

# Justice for All

Summary of  
Task Force Recommendations



# Demographics

21% or 1.2M Arizona residents live below federal poverty line

Arizona  
Constitution  
Article 2,  
Section 18

**There shall be no  
imprisonment for debt,  
except in cases of fraud.**

# Core Values for Fair Courts

Release decisions/conditions should protect public safety & ensure appearance at proceedings.

People should not be jailed for failing to pay fines or court-assessed financial sanctions for reasons beyond their control.

Court practices should help people comply with court-imposed obligations.

Sanctions such as fees and fines should promote compliance with the law, economic opportunity, and family stability.

# There Should Be Consequences



Everyone should face consequences for violating the law.

Criminal fines & civil penalties should not promote a cycle of poverty by imposing excessive amounts or unduly restricting people's ability to be gainfully employed.

# Small Ticket, Big Problem Later

For some, a small ticket can become a big problem. Let's look at the example of No Show Joe.

<http://www.azcourts.gov/Portals/74/TFFAIR/04072016/Post/Joe%20got%20a%20ticket.mp4>

# Summary of Joe's Ticket

*Cited for speed not reasonable and prudent, failing to provide proof of financial responsibility (proof of insurance):*

Joe fails to appear, court enters default fines and fees

Speeding Ticket with surcharges, fees: **\$270.00**

Failure to provide proof of financial responsibility: **\$1,023.20**

Total due: **\$1,293.20**

- Joe's driver's license is now suspended for failure to pay amount due.
- Joe never receives suspension notice from MVD because his address is out of date.

# Then Joe Gets a Second Ticket

License suspended but Joe is unaware due to bad address with MVD

On his way to work, Joe runs a red light. Cited for *red light violation, driving on a suspended license (criminal), 2<sup>nd</sup> violation for proof of insurance*. He again fails to appear, leading to:

Red light violation	\$331.20
2 <sup>nd</sup> insurance violation	\$1,480.70
<b>Total</b>	<b>\$1,811.90</b>

Court is required to issue violation for failure to appear and issues a warrant. This is a class 2 misdemeanor

Violation of Promise to Appear	\$1,520.70
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# Let's Recap No Show Joe's Situation

Joe now owes:

Total of fines, fees, and assessments	\$3,105.10
Misdemeanor violation of promise to appear	\$1,520.70
<b>Total</b>	<b>\$4,625.80</b>

- Joe goes to court to attempt to resolve everything.
- Failing to pay his fines and failing to appear in court constitute a serious threat to his driving privileges & ability to remain gainfully employed.
- Scenario reflects approximately 6% of civil traffic violations per year in Arizona.

# Authorize Judges to Set a Reasonable Penalty

Judges should be allowed to mitigate the amount due based upon a person's inability to pay or financial hardship.

- Request legislative changes to authorize judges to mitigate minimum fines, fees, surcharges, and penalties for those defendants for whom imposing a mandatory fine would cause undue economic hardship.
- Promote fairness by providing courts with automated tools to assist in determining a defendant's ability to pay.
- Use a person's participation in a means-tested assistance program as evidence of limited ability to pay.

# Provide Reasonable Time Payment Plans

Unrealistic time payment plans are a set-up for failure.

- **Implement a program like Phoenix's Compliance Assistance Program statewide**
- **Conduct a pilot that blends the Compliance Assistance concept with a fine reduction program and driver's license reinstatement.**
- **Test techniques that make it easier for defendants to make payments, including the use of online or web-portal payment systems.**



Recommendations  
6, 7 & 8

# Make Payment Options Clear & Convenient

Provide options for people who do not have credit cards or bank accounts. Courts could begin providing self-addressed, postage-paid envelopes for submitting a money order to the court.

- **Modify documents to explain that if the defendant plans to plead guilty or responsible, but cannot afford to pay the full amount, the defendant may request a time payment plan.**

# Provide Alternatives to Paying a Fine

ARS §13-824 became law in 2015 & enables a judge to convert a fine into community restitution (service) at \$10/hour. This does not currently allow for surcharges (often higher than base fine) to be converted. Statute also only applies to muni or justice court fines.

- **Allow judges additional discretion to sentence to community restitution or treatment programs. Court could convert fine into restitution hours.**
- **Offer treatment or curfew without probation as a sentencing option for misdemeanors.**
- **Revise statute to also apply to sentences imposed by Superior Courts.**

# Collaborate to Address the Challenges of the Mentally Ill

The mentally ill and drug addicted are two specialized groups that pose challenges across the public safety spectrum. Presiding judges of each county should collaborate with criminal justice stakeholders, including presiding judges of large municipal courts.

- **Bring together stakeholders in larger jurisdictions to adopt protocols for addressing those with mental health issues.**



# Strategies for Failures to Appear

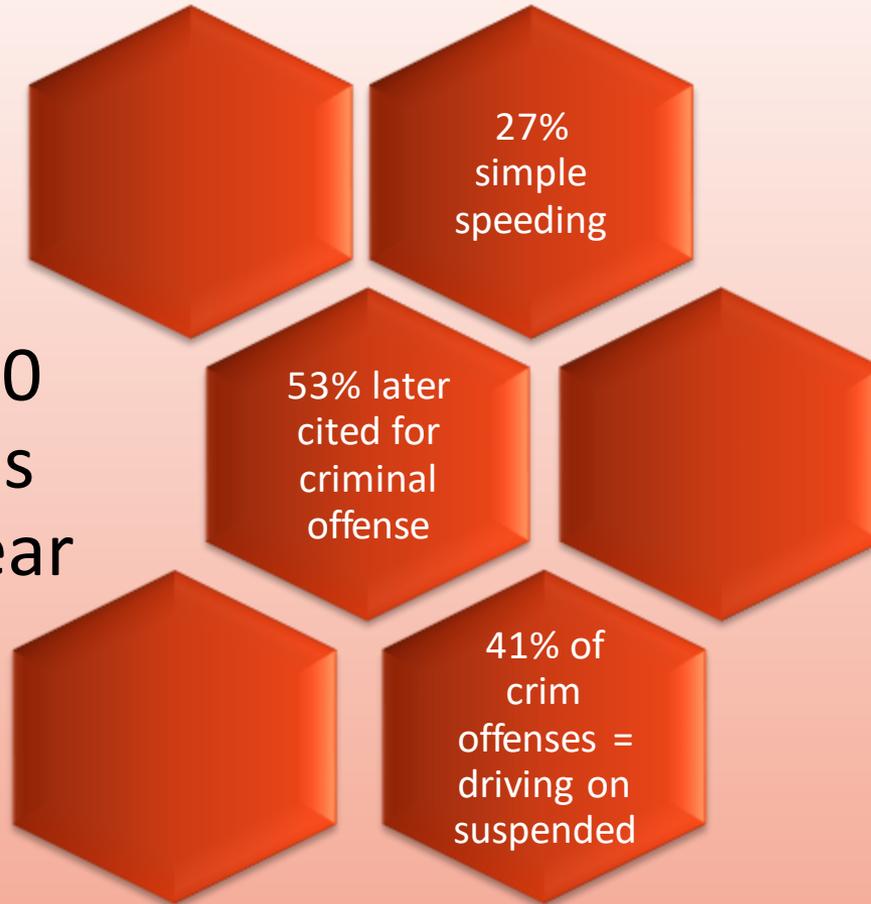


11% or 103,000 people failed to appear in court or attend defensive driving school in FY2014.

This leads to more serious consequences.

# Encourage Defendants to Appear in Court

103,000  
Failures  
to Appear



# Implement an Interactive Messaging System

Using email, text messaging, or phone messages to remind defendants of court dates, missed payments, and other actions like failures to appear can promote compliance with court orders.



*Using a phone reminder system, courts in Arizona achieved up to a 24% reduction in failures to appear.*



Recommendation

# **Suspension of a Driver's License Should be a Last Resort**

It is difficult to work or manage a family without driving. Yet courts must issue a complaint to MVD to suspend a license if a civil penalty is not paid or if an installment payment isn't paid when due.

Because suspension of a license can so greatly affect ones ability to maintain a family or remain employed, it should be a sanction of last resort.

- **Request amendment of ARS § 28-3316 to make a first offense of driving on a suspended license a civil violation rather than a criminal offense.**
- **Authorize courts to impose driving restrictions as an alternative to license suspension**

# Update on Recommendations

Virtually all TF Recommendations Implemented Including:

- Texting reminders for FTA and payments

- Cash Payment at retail stores

- Discretion to Mitigate fines established

  - At sentencing

  - Post conviction

- Expanded Community service Options

- D.L reinstatement programs established

- Bench Cards for Determining Ability to Pay

- D.L suspension for FTP no longer criminal

# Revenue During the Pandemic

Statewide revenue decreased by \$41 million (12.2%) from \$336 million in CY 19 to \$295 million in CY 20.

Similarly, the first two months of CY 2021 was 11.4% lower than CY 2020.

Civil traffic Decrease 228,186 filings (-27.4%)

Delinquent Collections **Increased** 20%



# After the Pandemic

## Practices Likely to Continue;

Virtual Hearings

Virtual Jury Selection – screening questionnaires

Virtual Committee Meetings

Hybrid Grand Juries



**Questions?**

**More Information?**

[www.AZCourts.gov](http://www.AZCourts.gov)

Arizona Supreme Court

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