	3.00	2.40	1.80	1.20	0.90	0.60
16	3.84	3.20	2.56	1.92	1.28	0.96	0.64
17	4.08	3.40	2.72	2.04	1.36	1.02	0.68
18	4.32	3.60	2.88	2.16	1.44	1.08	0.72
19	4.56	3.80	3.04	2.28	1.52	1.14	0.76
20	4.80	4.00	3.20	2.40	1.60	1.20	0.80
21	5.04	4.20	3.36	2.52	1.68	1.26	0.84
22	5.28	4.40	3.52	2.64	1.76	1.32	0.88
23	5.52	4.60	3.68	2.76	1.84	1.38	0.92
24	5.76	4.80	3.84	2.88	1.92	1.44	0.96
25	6.00	5.00	4.00	3.00	2.00	1.50	1.00
26	6.24	5.20	4.16	3.12	2.08	1.56	1.04
27	6.48	5.40	4.32	3.24	2.16	1.62	1.08
28	6.72	5.60	4.48	3.36	2.24	1.68	1.12
29	6.96	5.80	4.64	3.48	2.32	1.74	1.16
30	7.20	6.00	4.80	3.60	2.40	1.80	1.20
31	7.44	6.20	4.96	3.72	2.48	1.86	1.24
32	7.68	6.40	5.12	3.84	2.56	1.92	1.28
33	7.92	6.60	5.28	3.96	2.64	1.98	1.32
34	8.16	6.80	5.44	4.08	2.72	2.04	1.36
35	8.40	7.00	5.60	4.20	2.80	2.10	1.40

**Polk County, Iowa, Structured Fine Assessment Table
(continued)**

**Dollar Value of One Day Fine Unit, by Net Daily Income
and Number of Dependents**

Net Daily Income (\$)	Number of Dependents (Including Self)						
	1	2	3	4	5	6	≥7
36	8.64	7.20	5.76	4.32	2.88	2.16	1.44
37	8.88	7.40	5.92	4.44	2.96	2.22	1.48
38	9.12	7.60	6.08	4.56	3.04	2.28	1.52
39	9.36	7.80	6.24	4.68	3.12	2.34	1.56
40	9.60	8.00	6.40	4.80	3.20	2.40	1.60
41	9.84	8.20	6.56	4.92	3.28	2.46	1.64
42	10.08	8.40	6.72	5.04	3.36	2.52	1.68
43	10.32	8.60	6.88	5.16	3.44	2.58	1.72
44	10.56	8.80	7.04	5.28	3.52	2.64	1.76
45	10.80	9.00	7.20	5.40	3.60	2.70	1.80
46	11.04	9.20	7.36	5.52	3.69	2.76	1.84
47	11.28	9.40	7.52	5.64	3.76	2.82	1.88
48	11.52	9.60	7.68	5.76	3.84	2.88	1.92
49	11.76	9.80	7.84	5.88	3.92	2.94	1.96
50	12.00	10.00	8.00	6.00	4.00	3.00	2.00
51	12.24	10.20	8.16	6.12	4.08	3.06	2.04
52	12.48	10.40	8.32	6.24	4.16	3.12	2.08
53	12.72	10.60	8.48	6.36	4.24	3.18	2.12
54	12.96	10.80	8.64	6.48	4.32	3.24	2.16
55	13.20	11.00	8.80	6.60	4.40	3.30	2.20
56	13.44	11.20	8.96	6.72	4.48	3.36	2.24
57	13.68	11.40	9.12	6.84	4.56	3.42	2.28
58	13.92	11.60	9.28	6.96	4.64	3.48	2.32
59	14.16	11.80	9.44	7.08	4.72	3.54	2.36
60	14.40	12.00	9.60	7.20	4.80	3.60	2.40
61	14.64	12.20	9.76	7.32	4.88	3.66	2.44
62	14.88	12.40	9.92	7.44	4.96	3.72	2.48
63	15.12	12.60	10.08	7.56	5.04	3.78	2.52
64	15.36	12.80	10.24	7.68	5.12	3.84	2.56
65	15.60	13.00	10.40	7.80	5.20	3.90	2.60
66	15.84	13.20	10.56	7.92	5.28	3.96	2.64
67	16.08	13.40	10.72	8.04	5.36	4.02	2.68
68	16.32	13.60	10.88	8.16	5.44	4.08	2.72

**Polk County, Iowa, Structured Fine Assessment Table
(continued)**

**Dollar Value of One Day Fine Unit, by Net Daily Income
and Number of Dependents**

Net Daily Income (\$)	Number of Dependents (Including Self)						
	1	2	3	4	5	6	≥7
69	16.56	13.80	11.04	8.28	5.52	4.14	2.78
70	16.80	14.00	11.20	8.40	5.60	4.20	2.80
71	17.04	14.20	11.36	8.52	5.68	4.26	2.84
72	17.28	14.40	11.52	8.64	5.76	4.32	2.88
73	17.52	14.60	11.68	8.76	5.84	4.38	2.92
74	17.76	14.80	11.84	8.88	5.92	4.44	2.96
75	18.00	15.00	12.00	9.00	6.00	4.50	3.00
76	18.24	15.20	12.16	9.12	6.08	4.56	3.04
77	18.48	15.40	12.32	9.24	6.16	4.62	3.08
78	18.72	15.60	12.48	9.36	6.24	4.68	3.12
79	18.96	15.80	12.64	9.48	6.32	4.74	3.16
80	19.20	16.00	12.80	9.60	6.40	4.80	3.20
81	19.44	16.20	12.96	9.72	6.48	4.86	3.24
82	19.68	16.40	13.12	9.84	6.56	4.92	3.28
83	19.92	16.60	13.28	9.96	6.64	4.98	3.32
84	20.16	16.80	13.44	10.08	6.72	5.04	3.36
85	20.40	17.00	13.60	10.20	6.80	5.10	3.40
86	20.64	17.20	13.76	10.32	6.88	5.16	3.44
87	20.88	17.40	13.92	10.44	6.96	5.22	3.48
88	21.12	17.60	14.08	10.56	7.04	5.28	3.52
89	21.36	17.80	14.24	10.68	7.12	5.34	3.56
90	21.60	18.00	14.40	10.80	7.20	5.40	3.60
91	21.84	18.20	14.56	10.92	7.28	5.46	3.64
92	22.08	18.40	14.72	11.04	7.36	5.52	3.68
93	22.32	18.60	14.88	11.16	7.44	5.58	3.72
94	22.56	18.80	15.04	11.28	7.52	5.64	3.76
95	22.80	19.00	15.20	11.40	7.60	5.70	3.80
96	23.04	19.20	15.36	11.52	7.68	5.76	3.84
97	23.28	19.40	15.52	11.64	7.76	5.82	3.88
98	23.52	19.60	15.68	11.76	7.84	5.88	3.92
99	23.76	19.80	15.84	11.88	7.92	5.94	3.96
100	24.00	20.00	16.00	12.00	8.00	6.00	4.00

Examples of Offender Financial Data Forms

Three sample forms used to collect financial information from offenders are contained in this appendix. Some elements are common to all of the forms (e.g., name, address, telephone number, employment status, and income), but each form also features unique elements.

- ❑ The Staten Island form is the simplest. It is used by a project staff interviewer to collect information in a face-to-face interview. Four copies are made, and copies of the completed form are distributed to the court, the district attorney, the defense attorney, and the project officer.
- ❑ The Maricopa County form is also simple but provides more information about offender assets and monthly expenses.
- ❑ The Polk County form is accompanied by a one-page statement describing the structured fine program. The statement and attached form can be either mailed to the defendant (if the case is initiated by summons) or handed to the defendant at the first court appearance.

**STATEN ISLAND ECONOMIC SANCTIONS PROJECT
INTERVIEW FORM**

			DATE	DOCKET
LAST NAME	FIRST	MIDDLE	EMPLOYED	
			<input type="checkbox"/> FT	<input type="checkbox"/> PT
EMPLOYER'S NAME		ADDRESS		
PHONE #		OCCUPATION		
UNEMPLOYED <input type="checkbox"/> DISABLED <input type="checkbox"/> STUDENT <input type="checkbox"/> HOMEMAKER <input type="checkbox"/> MILITARY <input type="checkbox"/> OTHER <input type="checkbox"/>				
LENGTH OF UNEMPLOYMENT:				
SUPPORTED BY:				
SPOUSE <input type="checkbox"/> PARENTS <input type="checkbox"/> WELFARE <input type="checkbox"/> SSI <input type="checkbox"/> UNEMPL. COMP. <input type="checkbox"/> OTHER <input type="checkbox"/> _____				
NET INCOME (TAKE-HOME PAY, WELFARE, ETC.)		NET DAILY INCOME		
\$	PER			
PERSONS SUPPORTED:			TOTAL DEPENDENTS	
SELF <input type="checkbox"/> SPOUSE <input type="checkbox"/> # OF CHILDREN <input type="checkbox"/> _____ OTHER <input type="checkbox"/>				
<p>DAY-FINE UNIT VALUE *</p> <div style="border: 2px solid black; width: 150px; height: 80px; margin: 20px auto;"></div>				
<p>* IF DAY-FINE UNIT VALUE DOES NOT APPEAR ABOVE:</p> <p><input type="checkbox"/> DEFENDANT HAS REPORTED NO STEADY SOURCE OF INCOME. JUDGES MAY CHOOSE TO ESTIMATE AN APPROPRIATE VALUE BASED ON THE DEFENDANT'S POTENTIAL EARNINGS OR OTHER RELEVANT INFORMATION ABOUT HIS OR HER CIRCUMSTANCES.</p> <p><input type="checkbox"/> DEFENDANT WAS INTERVIEWED BY CJA AND IS LIVING ON A FIXED INCOME (WELFARE, SSI, ETC.); THEREFORE THE AMOUNT OF THIS INCOME WAS NOT DETERMINED BY THE INTERVIEWER. JUDGES MAY REQUEST THIS FIGURE FROM THE DEFENDANT IN COURT AND USE WORKBOOK TABLE TWO TO SET THE DAY-FINE UNIT VALUE.</p>				

**Maricopa County Adult Probation Department
Defendant Financial Statement**

APO Name: _____

Defendant Name: _____ CR: _____

1. Employment:

- Employed
 - Full-time Part-time
- Unemployed
- Disabled
- Student
- Homemaker
- Military
- Other _____

2. Supported By:

- Self
- Spouse
- Parents
- Welfare
- S.S.I.
- A.D.C.
- Unemployed
- Other _____

3. Persons Supported:

- Self
- Spouse
- Children (# of) _____
- Other _____
- TOTAL _____

4. Your NET Income (take home pay, welfare, etc.): \$ _____ every _____ days.

5. If unemployed; months of unemployment _____ Occupation _____

6. ASSETS (Value)

Motor Vehicle(s) \$ _____

Home \$ _____

Property \$ _____

Savings Accounts \$ _____

Checking accounts \$ _____

Cash on Hand \$ _____

All Other \$ _____

TOTAL ASSETS \$ _____

7. MONTHLY EXPENSES

Rent / Mortgage \$ _____

Utilities / Insurance \$ _____

Loans / Credit Cards \$ _____

Food / Clothing \$ _____

Transportation \$ _____

Medical / Dental \$ _____

All Other \$ _____

TOTAL EXPENSES \$ _____

8. If a financial assessment is imposed how much could you afford to pay each month? _____

Defendant Signature _____ Date _____

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

STATE OF IOWA
VS.

CRIMINAL NO. _____

AFFIDAVIT OF FINANCIAL CONDITION

Defendant

Defendant's Address

City/State/Zip

Defendant's Phone Number

I, on oath, state and depose that this is a statement of my financial condition, and submit the following:

Offense(s) Charged: _____

Attorney's Name: _____ Attorney's Phone Number: _____

Defendant's:

Date of Birth: _____ Sex: _____ Ethnicity: _____ Marital Status: _____

Soc. Sec. No. _____ Driver's License No. _____ State: _____

Name of Spouse: _____ Live With Spouse? _____

Dependants (including self): Number: _____ Ages: _____

Relative with whom you do NOT reside:

Name	Address	City/State/Zip	Telephone
_____	_____	_____	_____

Did you post a cash bond? _____ If yes, what amount? \$ _____

Are you employed? _____ If not, for how long? _____ months. Normal Occupation? _____

Your Employer: _____ Job Title: _____

Employer Address: _____ Telephone: _____

Takehome pay: \$ _____ every _____ Income for last 12 months: \$ _____

Other Income: \$ _____ every _____ Cash on hand \$ _____

In Checking: _____ In Savings: \$ _____ In stocks, bonds, etc. \$ _____

Personal Expense for Support of Affiant and dependants per month:

House Payment/Rent \$ _____ Meals and Food \$ _____

Utilities/Telephone \$ _____ Clothing \$ _____

Car/Transportation \$ _____ Medical/Dental \$ _____

Other Expenses \$ _____ TOTAL MONTHLY EXPENSES \$ _____

Vehicle(s) Owned: _____

Value of Vehicle(s) \$ _____ Amount Owed on Vehicle(s) \$ _____

Real Estate Owned (Description): _____

Value of Real Estate Owned \$ _____ Amount Owed on Real Estate \$ _____

Other Assets (Description and Value): _____

I affirm that the above statements made and information provided to the Court are true, correct and complete, and are made under penalty of perjury. The Court or the Polk County Attorney's Office has my permission to make any necessary contacts to verify the information provided, and to obtain any additional information required by the Court or the Polk County Attorney's Office.

Defendant's Signature: _____

Subscribed and sworn to (or affirmed) this _____ day of _____, 199_____.

Notary Public

A PRELIMINARY COMPLAINT
HAS BEEN FILED CHARGING YOU WITH
AN INDICTABLE OFFENSE

IF CONVICTED, THE COURT MAY IMPOSE ONE OR MORE OF THE FOLLOWING
SANCTIONS:

1. JAIL OR PRISON
2. PROBATION
3. A FINE

If a fine is imposed, the Court may structure the level of the fine partly according to the seriousness of the offense and partly in relation to your means or ability to pay the fine. This method of computing the amount of a "structured fine" is an effort by the Court and the Polk County Attorney's Office to equalize the impact of criminal sanctions and to reduce the number of persons who are sentenced to prison, jail or formal probation.

In order for the County Attorney's Office to consider recommending a structured fine to the Court at the time of sentencing, you or your attorney must schedule an interview with a Structured Fines Officer at 286-2259, IMMEDIATELY. If you intend to secure an attorney to represent you on this charge, please make these arrangements prior to calling the Structured Fines Program.

Your ability to pay a structured fine, as well as the length of time needed to pay the fine, is based on the information you provide in the attached AFFIDAVIT OF FINANCIAL CONDITION. It is required that you and/or your attorney complete this form prior to meeting with a Structured Fines Officer. It is also required that you take to your meeting with the Structured Fines Officer verification of your income in the form of paycheck stubs, income tax returns, etc.

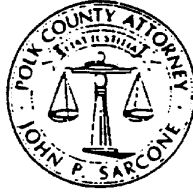
POLK COUNTY ATTORNEY'S OFFICE
STRUCTURED FINES PROGRAM
POLK COUNTY COURTHOUSE, ROOM 8-40
DES MOINES, IOWA 50309
(515) 286-2259

Appointments with a Structured Fines Officer are available
Monday through Friday, from 1:30 p.m. - 4:30 p.m.

Examples of Notices Sent to Offenders Concerning Fine Payments Owed

This appendix contains examples of four notification letters that can be sent to offenders who owe fine payments. The letters reflect increasingly intense collection efforts, beginning with a reminder notice. The following sample letters are provided for your use:

- ❑ Polk County reminder that a fine payment will be due on a future date, probably a week to 10 days after the letter is sent.
- ❑ Polk County notice that a scheduled fine payment has not been received and indicating the types of actions that can be taken.
- ❑ Polk County notice that unless payment is made immediately, the court will be asked to issue a warrant for the delinquent offender's arrest on charges of contempt of court.
- ❑ Maricopa County letter informing the offender that because no payment has been made, an arrest warrant has been issued but can be vacated by immediate payment. (Note: The Maricopa program uses a series of letters similar to the Polk County notices before requesting an arrest warrant.)



Polk County Attorney

JOHN P. SARCONE
COUNTY ATTORNEY

ADDRESS REPLY TO
ROOM 408, COURTHOUSE
DES MOINES, IA 50309-4242
515-286-3737

Date

John R. Smith
1234 S. Yourstreet
Yourcity, IA 50300

RE: Polk County Criminal Docket Number _____

Dear John:

This letter is to remind you that your scheduled fine payment of \$_____ is due on _____. Your payment should be mailed or brought to the Polk County Clerk of Court, Room 201, Polk County Courthouse, 5th & Mulberry Streets, Des Moines, IA 50309.

Your failure to make these payments as ordered by the Court may subject you to additional penalties.

Should you have any questions, please contact our office by mail or by phone at (515) 286-2259.

Yours Truly,

A. McDaniel/C. Ver Huel
Structured Fines Officer



Polk County Attorney

JOHN P. SARCONI
COUNTY ATTORNEY

ADDRESS REPLY TO
ROOM 408, COURTHOUSE
DES MOINES, IA 50309-4242
515-286-3737

Date

John R. Smith
1234 Yourstreet
Yourcity, IA 50300

RE: Polk County Criminal Docket Number _____

Dear John:

The Polk County Clerk of Court has advised us that your scheduled fine payment of \$_____, which was due on _____ has still not been received, thus making your account seriously delinquent.

Your continued failure to comply with the Court ordered payment of this fine WILL result in action(s) being taken against you. These actions could include, but are not limited to, garnishment of your wages, garnishment of any income tax refund due you, seizure of certain items of personal property, the placement of a lien on any real property that your own, the filing of a criminal charge of Contempt of Court against you and a warrant being issued for your immediate arrest.

To avoid these consequences, you must immediately bring or mail the past due fine payment to the Polk County Clerk of Court, Room 201, Polk County Courthouse, 5th & Mulberry Streets, Des Moines, IA 50309.

If you have a legitimate reason for not making this payment, please contact me at (515) 286-2259.

Yours Truly,

A. McDaniel/C. Ver Heul
Structured Fines Officer



Polk County Attorney

JOHN P. SARCIONE
COUNTY ATTORNEY

ADDRESS REPLY TO
ROOM 408, COURTHOUSE
DES MOINES, IA 50309 4242
515-286-3737

Date

John R. Smith
1234 Yourstreet
Yourcity, IA 50300

RE: Polk County Criminal Docket Number _____

Dear John:

Your scheduled fine payment of \$_____, which was due on _____ has still not been received by the Polk County Clerk of Court.

You have failed to respond to repeated requests to make this payment as ordered by the Court. You have failed to contact this office, thus indicating that there is no legitimate reason for your nonpayment of this legal obligation.

Unless you make payment of this past due amount IMMEDIATELY to the Polk County Clerk of Court, Room 201, Polk County Courthouse, 5th & Mulberry Streets, Des Moines, IA 50309, we will ask the Court to issue a warrant for your arrest on charges of Contempt of Court.

It is in your best interest to make this past due payment immediately and avoid being arrested. You will receive no further warnings before the arrest warrant is issued.

Should you have any questions regarding this matter, please contact me at (515) 286-2259.

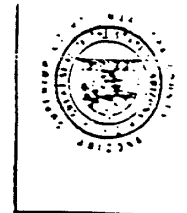
Yours Truly,

A. McDaniel/C. Ver Heul
Structured Fines Officer

ADULT PROBATION DEPARTMENT

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

NORMAN L. HELBER, Chief Probation Officer



MAILING ADDRESS
P.O. Box 3407
Commerce Station
Phoenix, AZ 85030

May 28, 1991

GEOFFREY R. WRIGHT
45 W. JEFFERSON, STE. 210
PHOENIX, AZ 85003

Dear Geoffrey:

You are hereby notified that a Warrant for your arrest has been ordered due to your failure to make a fine payment in the amount of \$40.00.

In order to vacate the Warrant, you must report immediately to the Adult Probation Office located at 45 W. Jefferson, Suite #210, and make a payment.

Sincerely,

Marilynn Windust, Deputy
Adult Probation Officer

ADMINISTRATION
Luhrs Building, Suite 425
11 West Jefferson
(602) 262-3261

INFORMATION
(602) 262-3871

INVESTIGATIONS
201 West Jefferson, 7th Floor
(602) 262-3871

Bureau of Justice Assistance Information



General Information

Callers may contact the U.S. Department of Justice Response Center for general information or specific needs, such as assistance in submitting grants applications and information on training. To contact the Response Center, call 1-800-421-6770 or write to 1100 Vermont Avenue NW., Washington, DC 20005.

Indepth Information

For more indepth information about BJA, its programs, and its funding opportunities, requesters can call the BJA Clearinghouse. The BJA Clearinghouse, a component of the National Criminal Justice Reference Service (NCJRS), shares BJA program information with State and local agencies and community groups across the country. Information specialists are available to provide reference and referral services, publication distribution, participation and support for conferences, and other networking and outreach activities. The Clearinghouse can be reached by:

- Mail**
P.O. Box 6000
Rockville, MD 20849-6000
- Visit**
1600 Research Boulevard
Rockville, MD 20850

- Telephone**
1-800-688-4252
Monday through Friday
8:30 a.m. to 7:00 p.m.
eastern standard time
- Fax**
301-251-5212
- Fax on Demand**
1-800-688-4252
- BJA Home Page**
<http://www.ojp.usdoj.gov/BJA>
- NCJRS World Wide Web**
<http://www.ncjrs.org>
- Bulletin Board**
301-738-8895
(Modem setting 8-N-1)
- E-mail**
askncjrs@ncjrs.org
- JUSTINFO Newsletter**
E-mail to listproc@ncjrs.org
Leave the subject line blank
In the body of the message,
type:
subscribe justinfo [your name]

BJA World Wide Web Address

**For a copy of this document online,
as well as more information on BJA,
check the BJA home page at
<http://www.ojp.usdoj.gov/BJA>**

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Washington, DC 20531

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