



# National Institute of Justice

## Research in Brief

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# Fines as Criminal Sanctions

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The fine is one of the oldest forms of punishment, its history predating Hammurabi. In 1973 the Task Force on Corrections of the National Advisory Commission on Criminal Justice Standards and Goals found that "properly employed, the fine is less drastic,

far less costly to the public, and perhaps more effective than imprisonment or community service."

Until very recently, this recommendation has gone largely unheeded because too little was known of what

constitutes proper administration of fines. Today, however, with record jail and prison populations and probation caseloads steadily rising, the fine is gaining renewed attention—especially since Western Europe increasingly uses fines even in nontrivial cases.

### From the Director

The current options available in sentencing to criminal court judges, either incarceration or release of a convicted felon on probation, leave some caught between Scylla and Charybdis. While States are expanding prison capacity and improving conditions, the majority still operate under court order to relieve crowding conditions and must release prisoners into the community on probation.

This dilemma has created an urgent need to develop an effective range of constitutionally appropriate sanctions which reduce repeated victimization and serve as an effective penalty for those who have been convicted of illegal conduct.

A broad spectrum of sentencing choices was the subject of a National Institute of Justice *Research in Brief* published in January 1985. In it, Pierre S. du Pont IV, then Governor of Delaware, described the tremendous pressure exerted on State resources by corrections policy. As Governor, he developed a "more flexible and effective sentencing structure" for his State, which incarcerates more people per capita than all but two other States.

One of the features of that plan was its use of fines as a basic criminal penalty. In the past fines have been perceived as a more lenient sanction due to failure on the part of authorities to emphasize their collection and because of inequities built into the fine system itself.

The introduction of the "day-fine" concept brought a fair schedule to the assignment of fines. Under the "day-fine" system the number of days reflects the severity of the crime and the seriousness of the offender's prior record; the dollar amount is determined by factoring that number of days with the offender's economic resources, which include income from salary and other assets.

If two offenders with similar prior records (and no particular threat to community safety) were convicted of crimes of equal gravity, they might each be assessed a "5-day fine." If one earned only minimum wage, however, he or she would be fined \$135. If the other earned 10 times as much, the fine would be \$1,350. If both failed to pay the fine, each defaulter would serve the same number of days—5—in jail.

Using a system such as this, courts in Europe have made the fine a serious penalty, one that can be severe enough to constitute real punishment and thus carry a deterrent and rehabilitative message.

One advantage of the fine is that it actually brings money into the justice system, in contrast with the cost of incarceration—which sometimes drains tax resources up to \$35,000 a convicted person per year. In fact, those paying fines are literally paying a debt to society, rather than contributing to existing burdens on State resources. Fines can be combined with other penalties to

meet the specific objective of justice applicable to each offender.

A fine can be combined with restitution, community service, weekend incarceration, assessment of court costs — and with a sentence whose suspension will be revoked if the offender fails to meet all other requirements, including payment of the fine.

This *Research in Brief* summarizes three key research projects on fines as criminal penalties and the applicability of the day-fine system to American courts. The National Institute of Justice is currently funding an experiment in applying a day-fine system to the criminal courts of Staten Island, New York.

Careful use by judges of the option to fine may prove to be a valuable method of truly making the punishment fit the crime. This concept needs to be carefully evaluated to assess whether the reality reflects the intention of equitable punishment under the law before the use of fines is adopted as criminal justice policy.

Criminal justice is too important a field to suffer unintended consequences. Knowledge about practices, to find out what works, is what criminal justice research is all about.

James K. Stewart  
Director  
National Institute of Justice

In the United States, fines are more widely used than many recognize: Well over a billion dollars in fines are collected in criminal courts each year. This form of punishment is used in some form by virtually all American courts, ranging from its rare use as the sole sanction for a felony in general jurisdiction courts to its regular use either alone or combined with other, often noncustodial sanctions in courts of limited jurisdiction.

How can fines be used more effectively in criminal cases? In the studies summarized in this *Research in Brief*, researchers describe and analyze court experience with imposition and enforcement of fines, concluding that judges and prosecutors need to consider more innovative uses of fines, particularly when offenders pose no serious threat to community safety.

An effective fine program requires that judges have adequate information about offenders' economic circumstances and use it in setting fine amounts. It also requires improved collection methods. The result can relieve pressure on probation services and jails while promoting confidence that sentences are fair and punishment is certain.

### Pros and cons

Proponents of the wider use of fines argue that—

- It can be an effective punishment and deterrent for crimes of varying levels of severity. It can deprive offenders of their ill-gotten gains and, for some, contribute to rehabilitation.
- It can combine with other noncustodial sanctions to meet multiple sentencing goals.
- It can be adjusted to a level appropriate to an offender's individual circumstances and the seriousness of the offense.

*Points of view or opinions expressed in this publication 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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**Table 1**

**Frequency of fine utilization for cases other than parking and routine traffic matters, by type of court**

| Type of court   | All or virtually all cases | Most cases | About half | Seldom | Never | Total |
|---|----------------------------|------------|------------|--------|-------|-------|
| Limited jurisdiction  | 19                         | 38         | 10         | 7      | 0     | 74    |
| General jurisdiction (felony, misdemeanor, ordinance violation) | 1                          | 15         | 7          | 5      | 0     | 28    |
| General jurisdiction (felony only)                              | 0                          | 5          | 4          | 13     | 2     | 24    |
| Total   | 20                         | 58         | 21         | 25     | 2     | 126   |

Source: Hillsman, Sichel, and Mahoney, telephone survey

- It is relatively inexpensive to administer, usually relying on existing agencies and procedures.
- It is financially self-sustaining; unlike incarceration and probation, fines produce revenue.

However, critics argue that—

- Because fines cannot achieve the sentencing goal of incapacitation, they are inappropriate for offenders who pose a risk to the community.
- Even when incapacitation is not the goal, fines tend to be low, thus limiting their degree of punishment.
- Fines are easier for more affluent offenders to pay than for poorer offenders.
- If a fine is high enough to avoid those problems, it is difficult to collect and adds to the administrative burdens of the court.
- It is impossible to fine indigent offenders because the fine cannot be collected and may result in imprisonment for default.

These conflicting views reflect different perceptions of how fines actually work and their potential utility. Recent research on the use of fines, here and abroad, provides a base for improving policy and practice in this area.

### Current uses of fines

A survey of 126 different types of courts around the country shows fines being used extensively (see Table 1), including use for a broad range of criminal offenses some of which are not trivial (see Table 2).

Judges in courts of limited jurisdiction report they impose fines, either alone (36 percent) or in combination with another penalty, in an average of 86 percent of their sentences. General jurisdiction judges report imposing fines about half as often (42 percent); fines as a sole penalty in less than 10 percent on average.

Fines are most often imposed on first offenders with known ability to pay. A third or more judges overall report imposing a fine in more than half the cases in which an adult first offender is sentenced for offenses such as these:

- Sale of an ounce of cocaine.
- Fraud in a land deal.
- Embezzlement of \$10,000.
- Assault with minor injury.
- Auto theft of \$5,000 value.
- Harassment.
- Bad check.

However, fines are not now being used in American courts as an alternative to incarceration or probation. If fines are used at all in cases at risk of imprisonment or community supervi-

sion, they tend to be add-ons to other sanctions. Few judges seem to use the fine alone if the offender has a prior record and the offense is moderately serious.

This contrasts sharply with practices in some Western European criminal courts where the fine is often a sole penalty and is widely used for repeat offenders.

As a policy matter, fines are viewed as an alternative to short-term imprisonment. In West Germany, when new legislation encouraged judges to avoid sentences to imprisonment of 6 months or less, such sentences dropped from 113,000 a year (20 percent of the total) to under 11,000 (1.8 percent) without any increase in longer term imprisonment.

Instead, fine-alone sentences increased from 63 percent of the total to more than 80 percent.<sup>1</sup>

### Amounts of fines

Most State penal codes set maximum amounts of fines for particular classes of offenses. Within that maximum, judges have wide discretion in setting the amounts of fines. Maximums tend to be low, although legislatures in many States are increasing them in anticipation that judges will need higher amounts to fine better-off offenders.

Fines actually imposed by judges tend to be well below statutory limits, partially reflecting the frequent judicial practice of imposing other monetary penalties as part of the sentence. These include restitution, victim compensation, court costs, directed contributions to governmental or private social agencies, probation supervision fees, and payment for alcohol or drug treatment.

At least 31 States authorize imposition of court costs; 11 States authorize surcharges on fines; 7 States permit "penalty assessments" on offenders. One Texas judge explained why he used fines infrequently: "After paying \$56 court costs, \$10 fee to the Crime Victim Compensation Fund, \$200 public defender fee, and \$100 to \$500 in probation supervision fee, the defendant will be sufficiently punished."

"Tariff systems," however, appear to account more than other factors both for the low amounts imposed as fines in the United States and the limited use of fines as sanctions.

Tariff systems are informal understandings that fixed fine amounts will be imposed on all defendants convicted of a particular offense. These amounts are generally based on what can be paid by the poorest offenders. But the retributive trend in sentencing tends to focus judges' attention on the severity of a crime.

Lacking models of other ways to set fine amounts and also often lacking adequate financial information on defendants, judges apparently limit

Table 2

Types of offenses for which fines are commonly imposed, by type of court

|   | Limited<br>juris.<br>N = 74 | Gen. juris.<br>(felony,<br>misd., and<br>ordinance)<br>N = 28 | Gen. juris.<br>(felony<br>only)<br>N = 24 | Total<br>N = 126 |
|---|-----------------------------|---|---|------------------|
| Driving while intoxicated/DUI   | 54                          | 22  | 2   | 78               |
| Reckless driving  | 30                          | 9   | 0   | 39               |
| Violation of fish and game laws<br>and other regulatory ordinances    | 24                          | 3   | 0   | 27               |
| Disturbing the peace/breach of<br>the peace/disorderly conduct        | 32                          | 8   | 1*  | 41               |
| Loitering/soliciting prostitution                                     | 15                          | 4   | 0   | 19               |
| Drinking in public/public drunken-<br>ness/carrying an open container | 14                          | 5   | 0   | 19               |
| Criminal trespass   | 10                          | 2   | 1   | 13               |
| Vandalism/criminal mischief/<br>malicious mischief/property<br>damage | 9                           | 3   | 3   | 15               |
| Drug-related offenses (including<br>sale and possession)              | 23                          | 10  | 11  | 44               |
| Weapons (illegal possession,<br>carrying concealed, etc.)             | 6                           | 2   | 1   | 9                |
| Shoplifting   | 17                          | 3   | 0   | 20               |
| Bad checks  | 14                          | 2   | 0   | 16               |
| Other theft   | 19                          | 9   | 8   | 36               |
| Forgery/embezzlement  | 2                           | 3   | 2   | 7                |
| Fraud   | 1                           | 4   | 1   | 6                |
| Assault   | 29                          | 14  | 5   | 48               |
| Burglary/breaking and entering  | 2                           | 6   | 6   | 14               |
| Robbery   | 0                           | 1   | 3   | 4                |

\* Superior Court, Cobb County—1 percent of caseload includes misdemeanors

Source: Hillsman, Sichel, and Mahoney, telephone survey

1. Robert W. Gillespie, "Fines as an alternative to incarceration: The German experience," *Federal Probation* 44.4 (December 1980): 20-26.

their use of the fine because tariff systems restrict their ability to reflect the seriousness of a crime.

### Information for sentencing

Judges were asked to indicate how often they were provided information on an offender's background and economic status and how useful they found this information.

In all courts, judges were more likely to have information about criminal records and the instant offense than about the offender's family and economic status. In fact, although courts of limited jurisdiction are more likely to assess fines, general jurisdiction judges have more economic information (Table 3).

In both kinds of courts, judges said the criminal record and circumstance of the offense are the most helpful information in determining the sentence and that the assets and income of the offender are the *least useful* information.

In view of the tariff system, this opinion is less anomalous than it might seem. If the variation in amounts of fines is limited and is related primarily to the seriousness of offenses, judges would have relatively little use at sentencing for information on offenders' economic status.

This in turn may explain the lack of consideration judges give to fines as sole sanctions for repeat offenders convicted of nontrivial crimes. If we are to explore policies emphasizing fines as a primary sanction and as an alternative to incarceration and probation, we must help judges routinely obtain information on offenders' economic circumstances and to increase the weight such information is given.

Obtaining financial information is relatively simple. Many European courts have been accomplishing these tasks smoothly for years, often in order to use a system of fine-setting known as "day fines."

Under day-fine systems, the number of fine *units* (or severity of punishment) is determined by the seriousness of the offense but *without regard to the offender's means*. The *monetary* value of each unit is then set explicitly

Table 3

#### Judges' information on offenders' economic status, by jurisdiction

|            | General (%) | Limited (%) |
|------------|-------------|-------------|
| Employment | 88          | 64          |
| Income     | 74          | 41          |
| Assets     | 57          | 25          |

Source: Cole, Mahoney, Thornton, and Hanson, mail survey

in relation to what the offender can afford.

In Europe, this second stage relies primarily on self-reported information. These courts, which use fines extensively and in high amounts, find that reliance on defendants to provide information on their economic status is not a barrier to the wider imposition of fines.

### Judges' attitudes on fines

Judges across this country acknowledge many of the supposed advantages of fines as sentences. Furthermore, they disagree with many of the arguments against them. However, there seems to be little relationship between judges' attitudes toward fines and their use of them.

Judges tend to agree that fines are relatively easy to administer, that they help prevent crowding in correctional facilities, that they can be adjusted to fit the severity of the offense and the offender's income, and that fines help reimburse the costs of maintaining the criminal justice system.

The majority of judges also *disagreed* that statutes prevented them from imposing high fines, that decisions of the U.S. Supreme Court prevented their fining poor people, and that fines have no rehabilitative effect.

The survey revealed, however, that two views about fines commonly held among judges are a major impediment to the wider use of fines: That fines allow more affluent offenders to "buy their way out," and that poor offenders cannot pay fines.

Over half the judges agreed that "fines ordinarily have little impact on the affluent offender"—61 percent in courts of general jurisdiction and 53 percent in limited jurisdiction. While 61 percent of general jurisdiction judges agreed that "there is no effective way to enforce fines against poor people," half the limited jurisdiction judges—who do most of the fining in American courts—disagreed.

Upper-court judges are charged with sentencing offenders who are convicted of the more serious range of offenses. They would tend to hold the traditional assumption that high fine amounts are required to reflect offense severity and to regard it as unreasonable to assess such amounts on the poor. Equity considerations would also suggest to these judges that they cannot sentence more affluent offenders to significantly higher fine amounts.

While these same issues arise in the lower courts, they are probably less of an impediment because of the more limited range of seriousness of offenses dealt with in these jurisdictions. The low fine amounts in these courts reflect less serious offenses; they are viewed as collectable from poorer offenders and, as tariffs, may be applied to the more affluent as well.

The survey revealed, finally, that judges' attitudes about fines, whether positive or negative, are not held very intensely. Until very recently, there has been little systematic examination of fine use and administration and virtually no attention to the potential advantages, disadvantages, or operational implications of expanded use of fines.

### Collection and enforcement

Among criminal sanctions, monetary penalties are typically the only ones implemented primarily by the court. For most other sanctions, the sentencing judge relies on another agency of government, usually in the executive branch, to see that the sentence is carried out.

The effectiveness of fine administration has important implications for the fine as a penal sanction and for the court as an institution. A fine is a court order. If it is not paid, the integrity and credibility of the court is called into question.

If fines *are* collected and enforcement regarded seriously, on the other hand, the resulting punishment may have rehabilitative value and deterrent consequences. If fines are known to be collected, judges and prosecutors may be more likely to see them as a useful alternative to incarceration or probation.

Finally, the payment of fines may be seen by the community as an important means of rendering deserved punishment while reimbursing the public treasury.

Many judges perceive problems in fine collection and enforcement procedures, but they are generally unaware what practices are effective. Research in the United States and in England emphasizes, for example, that aspects of the sentencing process itself are associated with the subsequent effectiveness of fine collection. These include setting the amount at a level the offender is able to pay, making only limited use of installment payment plans, and allowing relatively short periods of time for payment. However, such practices are not commonly followed by American courts.

### Effective enforcement

What can be done if the offender fails to pay a fine? Research in England and West Germany indicates that simple procedures, such as prompt notification to an offender that payments are in arrears, have positive results. Full payment occurs in many cases without further, more coercive and costly action.

In American courts, however, routine notification letters are not common. Instead courts tend to move immediately to issuance of an arrest warrant for the offender who has not paid. Sixty-eight percent of upper court judges and 85 percent of lower court judges said this was their procedure.

Reliance on warrants raises several important policy issues, including relationships within the justice system. Although enforcement of a warrant is important to the court, evidence abounds that serving a warrant for nonpayment of a fine has low priority for law enforcement agencies. And American courts generally give little professional administrative attention to enforcing fines.

A major reason for this is that many professional court administrators dislike taking the role of bill collector when the administrative costs may be greater than the amount of the fine. As a result, courts rarely designate one person or position as having ultimate responsibility for overseeing the outcome of a sentence to a fine and for seeing to it that the process is properly carried out.

Thus, no one is responsible or accountable if enforcement breaks down. There are few incentives to make fining a success, but rather incentives to pass the enforcement task on to someone else—to the police via an arrest warrant, for example.

Judges tend to view the actions of offenders as the major fine-collection problem rather than inadequacies in the court's administrative mechanisms. Sentencing judges tend not to be familiar with the administrative tasks involved in enforcing fines except when defendants in default are brought before their bench.

However, research both in England and in the United States indicates that sound administrative procedures must be set for fines to be collected routinely. It should be possible to do this without overly burdensome costs or undesirable levels of coercion.

Assuming fines are set properly in the first place with respect to the offense and to the offender's means, the court must make plain at sentencing that it views the fine as a serious obligation for which it unequivocally expects payment. Otherwise, specific coercive means will be employed.

The offender's payments must be closely monitored by people who take the collection responsibility seriously and who are held accountable for it. When an offender does not meet the terms set by the court, enforcement actions would be immediate and personal, with a steady progression of responses creating mounting pressure and increased threats of greater coercion.

Careful tracking of payments, swift notification by letter and telephone that payments are due, and credible threats of greater coercion (including the seizure of property) are effective. Research suggests that most nonpay-

ment cases result from improperly set fines, administrative ineptitude, and failure to credibly threaten at the proper time.

### Fines and fairness

Many persons convicted of criminal offenses are poor. To what extent is it feasible to impose a fine and enforce it as a punishment for criminal behavior by such persons?

Being poor does not necessarily mean being entirely without financial resources. There are varying degrees of poverty, somewhat obscured by uniform application of the label "indigent."

Some poor people have income for comforts as well as necessities. Others have few comforts, but manage on small budgets. Still others are destitute, people who have no home and receive no social services. At the low end of the poverty spectrum—where we find a group of offenders who are in extreme need—fines are probably inappropriate, unless the offense is trivial and a nominal fine can be suspended.

Fines are meaningful elsewhere along the spectrum, however, even for persons with income well below the poverty line—including welfare recipients, the working poor, the temporarily or seasonally unemployed.

A fine imposed on a member of these groups may require substantial economy—and it should do so if it is to be truly a punishment. But paying a fine need not require grave hardship if it is tailored not only to the offense but also to the offender's resources.

At the other end of the spectrum are those offenders who are not by any conventional definition poor. Significant amounts of fines may be required to ensure an appropriate sanction in these cases, even if the offense is not major.

Many judges recognize these realities and tend to focus on a defendant's ability to pay a particular fine rather than whether he or she is too poor to be fined at all. Indeed, poor people *are* being fined both in this country and in Europe, although both practices and views vary considerably.

Most judges surveyed indicated that they would be less likely to impose a fine if the defendant was unemployed

or on public assistance—but 38 percent of the limited jurisdiction court judges said that this would make no difference in their sentencing decision. Another 6 percent said it would increase the likelihood they would impose a fine.

In order to develop an effective fine policy, we must think of offenders as ranging along a spectrum of economic circumstances as well as along a spectrum of offense severity and culpability. Only thus can prosecutors and judges think of fines not as a penalty for less serious crimes or an addition to other penalties, but as an integral part of their sentencing repertoire.

Table 4 shows how judges tend to think now. However, there would seem to be some potential for reducing the use of incarceration in cases such as this in which the criminal behavior carries a low risk of danger yet the offense seems to require punishment and not merely an admonition.

Experiences of courts in several Western European countries provide tested sentencing methods—particularly the use of the day fine—that could enable American judges to tailor fine amounts more precisely to variations in both severity of offenses and means of offenders.

### The day fine

The day-fine system is a Scandinavian sentencing practice that has been adapted for use in West Germany. It enables sentencing judges to impose monetary punishments commensurate with the seriousness of the offenses and the culpability of the offender, while at the same time taking account of offenders' differing economic circumstances.

The basic notion is that the punishment should be proportionate to the severity of the offense but equal across individuals with differing financial resources.

Consider two offenders with similar criminal histories convicted of similar offenses but with different incomes and assets. Both would be "fined" the same number of units of punishment; however, the one who is more affluent would be fined a total dollar amount that is greater than the poorer offender is fined.

In the event of default, however, the sanctions imposed (e.g., jail time) would be the same for both because they would be based on the number of units of punishment, not the dollar amount.

Could European day-fine systems be adapted to American courts? About four out of five judges agreed that one of the advantages to fines is that they can be adjusted to fit the income of offenders as well as the severity of offenses. We can observe individual judges around the country attempting

to do just this by modifying tariff systems to approximate the more formal day-fine systems of Europe.

U.S. judges cannot always accomplish this in a systematic fashion, partly because of the lack of routine information on offenders' means. But many judges (and prosecutors) around the country appear to be open to the idea; over half the judges felt a day fine could work in their own courts, and many said they were willing to try it.

The day-fine concept is attracting increased attention among American

**Table 4**

#### Judges' choice of sanctions in hypothetical larceny case, by type of court

The hypothetical case: A 24-year-old male defendant is charged with larceny and criminal possession of stolen property. He is alleged to have removed a \$40 pair of slacks from a department store, concealing them in a box that had a forged store receipt and leaving without paying. He was arrested outside the store. The defendant pleaded guilty to the criminal possession charge and the larceny charge was dropped.

Custody status: On \$1,000 bail.

Family status: Single with no dependents.

Employment status: Janitor earning \$160 per week.

Offender's record: 1979 Bad check Convicted—restitution.

1980 Bad check Dismissed.

1981 Larceny Convicted—6 months probation.

1982 Larceny Convicted—1 year probation.

The instruction: On the basis of this information we would like your estimate of the sanction you would likely impose.

| Sanction  | General juris.<br>N = 631 judges |     | Limited juris.<br>N = 478 judges |     |
|---|----------------------------------|-----|----------------------------------|-----|
|   | %                                | N   | %                                | N   |
| Jail/prison only  | 40                               | 252 | 27                               | 130 |
| Jail/prison plus fine   | 15                               | 92  | 27                               | 130 |
| Jail/prison plus fine plus other  | 18                               | 112 | 23                               | 111 |
| Jail/prison plus sanctions other than fine                                    | 17                               | 109 | 11                               | 54  |
| Fine only   | 2                                | 15  | 4                                | 20  |
| Fine plus sanctions other than jail   | 5                                | 34  | 6                                | 28  |
| Other sanctions, alone or in combination, not including jail, prison, or fine | 3                                | 17  | 1                                | 5   |
| Total   | 100                              | 631 | 100                              | 478 |

Source: Cole, Mahoney, Thornton, and Hanson, mail survey

criminal justice planners and practitioners as they struggle with the problems of crowding in jails and prisons and as they become more dissatisfied with present sentencing alternatives.

A first effort to test the concept scientifically in American courts is underway in Staten Island, New York, with support from the National Institute of Justice, where a day-fine experiment is being planned by the Vera Institute of Justice in collaboration with the Richmond County District Attorney and the Richmond County Criminal Court.

### Recommendations for judges

- Fines and other monetary sanctions are punishments and should be imposed high enough to reflect the seriousness of the offense and the prior record of the offender. At the same time, the amount must be within the offender's ability to pay.
- In setting the fine, accurate information on the offender's economic status should be sought and the total of all monetary sanctions taken into account.
- The defendant should be informed that prompt payment is expected, be told where to pay it, and advised of the consequences of nonpayment. The time allowed for payment should be relatively short, although unusual circumstances may suggest some flexibility.

Incentives should be used to encourage prompt payment. They may include reductions for early payment, penalties for lateness, and imposition of a suspended sentence to jail or community service.

- Judges should use data on sentencing practices to periodically reexamine the ways they use fines, both alone and combined with other sentences.

### Recommendations for court administrators and clerks

- Courts should ascertain what offender-related information is regularly provided to sentencing judges. Where there are gaps such as lack of information on offender income and assets, procedures should be devised to ensure that such information is consistently provided. For example, a probation department, pretrial services agency,

or defense counsel could provide the information on a simple one-page form.

- Judges should be regularly given data on the types of sanctions imposed on offenders convicted of specific types of crimes.
- Using individual case records, fines-management information systems should be developed, containing six basic types of data: sentence imposed, inventory information, input-output information, effectiveness in collecting fines, processing times and procedures, and identification of problem cases. Courts should improve collection methods, and sentencing judges should be aware of the methods used.
- Administrative responsibility for enforcing monetary sanctions should be clearly fixed, with a senior member of administrative staff held accountable for the court's performance.
- Goals for effective fine administration (e.g., percentage of cases in which fines are fully collected within 30 or 60 days) should be set, and the court's enforced performance monitored against these goals.
- Procedures should be established to identify defaulters promptly and institute action against them.
- Courts should make direct contact with offenders who fail to pay within the time period set. Prompt, noncoercive reminder letters and phone calls should be tried before a warrant issues. Judges should be fully aware of the procedures and their effectiveness.

### Recommendations for legislation

- Where statutory ceilings on fine amounts are low, these should be raised.
- Judges should be required to take account of offenders' economic circumstances in imposing fines and other monetary sanctions.
- Statutory restrictions on the use of the fine as a sole sanction for specific offenses should be removed.
- Statutes that provide for flat "dollars-to-days" equivalencies when fine balances are unpaid should be revised

to ensure that offenders convicted of similar offenses and with similar prior records should serve essentially similar jail terms in the event of default.

- Courts should undergo a periodic outside audit at least every 2 years to ensure that records are adequately maintained and that appropriate procedures are followed in enforcing fines and handling the money paid.
- State court administrators should be explicitly authorized to establish basic minimum standards or requirements for recordkeeping and statistical reporting.

### About the authors

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This *Brief* was drawn from three Institute-funded projects whose reports are available from the National Institute of Justice/NCJRS (National Criminal Justice Reference Service). For information, telephone 800-851-3420. From Maryland or the Metropolitan Washington, D.C., area, call 301-251-5500. The reports are:

*Fines in Sentencing: A Study of the Use of the Fine as a Criminal Sanction.* By Sally T. Hillsman, Joyce L. Sichel, and Barry Mahoney; a joint project of the Vera Institute of Justice and the Institute for Court Management. Full report, 341 pp., NCJ 094812. Executive summary, 84 pp., NCJ 096334.

*Enforcement of Fines as Criminal Sanctions: The English Experience and Its Relevance to American Practices.* By Silvia S.G. Casale and Sally T. Hillsman, Vera Institute of Justice. Full report, 388 pp., NCJ 106271. Executive summary, 54 pp., NCJ 104329.

*Practices and Attitudes of Trial Court Judges Regarding Fines as a Criminal Sanction.* By George F. Cole, Barry Mahoney, Marlene Thornton, and Roger A. Hanson; a joint project of the University of Connecticut and the Institute for Court Management. Executive summary, 71 pp., NCJ 106270.



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