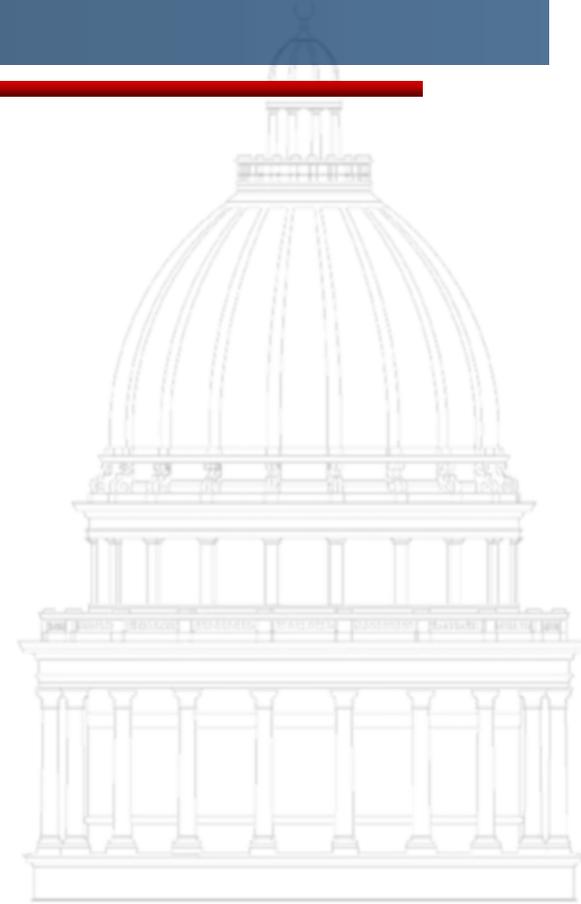


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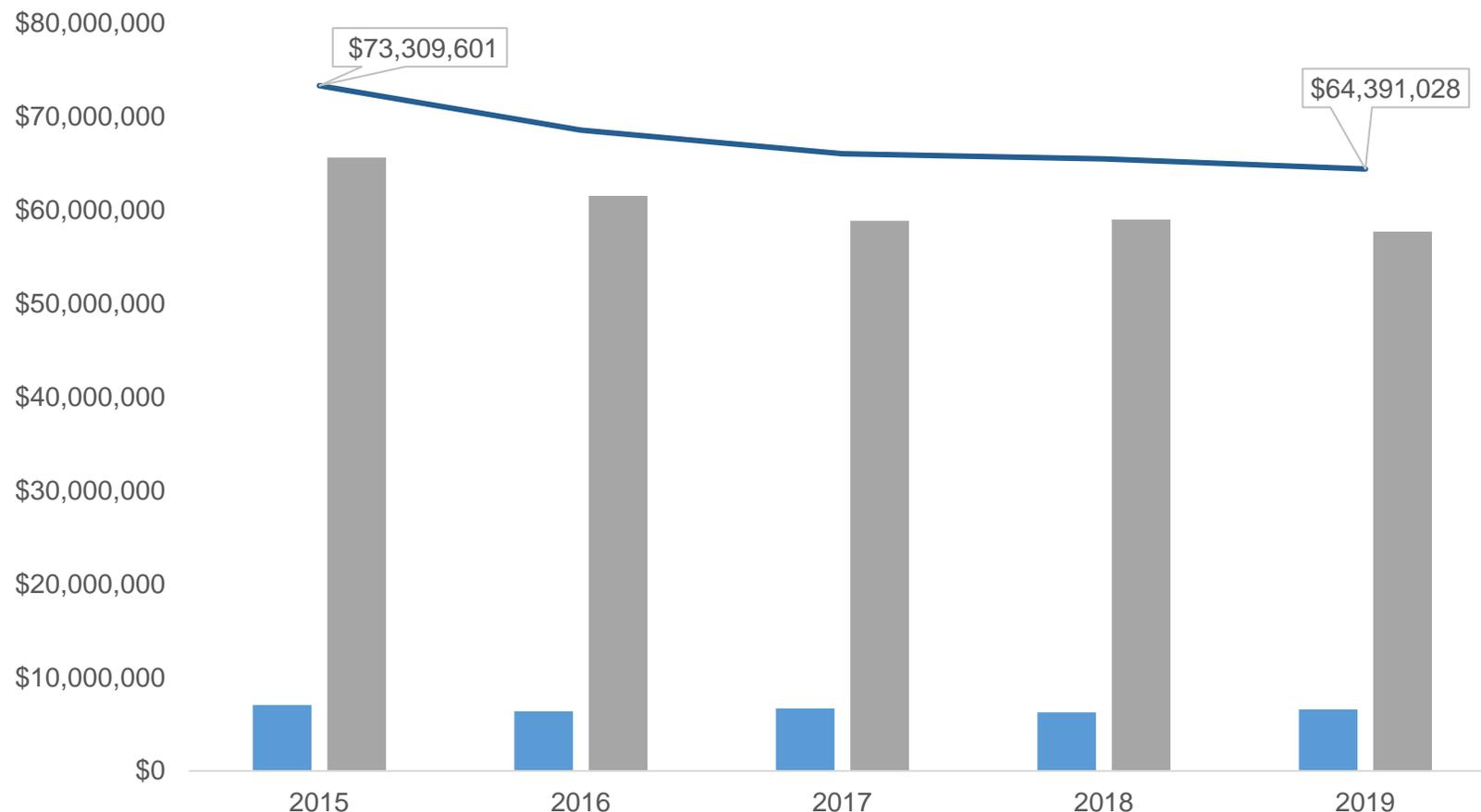
# Performance Audit of Court Fines and Surcharges

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Utah Legislative Auditor General  
Report to the Executive Offices and  
Criminal Justice Appropriations  
Subcommittee  
October 19, 2020

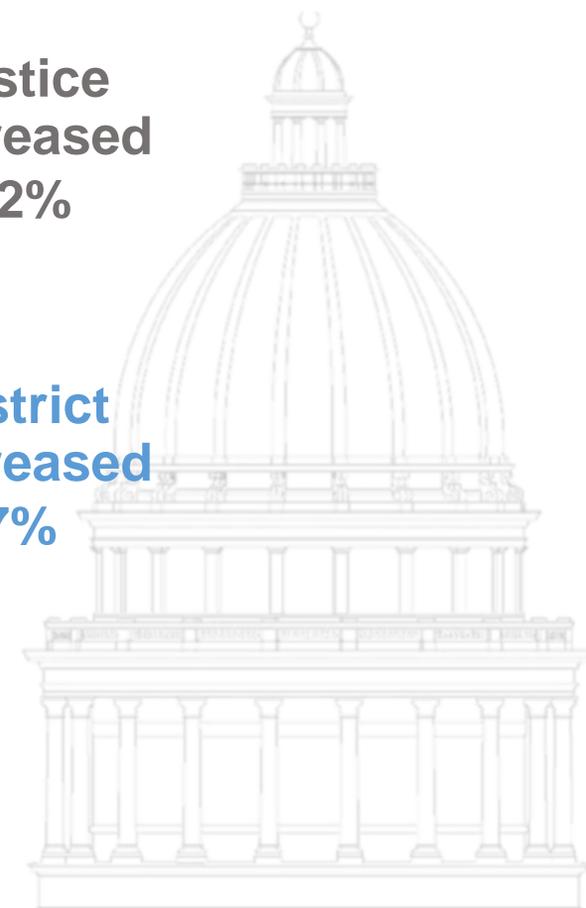


# Collections of Fines and Surcharges Decreased by \$8.9 Million from Fiscal Years 2015 - 2019



**Justice  
Decreased  
12%**

**District  
Decreased  
7%**



**FOR MORE INFORMATION**

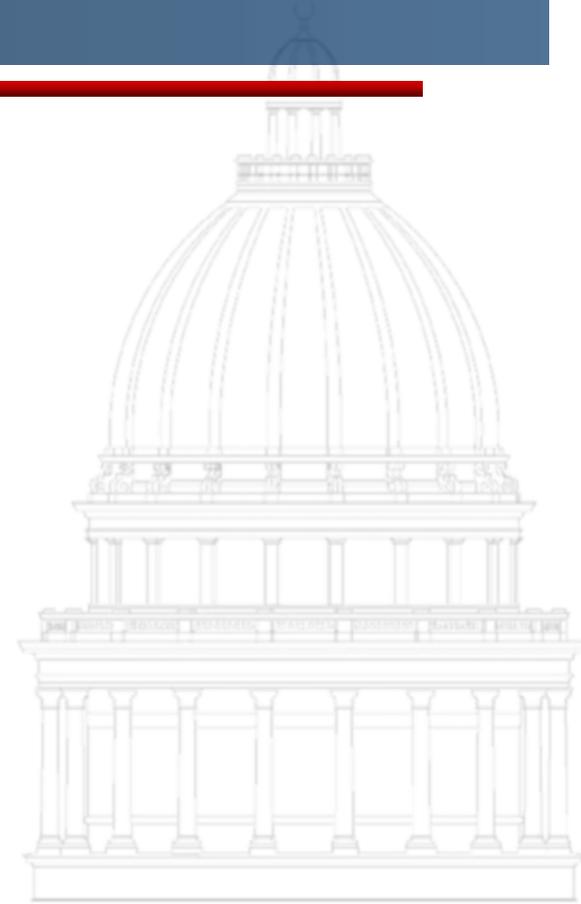
**Chapter I, Page 3**

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# Chapter II

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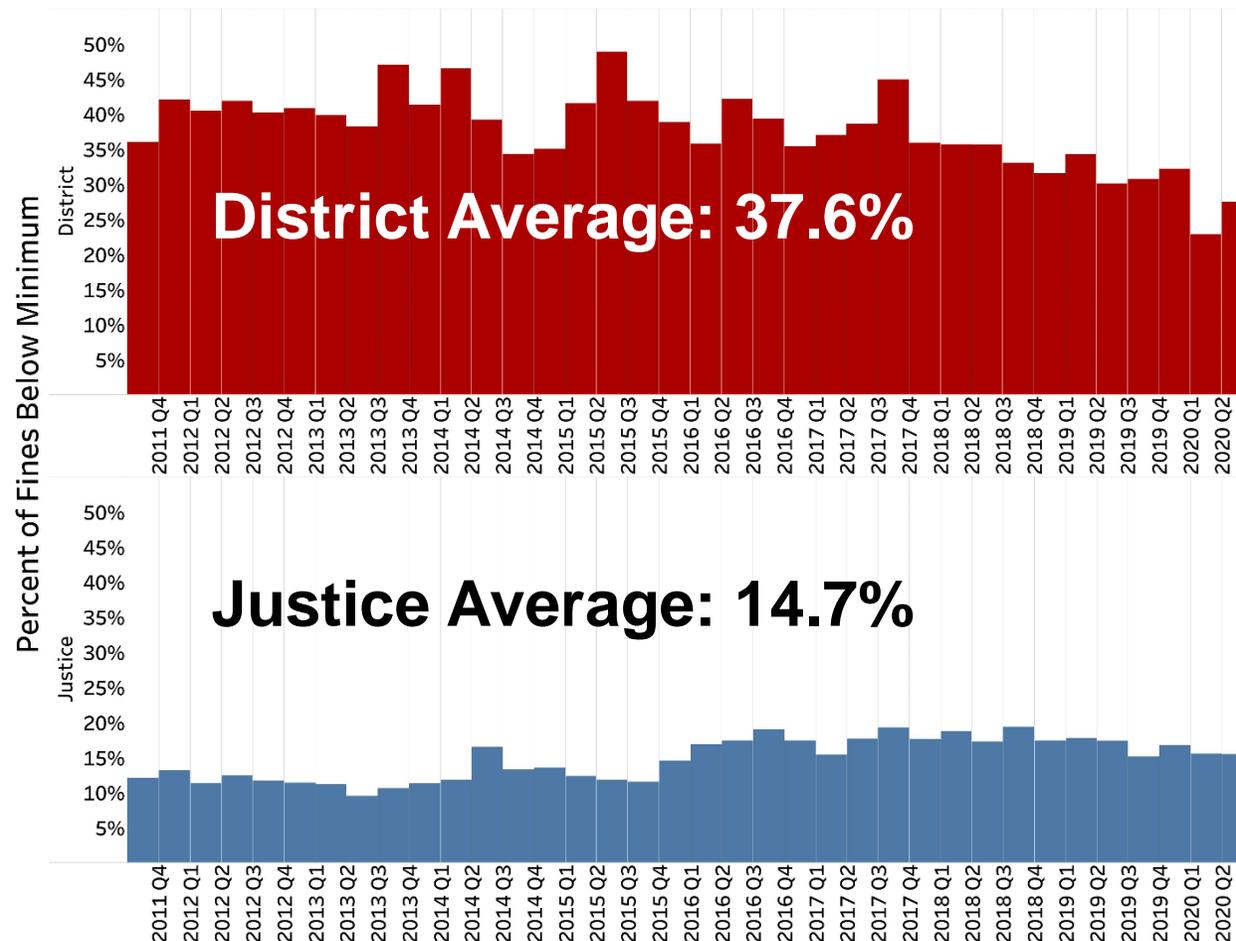
## Judicial Practices Drive Fines and Surcharges Down and Lead to Inconsistent Sentencing



# District Courts and Justice Courts Sentence Fines Below the Statutory Minimum for DUI Violations

For a first violation of a Class B misdemeanor:

Fine	\$700
90% Surcharge	\$630
Court Security	\$50
<b>Total:</b>	<b>\$1,380</b>

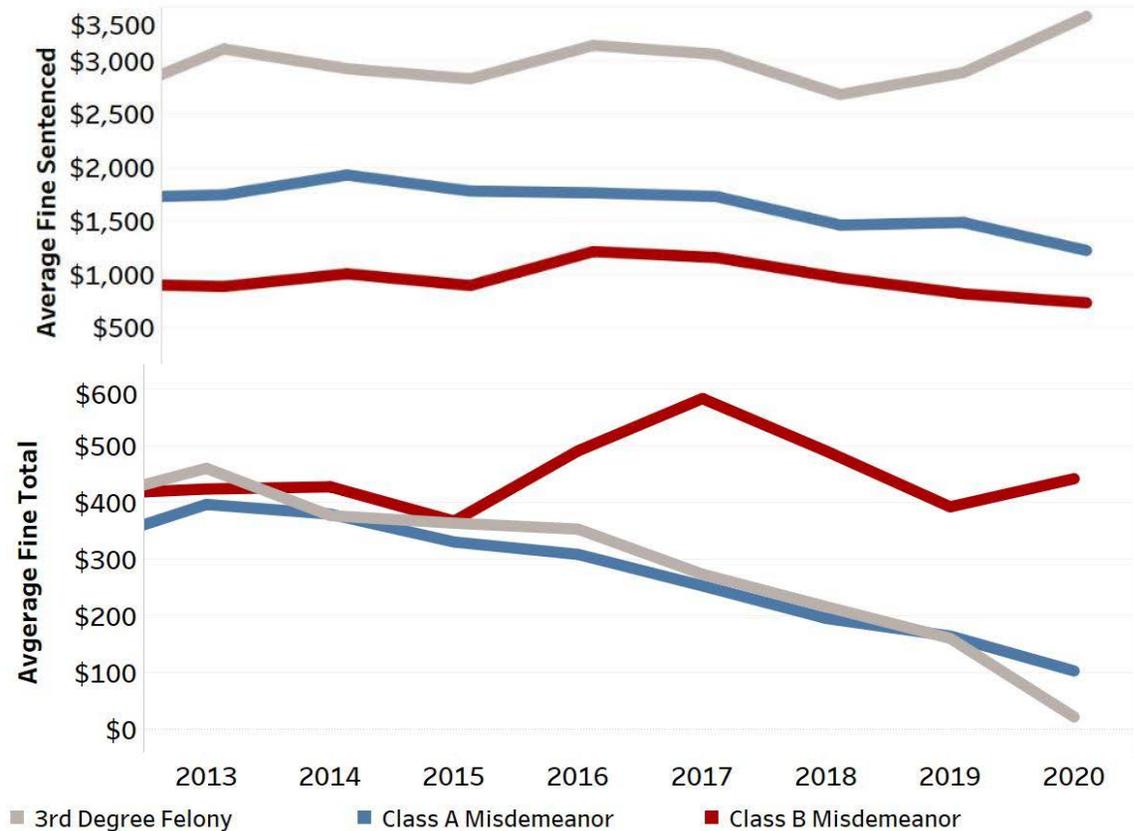


**FOR MORE INFORMATION**

Chapter II, Pages 10-11

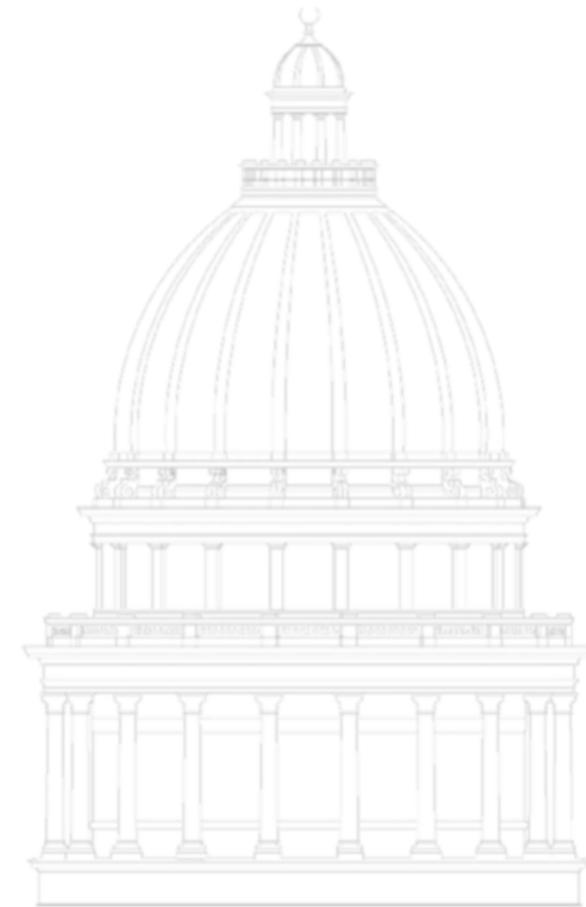
# Fines for Misdemeanors Are Higher than Fines for Felonies Due to Suspension

Large discrepancy is due to the difference between district and justice courts.



**FOR MORE INFORMATION**

Chapter II, Page 17



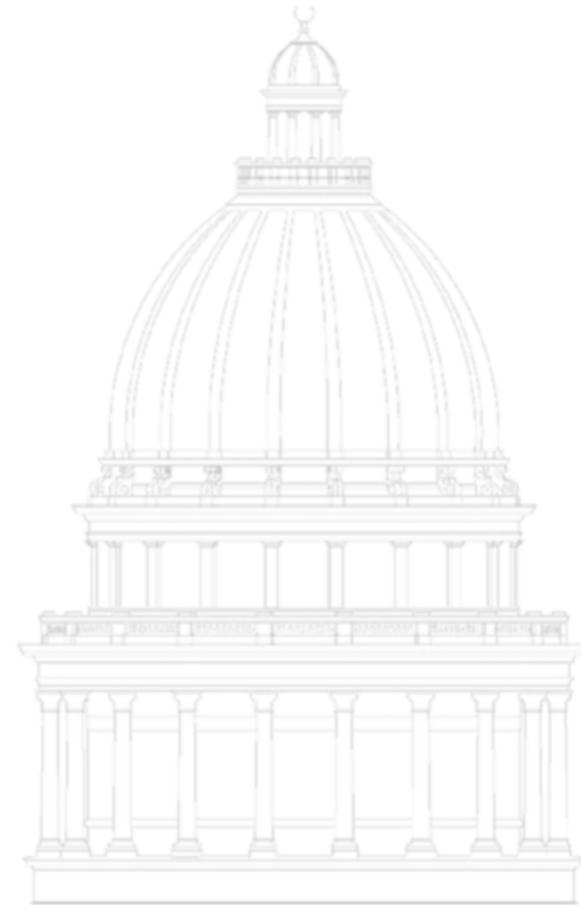
# We Recommend that the Judicial Council:

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- ▶ Track judges' compliance with ordering statutorily required minimum fines.
- ▶ Monitor suspension of fines and develop guidance for judges as needed.
- ▶ Consider tracking aggregated sentencing data and sharing it publicly to increase transparency.

**FOR MORE INFORMATION**

**Chapter II, Page 18**

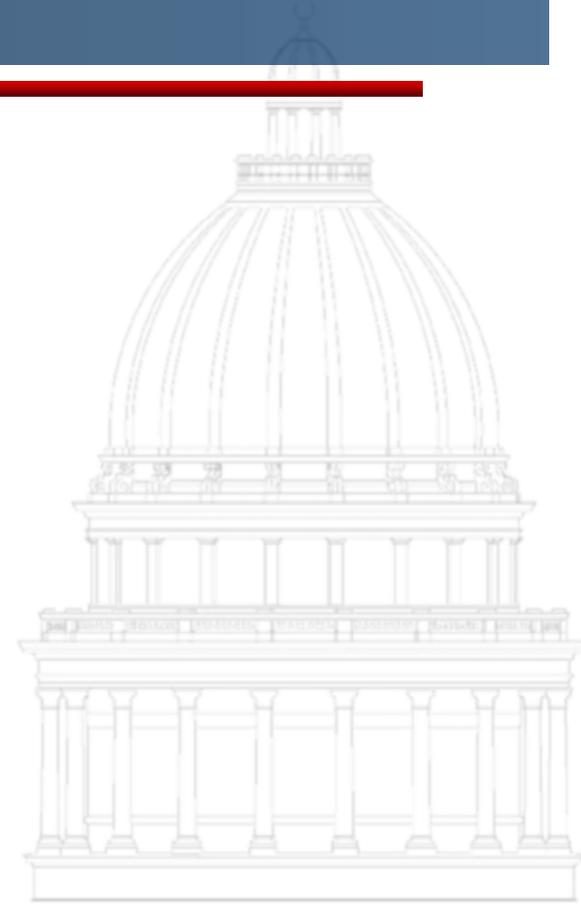


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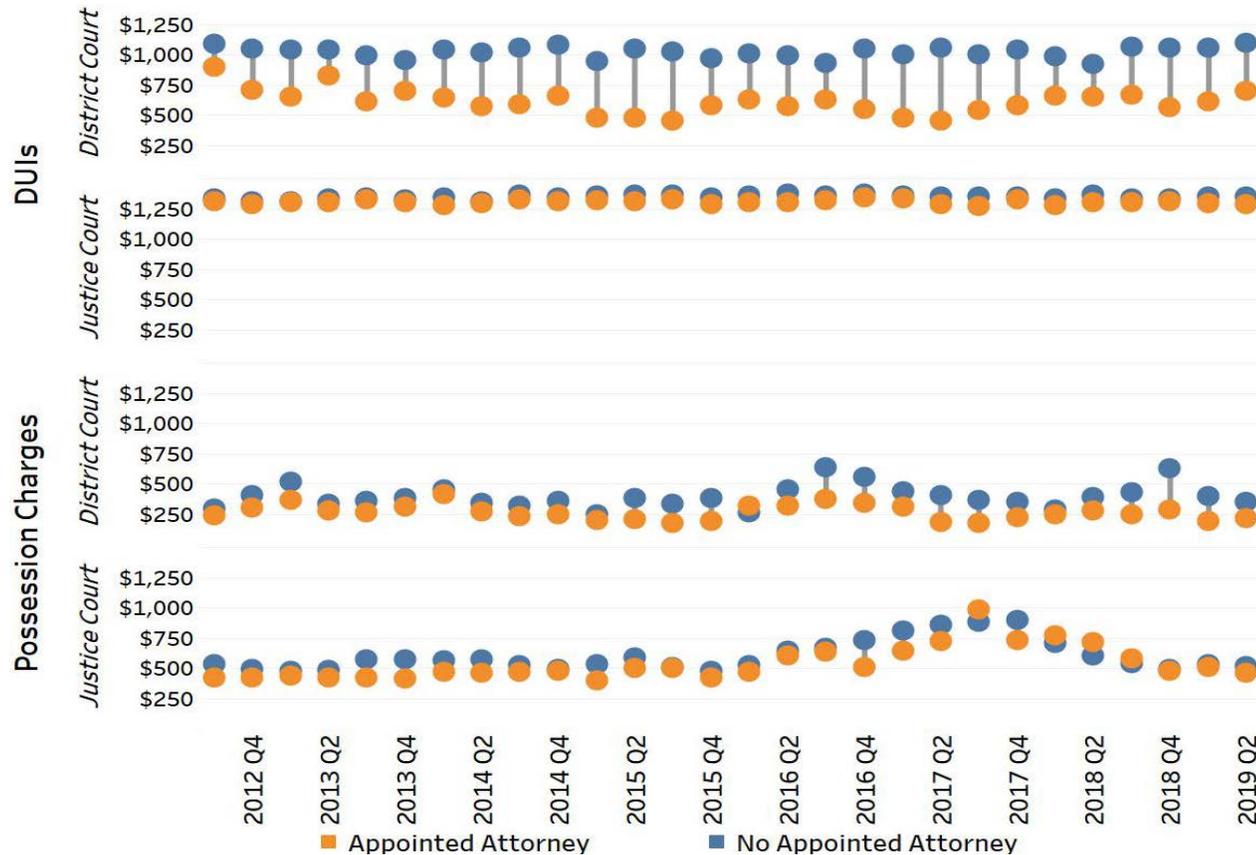
# Chapter III

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## Oversight Can Improve for Indigency Determinations, Fine Credits, and Payment Plans



# Judges Order Lower Fines for Defendants Who Qualify for a Public Defender



- Forms used to determine indigency are not consistent.
- Some forms in court records were incomplete.
- Appointment rates vary.

**FOR MORE INFORMATION**

**Chapter III, Page 23**

# Availability of Community Service and Other Credits Varies by Court

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## Community Service

- Community service at a nonprofit or other approved organization completed in a timely manner



## Treatment

- Counseling, treatment, or program costs counted towards fine upon completion

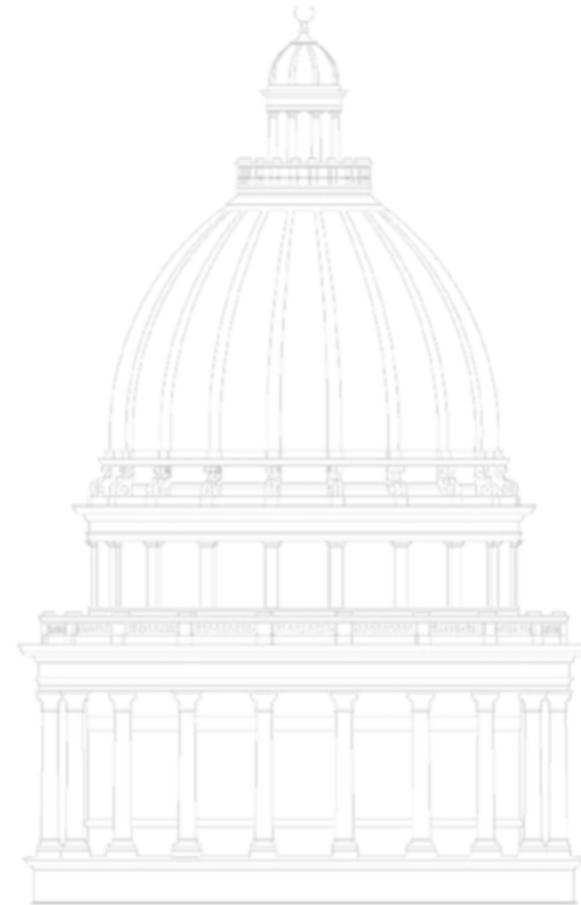


## Other Credits

- Variety of other incentives given by judge: clean drug tests, going to school, going to the gym

**FOR MORE INFORMATION**

**Chapter III, Page 25**



# We Recommend that the Judicial Council:

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- ▶ Develop and implement uniform processes for determining indigency.
- ▶ Adopt uniform standards for community service and other credits and monitor courts to ensure adherence to these standards.
- ▶ Track the utilization of payment plans for defendants.

**FOR MORE INFORMATION**

**Chapter III, Page 29**

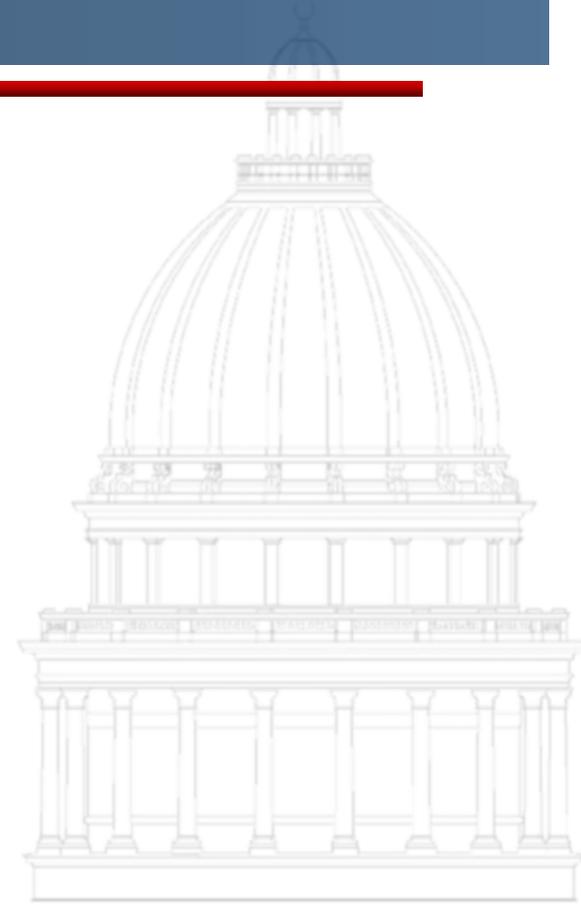


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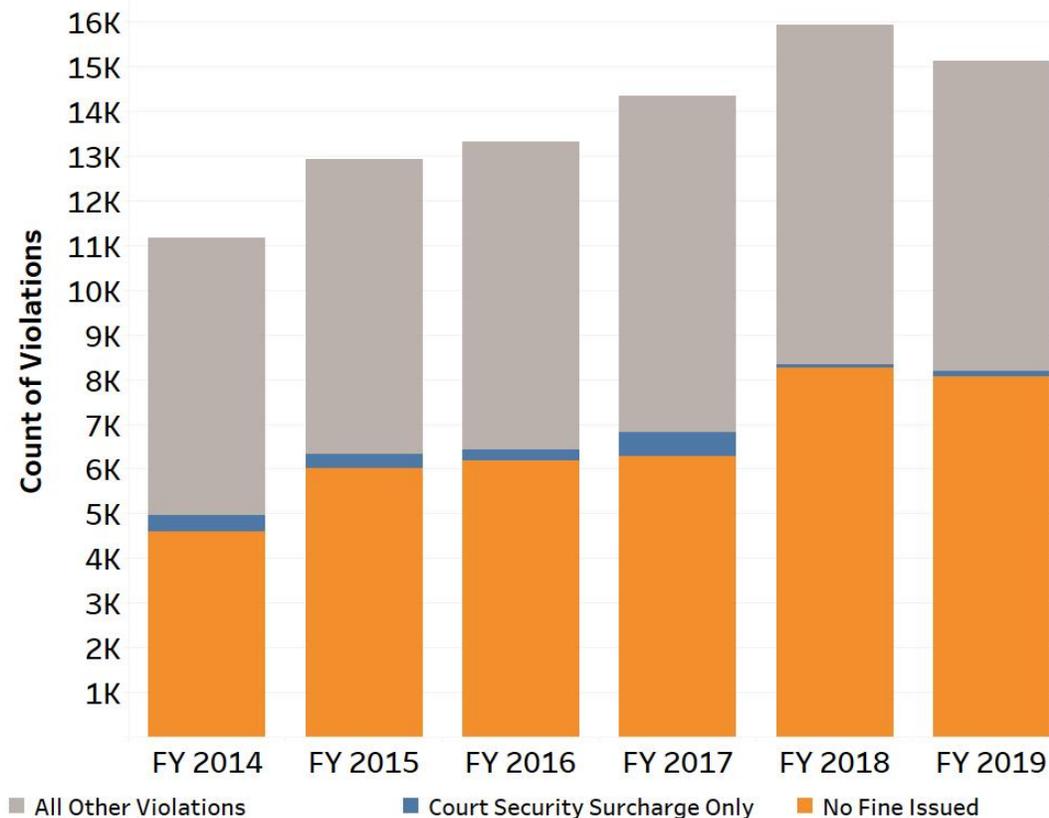
# Chapter IV

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Judicial Practices Contributed to the  
Decline in Court Security Surcharge  
Collections, Leading to a \$10 Increase

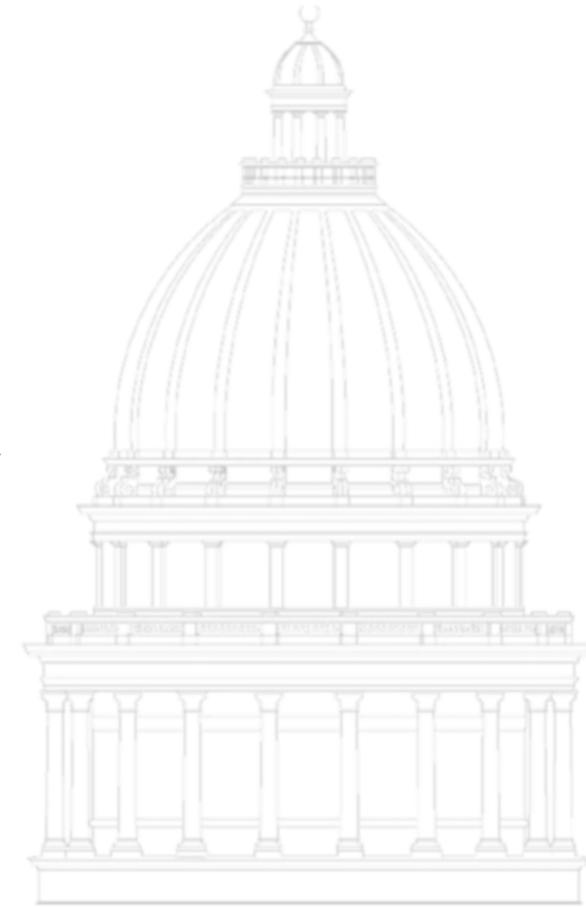


# Some Judges Do Not Order the Court Security Surcharge When Other Fines Are Not Ordered



  
92%

**We recommend that the Judicial Council monitor judges' compliance with ordering the court security surcharge as required by statute.**



**FOR MORE INFORMATION**

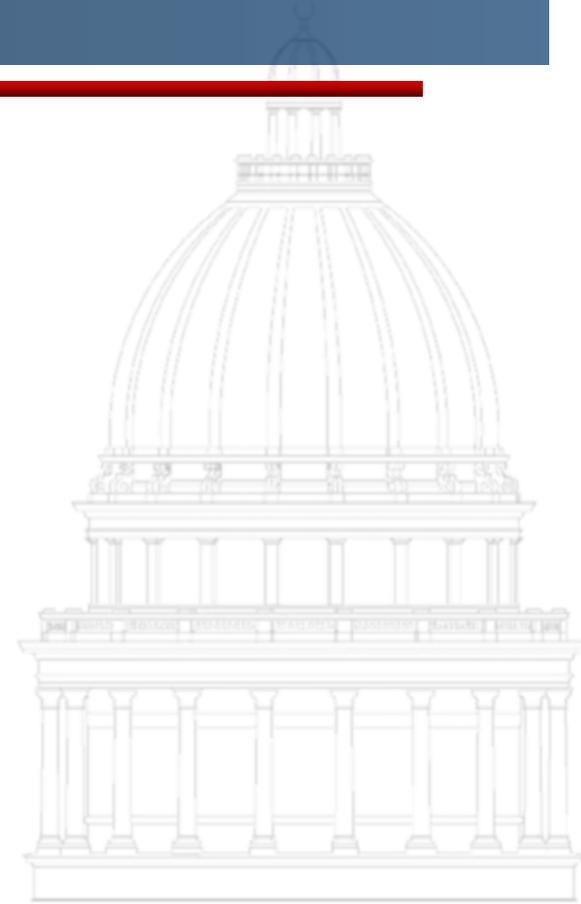
**Chapter IV, Pages 33-35**

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# Chapter V

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JRI Legislation Is One of Several Factors  
Influencing the Fluctuation of  
Court Fines and Surcharges



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# Performance Audit of Court Fines and Surcharges

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