



**The Maricopa County FARE Probation Experiment:
An Effort to Introduce a Means-Based Monetary Sanction
as a Targeted Felony-level Intermediate Sanction**

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Preface and Acknowledgments

In 1987 the State Justice Institute funded a demonstration project in Phoenix Arizona to illustrate the application of the day fine concept in creating a systematic approach to scaling affordable, enforceable monetary sanctions. What emerged was a whole new probation option -- a "sole-sanction" monetary penalty which came to be named FARE Probation (Financial Assessment Related to Employability). The new intermediate sanction was designed for use in lieu of standard probation for offenders who require no special services or structured supervision.

This report is meant to provide an overview of the pilot project's planning and implementation. It does not dwell on the nuts and bolts of daily operations, which are amply described in reports available from the Maricopa County Adult Probation Department. Nor is it a report of the research conducted on this project by RAND as part of a larger national multi-site day fines evaluation supported by the National Institute of Justice. Rather, its focus is on the planning process and the policy issues which were addressed in designing the program model. It should be of interest to criminal justice policy makers and officials who are concerned with the problems typically associated with imposition and administration of fines, restitution, and other monetary sanctions, and with the potential role that these penalties might play in future efforts to expand the use of intermediate sanctions.

Many individuals contributed in many ways to the success of this project, but none so much as Sally Hillsman, Vera's Research Director during the planning phase. Her ground-breaking research, completed in the mid-1980s, on the use and administration of criminal fines in the United States and Europe provided much of the impetus for the pilot, as well as the deep, rich knowledge base from which the basic concepts were drawn. She had served as co-planner as well as director of all research aspects of the Staten Island Day Fine Demonstration Project, and continued to play both of these roles in this endeavor. Two other Vera colleagues, Laura Winterfield and Dawn Lambert-Wacey toiled endless hours to provide a wealth of data about the workings of the Phoenix court and its efforts to collect the financial obligations placed on offenders at sentencing.

In Phoenix, Judge B. Michael Dann was instrumental in winning support -- both organizational and monetary -- for the pilot effort from the Arizona State Court system, the Superior Court in Maricopa County, and the Maricopa County Adult Probation Department. Gordon Griller, the Court Administrator, took the planning effort under his wing and guided it to completion. Many other key court and probation officials assured that planning and implementation were successful: Judges Ronald Reinstein, Michael

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Ryan, and Mark Armstrong. Chief Probation Officer, Norman Helber, Special Assistant County Attorney Myrna Parker, and Chief Trial Deputy Public Defender Robert Guzik. Probation staff who made major contributions in shaping and implementing the project include the Deputy Chief, Dot Faust, along with Michael Goss, Rob Payne, Doug Pilcher, and Marilyn Windust.

Finally, I am grateful to Susan Turner and Joan Petersilia at RAND for allowing use of data from their evaluation of the Phoenix pilot project. An exhaustive report of their research has been completed for NIJ.¹

¹ "Day Fines in Four U.S. Jurisdictions" (DRU-1153-NIJ -- March 1996) by Susan Turner and Joan Petersilia is available from RAND.

Introduction

The surging costs of the prison and jail population explosion in the United States have renewed interest in credible and enforceable non-incarcerative criminal penalties, and in the appropriate role of intermediate sanctions in bringing about a more balanced approach to sentencing and correctional practices. Criminal sanctions considered to be innovative experiments a mere decade ago have become commonplace (community service orders, intensive supervision schemes, home detention, electronic monitoring); yet, during this same period of time, the use of imprisonment has more than doubled.

The cost constraints that place increasingly stringent limitations on our capacity to deliver punishment to criminal offenders through incarceration, when coupled with concerns about fairness and humane treatment of offenders, should oblige us toward more systematic sentencing reform efforts. While reserving imprisonment for the more serious crimes, a well-developed continuum of intermediate sanctions -- a range of broadly applicable, noncustodial sentences that can be scaled to provide appropriate levels of punishment across offenses of varying gravity -- can provide an appropriate array of punishments for less serious crimes.

New approaches are needed to structuring the use of noncustodial sanctions to both increase their effectiveness and broaden the range of offenses and offenders to which they can be applied. In a variety of jurisdictions -- at both the state and local level -- criminal justice policy makers are busy developing sentencing policy frameworks that can provide for principled and proportionate use of intermediate sanctions. Some hope, as well, to thereby reduce reliance on incarceration.

Restructuring Monetary Sanctions for More Strategic Use: The Day Fine Concept.

For the past nine years researchers and planners at the Vera Institute of Justice have been working to demonstrate the effective use of a practical tool for tailoring the most traditional noncustodial penalty -- the criminal fine -- to the sentencing needs of busy, urban courts. While less severe than incarceration, the fine has very distinctive advantages. The fine has an unmistakably *punitive* impact on offenders. This penalty has also been found to have a deterrent advantage, when compared to either probation or jail. The fine fits comfortably within penalty systems that stress offender accountability (when fined, the offender quite literally is made to pay his or her debt to society). Moreover, fines can be scaled to cover a broad range of offense severity. At the same time they can be calibrated to fit each individual offender's ability to pay.

With support from the State Justice Institute and various agencies within the U.S. Department of Justice,² the Vera Institute in New York City has been involved in a variety of efforts to introduce the day fine concept to American sentencing practice. Two initial pilot experiments were mounted to test the viability of this simple, easy-to-use technique to improve the imposition and administration of the fine, and -- through yet broader application -- a range of other monetary sanctions. The first experiment, focusing simply on improving administration of the fine, was fielded in the limited jurisdiction (misdemeanor) court in Staten Island, New York. The second pilot -- the topic of this report -- was launched to demonstrate the feasibility of using a monetary penalty as a sole sanction in *felony* cases in the superior court in Phoenix, Arizona. These two pilot projects were built upon a decade of work by Vera researchers which had documented a sharp contrast between the way criminal fines are used in American sentencing practice --

² Grants supporting this work were made by the National Institute of Justice, the National Institute of Corrections, and the Bureau of Justice Assistance.

either reserved for the least serious crimes, or as an add-on sanction combined with other penalties -- and their use in many Western European criminal justice systems, where the criminal fine is the primary noncustodial penalty, systematically imposed as a sole sanction across a broad range of common criminal offenses.

The research investigators found this contrast particularly puzzling, in light of the many advantages the fine offers as an intermediate penalty, especially given the increasing demand in the United States for credible, enforceable alternatives to incarceration. Their findings suggested to them that the apparent under-utilization of fines in American sentencing practices is at least in significant measure due to the rigidity of the basic organizing principle commonly used by American judges to assess the amount of a fine: the fixed-sum fining system, whereby the fine is simply imposed as a flat dollar amount in each case. In practice, this approach tends to result in courts having informal tariff systems -- or "going rates" -- for specific offenses; approximately the same dollar amount is imposed for offenders convicted of the same or similar offenses. Under the tariff system, the "going rates" traditionally associated with frequently-occurring conviction charges are typically set at "lowest common denominator" amounts clustering at the bottom of the legislated ranges, (\$50, \$75, \$100, etc.) in deference to the low-income status of the bulk of offenders who come before the court at sentencing. The unintended result is that the fine is rendered ineffective as a sanction for all but the most petty crimes.

In seeking to craft a remedy for this problem, the Institute's planning staff turned to the experience European courts have had with practical, variable-sum fining systems. Working in close collaboration with the bench and bar in Staten Island, New York, and Phoenix, Arizona, Institute planners designed and implemented new frameworks for these courts' imposition and administration of monetary sanctions. The approach tested by

these courts is an adaptation of the European day-fine system, a concept that permits judges to systematically adjust the fine amount both to the severity of the offender's crime and to his or her economic circumstances.

Initially developed in Scandinavia in the 1920s and 30s, (and introduced to West Germany during a broad-scale policy shift in the late 1960s and early 1970s when fines were substituted for short terms of incarceration) the day-fine concept has been generally adopted throughout Europe.³ The day-fine consists of a simple two-step process used in setting fine amounts that embraces the principles of proportionality and equity that are traditional in both European and American sentencing jurisprudence.

First, the court sentences the offender to a certain number of day-fine units (e.g., 15, 60, 120 units;) according to the gravity of the offense, but without regard to his or her means. Then the value of each unit is set at a share of the offender's daily income (hence the name "day fine"), and the total fine amount is determined by simple multiplication. The percentage share of income used in valuing the day-fine units varies across the different countries which use this system, as do methods for accounting for the offender's family responsibilities or capital wealth, but the basic idea assures routine imposition of equitable fine sentences, the punitive impact of which is in proportion to the crime, while the degree of punishment is thereby made equivalent across defendants of differing means. The advantages of such a system go beyond the issue of increased fairness. A system which expressly tailors the amount of a fine to the offender's ability to pay can, by increasing the efficiency of collection and enforcement efforts, both enhance the credibility and broaden the utility of the fine as a criminal sanction. Moreover, results

³ The use of day fines has been spreading across Europe for the past two decades. Day fine systems are now in place in seven European countries. Although "Unit-fine" experiments had proved successful in four British Magistrate's Court pilots, and authorization for nation-wide use was included in the Criminal Justice Act which was voted by Parliament in July 1991, implementation efforts drew sharp attacks and the government withdrew the reform.

from the first pilot test of the day fine concept in misdemeanor sentencing practice in Staten Island demonstrated that the technique was easy to use and that the benefits to be won from such an undertaking may include an increase in the revenues derived from fines.⁴

The Phoenix FARE Probation Model.

The successful test of day-fine sentences in Staten Island sparked considerable interest among practitioners and policy-makers elsewhere. With support from the State Justice Institute, the National Institute of Corrections, and the Arizona Administrative Office of the Courts, Vera launched a second, far more ambitious pilot effort in 1991 to test the utility of the day fine concept in structuring a comprehensive monetary penalty "package" for use as an intermediate sanction in more serious cases. In Phoenix, Arizona, judges of the Maricopa County Superior Court are today sentencing many non-violent felony offenders to "FARE Probation" (Financial Assessment Related to Employability) as an alternative to "straight" probation.

The day fine concept is used to determine the total amount of a monetary sanction "package," which might include a range of financial orders (e.g., a fine, a probation service fee, a victim compensation fund assessment, and restitution) as required by law in an individual case. Judges impose the penalty as an intermediate sanction alternative to standard probation in cases where the presentence investigation process has determined that the offender does not require either a specific specialized service (e.g., substance abuse treatment; literacy training), or structured probation supervision -- and where the

⁴ See "The Staten Island Day Fine Experiment" by this author, in *Day Fines in American Courts: the Staten Island and Milwaukee Experiments*, Washington, DC, National Institute of Justice (1992).

imposition and collection of an appropriately-scaled monetary penalty can serve as the sole sanction.

The Pilot Site

The FARE Probation Pilot Project was fielded in a busy, urban court with a strong reputation for innovative sentencing programs and high-quality court management. The population of Maricopa County exceeds 2,000,000. The County contains one of the fastest growing population centers in the country, and contains about 65 percent of the state's population. The geographic boundaries of the County contain more than 9,000 square miles, making it larger than the country's six smallest states.

Having won national acclaim for a consistent record of exemplary leadership in efficient judicial process, the State Superior Court of Arizona in Maricopa County had become a recognized model for urban court management by the time that the FARE pilot project was launched. The Arizona Superior Court is a general jurisdiction trial court which handles all felony matters, and has jurisdiction over misdemeanors not otherwise provided for by law. The Maricopa County component consists of 70 trial judges who serve four-year terms. Judges are initially appointed by the state's governor under a merit selection plan, but face a yes-or-no retention election by voters two years later, and every four years thereafter. There are currently 21 judges and four commissioners who carry on the work of the criminal department.

The pilot project was initiated in 1991. At that time the Superior Court criminal Department was divided into four "quadrants" corresponding with four geographic sectors of the County, with each quadrant handling the cases arising from within its

sector. Within each quadrant, cases were assigned to judges on a random basis. Most criminal cases are prosecuted by the Maricopa County Attorneys Office; about 85 percent of criminal defendants are represented by a public defender.

At the time the pilot was launched, the Superior Court was handling more than 15,000 felony filings per year, resulting in more than 10,000 felony convictions. Very few misdemeanors are filed in this court (the lower courts have jurisdiction and handle the vast bulk of misdemeanor filings) but many felony cases are reduced for sentencing in this court as misdemeanors, at a rate of nearly 1500 misdemeanor sentences per year.

Use of Fines and Restitution in the Superior Court

To enable the pilot's planners to develop a program model tailored to fit seamlessly within the courts dispositional fabric, a rich data base containing a broad array of personal history and criminal case processing data was developed for the planning effort.⁵ Tables One and Two, below, show the overall sentencing patterns (by filed charges and conviction charges) for the 756 cases which formed the backdrop against which the FARE Probation sanction was developed. As can be seen, the great majority of

⁵ A sentencing sample was drawn from the LEJIS system, using a pre-existing SPSS program obtained from the Maricopa County Adult Probation Department. It included 9043 cases disposed after 1-1-88, if they were sentenced between 4-1-88 and 3-31-89. (Dispositional data drawn from this dataset showing sentences by conviction charge is contained in Appendix I.) A sample comprised of every tenth case was selected from this dataset in order to augment the data available from the computer records with personal and social history data from the Adult Probation Department's presentence investigation (PSI) records. If the cases files could be located, the data was manually coded from the Department's paper files, entered into a computer file, and then merged with the records obtained earlier. The PSI records could be located for 756 cases -- involving 412 sentences imposed for conviction charges designated at the felony level, another 242 cases where the conviction charge was a level 6, "undesignated" felony (when the offender stands convicted of a class 6 felony offense, the judge can either "designate" the offense to remain a felony after execution of the sentence, or can specify that, provided the offender successfully completes a term of probation, the offense will be reduced to a class 1 misdemeanor conviction -- i.e., an "undesignated" class 6 felony conviction); and 102 cases involving class 1 misdemeanors. Once these records were compared with the total dataset it was determined that the sample was valid for planning purposes.

sentences meted out by the court involve probation supervision (77 percent). Split sentences (with some jail or prison time imposed as a condition of probation) comprise 33 percent of these. A term of incarceration was imposed in 55 percent of the cases (23 percent got prison and 32 percent got jail).

Table One
Filed Charge Severity Level

	Filed Charge Severity Level												Misd.	Total			
	Felony Class																
	1		2		3		4		5		6				N	%	N
N	%	N	%	N	%	N	%	N	%	N	%						
Time Served					1	1%	1	1%								2	0%
Fine							1	1%	1	1%	3	3%				5	1%
Restitution			1	1%													
Probation			4	3%	10	5%	15	10%	13	12%	16	15%	3	33%	61	9%	
Probation and Fine			17	13%	12	6%	34	22%	3	3%	21	20%	2	22%	89	13%	
Probation and Restitution			17	13%	36	19%	22	14%	13	12%	21	20%	2	22%	111	16%	
Probation and Work			1	1%	19	10%	9	6%	5	4%	11	11%				45	6%
ISP			1	1%	1	1%		0%			1	1%				3	0%
Probation and Jail			36	28%	48	26%	34	22%	39	35%	20	19%	1	11%	178	26%	
Jail and ISP			5	4%	9	5%	14	9%	2	2%	3	3%				33	5%
Jail							1	1%	5	4%	2	2%	1	11%	9	1%	
Probation and Prison			2	2%					13	12%						15	2%
Prison	1	100%	45	35%	51	27%	23	15%	18	16%	6	6%			144	21%	
Other									1	1%					1	0%	
Total: 697 cases	1	100%	129	100%	187	100%	154	100%	113	100%	104	100%	9	100%	697	100%	

Missing: 59 cases
Total Sample: 756 cases

Table Two
Conviction Charge Severity Level
Felony Class

	1		2		3		4		5		6		Misd.		Total		
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	
Time Served													2	2%	2	0%	
Fine			1	3%									5	5%	5	1%	
Restitution					2	2%	2	2%	2	3%	37	13%	18	19%	61	9%	
Probation					3	3%	18	16%	4	7%	40	14%	21	22%	89	13%	
Probation and Fine					10	10%	18	16%	4	7%	65	22%	14	15%	111	16%	
Probation and Restitution					3	3%	3	3%	2	3%	29	10%	8	9%	45	6%	
Probation and Work					1	1%					2	1%			3	0%	
ISP			12	31%	27	28%	27	24%	6	10%	88	30%	18	19%	178	26%	
Probation and Jail					2	5%	3	3%	16	14%	4	7%	8	3%		33	5%
Jail and ISP											1	0%	8	9%	9	1%	
Jail					2	2%			13	22%					15	2%	
Probation and Prison															144	21%	
Prison			21	54%	47	48%	29	26%	23	39%	24	8%			1	0%	
Other									1	2%							
Total: 697 cases			39	100%	98	100%	113	100%	59	100%	294	100%	94	100%	697	100%	

Missing: 59 cases

Total Sample: 756 cases

These data document that prior to the pilot project fine sentences were not often imposed as a sole sanction by the judges in this court. More detailed data⁶ show that 26 percent of the sampled cases involved a fine as part of the sentence imposed (193 of 756 cases). In most cases where fines are imposed, they were coupled with a probation order (87 percent) which will most often also carry one or more other non-monetary sanction orders in addition to the standard probation conditions. The great majority of fines were imposed under mandatory fine provisions in the Arizona code: drug and drunk driving offenses represented 81 percent of the fines imposed, according to the planning sample.

Under the Arizona criminal code provisions that pertained during the planning and pilot period, the fine maxima were \$150,000 for felonies; \$1,000 for a class 1

⁶ See the data table in Appendix II which displays fine cases by conviction charges.

misdemeanor; \$750 for a class 2 misdemeanor; and \$500 for a class 3 misdemeanor. Felony fines were also subject to a schedule of mandatory surcharges imposed by law. Fine amounts⁷ were known for 182 of the cases in which a fine was imposed. Table Three illustrates that the mandatory minimum fine statutes tended to bolster the predictable pattern whereby fine amounts tend to "cluster" at certain specific dollar amounts. For example, 24 fines were set at \$1,370 (\$1,000 plus a 37 percent surcharge) and another 41 were set at \$2,740 (\$2,000 plus the surcharge). These mandatory provisions also drove average fine amounts up. Seventy percent of the fines imposed were set above \$1,000.

Table Three

Fine Amounts Imposed

	N	%
\$10-100	1	1%
\$101-200	4	2%
\$201-500	15	8%
\$501-1,000	36	20%
\$1,001-1,200	37	20%
\$1,201-1,500	24	13%
\$1,501-2,000	9	5%
\$2,001-2,500	5	3%
\$2,501-3,000	41	23%
\$3,001-5,000	3	2%
\$5,001-10,000	6	3%
\$10,001-15,000	1	1%
Total	182	100%

By law in Arizona, restitution must be imposed by the sentencing judge in every case where a victim has suffered a monetary loss, and a "full damages" rule prevails -- i.e., the Arizona code prohibits the judge from taking ability to pay into account in setting

⁷ The amounts displayed below include an additional 37 percent in surcharges imposed on most fines.

the amount of a restitution order. The mandatory restitution provision requires that repayment to victims take precedence over other monetary sanctions. The planning data show that restitution was ordered in 35 percent of the cases sentenced by the court (262 of 756), but 37 of these were cases where the offender was apparently ordered to repay "buy money" utilized in making a drug arrest.⁸ Drug case "restitution" aside, restitution to a crime victim was ordered in 29 percent of the sentenced cases).⁹ Restitution was imposed as a condition of probation 80 percent of the time it was imposed. Only one restitution order was imposed as a sole sanction. In the remainder of the cases, restitution was imposed along with a prison sentence.¹⁰

Restitution amounts were relatively modest. The median was \$534. More than 60 percent were set below \$1,000. The amounts imposed are displayed in Table Four.

⁸ In the cases where the disposition charge was a drug offense, 22 percent had a restitution order imposed at sentencing which apparently required the offender to repay a portion of the costs associated with their arrest to the police agency which had effected it. Restitution amounts in these cases were relatively low. The largest order was for \$3750; the median amount was \$100; and the modal amount was only \$20. Conversations with probation officials indicated that the bulk of these costs were probably comprised of "buy money." Plea agreement records for these cases reveal that while the majority of such restitution orders (64 percent) are generated in plea negotiations, more than a third of these orders resulted from recommendations generated by probation officers in the PSI process.

⁹ See the table contained in Appendix III which displays restitution cases by conviction charges.

¹⁰ When court and probation officials were interviewed during the pilot planning effort, they expressed little confidence that prison-plus-restitution orders would result in payments to victims. These officials doubted that most imprisoned offenders were able to comply with a restitution order, given their financial circumstances. Moreover they believed that little -- if any -- effort would be made to either assist or compel compliance once they were released on parole.

Table Four

**Restitution Amounts
Imposed**

	N	%
\$5-100	50	19%
\$101-200	35	13%
\$201-500	41	16%
\$501-1,000	35	13%
\$1,001-1,200	8	3%
\$1,201-1,500	10	4%
\$1,501-2,000	14	5%
\$2,001-2,500	8	3%
\$2,501-3,000	11	4%
\$3,001-5,000	23	9%
\$5,001-10,000	15	6%
\$10,001-70,000	10	4%
over \$70,001	2	1%
Total	262	100%

Data which show the shifts in dispositional patterns produced in plea bargaining for both fine and restitution cases from the offense levels of filed charges to those of the charges at conviction is displayed below in Table Five.

Table Five

Fines and Restitution -- Filing and Conviction Offense Classes

	Fines				Restitution			
	Filed Offense Level		Conviction Offense Level		Filed Offense Level		Conviction Offense Level	
	N	%	N	%	N	%	N	%
Class 1	0	0%	0	0%	0	0%	0	0%
Class 2	48	25%	14	7%	64	25%	22	8%
Class 3	27	14%	14	7%	96	37%	55	21%
Class 4	52	27%	42	22%	46	18%	48	18%
Class 5	30	16%	10	5%	23	9%	10	4%
Class 6	34	18%	70	36%	29	11%	110	42%
Misd.	2	1%	43	22%	2	1%	15	6%
Total	193	100%	193	100%	260	100%	260	100%

Other Financial Assessments Imposed at Sentencing

Fines are very rarely the *only* financial requirement imposed at sentencing in the court during the study period. Under Arizona law, every felony conviction carried a penalty assessment of \$100 the revenues for which were earmarked for the state's victim compensation fund. When an offender is placed on probation a probation service fee is routinely imposed. During the pilot period this fee was typically \$30 per month -- the amount suggested (but not *required*) by state law.

A variety of other legal requirements which may pertain at sentencing would result in additional financial obligations being imposed. If the offender could not immediately pay in full, an \$8 time payment fee was required -- proceeds from which finance improvements in administration of monetary sanctions. Reimbursement of attorney's fees were sometimes ordered. Depending on the type of conviction offense, other assessments might pertain (e.g., an Anti-Racketeering Assessment, or an Emergency Medical Services Assessment). And, finally, every felony fine carried with it a schedule of fixed-percentage surcharges, the amounts of which are typically increased by the state's legislators from year to year. At the time the pilot was inaugurated, these surcharges added up, in the typical fine case, to 37 percent of the fine amount imposed at sentencing.

In interviews conducted early in the planning process with the judges of the Superior Court, most of them expressed the view that the criminal fine was not a particularly attractive sentencing option, and -- further -- that the mis-matched patchwork of monetary penalties they were obliged to impose at sentencing were contributing to an

erosion of the credibility of the sentencing process -- at least in regard to non-custodial sanctions. In particular, the then-newly instituted mandatory minimum "demand-reduction" drug fines required in each felony drug conviction -- coupled with the requirement that restitution orders could not be tailored to fit an offender's ability to pay; and the proliferation of other fees, assessments, and ever-spiraling fine surcharges -- had left many judges with the sense that, given the modest level of financial resources possessed by the bulk of Maricopa County's criminal offenders, they were just setting many probationers up for failure. In this context, most judges seemed to view fines as an auxiliary penalty (an "add-on" punishment) at best, and at worst, a mandatory evil. Some judges revealed that they avoided imposition of fines *altogether* excepting in cases where they were mandated by law. That these attitudes were strongly shaping actual sentencing practices can be seen by the data cited above showing that fines were rarely imposed unless mandated by law.

As is also shown above, when offenders are not imprisoned, they are almost always placed under the care and supervision of the Maricopa County Adult Probation Department, an organizational arm of the Superior Court. At the time the pilot was launched, it was organized in eight field offices distributed across the county. The Probation Department is relatively well financed, employing 450 probation officers in 1995, with an annual budget of 29 million dollars -- derived primarily from state and county funding, augmented by probation fees and a variety of special grants. The supervision caseload exceeds 21,000 convicted offenders, with the bulk of them under standard supervision. The average active field caseload consists 66 probationers.

Traditionally, the judges of the Arizona Superior Court have played a very restricted role in plea bargaining and in sentence negotiations. A written plea agreement is hammered out by the prosecutor and the defender which normally includes very

specific stipulations as to the sentence to be imposed by the judge -- often including the specific dollar amounts to be imposed as fines. By court rule, judges played no role in these negotiations, and were obliged either to accept the plea agreement in its entirety or to reject it, in which case the matter would revert to the plea negotiation stage.

While the pilot planning effort was being initiated, a broader endeavor was initiated by the court's judges to create more explicit sentencing policy through establishing an escalating array of intermediate criminal penalties -- ranging along a "sentencing continuum" between unsupervised, summary probation on one hand, to a state prison sentence on the other. Under a technical assistance grant from the National Institute of Corrections, an Intermediate Sanctions Policy Committee had been established by the Presiding Judge, B. Michael Dann. The work of this committee to develop intermediate sanctions policies, to restructure the Department's overall supervision strategy -- and, in particular, to establish the Community Punishment Program (which offers a highly-structures regimen of services and supervision for offenders diverted from a state prison sentence) has won national recognition as an exemplary demonstration of the role of intermediate sanctions in bolstering effective probation practice. A subcommittee involving judges, prosecutors, public defenders, and staff from the Adult Probation Department was set up to serve as the policy committee for the pilot.

In the period when the pilot was being planned, a pre-sentence investigation was conducted for virtually every case handled by the court. The PSI reports prepared by the investigation division of the Adult Probation Department are fairly comprehensive documents which provide an extensive personal and social history incorporating information about family and living circumstances, educational background, marital status, military service, employment history, medical history, and drug and alcohol use

(including a urine test). The PSI summarizes information about the defendant's current offense and prior criminal history (adult and juvenile). During the investigation the defendant's opinions about what sentence would be appropriate is solicited. The once the investigation is complete, the PSI officer reviews the written plea bargain and the sentence stipulations it contains, and makes an independent set of sentence recommendations to the court -- occasionally disagreeing with the bargained stipulations; sometimes adding specific recommended conditions (e.g., jail time or community service), where probation is agreed-upon sentence, to be incorporated by the judge if the parties concurred.

A complete financial statement covering income, assets, and expenses (including that of the defendant's spouse) was prepared, and the defendant is asked to present a variety of documents to verify the accuracy of the information provided -- pay stubs or welfare records, rent receipts, bills and/or credit card statements, etc. The data the planners had collected from the PSI files allowed them to prepare a set of tables (attached in Appendix IV to afford court officials with an in-depth picture of the economic circumstances of Maricopa County offenders.

It was possible to locate a copy of the financial statement completed by offenders during the presentence investigation conducted by the Maricopa County Adult Probation Department for 381 of the 756 offenders in the dispositional sample.¹¹ As measured by individual net monthly income, the distribution of offenders across income strata reveals a fairly wide range. While 47 percent report a net monthly income of \$500 or less (within this group, over half claim no personal income at all), almost one quarter (23 percent)

¹¹ Some types of offenders are not routinely asked to complete this form (e.g., those headed for a state prison sentence) -- and when it is completed, filing procedures for this form after the data are summarized in the narrative PSI report are apparently erratic.

report an individual annual net income figure of \$12,000 or more. The 1990 census data indicate that *per capita* income was \$14,970 in the Phoenix Metropolitan Area.

Information collected from the PSI reports reveals that over half (53 percent) of the offenders in the data sample were employed. Only 35 offenders (9 percent) reported income from government benefit sources (social security, welfare, veterans benefits). Average total monthly income for those who reported any income (including income derived from a spouse) was \$928. Average monthly expenses were \$808 (including, for the 77 percent who reported having a monthly housing cost, an average rent or house payment of \$321).

On the other hand, only a minority of these offenders reported significant savings or assets. Only 14 percent reported having any cash savings at all, and only 19 percent maintained a personal checking account. 13 percent reported they were paying off credit card balances.

Nearly half of the sample (48 percent) possessed a motor vehicle the average reported value of which was \$3393. 21 percent were making monthly finance payments on this asset. Home ownership was enjoyed by only 12 percent of the sample. The average reported home value was \$60,573. Only 31 offenders reported possessing other significant assets, for an average value of \$4298 each.

A review of the breadth of financial data contained in the PSI files, along with the other pertinent personal information unearthed by investigation officers quickly convinced the pilot's planners that the PSI process promised to offer the perfect context for screening cases, for recommending those deemed appropriate for the pilot, and for performing the simple calculations involved in application of the day fine technique.

Overcoming the Apparent Constraints

As they worked to define the specific way in which the day fine concept could be introduced, the pilot's planners sought to craft an expanded application of the simple technique in order to help the court bring the dizzying proliferation of financial assessments under control, as well as to strategically position a new monetary penalty along the developing continuum of intermediate sanctions that would be targeted to fit a well-defined subset of the sentencing population. Because -- as recounted above -- the "affordability" and hence the "collectability" of monetary sanctions were seen as a plaguing problem by most judges and probation officers alike, the planners perceived that the day fine technique could offer a handy solution, provided it was not applied narrowly to the *fine* component of a sentence, but rather utilized to calculate the *entire sum* of the financial assessments to be imposed by the judge. In early meetings with the intermediate sanctions committee the pilot's planners advanced the argument that application of the day fine technique in a suitable case -- one where neither incapacitation nor rehabilitation were the aim at sentencing -- could be seen as defining the fair and appropriate scale of punishment for that offender. By multiplying a number of penalty units set to reflect the relative seriousness of the offense, by a factor representing a fair share of the offender's financial means, the resulting dollar figure could then be imposed by a sentencing judge as a sole sanction -- a sort of "financial pie" to be sliced up and distributed -- i.e., apportioned among the inevitable variety of financial obligations imposed by the Arizona sentencing statutes.

This approach would both address the problem of over-assessment in the typical case, and it would also work to scale up the penalty amount to be imposed on the

occasional relatively affluent offender for whom the traditional monetary assessment approach would result in under-punishment, as compared with its impact on his or her more typically low-income counterpart. Moreover, the notion that such a monetary sanction "package" might serve as a *sole* sanction helped the policy group to both position the new penalty within the emerging continuum of sanctions and to define the appropriate target group.

In developing the conceptual framework for introducing a means-based system for imposition of monetary penalties for a Maricopa County experiment, the planners and the policy committee conducted a thorough review of Arizona's legal framework regarding criminal fines, restitution, fees, costs, surcharges and assessments. They believed that the planning work afforded them an opportunity to craft the pilot project so that its results would eventually provide an empirical basis for code reform. Now that the pilot's evaluation is completed by the RAND Corporation and the outcomes demonstrate the viability and usefulness of new methods for imposing, collecting, and enforcing economic sanctions, the Maricopa County experiment may help to create a favorable climate for specific legislative reforms.

It was anticipated that certain aspects of Arizona law would create impediments to utilization of the day-fine concept by hampering judges' exercise of discretion in furthering the principle that monetary sanctions should be set in relation to the economic circumstances of individual offenders as well as to the severity of their criminal behavior. To the extent this was the case, evaluation of the constrains which hampered introduction of the new policies and procedures geared to broader utilization of means-based economic sanctions could illuminate these legal constraints.

Careful attention was given by the policy committee to some provisions of Arizona law which might be so restrictive as to require exclusion of certain classes of offenders or crimes from application of the new sentencing methods. They were aware that in the original Staten Island pilot, for example, drunk driving offenses were excluded from the scope of the experiment because the legally mandated schedule of fixed-sum fines was thought to preclude application of a day fine-system. At first glance, the mandatory fine schedules provided for drug offenses under A.R.S Chapter 34 appeared to constitute a similar impediment.

After a preliminary review of Arizona statutes and case law, the pilot's planners prepared a brief analysis of the problems which arise from rigidities in the legal framework which required special consideration by the policy group as they begin to craft a blueprint for the experimental pilot. They discovered that over the preceding decade a variety of modifications in Arizona law had worked to restrict a judge's ability to consider an offender's ability to pay in setting or modifying the terms of monetary penalties. For example, in mandating the imposition of "full damages" in setting criminal restitution, and in providing a mandatory schedule of fixed-sum fines for violation of certain drug offenses as well as fixed-sum felony penalty assessments, the Arizona legislature had created a sharp departure from the prevailing view embodied in American law and jurisprudence that some consideration for the offender's ability to pay must be given at the time of sentencing. Because these restrictions also run counter to a fundamental principle embodied in the day-fine concept (that of varying the amount of a monetary penalty order according to the means of a particular offender), they needed careful examination by the policy committee.

Planners pointed out that a variety of philosophical and practical objections could be raised to question the wisdom of these restrictions. They argued that when examined

against long-standing requirements in American jurisprudence that sentences be proportionate, fair, and enforceable, penal policies which seek to exact payment of full damages in *every* case, or which impose a fixed-sum schedule of fines or penalty assessments regardless of an offender's means seem unreasonable, since it can be demonstrated that such requirements will too often place unrealistic demands on offenders. Financial penalties which are excessive in the light of an offender's individual economic circumstances may defeat the court's penal purpose in ordering restitution (as well as its effort to hold the offender accountable) by overwhelming the offender's ability to comply. In particular, planners argued, conditioning probation on the performance of requirements beyond the offender's capacity will only thwart the sentencing goals the judge intended in choosing probation over imprisonment.

Echoing concerns which had already been raised by many of the superior court judges, planners maintained that the imposition of an impossible demand at sentencing might foil the prospects of meaningful rehabilitation by undermining the probationer's sense of responsibility from the onset. Moreover, they pointed out that a statutory requirement requiring that full restitution be ordered in every case, without regard to ability to pay, may create unrealistic expectations among victims of crime and could undermine the effectiveness of collection and enforcement efforts. For both of these reasons, it may ultimately damage the credibility of the court's sentencing function.

Interviews with probation officers in the field had repeatedly unearthed information about cases where relatively large damages were due the victim, but where the offender was a destitute individual, beset with personal difficulties (such as alcohol or drug abuse) and lacking any significant employment history or vocational skills. Probation officers disclosed that such orders of full restitution tended to result, under Arizona law, in an endless sequence of futile attempts to compel payment via "modified

payment plans" -- which had the *actual* effect of simply moving most of the financial obligation forward into a large "bubble" of unpaid balance, which was (for all intents) written off as a civil judgment order at the point when probation was terminated. Such a proliferating series of concessions to indigency (although constitutionally required as long as non-payment is not willful) inadvertently gives other offenders -- as well as victims, and the public in general -- the impression that the court is not really serious about enforcing the conditions of probation. One result of such practices is that, over time, compliance with financial penalties is eroded across the board. Ultimately, therefore, such policies may increasingly frustrate the interests of victims in compensation for damages caused by crime, as well as to diminish the flow of revenue from fines and other financial penalties into the public purse.

Given the restrictions against considering offenders' means in setting the amount of restitution and certain drug fines, Arizona's apparent statutory prohibition against modification of the amount of a fine or restitution order at default was doubly troubling to pilot planners. Specifically, Arizona law appeared to restrict a judge's consideration of an offender's economic circumstances at default to "modification of the manner in which the restitution or fine is to be paid." (A.R.S. section 13-810 [C] [1]) Although the U.S. Supreme Court in *Bearden v. Georgia* (103 S.Ct. 2064) suggests that further extensions of the time for payment represent one type of appropriate response to default when it is not willful, it goes on to identify other "adequate alternative forms of punishment" (reducing the amount ordered or directing the offender to perform community service in lieu of payment) to be considered by the judge. In restricting Arizona judges to modification of payment terms alone, the state legislature appeared to have denied them tools necessary to effectively assert the state's interests in punishment and deterrence through alternative means -- as required by the principles set forth in *Bearden*.

The combined weight of these restrictive laws caused the pilot's planners to suggest that the policy committee make a creative leap to position themselves to experiment more freely, and to attempt to place the entire scope of current practice -- the courts' utilization of monetary sanctions, fees, costs, assessments and surcharges -- under the rational discipline of the means-based sanctioning concept. The policy committee responded to this challenge by developing a flexible conceptual framework -- a whole new form of probation which came to be named "FARE" (Financial Assessment Related to Employability) -- which would prove capable of incorporating within the scope of the pilot, all but the most difficult cases. The committee decided that in any case where a presentence investigation officer determined that an offender fit a "low-risk/low-needs" eligibility profile, the day fine technique would be used to determine the total dollar amount that could be justly imposed at sentencing. That sum would then be apportioned for distribution -- in a set order of priority -- among various statutory requirements until the sum was used up. The priority order established by the committee follows:

- The first \$8 would be dedicated to satisfaction of the mandated time payment fee.
- The next \$100 would be dedicated, as mandated, to the state's victim compensation fund.
- The next obligation to be satisfied would be victim restitution (if any) in the full damage amount -- unless that amount would exceed the total dollar amount remaining for distribution. Whenever this circumstance would arise, the offender would be automatically deemed ineligible for FARE Probation and the case would be re-routed toward normal supervision.
- The next obligation would be to pay any fine which might be imposed. The committee assumed these would be rare except where mandated by law. The approach the committee chose for handling a case where a mandated fine exceeds the available dollars would be different than in the case of victim restitution, however. While the entire mandated fine amount would be imposed at sentencing as required by statute, only the portion equal to the remaining dollars available for distribution would be included in the FARE

Probation order for collection by the pilot staff. The remainder of an "excessive" fine would be imposed in a judgment order lodged against the offender at sentencing, to remain as an outstanding obligation after the FARE Probation portion had been duly collected and probation was terminated. Responsibility for collection of this remainder would then revert to "normal channels" as is true for any other financial obligation left outstanding when probation is terminated.

- Finally, after all the above obligations were addressed, the remaining money -- if any -- would be dedicated as a probation service fee. While little if any funds would typically remain for this purpose whenever a substantial restitution order or a mandated drug fine would pertain, the committee was confident that there would be a very healthy stream of FARE Probation cases where all but \$108 of the assessed dollar amount would be apportioned as a probation service fee.

The Concept and Practice of FARE Probation

As more and more information about the workings of the traditional sentencing practices had been provided by the planners, the policy group had come to embrace the notion of a sole-sanction monetary penalty, and to see its potential role in the broad effort by judges to restructure probation supervision in order to tailor specific sanctioning options deemed appropriate for particular target groups of offenders. That is to say, as the court moved further toward the goal of shifting the existing resources of the Probation Department to create more structured surveillance-oriented or service-rich programs for higher risk probationers, the idea of a "no-load" supervision option (that would actually produce revenue!) for the "low-risk/low-needs" segment of the probation population became increasingly attractive. Introduction of the day fine concept provided both the technical framework for a new form of probation and for the definition of a new target group of offenders to be routed toward the FARE Probation option by presentence investigators.

FARE Probation would dispense with the normal probation supervision regimen, and would also eliminate all standard probation conditions -- except for the obligations to remain crime-free and to pay the financial obligations imposed by the judge. It was decided that payments could be made by mail -- thus eliminating the need for contact with a probation officer, assuming each payment installment was posted according to the schedule to be set on the day of sentencing. Finally, a special FARE Probation order was designed to incorporate all of these provisions, and was set at sentencing to terminate automatically upon final payment of the monetary obligation in full.¹²

The appropriate placement of the new sentencing option along the intermediate sanctions continuum was determined on the basis of its relative "onerousness" in relation to existing options: the FARE Probation penalty, as it was designed to replace normal supervision and reporting with a schedule of affordable payments until the financial obligation is discharged, was seen to fit nicely between "summary (unsupervised) probation" and regular (supervised) probation -- which, as has been said, normally also carries the traditional package of financial assessments along with the obligation to report to a probation officer on a periodic basis, and to comply with a schedule of standard probation conditions.

Once these concepts were accepted by the policy committee, the pilot's planners moved quickly to development of the tools and techniques necessary to bring the theory into practice:

- **Specific Eligibility Criteria** for use in screening offenders into the FARE Probation option.

¹² Probation officials report that the automatic termination feature serves as an effective incentive to prompt payment for most FARE Probationers offenders -- and has frequently produced cases where payment in full is achieved well in *advance* of the scheduled date for final payment.

- **A Penalty Unit Scale** to provide court and probation officials with a common starting point for setting an appropriate number of penalty units based on the relative gravity of the conviction offense in a particular case.
- **A Valuation Model** for determining the "fair share" of an offender's income to use in determining the value of each penalty unit in a particular case.
- **Provision of Adequate Means Information** in each eligible case to allow accurate application of the day fine technique to calculate the total financial assessment figure.
- **Provision for Collection and Enforcement** through simple, routine measures designed to assure the effective administration of the new penalty.

Eligibility and Screening for FARE Probation

Because all of the information necessary to both determination of FARE Probation eligibility as well as application of the day fine technique is collected during the routine course of preparation of the presentence investigation report, the obvious locus of case screening for the pilot was within the PSI unit. Eligibility criteria for FARE Probation were crafted to fit within the determinations normally made by presentence investigators on the basis of the following factors:

- The defendant must be convicted of a probation eligible offense
- The defendant is not in need of formal probation supervision (does not pose a threat of danger to the community; is not "violence prone;" is not a chronic offender)
- The defendant is not plagued by major personal or social problems which require treatment, training, or education (does not suffer from substance abuse; has no evident major emotional, sexual, or mental problems; is employable)
- The defendant does not owe victim restitution which exceeds the financial assessment amount (as derived from application of the day fine technique)

Development of the Penalty Unit Scale

Development of a basic architectural structure for a monetary penalty unit scale for use in applying the day fine concept to the sentencing of criminal cases in was one of the planning activities which drew directly upon to experience of the judges who served on the policy committee. Such a scale is necessary to provide a presumptive number of monetary penalty units for each of the conviction offenses commonly handled by the court, and thus provide the court with an informal but comprehensive framework of standards to be used in determination of the number of units to be used to calculate the appropriate amount of a monetary penalty in individual cases. As has been said, to meet the goals of the FARE Probation pilot, the unit scale was designed for broader application in calculating the dollar amount of a comprehensive "monetary penalty package," rather than a simple "day fine," because the court chose to apply the day-fine concept to the whole array of monetary orders *including* the criminal fine, victim restitution, the probation service fee, etc.

To build the unit scale, planners began by developing a proposed rank-ordered listing of the more than 250 criminal code offenses (ranging from first degree felonies to third degree misdemeanors) which appeared one or more times as conviction charges in the sentencing data which were drawn from the court records of cases disposed from 4-1-88 through 3-31-89. Vera's research department had drawn a sample for study comprised of all cases sentenced in the court during that time period, and this sample was searched to identify all conviction charges as well as the sentences imposed in these cases. The conviction offenses were then sorted according to a classification process which included an analysis of the relative degree of seriousness of the criminal behaviors assumed to be involved, with some adjustments performed to reflect the sentencing norms as deduced

from earlier discussions with court officials as well as from patterns noted in the sample of disposed cases.

Planners devised a classification framework of fourteen severity levels. Those offenses deemed to be the most serious were placed in level one; the least serious, in level fourteen. This structure allowed for a more refined grading system than the general classes of criminal code offenses (felony classes one through six, and misdemeanor classes one through three) that are encompassed within the scope of the ranking exercise. Furthermore, each offense was graded without regard to its penal law classification, so that the rank ordering of each could more accurately reflect the relative seriousness of the actual criminal behavior involved. That is to say, the ranking system allowed for grading a fourth degree offense involving bodily harm at a level which reflects a higher measure of gravity than a third degree non-violent property offense.

To guide the classification process, a set of general analytic principles was drawn from Andrew von Hirsch's work on the jurisprudence of sentencing. Professor von Hirsch had set forth a threefold classification of victimizing crimes which creates a hierarchy of harms.¹³ At the highest level are crimes which damage or destroy the welfare interests of individuals -- that is, those crimes which affect a person's life, health, or economic livelihood at the level of basic subsistence. Next come crimes which threaten a person's security interests -- those which threaten or damage physical well-being, or the enjoyment of a tolerable living environment. Crimes affecting accumulative interests are ranked next -- those which involve property beyond that which is necessary for preservation of basic subsistence or a tolerable living environment.

¹³ Andrew von Hirsch, *Past or Future Crimes*. New Brunswick: Rutgers University Press, 1985. Pp 66-71.

The scope of criminal offenses to be sorted for the ranking list also include a broad range of charges involving nonvictimizing offenses -- some relatively petty -- and so the basic principles above have been extended to devise a conceptual framework which would be broad enough to include the both the lesser victimizing crimes, as well as drug and contraband offenses, offenses involving obstruction of legal process, and offenses involving breaches of public decorum and community standards of behavior.

To develop a classification system for nonvictimizing crimes, planners began by identifying those which, while not involving violation of the personal interests of an identifiable "victim," nonetheless present a risk of resultant harm. Some of the common vice crimes -- trafficking in drugs, for example -- may result in quite serious harm, even though it can be argued that consumers of these goods and services have willingly assumed (even sought out) the risks involved. On the other hand, there are vice crimes -- prostitution, for example -- which involve no palpable harm, but rather constitute conduct offensive to community sensibilities.

A third category of nonvictimizing crime involves conduct which might be characterized as breaching the duties of citizenship. The most serious instances of such conduct involve the corruption of public officials. Less serious instances would include crimes which interfere with or otherwise undermine the proper administration of justice or other governmental operations -- ranging down to such minor crimes as the false report of an incident.

To anchor the various classes of offenses in relation to each other planners followed some general ranking principles derived from the above analysis:

- Among the victimizing crimes, property and theft offenses should generally be weighed as less serious than those involving physical harm.

- Those nonvictimizing crimes which present a clear potential for tangible harm should be considered as serious as property crimes, while those presenting no risk of harm should be ranked in the lowest ranges of severity.
- "Breach of duty" crimes should range from medium to low severity, according to the degree of interference with proper governmental operations presented.

These key concepts were applied to distribute more than two hundred specific offenses among the fourteen levels of severity, as well as in determining rank order within each level. Offenses involving substantial physical harm are ranked in the highest levels. The lowest levels are devoted primarily to petty property offenses, harmless nonvictimizing offenses, and public decorum offenses. More substantial property offenses and the more serious drug offenses are distributed primarily in the middle bands.

Planners carried out this sorting process at an abstract level, however, as they were lacking a level of knowledge which could only be provided by practitioners from the court: an empirical understanding of the specific criminal behaviors commonly associated with each of the criminal code offenses on the list. The policy committee was asked to review the initial scaling effort and to adjust the rankings where necessary to reflect the real degree of harm typically involved in such cases, which they proceeded to do -- making a variety of minor adjustments.

Once this refining work was completed, the resulting rank-ordered list of offenses was used to calibrate a specific presumptive unit value -- proportioned to the seriousness of each of the offenses. A range of monetary penalty units for severity levels four through fourteen was proposed to the group. The top three ranks are made up of conviction charges where the great majority of cases in the sentencing sample (70 percent or more) carried a prison sentence, and it was assumed that these charges therefore would not be appropriate for scaling with a presumptive monetary penalty unit value. All other

offenses were to be assigned a presumptive number of units within their assigned severity level. Although the eligibility criteria to be used to identify appropriate offenders (those with a "low-risk/low-needs" profile) would assure that most FARE Probation cases would involve charges falling among the lower severity levels, it was thought desirable to provide guidance for "exceptional" as well as for "typical" cases. Thus it was determined that a scale of 360 monetary penalty units could offer sufficient flexibility in scaling all but a handful of the most serious offense charges (murder, sexual assaults, armed robbery, etc.) appearing in the Arizona Criminal Code. A floor was set at ten penalty units to guard against trivialization of offenses at the low end of the scale.

The total range of 350 penalty units (10 to 360) was then distributed across eleven severity levels, with relatively broad ranges assigned to the more severe levels, and progressively narrower ranges assigned as severity decreases. The ranges were varied in this fashion because the offenses which cluster at the low end of the scale reflect more minor criminal behaviors at a relatively uniform level of low severity -- while the upper levels contain a wider range of offense severity involving more serious criminal behavior. Once the range assignments were approved by the policy committee, planners proceeded to assign a specific penalty unit value to each individual offense within the range assigned to its severity level. A representative sample of common conviction offenses showing their penalty unit values is presented in Table Six. The complete unit penalty scale can be found in Appendix V.

Table Six

Classification of Common Conviction Offenses with Assigned Penalty Units

<u>Offense</u>	<u>Offense Class</u>	<u>Units</u>
Burglary: 2nd degree	Felony 3	340
Narcotic Drug: transport/sell	Felony 2	320
Aggravated Assault: serious physical injury	Felony 3	270
Attempted Molestation of a Child	Felony 3	260
DUI with License Suspended	Felony 5	230
Attempted Narcotic Drug: transport/sell	Felony 3	220
Trafficking in Stolen Property: 2nd degree	Felony 3	210
Burglary: 3rd degree	Felony 4	160
Dangerous Drug: possession	Felony 4	150
Narcotic Drug: possession	Felony 4	150
Theft: property value >\$1,500	Felony 3	145
Forgery	Felony 4	140
Theft: property value >\$750	Felony 4	100
Endangerment: substantial risk of death	Felony 6	85
DUI with a Prior	Misd. 1	85
Theft: property value >\$500	Felony 5	80
Resisting Arrest	Felony 6	75
Aggravated Assault: otherwise	Felony 6	70
Attempted DUI with 2 Priors	Felony 6	65
Criminal Trespass: 1st degree, residential	Felony 6	60
Theft: property value >\$250	Felony 6	60
Solicitation of Narcotic Drug: possession	Felony 6	45
Criminal Damage to Property: >\$100	Felony 6	45
Marijuana: possession of <1 lb.	Felony 6	45
Poss/Manufacture/Delivery/Drug Paraphernalia	Felony 6	40
Unlawful use of Means of Transportation	Felony 6	25
Theft: property value <\$250	Misd. 1	25
Attempted Marijuana: possession of <1 lb.	Misd. 1	25

Tailoring the Valuation Model to Preserve the Revenue Stream

A variety of important concerns arose during the development of a format for determining the fair valuation of penalty units for a specific offender. When using the day fine technique, the value of each penalty unit must be set in direct relation to an offender's economic means, generally defined as "daily net income" (e.g., take home pay divided by the number of days in a pay period, or the amount of a public assistance grant, divided by the period of time it is intended to cover).

Conceptually, the proportion of income to be "sheltered" from consideration in valuation may be determined by the purposes for which the sanction is introduced. Where the sanction is to be reserved for relatively low-level petty offenses which would not normally draw more substantial sanctions, a court might want to shelter all but purely discretionary income from consideration, discounting daily net income by a generous proportion representing normal living expenses, and further adjusting the amount downward to account for family responsibilities -- resulting in relatively lenient fine amounts. On the other hand, if a new monetary sanction is to be introduced with a specific intention of displacing terms of incarceration through a diversionary scheme (i.e., targeting jail- or prison-bound offenders) a court might move to draw much more of an offender's full daily "take-home pay" to produce fine amounts which will be appropriately stiff.

The policy committee was determined to steer a middle course in developing the FARE Probation valuation formula. The court expected to be imposing the new penalty for a fairly broad range of offenses which had been filed as felonies, and typically disposed as such. On the other hand, the targeting mechanism embodied in the screening rules would not normally bring defendants bound for jail or prison into the pilot's scope.

It was thus determined that a relatively simple, straightforward formula -- similar to that which had been utilized in the Staten Island day fine pilot -- which would be calibrated to produce relatively moderate outcomes -- that is, monetary assessments in dollar amounts which should fall neither too leniently, nor too stiffly, across the shoulders of the targeted offenders -- whatever the relative size of their pockets. Planners were asked to incorporate another important concern in addition: since a variety of revenue streams were generated through the existing sentencing practices, it was hoped that the valuation formula could also be set in terms that would not *diminish* the size of these streams.

Accordingly, the pilot's planners created, from within the planning data base, a subset of case data comprised of more than 300 offenders for whom both conviction information and PSI financial statement data was restructured into a "spreadsheet" program so that various optional combinations of "shelters and discounts" could be tested to forecast the revenue outcomes which would result. This spreadsheet program was used throughout the planning to provide the policy committee with information about the financial impact of the choices they were making -- both on individual offenders as well as on the overall, aggregate revenue picture. The result is that planners were able to demonstrate that the formula ultimately chosen -- a combination of an across-the-board income shelter and a household support discount which increased proportionally as family size increased -- would not reduce the "bottom line" in terms of probation fee or general fund revenues. This formula was then incorporated in a simple-to-use "tax-table" format for use by PSI officers. A copy may be found in Appendix VI.

Provisions For Collection And Enforcement

The final important step required before the pilot could be launched was a review of the provisions for fine collection and enforcement that were existing in the court system, and the design of a set of procedures tailored to assure that the introduction of the new FARE Probation sanction would not be undermined by ineffective, inefficient handling of the required administrative routines. A review of the scant information that is readily available from the court system regarding collection of monetary assessments reveals that significant amounts of money are involved, and that the resulting revenue streams are viewed as important. According to a 1992 estimate supplied by the Adult Probation Department, Adult Probation Orders resulted in an aggregate total of \$15,959,808 in financial assessments, of which \$10,705,816 (67.1 percent) was collected.¹⁴ Fine revenues go primarily to the Maricopa County general fund, with the surcharge revenues divided among various purposes (the law enforcement and prosecutor training funds, etc.). Probation fee revenues are used to support the operational costs of Department operations

When the planning for the pilot was begun, little information was available regarding payment outcomes. The Court Clerk was reporting the amounts collected every month, and the Adult Probation Department was faithfully tracking the proportion of moneys due which was paid in each month¹⁵ for those offenders on its caseload, but -- as is typical in most jurisdictions across the country -- there was no regular reporting of basic management information such as the proportion of offenders with financial

¹⁴ This estimate was reported in a grant application the APD submitted to the Arizona Judicial Collection Enhancement Fund for funding to implement an "Intensive Collection Management Project."

¹⁵ The reporting of this data is favorably affected by the common practice of periodic modifications of payment schedules for those offenders who fall into arrears, however. This procedure has the effect of moving unpaid balances due into a new schedule of future payments, and thus keeps the monthly proportion figure high.

sanctions imposed who ultimately pay in full; the average length of time required for full payment; the proportion of offenders who default on their financial obligations; the number of enforcement measures that are taken; or the outcomes of these enforcement efforts.

The primary responsibility for collection of monetary sanctions was vested in the Court Clerks Office (where a staff of five was involved in this function), but the Adult Probation Department *also* makes an effort to monitor the financial sanction obligations of the offenders on its active case load, and to effect payment in full. At the time the planners began their review of collection procedures, there was a fair amount of activity underway in the Department to improve collection outcomes. A recently completed internal Departmental study had concluded that improvements were needed. A staff-level work group was meeting regularly to review the "RFR reports"¹⁶ -- monthly computer printouts provided to field probation officers containing information from the Court Clerks Office's automated payment files regarding non-payment -- and to improve the flow and accuracy of this data.

Interviews with probation field staff conducted during the pilot planning process revealed attitudes toward monetary sanctions and the business of collecting them that ranged from cheerful enthusiasm to cynicism, but the typical view conceded that collection and enforcement were "important to the department, but not a high priority for me in my job." Many probation officers echoed the judges in questioning the rationality of the apparent legislative zeal for "crime taxes" in Arizona, given the financial struggles most probationers and their families face to keep themselves afloat from day to day. The point was frequently made that the need for substance-abuse, mental health, and sex-

¹⁶ The Court Clerks Office "Restitution/Fines/Reimbursement" computer system is used to track payments by offenders of the monetary assessments imposed by judges of the Superior Court.

offender treatment *is* a high priority for this population, and that -- due to the dearth of public funding for these services -- the small treatment delivery system in the county operates largely on a fee-for-service basis, creating yet another priority demand for expenditures from a typically over-strained family budget.

The FARE Probation Collection System

In the normal course of court-system operations, responsibility for collection and enforcement of financial assessments is "decentralized" -- which is to say, fragmented. Various actors play a role (judges, county attorneys, court administrators, clerks, probation officers, etc.) but no one of these agents is responsible in terms of accountability for the overall efficiency or effectiveness of the collection system. Moreover, many of their responsibilities and activities in regard to administration of financial penalties overlap, and each of them has many other duties seen by him or her to be of much higher priority.

One of the most important aspects of planning for the FARE Probation program was developing a model for centralized collections, i.e., the existence of dedicated, accountable staff with a primary focus on collection and enforcement of all financial assessments imposed by the court on the offenders under its supervision. The FARE Probation approach was designed to assure effective, efficient administration of monetary sanctions through the following measures:

- Use of the "day fine" technique to assure imposition by sentencing judges of fair, affordable -- and thus collectable -- dollar amounts in individual cases
- Setting appropriate individualized schedules for payment within time frames that are as short as is feasible, given the offender's personal and household

responsibilities, and providing pre-addressed payment envelopes to facilitate prompt, regular submission of installment payments

- Providing timely notification when each payment is due.
- Providing rapid response when a payment is not made on time
- Promptly investigating and responding appropriately when payment becomes delinquent
- Continuing rapid, persistent responses to delinquency -- and quickly moving unresponsive offenders' cases back to the court for revocation and issuance of a warrant

Case Data From the Pilot

The experimental pilot was launched on April 15, 1991. The RAND Corporation has completed a comprehensive evaluation of the FARE Probation pilot for the National Institute of Justice. The scope of this research involved in-depth examination of pilot operations; documentation of the personal and criminal history characteristics of the offenders sentenced to this new form of probation; the rate of collection; the rate of recidivism; and the cost impact of the pilot's operation. The RAND research team has amassed a wealth of data now made available to the author of this report. Most importantly, they have been able to use the resources supplied by NIJ to construct matched samples of cases for comparison with the first two years' worth of FARE Probation cases.

When the pilot was being designed, the planners realized that the court's practice of randomly assigning criminal cases within the quadrants of the court would allow for an interesting "natural experiment" for the purpose of evaluation research. They convinced the policy committee to agree to restrict use of the sanction to only one-half of the judges sitting in the superior court, so as to allow the research team the opportunity to collect a

set of matched comparison cases from the caseloads of the judges who were not authorized to impose a FARE Probation sanction. This provision enabled the RAND research team to make a variety of key comparisons essential to production of precise impact measurements for each of the dimensions they have undertaken to study.

A selection of the RAND data can be seen on tables supplied in a draft by Susan Turner, which are attached in Appendix VII. A straightforward glance at these data, and at the basic comparisons that have been made between the FARE Probation cases and a matched set of cases drawn from the pool of offenders sentenced by "non-participating" judges show that the pilot was meeting the planners best expectations in many critical dimensions.

These data indicate that (not surprisingly, given the eligibility rules) the bulk of offenders sentenced to FARE Probation were convicted of theft (56 percent) and drug (32 percent) offenses. As a group the FARE probationers were more likely to have no prior arrests (59 percent, compared with 40 percent among the comparison group), and they were more likely to score "low" on the probation risk score (22 percent, compared with 10 percent). In this regard, it is interesting to note that despite the screening rule that FARE probationers be "low risk" candidates for probation, in terms of their risk assessment test scores, the majority had ranked above the "low" classification (49 percent scored "moderate"; 24 percent scored "high"; and 5 percent qualified as "intensive" according to the RAND data).

The RAND data indicate that -- in terms of their economic circumstances -- neither the FARE Probationers nor the comparison group were affluent.¹⁷ Nearly as

¹⁷ Once the pilot was well underway and this fact had become evident, it was frequently noted with considerable satisfaction by pilot staff in conversations with the planners. It seems that prior to its inception, probation department cynics had predicted that the pilot would only serve to cream off the

many in the comparison group as FARE Probationers were employed (62 percent as compared with 59 percent) -- but the FARE group were more likely than those in the comparison group to be employed full time (51 percent to 43 percent). Average monthly income for FARE Probationers was higher (\$1,116 for FARE Probationers; \$950 for those in the comparison group) but their average monthly expenses were lower (\$799, compared with \$976).

The RAND data allow for a comparison of the actual sentence outcomes for the matched comparison group who were sentenced by judges to whom the FARE Probation option had been withheld. These data offer strong evidence that the FARE Probation pilot drew primarily from within the ranks of those bound for standard probation supervision -- precisely the pilot's aim. 77 percent of those in the comparison group received a standard probation sentence. That sixteen percent received a jail sentence indicates that a very limited diversion effect was underway -- while the fact that only *four* percent were sentenced by judges to summary probation should be substantially reassuring to those who worry that the new sanction would work to "widen the net" of supervisory control.

In terms of the magnitude of financial assessments, the FARE Probation data suggests that use of the new sanction option has had the effect of holding the average assessment amount stable (as intended by the planners) while *broadening* the range of the total assessment amount. The average total monetary assessment for FARE Probationers was \$1,015, compared with \$1,186 for the comparison group. Almost *all* FARE Probationers made at least some payment in compliance with their financial obligations (96 percent, compared with 77 percent for the comparison group) and the average amount

higher income offenders from the department's caseload -- and some had taken to calling it "the Scottsdale Project," after the well-known affluent neighborhood in Phoenix. These derisive comments stopped once the characteristics of the actual FARE Probation caseload became broadly known within the department.

which had been paid within one year of the sentence date was markedly *higher* for FARE Probationers (\$694) than for controls (\$447). FARE Probationers were quicker to discharge their financial obligation. 53 percent had paid *in full* within a year of sentencing, compared with only 20 percent for the comparison group.

From the inception of the planning effort the County Attorneys office had cooperated fully with the experiment, but made it clear that in the long run its embrace of the FARE Probation concept would be conditioned upon the production of favorable outcome data -- from the RAND evaluation -- regarding recidivism among those admitted to the pilot. In this regard, the RAND data appear to support the planners' hope that -- at the least -- the FARE Probationers would not produce a worse record than the control group. The data displayed in Table Seven show that recidivism, measured conservatively in terms of any rearrests within one year of sentencing, is low for both groups.

Table Seven

Offenders Rearrested within One Year

	FARE	Controls
Violent Offenses	3%	3%
Property Offenses	5%	7%
Drug Offenses	3%	7%
Other Offenses	6%	11%
Percent Arrested	11%	17%

To further round out the impressions created by the preliminary RAND research data, some basic operational data has been provided by probation staff for this report (see Appendix VIII). These data were drawn from the pilot's own computerized case tracking system. From the pilot's inauguration in 1991 through November 1994, 643 defendants had been sentenced to FARE Probation. The average monetary assessment imposed was \$1,330. By January 1995, two-thirds of these offenders had successfully completed and been terminated from probation. One quarter were still active in FARE Probation. The total amount of money collected as a percentage of the aggregate amount imposed for the 643 cases was 75 percent. A more relevant indicator of the effectiveness of the FARE Probation collection system can be seen in data the Probation staff have produced from collection records for the first 278 offenders sentenced to FARE Probation -- those sentenced during the period that pilot was operated under the grant from SJI. These data show that by January 1995, 247 (89 percent) had paid their monetary penalty assessment in full.

Conclusion

The data provided by the RAND research team certainly support the confidence of the pilot's planners that this test of the use of means-based monetary sanctions holds great promise for those policy makers and practitioners who continue to search for rational, effective sanctioning options for those offenders whose offenses are not so serious as to require incarceration.

This effort to introduce a new form of felony probation has demonstrated the power of the day fine concept to bring a new degree of rationality and manageability to a

hodgepodge of financial assessments which, over recent years, had grown to unwieldy proportions and had convinced many court officials that prospects for administrative reform were nearly hopeless. The pilot's policy group was able to define an appropriate target group, and probation staff were able to create a screening system which has worked to successfully divert a modest but steady stream of cases from within the target pool -- evidently avoiding the common pitfall of "widening the net."

The strategy whereby collection of a just and affordable monetary sanction would supplant traditional (and more costly) probation supervision without increasing recidivism among the diverted offenders appears to be working well, judging by every key measure available. The data highlight that the key concepts and practices have been tested in the pilot and are now ready for more broadly ambitious application in the sentencing practices of the Phoenix court -- as well as in felony sentencing practice across the nation.

APPENDIX I

Sentence Types Imposed in Criminal Code Offences

	DEATH		PRISON		PROBATION		JAIL		FIRE		SH. PROB.		OTHER		ISP		PROB./JAIL		PROB./PRIS		TOTAL	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
13-1506 1M					2	40.0	3	60.0													5	100.0
13-1506 2M							1	100.0													1	100.0
13-1507 3F	90	65.2	17	25.8	15	22.7															136	99.9
13-1507 4F	3	60.0			4	44.4															66	100.0
13-1507 5F					1	100.0															5	100.0
13-1507 6F					1	11.1															9	99.9
13-1507 1M	8	88.9	5	71.4	1	14.3															9	100.0
13-1508 2F					1	100.0															1	100.0
13-1508 3F					1	11.1															7	100.0
13-1602 5F	16	12.6	34	61.8	83	65.4	3	5.5	6	10.9	8	14.6									127	100.1
13-1602 6F			5	45.5	5	45.5			3	27.3	2	18.2									55	100.1
13-1602 1M					1	100.0															11	100.1
13-1602 2M																					1	100.0
13-1604 6F											1	100.0									1	100.0
13-1702 1M					2	66.7			1	33.3											3	100.0
13-1703 4F					1	50.0															2	100.0
13-1703 5F					1	100.0															2	100.0
13-1703 6F					2	100.0															1	100.0
13-1704 2F					1	100.0															1	100.0
13-1704 3F					1	100.0															1	100.0
13-1704 4F	96	52.8	55	36.7	34	22.7	1	0.7													8	4.4
13-1802 3F			45	37.2	37	30.6															15	10.0
13-1802 4F			89	8.2	745	68.5			1	0.1	2	0.2	1	0.1							11	9.1
13-1802 5F					107	56.3	35	18.4	16	8.4	18	9.5									27	2.5
13-1802 6F			20	17.1	70	59.8															4	3.4
13-1802 1M																					4	3.4
13-1803 6F																					23	19.7

Sentence Types Imposed in Criminal Code Offences

	DEATH		PRISON		PROBATION		JAIL		FINE		SM. PROB.		OTHER		ISP		PROB/JAIL		PROB/PRIS		TOTAL				
	N	X	N	X	N	X	N	X	N	X	N	X	N	X	N	X	N	X	N	X	N	X			
13-2102 1M Solicitation of Theft of a Credit Card							1	100.0														1	100.0		
13-2105 6F Receipt by Fraudulent Use of Credit Card: >\$100					2	100.0																	2	100.0	
13-2104 6F Forgery of Credit Card					7	87.5										1	12.5							8	100.0
13-2105 6F Fraudulent Use of Credit Card: >\$100 in 6 months					5	83.3			1	50.0								1	16.7					6	100.0
13-2105 1M Fraudulent Use of Credit Card: otherwise					1	50.0																		2	100.0
13-2105 1M False Statement/Financial Condition or Identity					29	93.6					1	3.2						1	3.2					31	100.0
13-2107 6F Attempted False Statement/ Fin. Cond. or Identity					3	27.3			5	45.5	3	27.3												11	100.1
13-2107 1M Attempted False Statement/ Fin. Cond. or Identity					1	50.0																		2	100.0
13-2307 2F Trafficking in Stolen Property: 1st degree			54	48.2	21	18.8												12	10.7					112	100.0
13-2307 3F Trafficking in Stolen Property: 2nd degree			22	40.7	19	35.2												1	3.7	1	1.9			53	100.0
13-2307 4F Trafficking in Stolen Property: 2nd degree					1	33.3												2	66.7					3	100.0
13-2307 5F Solicitation of Traf. in Stolen Prop.: 2nd degree			1	7.1	11	78.6												2	14.3					14	100.0
13-2307 6F Facilitation of Traf. in Stolen Prop.: 2nd degree					18	46.2	6	15.4										2	5.1					39	100.0
13-2310 2F Attempted Fac. of Traf. in Stolen Prop.: 2nd degree			9	36.0	8	32.0												2	8.0					25	100.0
13-2310 3F Attempted Fraudulent Schemes and Artifices					3	100.0																		3	100.0
13-2310 4F Solicitation of Fraudulent Schemes and Artifices			1	16.7	3	50.0												2	33.3					6	100.0
13-2310 6F Facilitation of Fraudulent Schemes and Artifices					2	66.7			1	33.3								3	33.3					9	100.0
13-2310 1M Attempted Fac. of Fraud. Schemes and Artifices					6	66.7																		5	100.0
13-2311 5F Fraudulent Schemes and Practices					5	100.0																		1	100.0
13-2311 6F Attempted Fraudulent Schemes and Practices					6	37.5	7	43.8										1	6.3					16	100.2
13-2311 1M Facilitation of Fraudulent Schemes and Practices																								2	100.0
13-2312 3F Illegal Control of an Enterprise																								1	100.0
13-2312 4F Attempted Illegal Control of an Enterprise			1	33.3	1	33.3																		3	99.9
13-2312 6F Facilitation of Illegal Control of an Enterprise					2	100.0																		2	100.0
13-2316 3F Computer Fraud: 1st degree																								1	100.0
13-2316 6F Computer Fraud: 2nd degree																								1	100.0
13-2316 1M Attempted Computer Fraud: 2nd degree			2	66.7																				3	100.0
13-2317 3F Money laundering: 2nd degree																								1	33.3

Sentence Types Imposed in Criminal Code Offences

	DEATH		PRISON		PROBATION		JAIL		FINE		SM. PROB.		OTHER		ISP		PROB./JAIL		PROB./PRIS		TOTAL		
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N
13-2317 6F					1	100.0																1	100.0
13-2407 1M					1	50.0			1	50.0												2	100.0
13-2408 6F			1	20.0	3	60.0														1	20.0	5	100.0
13-2408 1M					1	100.0																1	100.0
13-2409 5F			4	36.4	4	36.4																11	100.1
13-2502 6F			10	90.9	3	60.0																5	100.0
13-2502 1M			2	66.7	1	33.3																11	100.0
13-2503 5F					1	100.0																3	100.0
13-2503 6F			2	100.0			1	100.0														3	100.0
13-2503 1M																						11	100.1
13-2503 3F			1	100.0																		5	100.0
13-2505 4F			6	60.0	2	20.0																11	100.1
13-2505 5F			4	100.0																		5	100.0
13-2505 5F					1	50.0																11	100.0
13-2505 6F					1	50.0																3	100.0
13-2505 1M			18	14.6	76	61.8																11	100.0
13-2507 1M					24	64.9			2	5.4												28	100.0
13-2508 6F					4	80.0			5	13.5												2	100.0
13-2508 1M					1	50.0			1	50.0												2	100.0
13-2512 6F					4	100.0																4	100.0
13-2512 1M					1	50.0																2	100.0
13-2702 4F					4	100.0																4	100.0
13-2703 6F					1	50.0			1	100.0												2	100.0
13-2704 6F					1	100.0																1	100.0
13-2802 1M					3	100.0																3	100.0
13-2804 6F					1	100.0																1	100.0
13-2809 6F					2	33.3			3	50.0												6	100.0
13-2809 1M																						1	100.0
13-2810 1M																						6	100.0

Sentence Types Imposed in Criminal Code Offences

	DEATH		PRISON		PROBATION		JAIL		FINE		SM. PROB.		OTHER		ISP		PROB./JAIL		PROB./PRIS		TOTAL	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
13-2904 1M Disorderly Conduct					12	31.6	9	23.7	5	13.2	11	29.0			1	2.6			38	100.1		
13-2905 6F Loitering: school, college, university			5	83.3											1	16.7			6	100.0		
13-2905 1M Attempted Loitering: school, college, university			2	66.7	1	33.3													3	100.0		
13-2905 3M Loitering: otherwise					1	100.0													3	100.0		
13-2907 1M False Reporting					1	33.3			2	66.7					1	100.0			5	100.0		
13-2916 1M Use/Telephone to Terrify/Threaten/Harass					5	100.0													5	100.0		
13-3002 6F False or Forged Messages					1	100.0													1	100.0		
13-3002 1M Attempted False or Forged Messages					4	100.0													4	100.0		
13-3102 4F Misconduct Involving Weapons: prohibited weapon					3	21.4			1	7.1	4	23.5			1	7.1			14	99.9		
13-3102 5F Attempted Misconduct Inv. Weap.: prohibited weapon					7	50.0			2	11.8									17	100.1		
13-3102 6F Misconduct Involving Weapons: prohibited person					7	41.2	3	17.7	2	11.8	1	5.9							1	100.0		
13-3102 1M Misconduct Involving Weapons: concealed weapon																			3	100.0		
13-3102 2M Attempted Misconduct Inv. Weapons: concealed weapon					2	66.7													3	100.0		
13-3204 5F Receiving Earnings of Prostitute			1	33.3	2	66.7													3	100.0		
13-3204 6F Attempted Receiving Earnings of a Prostitute			1	20.0	3	60.0													5	100.0		
13-3208 5F Keeping/House of Prostitution: operating					8	100.0													8	100.0		
13-3208 6F Attempted Keeping/House of Prost.: operating					2	50.0	1	25.0			1	25.0							4	100.0		
13-3208 1M Keeping/House of Prostitution: employee					2	100.0													2	100.0		
13-3209 5F Pandering																			1	100.0		
13-3212 3F Attempted Child Prostitution					3	37.5	1	12.5	1	12.5	2	25.0			1	12.5			8	100.0		
13-3214 1M Prostitution					1	100.0													1	100.0		
13-3303 5F Promoting Gambling					1	100.0													1	100.0		
13-3303 6F Attempted Promoting Gambling					3	42.9			4	57.1									7	100.0		
13-3303 1M Facilitation of Promoting Gambling									1	100.0									1	100.0		
13-3305 6F Betting and Wagering					1	100.0													1	100.0		
13-3305 1M Attempted Betting and Wagering			15	71.4	3	14.3													21	100.0		
13-3403 5F Possession and Sale of Vapor/Toxic Substance			3	30.0	3	30.0													6	100.0		
13-3403 6F Attempted Possession and Sale of Vapor/Tox. Subst.																			10	100.0		

Sentence Types Imposed in Criminal Code Offenses

	DEATH		PRISON		PROBATION		JAIL		FINE		SM. PROB.		OTHER		ISP		PROB./JAIL		PROB./PRIS		TOTAL	
	H	X	H	X	H	X	H	X	H	X	H	X	H	X	H	X	H	X	H	X	H	X
28-0661 6F Leaving the Scene of an Injury Accident			1																			
28-0661 1M Attempted Leaving the Scene of an Injury Accident			1		1																	
28-0663 6F Leaving the Scene of an Injury Accident			116	35.4	3	0.9																
28-0692 5F DUI with License Suspended			15	6.9	21	9.7																
28-0692 6F Attempted DUI with Two Priors			23	7.6	69	22.9	7	2.3	3	1.0												
28-0692 1M DUI with a Prior																						
36-0861 5F Disinterment of a Human Body			1		1																	
44-1220 6F Fraudulent Insurance Claim			1		1																	
44-1220 1M Attempted Fraudulent Insurance Claim			1		1																	
49-0923 6F Illegal Disposal of Hazardous Waste																						
GRAND TOTAL	2	0.0	1,936	21.8	3,813	42.9	248	2.8	175	2.0	159	1.8	3	0.0	340	3.8	1,985	22.3	228	2.6	8,889	100.0

APPENDIX II

CONVICTION CHARGES

	13-1201 Fel. Level 6 Endangerment with Risk of Death	13-1201 Misd. Level 1 Endangerment	13-1203 Misd. Level 1 Assault with Intention of Injury	13-1204 Fel. Level 3 Aggravated Assault w. Sev. Inj.	13-1204 Fel. Level 6 Aggravated Assault	13-1304 Fel. Level 5 Attempted Kidnapping	13-1506 Fel. Level 5 Attempted Burglary 3rd Degree	13-1507 Fel. Level 3 Burglary 2nd Degree	13-1507 Fel. Level 4 Attempted Burglary 2nd Degree
Unknown	0	0	0	0	0	0	0	0	0
FINE	1	1	1	1	1	1	1	1	1
FINE & TS	14.2	50.0	50.0	100.0	50.0	100.0	100.0	100.0	100.0
FINE & PROB	1	1	1	1	1	1	1	1	1
FINE & PROB & REST	1	1	1	1	2	1	1	1	1
FINE & PROB & WORK	1	1	1	1	1	1	1	1	1
FINE & PROB & REST & WORK	1	1	1	1	1	1	1	1	1
FINE & JAIL & PROB	3	3	3	3	3	3	3	3	3
FINE & JAIL & PROB & REST	1	1	1	1	1	1	1	1	1
FINE & JAIL & PROB & WORK	1	1	1	1	1	1	1	1	1
FINE & JAIL & IPS & WORK	1	1	1	1	1	1	1	1	1
FINE & JAIL & PROB & REST & WORK	1	1	1	1	1	1	1	1	1
FINE & JAIL & IPS & REST & WORK	1	1	1	1	1	1	1	1	1
FINE & JAIL	1	1	1	1	1	1	1	1	1
FINE & PRIS & PROB	1	1	1	1	1	1	1	1	1
FINE & PRIS & PROB & WORK	1	1	1	1	1	1	1	1	1
FINE & PRIS	1	1	1	1	1	1	1	1	1
FINE & PRIS & REST	1	1	1	1	1	1	1	1	1
TOTAL	1	7	2	1	4	1	1	1	1

CONVICTION CHARGES

	13-2508 Misd. Level 1 Resisting Arrest	13-2905 Fel. Level 6 Criminal Loitering (Pre 8-18-87)	13-3102 Fel. Level 6 Misconduct Involving Weapons	13-3305 Misd. Level 1 Attempted Beating and Ungering	13-3405 Fel. Level 3 Poss. for Sale of Marijuana > 1 lb.	13-3405 Fel. Level 4 Poss. for Sale of Marijuana < 1 lb.	13-3405 Fel. Level 5 Possession of Marijuana > 1 lb. < 8 lbs.	13-3405 Fel. Level 6 Possession of Marijuana < 1 lb.	13-3405 Misd. Level 1 Att. Possession of Marijuana < 1 lb.	13-3406 Fel. Level 3 Att. Sale of Narcotic Drugs (Pre 8/18/87)
	0	0	0	0	0	0	0	0	0	0
	X	X	X	X	X	X	X	X	X	X

FINE	2	1	1	1	1	2	2	1	1	1
FINE & TS	100.0	100.0	100.0	100.0	50.0	28.5	28.5	17.2	12.5	100.0
FINE & PROB										
FINE & PROB & REST										
FINE & PROB & WORK										
FINE & PROB & REST & WORK										
FINE & JAIL & PROB										
FINE & JAIL & PROB & REST										
FINE & JAIL & PROB & WORK										
FINE & JAIL & IPS & WORK										
FINE & JAIL & IPS & REST & WORK										
FINE & JAIL										
FINE & PRIS & PROB										
FINE & PRIS & PROB & WORK										
FINE & PRIS										
FINE & PRIS & REST	2	1	1	1	2	7	1	28	8	1
TOTAL	100.0	100.0	100.0	100.0	100.0	99.6	100.0	99.7	100.0	100.0

CONVICTION CHARGES

	13-3406 Fel. Level 4 Possession of Mareotic Drugs (Pre 6/18/87)	13-3406 Fel. Level 6 Poss. for Sale Prescription Drugs	13-3407 Fel. Level 2 Sale of Dan- gerous Drugs	13-3407 Fel. Level 3 Poss. for Sale of Dan- gerous Drugs	13-3407 Fel. Level 4 Poss. Equip. for Manu. Dang. Drugs	13-3407 Fel. Level 6 Solicitation to Possess Dang. Drugs	13-3407 Misd. Level 1 Possession of Dang. Drugs	13-3408 Fel. Level 2 Poss. for Sale of Mar- cotic Drugs	13-3408 Fel. Level 3 Possession of Equip- ment/Chem.	13-3408 Fel. Level 4 Possession of Mareotic Drugs
FINE	0	0	0	0	0	0	0	0	0	0
FINE & TS	1	1	1	1	2	2	1	1	1	3
FINE & PROB	1	1	1	1	1	1	1	1	1	1
FINE & PROB & REST	1	1	1	1	2	2	1	1	1	4
FINE & PROB & WORK	1	1	1	1	1	1	1	1	1	2
FINE & PROB & REST & WORK	1	1	1	1	1	1	2	1	1	4
FINE & JAIL & PROB	1	1	1	1	3	3	1	1	1	2
FINE & JAIL & PROB & REST	1	1	1	1	3	3	1	1	1	2
FINE & JAIL & PROB & WORK	1	1	1	1	3	3	1	1	1	2
FINE & JAIL & IPS & WORK	1	1	1	1	3	3	1	1	1	2
FINE & JAIL & PROB & REST & WORK	1	1	1	1	3	3	2	2	2	2
FINE & JAIL & IPS & REST & WORK	1	1	1	1	3	3	2	2	2	2
FINE & JAIL	1	1	1	1	3	3	1	1	1	2
FINE & PRIS & PROB	1	1	1	1	3	3	1	1	1	2
FINE & PRIS & PROB & WORK	1	1	1	1	3	3	2	2	2	2
FINE & PRIS	1	1	1	1	3	3	2	2	2	1
FINE & PRIS & REST	1	1	1	1	3	3	11	5	5	23
TOTAL	1	1	3	1	8	3	11	5	5	23

CONVICTION CHARGES

	13-3408 Fel. Level 5 Attempted Possession of Narcotics	13-3408 Fel. Level 6 Solicitation to Possess Narcotic Drugs	13-3415 Fel. Level 6 Possession of Drug Paraphernalia	13-3701 Fel. Level 6 Unlawful Use of Food Stamps > \$100	28-0692 Fel. Level 5 DUI with License Revoked	28-092 Fel. Level 6 Attempted DUI with Two Priors	28-0692 Misd. Level 1 D.W.I.	TOTAL
FINE	0	0	0	0	0	0	0	0
FINE & TS	0	0	0	0	0	0	0	0
FINE & PROB	0	0	0	0	0	0	0	0
FINE & PROB & REST	1	3	7	0	0	0	1	3
FINE & PROB & WORK	2	2	6	0	0	0	2	41
FINE & PROB & REST & WORK	1	1	0	1	0	4	1	38
FINE & JAIL & PROB	1	0	0	1	0	0	0	10
FINE & JAIL & PROB & REST	0	0	0	0	0	0	0	0
FINE & JAIL & PROB & WORK	0	0	0	0	0	0	0	0
FINE & JAIL & IPS & WORK	0	0	0	0	0	0	0	0
FINE & JAIL & PROB & REST & WORK	0	0	0	0	0	0	0	0
FINE & JAIL & IPS & REST & WORK	0	0	0	0	0	0	0	0
FINE & JAIL	0	0	0	0	0	0	0	0
FINE & PRIS & PROB	0	0	0	0	1	0	0	1
FINE & PRIS & PROB & WORK	0	0	0	0	2	0	0	2
FINE & PRIS	0	0	0	0	0	0	0	0
FINE & PRIS & REST	4	8	13	1	3	5	19	99.7
TOTAL	4	8	13	1	3	5	19	99.7

APPENDIX III



CONVICTION CHARGES

	13-1404 Fel. Level 3 Kidnapping Victim Rel. to the State	13-1410 Fel. Level 3 Attempted Molestation of a Child	13-1504 Fel. Level 6 Criminal Trespass 1st Degree	13-1506 Fel. Level 4 Burglary 3rd Degree	13-1506 Fel. Level 5 Attempted Burglary 3rd Degree	13-1507 Fel. Level 3 Burglary 2nd Degree	13-1507 Fel. Level 4 Attempted Burglary 2nd Degree	13-1507 Fel. Level 6 Facilitation of Burglary 2nd Degree	13-1508 Fel. Level 3 Burglary 1st Degree Non-Resid.	13-1602 Fel. Level 6 Crim. Damage to Property > \$100 < \$2500
REST	1	1	3	2	1	1	1	1	2	2
REST & PROB										
REST & PROB & FINE				28.5		9.0	50.0			22.2
REST & PROB & WORK										
REST & PROB & WORK & FINE										
REST & IPS & WORK										
REST & IPS & WORK & TS										
REST & JAIL & PROB										
REST & JAIL & PROB & TS										
REST & JAIL & PROB & WORK										
REST & JAIL & PROB & FINE										
REST & JAIL & PROB & FINE & WORK										
REST & JAIL & IPS & WORK										
REST & JAIL & IPS & WORK & FINE										
REST & PRIS & TS										
REST & PRIS										
REST & PRIS & FINE										
TOTAL	1	3	7	7	1	11	2	1	1	9
	100.0	99.9	99.7	99.7	100.0	99.8	100.0	100.0	100.0	99.7

CONVICTION CHARGES

	13-1602 Mid. Level 1 Attempted Dmm. to Prop. > \$100 < \$250	13-1802 Fel. Level 3 Theft of Property > \$1500	13-1802 Fel. Level 4 Theft of Property < \$750 > \$1500	13-1802 Fel. Level 5 Theft of Property < \$500 > \$750	13-1802 Fel. Level 6 Theft of Property < \$250 > \$500	13-1802 Mid. Level 1 Theft of Property > \$250	13-1803 Fel. Level 6 Unlawful Use of Transportation	13-1902 Fel. Level 4 Robbery	13-1904 Fel. Level 2 Armed Robbery	13-1904 Fel. Level 3 Attempted Armed Robbery
REST	0	0	0	0	0	0	0	0	0	0
REST & PROB	2	3	1	1	17	2	2	2	2	2
REST & PROB & FINE	50.5	27.2	9.0	20.0	30.3	40.0	100.0	50.0	50.0	100.0
REST & PROB & WORK	1	1	1	22	3	3	2	4	4	2
REST & PROB & WORK & FINE	25.0	9.0	9.0	39.2	60.0	60.0	100.0	100.0	100.0	100.0
REST & IPS & WORK										
REST & IPS & WORK & TS	1	1	5	1	11	2	2	2	2	2
REST & JAIL & PROB	25.0	9.0	45.4	20.0	19.6	40.0	100.0	50.0	50.0	100.0
REST & JAIL & PROB & TS					1	3	2	4	4	2
REST & JAIL & PROB & WORK					1.7	5.3	3.5	100.0	100.0	100.0
REST & JAIL & PROB & FINE					3	5.3	5.3	100.0	100.0	100.0
REST & JAIL & PROB & FINE & WORK										
REST & JAIL & IPS & WORK			2	2						
REST & JAIL & IPS & WORK & FINE			18.1	40.0						
REST & PRIS & TS		7	63.6	20.0	2	5	2	2	2	2
REST & PRIS										
REST & PRIS & FINE	4	11	99.6	100.0	56	5	2	4	4	2
TOTAL	100.0	98.8	99.6	100.0	99.6	100.0	100.0	100.0	100.0	100.0

CONVICTION CHARGES

	13-1904 Fel. Level 6 Facilitation of Armed Robbery	13-2002 Fel. Level 4 Forgery	13-2002 Fel. Level 6 Solicitation to Commit a Forgery	13-2102 Fel. Level 6 Attempted Theft of a Credit Card	13-2307 Fel. Level 3 Trafficking Stolen Property 2nd Degree	13-2307 Fel. Level 4 Attempted Prof. St. Prop. 2nd Degree	13-2307 Fel. Level 6 Facilitation of Trafficking Stolen Property 2nd Degree	13-2310 Fel. Level 2 Fraudulent Schemes & Artifices	13-2310 Fel. Level 3 Att. Fraudu- lent Schemes & Artifices
REST	0	0	0	0	0	0	0	0	0
REST & PROB	4	4	1	1	1	1	1	1	1
REST & PROB & FINE									
REST & PROB & WORK	1	1	1	1	2	1	1	2	1
REST & PROB & WORK & FINE									
REST & IPS & WORK									
REST & IPS & WORK & TS									
REST & JAIL & PROB									
REST & JAIL & PROB & TS									
REST & JAIL & PROB & WORK									
REST & JAIL & PROB & FINE									
REST & JAIL & PROB & FINE & WORK									
REST & JAIL & IPS & WORK									
REST & JAIL & IPS & WORK & FINE									
REST & PRIS & TS									
REST & PRIS									
REST & PRIS & FINE									
TOTAL	1	4	1	1	9	2	1	3	1
	100.0	100.0	100.0	100.0	99.9	100.0	100.0	99.9	100.0

CONVICTION CHARGES

	13-3406 Fel. Level 2 Sale of Mar- cotic Drugs (Pre 8-18-87)	13-3406 Fel. Level 3 Att. Sale of Marcotic Drugs (Pre 8-18-87)	13-3406 Fel. Level 4 Possession of Marcotic Drugs (Pre 8-18-87)	13-3407 Fel. Level 2 Sale of Dangerous Drugs	13-3407 Fel. Level 3 Poss. for Sale of Dan- gerous Drugs	13-3407 Fel. Level 4 Poss. Equip. for Manu- facture of Dangerous Drugs	13-3407 Fel. Level 6 Sollicitation to Possess Dangerous Drugs	13-3408 Fel. Level 2 Possession for Sale of Marcotic Drugs	13-3408 Fel. Level 3 Possession of Equipment/Chem	13-3408 Fel. Level 4 Possession of Marcotic Drugs
REST	1 50.0									
REST & PROB		1 33.3								1 16.6
REST & PROB & FINE		1 33.3								
REST & PROB & WORK				1 33.3						2 33.3
REST & PROB & WORK & FINE						1 100.0	1 100.0			
REST & IPS & WORK										
REST & IPS & WORK & TS										
REST & JAIL & PROB										
REST & JAIL & PROB & TS										
REST & JAIL & PROB & WORK										
REST & JAIL & PROB & FINE				1 33.3						
REST & JAIL & PROB & FINE & WORK										
REST & JAIL & IPS & WORK										
REST & JAIL & IPS & WORK & FINE										
REST & PRIS & TS										
REST & PRIS	1 50.0									
REST & PRIS & FINE				1 33.3						
TOTAL	2 100.0	2 100.0	3 99.9	3 99.9	1 100.0	1 100.0	1 100.0	2 33.3	1 16.6	2 33.3

CONVICTION CHARGES

	13-3406 Fel. Level 5 Attempted Possession of Narcotics	13-3701 Fel. Level 6 Unlawful Use of Food Stamps > \$100	23-785 Fel. Level 6 False Statement	28-0661 Fel. Level 6 Accident with Death or Inj. Fail. to Stop	28-0661 Misc. Level 1 Att. Accd. with Death or Inj. Fail to Stop	28-692 Fel. Level 6 Attempted DUI with Two Priors	36-861 Fel. Level 5 Disinterment of a Human Body	44-1220 Fel. Level 6 Att. Fraudu- lent Insur- ance Claim	TOTAL
	0 X	0 X	0 X	0 X	0 X	0 X	0 X	0 X	
REST	1	1	2	1	1	1	1	1	
REST & PROB		50.0	33.3		100.0			57	
REST & PROB & FINE	1							6	
REST & PROB & WORK			66.6				100.0	48	
REST & PROB & WORK & FINE	1							10	
REST & IPS & WORK								1	
REST & IPS & WORK & TO								1	
REST & JAIL & PROB								49	
REST & JAIL & PROB & TS								1	
REST & JAIL & PROB & WORK								10	
REST & JAIL & PROB & FINE								4	
REST & JAIL & PROB & FINE & WORK								5	
REST & JAIL & IPS & WORK								11	
REST & JAIL & IPS & WORK & FINE								4	
REST & PRIS & TS								1	
REST & PRIS								46	
REST & PRIS & FINE	1	2	6	1	1	1	1	5	
TOTAL	1	2	6	1	1	1	1	260	
	100.0	100.0	99.9	100.0	100.0	100.0	100.0		

APPENDIX IV

Table 1

Maricopa County Adult Probation PSI
Financial Statement

Net Monthly Income

<u>Amount</u>	<u>N</u>	<u>%</u>
0	96	25.2
1-500	82	21.5
501-800	90	23.6
801-999	27	7.1
1000-2300	78	20.5
2301 +	8	2.1
	<hr/>	<hr/>
TOTAL	381	100.0%
 No Financial Statement	 375	

Table 2

Maricopa County Adult Probation PSI
Financial Statement

Social Security Benefits

<u>Amount</u>	<u>N</u>	<u>%</u>
0	368	96.6
1-299	4	1.0
300-499	3	0.8
500-699	6	1.6
	<hr/>	<hr/>
TOTAL	381	100.0%
 No Financial Statement	 375	

Table 3

Maricopa County Adult Probation PSI
Financial Statement

Welfare

<u>Amount</u>	<u>N</u>	<u>%</u>
0	365	95.8
1-49	2	0.5
50-99	4	1.0
100-199	2	0.5
200-299	2	0.5
300-399	5	1.3
400-499	0	0
500-599	1	0.3
TOTAL	<u>381</u>	<u>99.9%</u>
No Financial Statement	375	

Table 4

Maricopa County Adult Probation PSI
Financial Statement

Veterans Benefits

<u>Amount</u>	<u>N</u>	<u>%</u>
0	375	98.4
1-99	2	0.5
100-499	3	0.8
500 +	1	0.3
	<hr/>	<hr/>
TOTAL	381	100.0%
 No Financial Statement	 375	

Table 5

Maricopa County Adult Probation PSI
Financial Statement

Retirement Benefits

<u>Amount</u>	<u>N</u>	<u>%</u>
0	377	99.0
1-99	1	0.3
100-799	1	0.3
800 +	2	0.5
	<hr/>	<hr/>
TOTAL	381	100.1%
 No Financial Statement	 375	

Table 6

Maricopa County Adult Probation PSI
Financial Statement

Spouse's Income

<u>Amount</u>	<u>N</u>	<u>%</u>
0	319	83.9
1-500	20	5.3
501-800	20	5.3
801-999	7	1.8
1000-2300	13	3.4
2300 +	1	0.3
	<hr/>	<hr/>
TOTAL	380	100.0%
 No Financial Statement	 376	

Table 7

Maricopa County Adult Probation PSI
Financial Statement

Child Support and Alimony

<u>Amount</u>	<u>N</u>	<u>%</u>
0	373	97.9
100	2	0.5
150	1	0.3
200	2	0.5
250	2	0.5
580	1	0.3
	<hr/>	<hr/>
TOTAL		100.0%
No Financial Statement	375	

Table 8

Maricopa County Adult Probation PSI
Financial Statement

Other Income

<u>Amount</u>	<u>N</u>	<u>%</u>
0	369	96.9
1-99	4	1.0
100-499	6	1.6
500 +	2	0.5
	<hr/>	<hr/>
TOTAL	381	100.0%
 No Financial Statement	 375	

Table 9

Maricopa County Adult Probation PSI
Financial Statement

Total Monthly Income

<u>Amount</u>	<u>N</u>	<u>%</u>
0	129	33.9
1-99	3	0.8
100-199	5	1.3
200-299	16	4.2
300-399	12	3.1
400-499	16	4.2
500-599	25	6.6
600-699	22	5.8
700-799	15	3.9
800-899	31	8.1
900-999	20	5.2
1000-1499	55	14.4
1500-1999	15	3.9
2000 +	17	4.5
TOTAL	381	99.9
No Financial Statement	375	

Table 10

Maricopa County Adult Probation PSI
Financial Statement

Cash Savings

<u>Amount</u>	<u>N</u>	<u>%</u>
0	326	85.6
1-49	23	6.0
50-99	5	1.3
100-149	6	1.6
150-199	3	0.8
200-499	5	1.3
500-999	4	1.0
1000-1999	3	0.8
2000-4999	5	1.3
5000 +	1	0.3
	<hr/>	<hr/>
TOTAL	381	100.0%
 No Financial Statement	 375	

Table 11

Maricopa County Adult Probation PSI
Financial Statement

Checking Account Balance

<u>Amount</u>	<u>N</u>	<u>%</u>
0	310	81.4
1-49	17	4.5
50-99	7	1.8
100-199	8	2.1
200-299	6	1.6
300-399	9	2.4
400-499	6	1.6
500-999	7	1.8
1000-1999	7	1.8
2000-9999	1	0.3
10000 +	3	0.8
	<hr/>	<hr/>
TOTAL	381	100.1%
No Financial Statement	375	

Table 12

Maricopa County Adult Probation PSI
Financial Statement

Motor Vehicle Value

<u>Amount</u>	<u>N</u>	<u>%</u>
0	197	51.7
1-499	35	9.2
500-999	35	9.2
1000-1999	30	7.9
2000-2999	22	5.8
3000-3999	15	3.9
4000-4999	7	1.8
5000-9999	25	6.6
10000-14999	9	2.4
15000-19999	2	0.5
25000 +	4	1.0
	<hr/>	<hr/>
TOTAL	381	100.0%
No Financial Statement	375	

Table 13

Maricopa County Adult Probation PSI
Financial Statement

Approximate Home Value

<u>Amount</u>	<u>N</u>	<u>%</u>
0	337	88.5
1-500	5	1.3
501-10000	0	0
10001-15000	4	1.0
15001-20000	1	0.3
20001-30000	1	0.3
30001-40000	3	0.8
40001-50000	6	1.6
50001-60000	6	1.6
60001-70000	10	2.6
70001-100000	2	0.5
100001-150000	5	1.3
150001 +	1	0.3
TOTAL	381	100.1%
No Financial Statement	375	

Table 14

Maricopa County Adult Probation PSI
Financial Statement

Income Tax Returns (Refund)

<u>Amount</u>	<u>N</u>	<u>%</u>
0	337	88.5
1-49	3	0.8
50-99	3	0.8
100-149	6	1.6
150-199	2	0.5
200-499	13	3.4
500-999	8	2.1
1000-1499	5	1.3
1500-4999	3	0.8
5000 +	1	0.3
	<hr/>	<hr/>
TOTAL	381	100.1%
 No Financial Statement	 375	

Table 15

Maricopa County Adult Probation PSI
Financial Statement

Other Assets

<u>Amount</u>	<u>N</u>	<u>%</u>
0	350	91.9
1-250	7	1.8
251-500	8	2.1
501-1000	2	0.5
1001-5000	8	2.1
5001 +	6	1.6
	<hr/>	<hr/>
TOTAL	381	100.0%
No Financial Statement	375	

Table 16

Maricopa County Adult Probation PSI
Financial Statement

Total Assets

<u>Amount</u>	<u>N</u>	<u>%</u>
0	242	63.5
1-99	5	1.3
100-499	24	6.3
500-999	31	8.1
1000-1999	27	7.1
2000-4999	20	5.2
5000-9999	7	1.8
10000-19999	2	0.5
20000-49000	7	1.8
50000-99999	12	3.1
100000 +	4	1.0
	<hr/>	<hr/>
TOTAL	381	99.7%
No Financial Statement	375	

Table 17

Maricopa County Adult Probation PSI
Financial Statement

Monthly Rent or House Payment

<u>Amount</u>	<u>N</u>	<u>%</u>
0	88	23.1
1-99	15	3.9
100-149	31	8.1
150-199	31	8.1
200-249	42	11.0
250-299	38	10.0
300-349	43	11.3
350-399	31	8.1
400-449	18	4.7
450-499	13	3.4
500-549	7	1.8
550-549	6	1.6
600-699	8	2.1
700-999	4	1.0
1000 +	6	1.6
	<hr/>	<hr/>
TOTAL	381	99.8%
No Financial Statement	375	

Table 18

Maricopa County Adult Probation PSI
Financial Statement

Utility Costs (Monthly)

<u>Amount</u>	<u>N</u>	<u>%</u>
0	176	46.2
1-49	30	7.9
50-99	45	11.8
100-149	43	11.3
150-199	31	8.1
200-249	29	7.6
250-299	12	3.1
300-349	9	2.4
350-399	2	0.5
400 +	4	1.0
TOTAL	381	99.9%
No Financial Statement	375	

Table 19

Maricopa County Adult Probation PSI
Financial Statement

Food Expenses (Monthly)

<u>Amount</u>	<u>N</u>	<u>%</u>
0	109	28.6
1-49	13	3.4
50-99	42	11.0
100-149	55	14.4
150-199	28	7.3
200-249	66	17.3
250-299	19	5.0
300-349	27	7.1
350-399	5	1.3
400-499	9	2.4
500 +	8	2.1
	<hr/>	<hr/>
TOTAL	381	99.9%
 No Financial Statement	 375	

Table 20

Maricopa County Adult Probation PSI
Financial Statement

Clothing Expenses (Monthly)

<u>Amount</u>	<u>N</u>	<u>%</u>
0	213	.55.9
1-49	56	14.7
50-99	58	15.2
100-149	37	9.7
150-199	6	1.6
200-499	10	2.6
500 +	1	0.3
	<hr/>	<hr/>
TOTAL	381	100.0%
No Financial Statement	375	

Table 21

Maricopa County Adult Probation PSI
Financial Statement

Child Care Expenses (Monthly)

<u>Amount</u>	<u>N</u>	<u>%</u>
0	342	89.8
1-49	5	1.3
50-99	6	1.6
100-149	8	2.1
150-199	7	1.8
200-299	11	2.9
300 +	2	0.5
	<hr/>	<hr/>
TOTAL	381	100.0%
 No Financial Statement	 375	

Table 22

Maricopa County Adult Probation PSI
Financial Statement

Medical/Dental Expenses
(Current Month)

<u>Amount</u>	<u>N</u>	<u>%</u>
0	303	79.5
1-49	34	8.9
50-99	18	4.7
100-499	18	4.7
500-1499	0	0
1500-1999	4	1.0
2000 +	4	1.0
	<hr/>	<hr/>
TOTAL	381	99.8%
No Financial Statement	375	

Table 23

Maricopa County Adult Probation PSI
Financial Statement

Monthly Insurance Payments

<u>Amount</u>	<u>N</u>	<u>%</u>
0	252	66.1
1-49	31	8.1
50-99	53	13.9
100-149	24	6.3
150 +	21	5.5
	<hr/>	<hr/>
TOTAL	381	99.9%
 No Financial Statement	 375	

Table 24

Maricopa County Adult Probation PSI
Financial Statement

Transportation Expenses

<u>Amount</u>	<u>N</u>	<u>%</u>
0	177	46.5
1-49	77	20.2
50-99	68	17.8
100-149	44	11.5
150-199	6	1.6
200-299	6	1.6
300-399	2	0.5
400 +	1	0.3
	<hr/>	<hr/>
TOTAL	381	100.0
 No Financial Statement	 375	

Table 25

Maricopa County Adult Probation PSI
Financial Statement

Motor Vehicle Monthly Payment

<u>Amount</u>	<u>N</u>	<u>%</u>
0	298	78.8
1-99	11	2.9
100-199	30	7.9
200-299	24	6.3
300-399	4	1.1
400-499	4	1.1
500-599	3	0.8
600-699	3	0.8
700+	1	0.3
	<hr/>	<hr/>
TOTAL	378	100.0%
 No Financial Statement	 378	

Table 26

Maricopa County Adult Probation PSI
Financial Statement

Credit Card Charges (Last Month)

<u>Amount</u>	<u>N</u>	<u>%</u>
0	331	86.9
1-49	7	1.8
50-99	9	2.4
100-199	9	2.4
200-299	8	2.1
300-399	2	0.5
400-499	3	0.8
500-999	7	1.8
1000 +	5	1.3
	<hr/>	<hr/>
TOTAL	381	100.0%
No Financial Statement	375	

Table 27

Maricopa County Adult Probation PSI
Financial Statement

Other Expenses

<u>Amount</u>	<u>N</u>	<u>%</u>
0	612	81.2
1-99	44	5.8
100-199	28	3.7
200-299	13	1.7
300-399	9	1.2
400-499	5	0.7
500-999	15	2.0
1000-1999	8	1.1
2000-2999	8	1.1
3000-4999	5	0.7
5000 +	7	0.9
	<hr/>	<hr/>
TOTAL	754	100.1

Table 28

Maricopa County Adult Probation PSI
Financial Statement

Total Monthly Expenses

<u>Amount</u>	<u>N</u>	<u>%</u>
0	137	36.0
1-99	5	1.3
100-199	15	3.9
200-299	20	5.2
300-399	23	6.0
400-499	25	6.6
500-599	28	7.3
600-699	16	4.2
700-799	12	3.1
800-899	24	6.3
900-999	14	3.7
1000-1499	35	9.2
1500-1999	14	3.7
2000 +	13	3.4
TOTAL	381	99.9%
No Financial Statement	375	

Table 29

Maricopa County Adult Probation PSI
Financial Statement

Total Liabilities

<u>Amount</u>	<u>N</u>	<u>%</u>
0	308	80.8
1-99	3	0.8
100-499	24	6.3
500-999	7	1.8
1000-1999	9	2.4
2000-4999	9	2.4
5000-9999	6	1.6
10000-19999	8	2.1
20000-49000	4	1.0
50000-99999	2	0.5
100000 +	1	0.3
	<hr/>	<hr/>
TOTAL	381	100.0
No Financial Statement	375	

APPENDIX V

LEVEL 1

13-1105 1F Murder: 1st degree
13-1104 1F Murder: 2nd degree

LEVEL 2

13-1105 2F Attempted Murder: 1st degree
13-1104 2F Attempted Murder: 2nd degree
13-1304 2F Kidnapping
13-1406 2F Sexual Assault
13-1405 2F Sexual Conduct with a Minor Under 15
13-1410 2F Molestation Of a Child
13-3623 2F Child Abuse: intentional, likely/death/ser. injury
13-1704 2F Arson: occupied structure

LEVEL 3

13-1103 3F Manslaughter
13-1105 3F Solicitation of Murder: 1st degree
13-1904 2F Armed Robbery
13-1508 2F Burglary: 1st degree, residential

LEVEL 4: 271 to 360 Penalty Units

13-1204 2F	Aggravated Assault: serious physical injury, V<15	360
13-3553 2F	Sexual Exploitation of a Minor	350
13-1404 3F	Sexual Abuse: victim under 15	350
13-1406 3F	Attempted Sexual Assault	350
13-3553 3F	Attempted Sexual Exploitation of a Minor	350
13-3212 3F	Attempted Child Prostitution	350
13-1903 3F	Aggravated robbery	340
13-1904 3F	Attempted Armed Robbery	340
13-1704 3F	Attempted Arson: occupied structure	340
13-1508 3F	Burglary: 1st degree, nonresidential	340
13-1507 3F	Burglary: 2nd degree	340
13-1704 4F	Solicitation of Arson: occupied structure	335
13-3407 2F	Dangerous Drug: transport/sell	320
13-3408 2F	Narcotic Drug : transport/sell	320
13-2505 3F	Promoting Prison Contraband: drugs/weapons	320
13-2310 2F	Fraudulent Schemes and Artifices	295
13-2307 2F	Trafficking in Stolen Property: 1st degree	295

LEVEL 5: 191 to 270 Penalty Units

13-1204 3F	Aggravated Assault: serious physical injury	270
13-3623 3F	Child Abuse: reckless, likely/death/ ser. injury	270
13-1102 4F	Negligent Homicide	270
13-1204 4F	Attempted Aggravated Assault: ser. phys. inj.	270

13-3623	4F	Child Abuse: intentional	270
13-1105	5F	Facilitation of Murder: 1st degree	270
13-1304	3F	Kidnapping: victim released/agreement with State	260
13-1405	3F	Attempted Sexual Conduct with a Minor Under 15	260
13-1410	3F	Attempted Molestation of a Child	260
13-1404	4F	Attempted Sexual Abuse: victim under 15	260
13-1405	4F	Solicitation of Sex. Cond. with a Minor Under 15	260
13-3608	4F	Incest	260
13-1403	5F	Public Sexual Indecency to a Minor	260
13-1406	6F	Sexual Assault of a Spouse: 1st offense	260
13-1703	4F	Arson: property value >\$1,000	235
13-1902	4F	Robbery	235
13-1903	4F	Attempted Aggravated robbery	235
13-1904	4F	Solicitation of Armed Robbery	235
13-1507	4F	Attempted Burglary: 2nd degree	235
13-1902	5F	Attempted Robbery	230
28-0692	5F	DUI with License Suspended	230
13-3405	2F	Marijuana: transport/sell of >8 lbs.	220
13-3407	3F	Attempted Dangerous Drug: transport/sell	220
13-3408	3F	Attempted Narcotic Drug: transport/sell	220
13-2505	4F	Attempted Prom. Prison Contraband: drugs/weapons	220
13-2307	3F	Trafficking in Stolen Property: 2nd degree	210
13-2312	3F	Illegal Control of an Enterprise	200
13-2317	3F	Money laundering: 2nd degree	200
13-2316	3F	Computer Fraud: 1st degree	200
13-2503	5F	Escape: 2nd degree	195

LEVEL 6: 131 to 190 Penalty Units

13-3623	5F	Child Abuse: reckless	190
13-1304	4F	Kidnapping: victim released voluntarily	180
13-1405	6F	Sexual Conduct with a Minor 15 or Over	180
13-1404	5F	Sexual Abuse: otherwise	180
13-1405	5F	Attempted Sol. of Sex. Cond. with a Minor Under 15	180
13-1804	4F	Theft by Extortion	160
13-1904	6F	Facilitation of Armed Robbery	160
13-1506	4F	Burglary: 3rd degree	160
13-1507	5F	Solicitation of Burglary: 2nd degree	160
13-3405	3F	Marijuana: possession for sale of <8 lbs.	150
13-3407	4F	Dangerous Drug: possession	150
13-3408	4F	Narcotic Drug: possession	150
13-3403	5F	Possession and Sale of Vapor/Toxic Substance	145
13-3102	4F	Misconduct Involving Weapons: prohibited weapon	145
13-1802	3F	Theft: property value >\$1,500	145
13-2310	3F	Attempted Fraudulent Schemes and Artifices	140
13-2312	4F	Attempted Illegal Control of an Enterprise	140
13-2002	4F	Forgery	140
13-3506	4F	Furnishing Obscene or Harmful Items to Minors	135
13-2702	4F	Perjury	135
28-0622	5F	Unlawful Flight from Law Officer	135
13-2804	6F	Tampering with a Witness	135

LEVEL 7: 91 to 130 Penalty Units

13-1304	5F	Attempted Kidnapping: victim released voluntarily	130
13-1903	6F	Facilitation of Aggravated robbery	130
13-1506	5F	Attempted Burglary: 3rd degree	120
49-0923	6F	Illegal Disposal of Hazardous Waste	115
13-3405	4F	Marijuana: possession for sale of <1 lb.	105
13-2505	5F	Promoting Prison Contraband: not drugs/weapons	105
13-3407	5F	Attempted Dangerous Drug: possession	105
13-3408	5F	Attempted Narcotic Drug: possession	105
13-3102	5F	Attempted Misconduct Inv. Weap.: prohibited weapon	105
13-2310	4F	Solicitation of Fraudulent Schemes and Artifacts	100
13-1802	4F	Theft: property value >\$750	100
13-2307	4F	Attempted Traf. in Stolen Property: 2nd degree	100
13-2307	5F	Solicitation of Traf. in Stolen Prop.: 2nd degree	100
13-1602	5F	Criminal Damage to Property: reckless, >\$2,500	100
13-2002	5F	Attempted Forgery	100
13-2409	5F	Obstructing Criminal Investigations	95
13-2503	6F	Attempted Escape: 2nd degree	95
13-3208	5F	Keeping/House of Prostitution: operating	95

LEVEL 8: 71 to 90 Penalty Units

13 1403	6F	Attempted Sexual Indecency to a Minor	90
13-1402	6F	Indecent Exposure to a Person Under 15	90
13-1404	6F	Attempted Sexual Abuse	90
13-3623	6F	Child Abuse: criminally negligent	90
13-1703	5F	Arson: property value >\$100	85
13-1902	6F	Solicitation of Robbery	85
13-1201	6F	Endangerment: substantial risk of death	85
28-0622	6F	Attempted Unlawful Flight from Law Officer	85
28-0692	1M	DUI with a Prior	85
13-3403	6F	Attempted Possession and Sale of Vapor/Tox. Subs.	80
13-2505	6F	Attempted Prom. Pris. Contraband: drugs/weapons	80
13-3102	6F	Misconduct Involving Weapons: prohibited person	80
13-2311	5F	Fraudulent Schemes and Practices	80
13-1802	5F	Theft: property value >\$500	80
13-2102	5F	Theft of a Credit Card or Fraudulent Obtaining	80
13-2316	6F	Computer Fraud: 2nd degree	80
13-2512	5F	Hindering Prosecution: 1st degree	75
13-3204	5F	Receiving Earnings of Prostitute	75
13-2502	6F	Escape: 3rd degree	75
28-0661	6F	Leaving the Scene of an Injury Accident	75
28-0663	6F	Leaving the Scene of an Injury Accident	75
13-2508	6F	Resisting Arrest	75
36-0861	5F	Disinterment of a Human Body	75
13-2809	6F	Tampering with Physical Evidence	75

LEVEL 9: 51 to 70 Penalty Units

13-1204	6F	Aggravated Assault: otherwise	70
13-1303	6F	Unlawful Imprisonment	70
13-1302	6F	Custodial Interference: by parent/or agent	70
13-1505	6F	Possession of Burglary Tools	65
13-1506	6F	Solicitation of Burglary: 3rd degree	65
13-1507	6F	Facilitation of Burglary: 2nd degree	65
13-1703	6F	Attempted Arson: property value >\$100	65
28-0692	6F	Attempted DUI with Two Priors	65
13-3405	5F	Marijuana: possession of <8 lbs.	60
13-1802	6F	Theft: property value >\$250	60
13-1504	6F	Criminal Trespass: 1st degree, residential	60
13-1604	6F	Aggravated Criminal Damage: >\$100	60
13-2002	6F	Solicitation of Forgery	60
13-1803	6F	Unlawful use of means of transportation	60
13-1805	6F	Shoplifting: property value >\$100	60
13-1806	6F	Unlawful Failure to Return Rented Property	60
13-2310	6F	Facilitation of Fraudulent Schemes and Artifices	60
13-2312	6F	Facilitation of Illegal Control of an Enterprise	60
13-2317	6F	Facilitation of Money laundering: 2nd degree	60
13-2307	6F	Facilitation of Traf. in Stolen Prop.: 2nd degree	60
13-2408	6F	Securing the Proceeds of a Felony	55
44-1220	6F	Fraudulent Insurance Claim	55
13-3303	5F	Promoting Gambling	55
13-2703	6F	False Swearing	55
13-3209	5F	Pandering	55
13-3204	6F	Attempted Receiving Earnings of a Prostitute	55
13-3208	6F	Attempted Keeping/House of Prost.: operating	55
13-2810	1M	Interfering with Judicial Proceedings	55

LEVEL 10: 36 to 50 Penalty Units

13-1203	1M	Assault: intentionally causing physical injury	50
13-1405	1M	Attempted Sexual Conduct with a Minor 15 or Over	50
13-1506	1M	Facilitation of Burglary: 3rd degree	50
13-1804	1M	Facilitation of Theft by Extortion	50
13-3406	6F	Prescription Drug: possession for sale	45
13-3405	6F	Marijuana: possession of <1 lb.	45
13-3407	6F	Solicitation of Dangerous Drug: possession	45
13-3408	6F	Solicitation of Narcotic Drug: possession	45
13-3102	1M	Misconduct Involving Weapons: concealed weapon	45
13-1602	6F	Criminal Damage to Property: >\$100	45
13-2104	6F	Forgery of Credit Card	45
13-2105	6F	Fraudulent Use of Credit Card: >\$100 in 6 months	45
13-2003	6F	Criminal Possession of a Forgery Device w/knowl.	45
13-2311	6F	Attempted Fraudulent Schemes and Practices	45
44-1220	1M	Attempted Fraudulent Insurance Claim	45
13-2102	6F	Attempted Theft of a Credit Card	45
13-2408	1M	Attempted Securing the Proceeds of a Felony	45
13-3453	6F	Manu/Dist/Poss for Dist/Imit. Cont. Sub.	40

13-3415	6F	Poss/Manufacture/Delivery/Drug Paraphernalia	40
13-2704	6F	Unsworn Falsification: official proceedings	40
13-2916	1M	Use/Telephone to Terrify/Threaten/Harass	40
13-2407	1M	Attempted Tampering with a Public Record	40
13-2502	1M	Attempted Escape: 3rd degree	40
13-2503	1M	Facilitation of Escape: 2nd degree	40
13-2809	1M	Attempted Tampering with Physical Evidence	40

LEVEL 11: 26 to 35 Penalty Units

13-1204	1M	Attempted Aggravated Assault	35
13-1404	1M	Facilitation of Sexual Abuse	35
13-3623	1M	Attempted Child Abuse: criminally negligent	35
13-1201	1M	Endangerment	35
13-1303	1M	Unlawful Imprisonment: victim released voluntarily	35
13-1507	1M	Attempted Facilitation of Burglary: 2nd degree	35
13-1702	1M	Reckless Burning	30
13-3403	1M	Possession and Sale of Vapor/Toxic Substance	30
13-2103	6F	Receipt by Fraudulent Use of Credit Card: >\$100	30
13-2107	6F	False Statement/Financial Condition or Identity	30
13-2004	6F	Criminal Simulation	30
13-3701	6F	Unlawful Use of Food Stamps: otherwise >\$100	30
13-2002	1M	Facilitation of Forgery	30
13-2003	1M	Attempted Crim. Poss. of a Forgery Device w/knowl.	30
13-2512	6F	Attempted Hindering Prosecution: 1st degree	30
13-2905	6F	Loitering: school, college, university	30
13-3002	6F	False or Forged Messages	30
13-3303	6F	Attempted Promoting Gambling	30
13-3305	6F	Betting and Wagering	30
13-3502	6F	Att. Prod/Publ/Sale/Poss/Pres of Obscene Items	30
23-0785	6F	False Statement	30
13-2907	1M	False Reporting	30
13-2507	1M	Attempted Failure to Appear: 1st degree	30
28-0661	1M	Attempted Leaving the Scene of an Injury Accident	30
13-2508	1M	Attempted Resisting Arrest	30
13-2802	1M	Influencing a Witness	30
13-3613	1M	Contributing to Delinquency/Dependency of Child	30
13-3620	1M	Failure to Report Child Abuse	30

LEVEL 12: 16 to 25 Penalty Units

13-1302	1M	Custodial Interference: person ret. voluntarily	25
13-1202	1M	Threatening or intimidating assault	25
13-1203	2M	Assault: recklessly causing physical injury	25
13-1506	2M	Attempted Facilitation of Burglary: 3rd degree	25
13-1505	1M	Attempted Possession of Burglary Tools	25
13-3405	1M	Attempted Marijuana: possession of <1 lb.	25
13-3406	1M	Prescription Drug: possession	25
13-3407	1M	Dangerous Drug: possession (1st offense)	25
13-3408	1M	Facilitation of Narcotic Drug: possession	25

13-1602 1M	Attempted Criminal Damage to Property: >\$100	25
13-1604 1M	Aggravated Criminal Damage: all other cases	25
13-1802 1M	Theft: property value <\$250	25
13-1803 1M	Attempted Unlawful use of means of transportation	25
13-1805 1M	Shoplifting: property value <\$100	25
13-1504 1M	Criminal Trespass: 1st degree, nonresidential	25
13-1806 1M	Unlawful Failure to Return Rented Property <\$100	25
13-1807 1M	Issuing a Bad Check	25
13-2006 1M	Criminal Impersonation	25
13-2102 1M	Solicitation of Theft of a Credit Card	25
13-2105 1M	Fraudulent Use of Credit Card: otherwise	25
13-2107 1M	Attempted False Statement/ Fin. Cond. or Identity	25
13-2307 1M	Att. Fac. of Traf. in Stolen Prop.: 2nd degree	25
13-2310 1M	Attempted Fac. of Fraud. Schemes and Artifacts	25
13-2311 1M	Facilitation of Fraudulent Schemes and Practices	25
13-2316 1M	Attempted Computer Fraud: 2nd degree	25
13-3701 1M	Unlawful Use of Food Stamps: otherwise <\$100	25
13-2505 1M	Facilitation of Prom. Prison Contraband	25
13-2512 1M	Facilitation of Hindering Prosecution: 1st degree	25
13-2905 1M	Attempted Loitering: school, college, university	25
13-3002 1M	Attempted False or Forged Messages	25
13-3208 1M	Keeping/House of Prostitution: employee	25
13-3214 1M	Prostitution	25
13-3303 1M	Facilitation of Promoting Gambling	25
13-3305 1M	Attempted Betting and Wagering	25
13-3415 1M	Attempted Poss/Manu/Del/Drug Paraphernalia	25
13-3453 1M	Attempted Manu/Dist/Poss for Dist/Imit. Cont. Sub.	25
13-3502 1M	Facil. of Prod/Publ/Sale/Poss/Pres/Obs. Items	25
13-3507 1M	Att. Public Disp. of Explicit Sexual Materials	25
13-3554 1M	Portraying Adult as Minor	25
28-0473 1M	Driving with a Suspended License	25
13-1402 1M	Indecent Exposure	25
13-3102 2M	Att. Misconduct Inv. Weapons: concealed weapon	25
13-2904 1M	Disorderly Conduct	25

LEVEL 13: 11 to 15 Penalty Units

13-1203 3M	Assault: knowingly touching with intent to injure	15
13-1503 2M	Criminal Trespass: 2nd degree	15
13-1602 2M	Criminal Damage to Property: all other cases	15
13-3415 2M	Solicitation of Poss/Manu/Del/Drug Paraphernalia	15

LEVEL 14: 5 to 10 Penalty Units

13-1502 3M	Criminal Trespass: 3rd degree	10
13-2905 3M	Loitering: otherwise	10

APPENDIX VI



Financial Assessment Unit Values

Table 1

NET Daily Income \$	Total Persons Supported (Including Defendant)							
	1	2	3	4	5	6	7	8
3	2	1	1	1	1	1	1	0
4	2	2	2	1	1	1	1	1
5	3	2	2	2	1	1	1	1
6	3	3	3	2	1	1	1	1
7	4	3	3	2	2	1	1	1
8	5	4	3	2	2	2	1	1
9	5	4	4	3	2	2	2	1
10	6	5	4	3	2	2	2	1
11	6	5	5	3	3	2	2	1
12	7	6	5	4	3	2	2	2
13	7	6	6	4	3	3	2	2
14	8	7	6	4	3	3	2	2
15	9	7	7	5	4	3	3	2
16	9	7	7	5	4	3	3	2
17	10	8	7	5	4	3	3	2
18	10	8	8	5	4	4	3	2
19	16	9	8	6	4	4	3	3
20	17	9	9	6	5	4	3	3
21	18	10	9	6	5	4	4	3
22	19	10	10	7	5	4	4	3
23	20	11	10	7	5	5	4	3
24	20	11	10	7	6	5	4	3
25	21	18	11	8	6	5	4	3
26	22	18	11	8	6	5	4	3
27	23	19	12	8	6	5	5	4
28	24	20	12	8	7	6	5	4
29	25	20	13	9	7	6	5	4
30	26	21	20	9	7	6	5	4
31	26	22	20	9	7	6	5	4
32	27	22	21	10	7	6	5	4
33	28	23	21	10	8	7	6	4
34	29	24	22	10	8	7	6	5
35	30	25	23	11	8	7	6	5
36	31	25	23	11	8	7	6	5
37	31	26	24	11	9	7	6	5
38	32	27	25	17	9	8	7	6
39	33	27	25	18	9	8	7	5
40	34	28	26	18	9	8	7	5

**Total Persons Supported
(Including Defendant)**

NET
Daily
Income \$

	1	2	3	4	5	6	7	8
41	35	29	27	18	10	8	7	5
42	36	29	27	19	10	8	7	6
43	37	30	28	19	10	9	7	6
44	37	31	29	20	10	9	7	6
45	38	32	29	20	16	9	8	6
46	39	32	30	21	16	9	8	6
47	40	33	31	21	16	9	8	6
48	41	34	31	22	17	10	8	6
49	42	34	32	22	17	10	8	7
50	43	35	33	23	18	10	8	7
51	43	36	33	23	18	15	9	7
52	44	36	34	23	18	16	9	7
53	45	37	34	24	19	16	9	7
54	46	38	35	24	19	16	9	7
55	47	39	36	25	19	17	9	7
56	48	39	36	25	20	17	9	7
57	48	40	37	26	20	17	14	8
58	49	41	38	26	20	17	15	8
59	50	41	38	27	21	18	15	8
60	51	42	39	27	21	18	15	8
61	52	43	40	27	21	18	15	8
62	53	43	40	28	22	19	16	8
63	54	44	41	28	22	19	16	13
64	54	45	42	29	22	19	16	13
65	55	46	42	29	23	20	16	13
66	56	46	43	30	23	20	17	13
67	57	47	44	30	23	20	17	13
68	58	48	44	31	24	20	17	14
69	59	48	45	31	24	21	17	14
70	60	49	46	32	25	21	18	14
71	60	50	46	32	25	21	18	14
72	61	50	47	32	25	22	18	14
73	62	51	47	33	26	22	18	15
74	63	52	48	33	26	22	19	15
75	64	53	49	34	26	23	19	15
76	65	53	49	34	27	23	19	15
77	65	54	50	35	27	23	19	15
78	66	55	51	35	27	23	20	16
79	67	55	51	36	28	24	20	16
80	68	56	52	36	28	24	20	16

APPENDIX VII



Table 4.2
Comparison of Screening Characteristics for
FARE and Comparison Offenders
1991 and 1992 Combined
(In percent)

	FARE (N=188)	Comparison (N=188)
Sex		
Male	77.0	77.2
Female	23.0	22.8
Race		
Black	8.9	9.0
Hispanic	11.5	11.6
White	79.6	79.4
Offense		
Theft	56.0	56.1
Drug	31.9	32.3
White collar	1.0	1.1
Other	11.0	10.6
Class		
Felony*	69.6	78.8
Misdemeanor	30.4	21.2
Judicial Quadrant		
1	26.2	24.9
2	11.0	12.2
3	26.7	26.5
4	36.1	36.5
Age		
Under 21	25.6	24.9
21-25	27.8	28.6
26 to 30	17.8	13.8
Over 30	28.8	32.8
Calendar Quarter		
First	16.2	17.5
Second	33.5	39.7
Third	33.5	26.5
Fourth	16.8	16.4

Note: *indicates FARE and comparison group offenders significantly different, $p < .05$ using chi-square tests.

Table 4.3
Background Characteristics

	FARE (N=188)	Comparison (N=188)
Sex		
% Male	77.0	77.3
Race		
%White	79.6	79.4
%Black	8.9	9.0
%Hispanic	11.5	11.6
Age at Current Conviction	27.2	27.1
Current Conviction*		
%Felony	71.8	81.9
%Misdemeanor	28.2	18.1
Offense Type		
%Homicide	0.0	0.0
%Robbery	0.0	0.5
%Assault	1.1	1.6
%Burglary	5.3	8.5
%Theft	50.0	45.2
%Drug	32.1	33.0
%Other	11.6	11.2
Prior Record Summary*		
%No Prior Arrests	58.6	39.8
%Arrests Only	26.7	32.5
%Prior Probation	6.8	11.0
%Prior Jail	5.2	15.2
%Prior Prison	2.6	1.6
Risk Score*		
%Low	22.0	10.3
%Mod	49.1	48.9
%High	23.7	26.1
%Intensive	5.2	14.7

Note: *indicates FARE and comparison group significantly different. Chi-square tests were used for categorized variables; t-tests for continuous variables.

Table 4.4
Employment and Income Information

Employment	FARE (N=188)	Comparison (N=188)
%Full-time	51	43
%Half-time	13	17
%Full or half-time	62	59
Support Sources		
%Self	66	70
%Others*	16	28
%Aid	5	12
Average Income/Mo.	\$1,116	\$950
Average Assets	\$7,391	\$11,851
Average Monthly Expenses	\$799	\$976

Note: *indicates FARE and comparison group significantly different. Chi-square tests were used for categorical variables; t-tests for continuous variables.

Table 4.5
Sentence Imposed

	FARE (N=188)	Comparison (N=188)
Sentence*		
%Prison	0.0	0.0
%Jail	0.0	15.9
%Intensive Probation	0.0	1.1
%Standard Probation	0.0	77.1
%Summary Probation	0.0	3.8
%Work Furlough	0.0	0.0
%Standard Fine	0.0	2.2
%Fare Fine	100.0	2.2

Note: *indicates FARE and comparison group significantly different, $p < .05$ using chi-square tests.

Table 4.6
Financial Assessment Imposed

	FARE (N=188)	Comparison (N=188)
%Restitution	33	26
Average Amt.	\$670	\$550
%Probation Fee*	74	63
Average Amt.	\$593	\$642
%Fine	35	36
Average Amt.*	\$765	\$1,319
%Victim Compensation	74	80
Average Amt.	\$96	\$93
%Time Fee*	95	79
Average Amt.	\$8	\$8
%Total Assessment*	100	93
Average Amt.	\$1,015	\$1,186

Note: *indicates FARE and comparison group significantly different. Chi-square tests were used for categorical variables, t-tests for continuous variables.

Table 4.7
Value of Total Assessment, in Percentiles

Percentile	FARE (N=188) (\$)	Comparison (N=188) (\$)
0	33	84
10	270	208
20	390	348
30	424	468
40	540	758
50	710	1,046
60	810	1,188
70	1,018	1,433
80	1,164	1,728
90	1,815	2,840
100	12,325	5,833

Table 4.9
Payments Made During 12-month Follow-up

	FARE (N=188)	Comparison (N=188)
%Any Payment*	96	77
Average Amt.*	\$694	\$447
%Restitution	31	23
Average Amt.	\$477	\$291
%Probation Fee	62	66
Ave Amt.*	\$360	\$187
%Fine	37	30
Average Amt.*	\$602	\$398
%Victim Compensation*	65	50
Average Amt.*	\$97	\$51

Note: *indicates FARE and comparison group significantly different. Chi-square tests were used for categorical variables, t-tests for continuous variable.

Table 4.10
Cumulative Percent Paid in Full, by 3, 6, 9 and 12-months After Sentencing

Time Interval	FARE (N=188)	Comparison (N=188)
Paid in full at 3 months*	21.4	0.7
Paid in full at 6 months*	31.9	3.6
Paid in full at 9 months*	40.1	8.0
Paid in full at 12 months*	52.7	20.3

Note: *indicates significant differences between FARE and comparison group, $p < .05$ using chi-square tests.

Table 4.11
Technical Violations and Arrests

	FARE (N=188)	Comparison (N=188)
Technical Violations		
%Any Violation*	9.4	21.5
%Fail to Report*	1.1	16.2
%Drug Violation*	0.0	9.4
%Failure to Maintain Emp*	0.5	7.3
%Comm. Service not Performed*	0.5	5.2
%Failure to Pay Fines	9.4	13.1
%TX Violation*	0.0	6.3
%Abscond	0.0	0.5
%Other Violation*	1.6	10.0
Arrests		
%Any Arrests	11.0	17.3
%Person	2.6	2.6
%Property	4.7	6.8
%Drugs*	2.6	6.8
%Other Crimes	6.3	11.0

Note: *indicates FARE and comparison group significantly different. Chi-square tests were used for categorical variables, t-tests for continuous variables.

⁸Multiple regression analyses were conducted to control the few differences between FARE and comparison offenders. Four outcomes were considered: any payment during follow-up; amount paid during follow-up; any arrest during follow-up; and any technical violation during follow-up. Outcomes were predicted as a function of offender age, race, sex, offense, felony or misdemeanor, prior record, risk and group (FARE or comparison group). Logistic regression was used for categorical outcomes (any payment, any technical violation, any new arrest). OLS was used for payment amount. Results mirrored these reported in Tables 4.9 and 4.10.

APPENDIX VIII



FARE Probation Program Data Report
Through 11-30-1994

Project Intake:

643 defendants have been sentenced to FARE

74 percent convicted of felony offenses
26 percent convicted of misdemeanor offenses
49 percent convicted of property offenses
24 percent convicted of drug offenses
4 percent convicted of offenses against a person
14 percent convicted of deceptive practices
11 percent convicted of other types of offenses

Sentenced To Fare	Total Probation Caseload (Calendar Year 1993)
63 percent White	63 percent White
22 percent Hispanic	21 percent Hispanic
13 percent Black	13 percent Black
2 percent Other	3 percent Other
73 percent Male	82 percent Male
27 percent Female	18 percent Female
28 Years Old (average)	32 Years Old (average)

Current Case Outcome Status (643 cases):

Successful Completions	423	66 percent
Active Cases	161	25 percent
Reassignments to Supervision	20	3 percent
Revocations	2	<1 percent
Active Warrants	37	6 percent

Current Collection Outcomes (643 cases)¹ :

Monthly Collection Rate	95 percent
Compliance Rate	83 percent
Active Cases Delinquent	31 percent

Type of Assessment	Total Collected	Total Assessed	Percent Collected
Time Payment Fee	\$ 4,906.00	\$ 5,612.00	87 percent
Victim Compensation Fund Assessment	41,559.73	46,994.06	88 percent
Restitution	121,195.74	165,666.34	73 percent
Fines	262,432.06	299,962.06	87 percent
Reimbursement	5,296.79	7,367.58	72 percent
Probation Service Fee	205,460.39	329,802.06	62 percent
Total Collected	\$ 640,850.71	\$ 855,404.10	75 percent

¹ Probation staff report that collection records for the first 278 offenders sentenced to FARE Probation -- those sentenced during the pilot period of operation under the State Justice Institute grant -- show that 247 (89 percent) have paid their monetary assessment in full.