

# County Official's Role in Reforming Criminal Justice Fines and Fees

National Association of Counties  
September 15, 2016

**Stronger Counties. Stronger America.**



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- If you are having technical difficulties, please send us a message via the questions box on your right. Our organizer will reply to you privately and help resolve the issue.

# Question & Answer instructions

- Type your question into the “Questions” box at any time during the presentation, and the moderator will read the question on your behalf during the Q&A session.

# Polling Questions



# Fines and Fees Discussions

## Interactive Discussion: County Official's Role in Reforming Criminal Justice Fines and Fees

September 29, 2016 at 2pm EDT

Learn more and register at [www.naco.org/webinars](http://www.naco.org/webinars)

# Today's Speakers



Katie Crank, Esq., LMSW  
Deputy Director,  
Research-Practice Strategies  
Center for Court Innovation



Hon. Samuel J. Slom  
Administrative Judge  
Miami-Dade County  
Criminal Division  
11<sup>th</sup> Judicial Circuit of Florida



Hon. Edward J. Spillane III  
Presiding Judge  
College Station Municipal Court

# **Reforming Criminal Justice Fines and Fees**

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September 15, 2016



# Why Fines and Fees?

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# Today's Discussion

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- ▶ Understand the underlying need for reform of justice fines and fees;
- ▶ Discuss the overlap between fines, fees, and collateral consequences for defendants; and
- ▶ Identify key areas for action on the part of county officials and related stakeholders.

# **THE NEED FOR REFORM IN JUSTICE FINES AND FEES**

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# Rising Impact of Fines and Fees

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- ▶ Both the **amount** and the **types** of justice fines and fees have risen significantly in communities across the country.
- ▶ **Arrest and incarceration** related to monetary sanctions are common.
- ▶ **Few alternatives** are offered, though there is no clear evidence that fines and fees are an *effective* response to low-level crimes.

# Why Should the System Respond Differently?

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- ▶ Collateral consequences of justice fines and fees negatively affect individuals, families, and communities.
- ▶ Justice fines and fees disproportionately impact those in poverty.
- ▶ Fines and fees disproportionately impact on people of color.

# Further Problematic Outcomes

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- ▶ *Bearden* requirements are addressed in an incomplete and/or discretionary manner;
- ▶ Lack of assessment of ability to pay in many jurisdictions; and
- ▶ Cost of incarceration may outweigh the fines and fees to be collected.

# **DEVELOPING EFFECTIVE RESPONSES TO THE OVERUSE OF FINES AND FEES**

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# Challenges

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- ▶ Paucity of best practices research and peer models for improving the use of justice fines and fees.
- ▶ Difficult to measure the true costs of collecting justice fines and fees.



# Charting a Path to Reform

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- ▶ Mapping the true cost of collecting fines and fees;
- ▶ Biloxi, Mississippi settlement; and
- ▶ Development of best practices among sites that have investments of research or technical assistance.

# Capacity Building

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- ▶ Rethink “business as usual” approaches to fines and fees;
- ▶ Develop infrastructure and performance measures to support changes in policies and programming;
- ▶ Increase training and competency of staff to effectively implement new programming; and
- ▶ Conduct research and evaluation to test efficacy of new interventions.

# Questions?

**Katie Crank**

Deputy Director

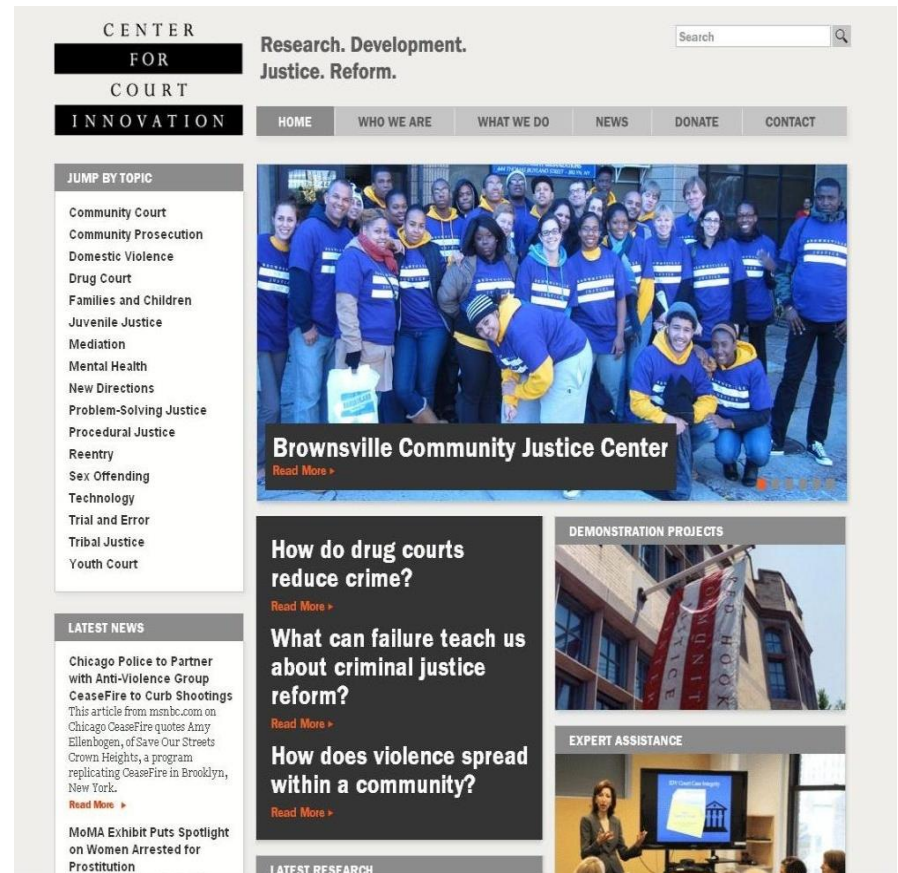
Research-Practice Strategies

Center for Court Innovation

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[www.courtinnovation.org](http://www.courtinnovation.org)



# Miami-Dade County Driver's License Reinstatement Initiative



# The Challenge



15.6 million licensed drivers in Florida

➤ As of July 23, 2015 in Miami-Dade  
licenses in suspended status

588,457

# Fines/Court Costs Change Over Years

Year	2000	2005	2015	% Change (2000/2015)
Misdemeanors	\$136.00	\$190.00	\$358.00	163%/+\$222
Non-Moving Traffic infractions	\$47.00	\$89.50	\$129.00	174%/+\$82
Moving Traffic Infractions	\$83.00	\$133.50	\$179.00	115%/+\$96
Pedestrian Violations	\$28.00	\$61.50	\$77.50	176%/\$49.50
FL Minimum Wage	\$5.15	\$6.15	\$8.05	56%/+3.10

# Driver's License Reinstatement Initiative

## What it does:

1. Evaluates each financial assessment to ensure its fairness and if deemed excessive adjusts the balance due to that which is fair
2. Establishes a due date for which payment must be made
3. If payment is not made by the established due date the license will be suspended

**What it does not:** Excuse traffic violators

# Operation Toll Relief



Eleventh Judicial Circuit Court of Miami-Dade County &  
The Clerk of Courts

**OPERATION TOLL RELIEF** (One Week Only)

**SEPTEMBER 14 - 18, 2015**

**PAY A PORTION OF YOUR TOLL VIOLATIONS AND SAVE ON BOTH THE FINE AMOUNT AND AVOID  
COLLECTION CHARGES**

**File a “MOTION FOR RELIEF OF TOLL VIOLATION” which can be found at Clerk of Court website:  
[www.miami-dadeclerk.com](http://www.miami-dadeclerk.com). The Motion must be filed no later than September 18<sup>th</sup>.**

AFTER YOUR “MOTION FOR TOLL RELIEF” IS FILED WITH THE CLERK OF COURT YOU WILL RECEIVE A NOTICE IN THE MAIL AS TO THE DATE AND TIME OF YOUR COURT HEARING. AT THAT HEARING THE PRESIDING HEARING OFFICER/JUDGE WILL EXTEND AN OFFER TO YOU TO RESOLVE YOUR UNPAID TOLL VIOLATIONS. NOTE, THIS HEARING IS NOT A TRIAL AND YOU CANNOT CONTEST THE VIOLATION AT THIS HEARING. THE HEARING IS SOLELY FOR THE PURPOSE OF NEGOTIATING A SETTLEMENT WHICH WILL ALLOW YOU TO RESOLVE YOUR UNPAID TOLL VIOLATIONS AT SIGNIFICANT SAVINGS.

**Additional information can be found at the above website or by calling 305-275-1155**



# Fines and Fees: Alternatives to Jail

Ed Spillane

Presiding Judge

College Station Municipal Court

President, Texas Municipal Courts Association

# Jail



# Fine





# Investigation of the Ferguson Police Department



United States Department of Justice  
Civil Rights Division



WELCOME TO  
**College Station**  
HOME OF TEXAS A & M UNIVERSITY  
SISTER CITIES: GREIFSWALD, GERMANY  
KAZAN, RUSSIA  
ZUAZUA, MEXICO



A collage of various legal documents, including summonses, citations, and court orders, overlaid with US coins and currency notes. The documents are scattered and overlapping, creating a dense, chaotic visual. Key elements include:

- Summons:** A yellow document with the word "SUMMONS" in large black letters. It features a photograph of a man in an orange jumpsuit and text regarding a "MINOR IN THE SECOND DEGREE" and "RESISTANCE TO ARREST".
- Citation:** A white document with the word "CITATION" in large black letters. It includes a photograph of a man in an orange jumpsuit and text regarding a "VIOLATION OF PROBATION".
- Charging Affidavit:** A white document with the words "Charging Affidavit" in large black letters. It includes a photograph of a man in an orange jumpsuit and text regarding a "VIOLATION OF PROBATION".
- Amended Charge:** A green document with the words "Amended Charge" in large black letters. It includes a photograph of a man in an orange jumpsuit and text regarding a "VIOLATION OF PROBATION".
- Notice of Late Payment:** A white document with the words "NOTICE OF LATE PAYMENT" in large black letters. It includes a photograph of a man in an orange jumpsuit and text regarding a "VIOLATION OF PROBATION".
- Court Order:** A white document with the words "COURT ORDER" in large black letters. It includes a photograph of a man in an orange jumpsuit and text regarding a "VIOLATION OF PROBATION".
- Coins and Currency:** Several US coins (pennies, dimes, quarters) and currency notes (one-dollar bill) are scattered throughout the collage, some placed over the documents.





# Supreme Court



# Tate and Bearden



# Indigency Hearings



**THEIR CRIME:**

**Being Poor.**

**THEIR SENTENCE:**

**Jail.**

2013 between the hours of 8:30 a.m. and 4:30 p.m. for the payment of the prescribed fine before the arraignment. Failure to do so is an admission of guilt.

NO. 1924 DV. 6265





# ALTERNATIVE SENTENCING

**Community**



*Service*

EDUCATION  
IS THE MOST  
POWERFUL WEAPON  
WE CAN USE  
TO CHANGE THE WORLD

- NELSON MANDELA





**CARPPOOL**

979-693-9905

TEXAS A&M UNIVERSITY











Safe Harbor<sup>TM</sup>





# Question & Answer session

- Type your question into the “Questions” box and the moderator will read the question on your behalf.
- Join us on **Thursday, September 29 at 2pm EDT** for further Q&A with the speakers. Register at [www.naco.org/webinars](http://www.naco.org/webinars).

# THANK YOU!

Additional questions or feedback?

Contact Nastassia Walsh at [nwalsh@naco.org](mailto:nwalsh@naco.org)