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Fines As A Criminal Sanction:
Practices and Attitudes of Trial Court
Judges in the United States, 1985

115288

George F. Cole and Barry Mahoney

ICPSR 8945

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FINES AS A CRIMINAL SANCTION: PRACTICES AND ATTITUDES OF TRIAL
COURT JUDGES IN THE UNITED STATES, 1985

(ICPSR 8945)

Principal Investigators

George F. Cole and Barry Mahoney

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ACQUISITIONS

First ICPSR Edition
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George F. Cole and Barry Mahoney

FINES AS A CRIMINAL SANCTION: PRACTICES AND ATTITUDES OF TRIAL COURT JUDGES IN THE UNITED STATES, 1985 (ICPSR 8945)

SUMMARY: These data were collected to examine the practices and views of state trial court judges with respect to their use of fines as a criminal sanction. Respondents were asked about the composition of their caseloads, sentencing practices (including fines imposed for various circumstances), available information about the offender at time of sentencing, enforcement and collection procedures in their courts, and their attitudes toward the use of fines. In addition to questions concerning the judges' use of fines and other sanctions, the questionnaire presented the judges with hypothetical cases. CLASS IV

UNIVERSE: All state court judges of general jurisdiction and limited, but not special, jurisdiction in the United States.

SAMPLING: Stratified random sample.

EXTENT OF COLLECTION: 1 data file

DATA FORMAT: Card Image

FILE STRUCTURE: rectangular

CASES: 1,265

VARIABLES: 144

RECORD LENGTH: 80

RECORDS PER CASE: 3

RELATED PUBLICATION:

Cole, G.F., B. Mahoney, M. Thornton, and R.A. Hanson. THE PRACTICES AND ATTITUDES OF TRIAL COURT JUDGES REGARDING FINES AS A CRIMINAL SANCTION. Williamsburg, Va.: National Center for State Courts, 1987.

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ABSTRACT

George F. Cole and Barry Mahoney

The Practices and Attitudes of Trial Court Judges Regarding Fines as a Criminal Sanction

University of Connecticut

84-IJ-CX-0012

Purpose of the Study

Data were collected to determine the practices and views of state trial court judges with respect to the use of fines as a criminal sanction.

Methodology

Sources of information:

A mailed questionnaire survey.

Sample:

A national sample of full-time U.S. judges who handled felony or criminal misdemeanor cases in the two years preceding the survey. The target population included state court judges of general jurisdiction and judges of courts of limited (but not special) jurisdiction. The sample was stratified by region and type of jurisdiction.

Dates of data collection:

Circa 1985

Summary of contents

Special characteristics of the study:

In addition to questions concerning the judges' use of fines and other sanctions, the questionnaire presents the judges with hypothetical cases.

Description of variables:

Respondents were asked about the composition of their caseloads; sentencing practices (including the amounts of fines that would be imposed in a variety of circumstances); the availability of information about the offender at the time of sentencing; enforcement and collection procedures in their courts (including whether they believed system-related or offender-related factors to be responsible for collection problems); attitudes toward the use of fines; and views concerning the desirability and feasibility of a day-fine system.

Unit of observation:

Trial court judges.

Geographic coverage

United States.

File structure

Data files: 1; Judge.raw

Unit: individuals

Variables: 144

Cases: 1265

The data file is formatted in 80-column records with 3 records per case.

File	Filename	Description	Recfm	Blksize	Lrecl	#Records	#Cases
1	Judge.raw	judge survey	FB	7200	80	3795	1265

Reports and Publications

Cole, G.F., Mahoney, B., Thornton, M., and Hanson, R.A. (1987). *The Practices and Attitudes of Trial Court Judges Regarding Fines as a Criminal Sanction*. (Unpublished Executive Summary prepared for the National Institute of Justice).

Cole, G.F., Mahoney, B., Thornton, M., and Hanson, R.A. (1987). *The Practices and Attitudes of Trial Court Judges Regarding Fines as a Criminal Sanction*. Williamsburg, VA: National Center for State Courts.

8945

MAY 25 1988

THE PRACTICES AND ATTITUDES OF TRIAL COURT
JUDGES REGARDING FINES AS A CRIMINAL SANCTION

Data Base Summary and Documentation

NIJ Project No.: 84-IJ-CX-0012

Grantee: University of Connecticut

Subcontractor: Institute for Court Management of the National
Center for State Courts

Principal Investigators: George F. Cole
University of Connecticut
Barry Mahoney
Institute for Court Management of the National
Center for State Courts

Date: April 1987

THE PRACTICES AND ATTITUDES OF TRIAL COURT JUDGES
REGARDING FINES AS A CRIMINAL SANCTION

Data Base Summary and Documentation

This document, together with the attached computer disk labeled "Practices and Attitudes of Trial Court Judges Regarding Fines," provides basic information about the survey of trial court judges conducted pursuant to this grant from the National Institute of Justice. The document contains the following:

1. Description of Survey Methodology (from Appendix B of the full report).
2. List of coding definitions, keyed to marked copy of survey questionnaire.
3. Marked copy of survey questionnaire, indicating the variable code numbers assigned to each question.
4. Unmarked copy of survey questionnaire.

Ms. Marlene Thornton, Staff Associate at the Institute for Court Management of the National Center for State Courts, has been responsible for coding the questionnaires, preparing the tables that appear in the final report and executive summary, and preparing the computer disk and the documentation herein. Inquiries may be directed to her at the following address:

Institute for Court Management
of the National Center for State Courts
1331 Seventeenth Street
Denver, Colorado 80202
Phone: (303) 293-3063

Appendix B

SURVEY METHODOLOGY

The sample was drawn from a population of judges that included all trial court judges in the fifty states and the District of Columbia who were handling criminal cases or who had handled criminal cases (excluding juvenile criminal cases) within the two years prior to the survey. Excluded from the initial sample, therefore, were judges in courts with a subject-matter jurisdiction that was outside the scope of the research--federal courts, state appellate courts, and courts with special jurisdiction, such as family, probate, and traffic courts. This resulted in two groups (or strata) of judges: (1) judges of state courts of general jurisdiction and (2) judges of courts with limited (but not special) jurisdiction.

Upon identification of the strata, primary lists of judges were developed--one for general jurisdiction courts and one for limited jurisdiction courts. Two major sources were used in developing these lists. The main source was a judicial directory provided by the National Judicial College. This directory was very useful in selecting the sample, but the information for a number of states had not been updated in the two years prior to the survey. In each of these states the state court administrative office was contacted and a more updated judicial list secured. These states included California, Connecticut, Indiana, Iowa, Kentucky, Mississippi, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas (limited jurisdiction courts only), Washington, and West Virginia.

For both lists an attempt was made to arrange the judges within each state by zip code--from lowest to highest number. The individual state lists for each jurisdiction were then grouped into their appropriate census region. (Regional variations were viewed as a possible predictor of judicial attitudes.) These regions are New England, South Atlantic, East North Central, East South Central, West North Central, West South Central, Mountain, and West.

Each list was examined to identify judges who were not eligible to participate in the survey (e.g., judges who sat in selected courts but who generally handled cases that were not within the scope of the survey--such as juvenile, probate, family, domestic relations cases). The states within each region were arranged alphabetically, and a number was then assigned to each eligible judge. The numbering began with "1" and numbers were assigned consecutively to the judges through the entire list of all states in that region for each of the two jurisdictions. This yielded a net total of 12,633 judges: 6,088, general jurisdiction; 6,545, limited jurisdiction .

To achieve a representative sample of the universe of judges, the selection process was designed to draw percentages of judges from the various regions that were proportional to population figures for each of those regions. Population was used as a basis because the number of judges in a jurisdiction is generally determined by the number of people in it. After the percentage of the sample to select from each region was determined, it was separated into percentages for general and limited jurisdiction judges. The latter percentages were based on the number of eligible judges in a particular jurisdiction of a region in relation to the total eligible judges in that region. Hence, the following formulas were used:

(a) To determine proportion of judges within each census region:

$$\frac{\text{Region Population}}{\text{Total U.S. Population}} = P_r \quad (\text{percentage of U.S. population in region})$$

Total number of judges in sample $\times P_r = N_r$ (no. of judges selected in region).

(b) To determine the proportion of general (or limited) jurisdiction judges within each region:

$$\frac{\text{Number of eligible general (limited) jurisdiction judges in region}}{\text{Number of total eligible judges in region}} = G_r (L_r)$$

[percentage of general (limited) jurisdiction judges selected in region]

$N_r \times G_r = N_G$ (number of general jurisdiction judges selected in region)

$N_r \times L_r = N_L$ (number of limited jurisdiction judges selected in region)*

To obtain responses from a large number of judges, we began with an initial sample size of 5,000 judges. This was done to compensate for those judges who were selected in the sample, but who would not be eligible to respond because they had not handled criminal cases within the two years prior to the survey. Because there is no master list available on the types of cases handled by individual judges, this information could not be predetermined. Those judges who had not recently handled criminal cases had to disqualify themselves. (Approximately 450 judges returned a postcard [or the questionnaire] indicating that they had not handled criminal cases during that time period.)

* Example: New England Region

$$(a) \quad \frac{12,348,493}{226,545,805} = 5.4\% \quad P_r = 5.4\%$$

$$5,000 \times .054 = 270 (N_r)$$

$$(b) \frac{260}{559} = 46.5\%$$

$$G_r = 46.5\%$$

$$270 \times .465 = 126$$

$$N_G = 126$$

$$\frac{299}{559} = .535\%$$

$$L_r = 53.5\%$$

$$270 \times .535 = 144$$

$$N_L = 144$$

Responses to the survey questions were manually coded onto coding sheets prior to keypunching. Questions that were open-ended were, of course, more difficult to code than those that were closed-ended. In some instances this led to interpretation difficulties which hindered analysis of some responses. Given the limitations on time and resources, an attempt was not made to analyze in depth each and every question in the survey. We realize that there is a wealth of data from the survey that, although we have not been able to analyze clearly, will be available to future researchers.

CODING DEFINITIONS - FINES SURVEY

<u>? No.</u>	<u>Col. No.</u>	<u>Code</u>	<u>Definition</u>
	1 - 5	(see attached)	ID number
	6	1	Card number
1	7	1 2 6	V2 General Jurisdiction Court Limited Jurisdiction Court Not Applicable (e.g., recently retired)
2	8 - 10 11 - 13 14 - 16 17 - 19 20 - 22 23 - 25 8 - 25 8 - 25	001-999 001-999 001-999 001-999 001-999 001-999 000 Blank	V3-V8 { Number of persons sentenced - Felony Number of persons sentenced - Misdemeanor Number of persons sentenced - DWI Number of persons sentenced - Traffic Number of persons sentenced - Ord. Viol. Number of persons sentenced - Total Not applicable - none Not answered - no figure given for any offense category
3	26 - 28	001-100 Blank	V9 Percentage of criminal caseload Not answered
4	29 - 31	001-100 Blank	V10 Percentage of cases jail term Not answered
5a	32 - 34	001-100 Blank	V11 Percentage of cases only fine Not answered
5b	35 - 37	001-100 Blank	V12 Percentage of cases fine plus Not answered
6a	38 - 44	V13-V19 { 1 2 3 4 5 6 7 8	1 Almost Always Have 2 Have in Most Cases 3 Have in About Half the Cases 4 Have in Few Cases 5 Almost Never Have 6 Not Applicable 7 Not Answered 8 Don't Know
6b	45 - 51	V20-V25 { 1 2 3 4 5 6 7 8 9 0	1 Prosecutor 2 Defense Counsel 3 Police 4 Probation Department/Officer/Dept. of Corr. Services/Court Services Program 5 Offender 6 Not Applicable 7 Not Answered 8 Don't Know 9 Combination 0 Other

6c	52 - 58	V27 V33	1 2 3 4 5 6 7 8	1 Almost Always Useful 2 Useful in Most Cases 3 Useful in About Half the Cases 4 Useful in Few Cases 5 Almost Never Useful 6 Not Applicable 7 Not Answered 8 Don't Know
7a	59	V34	1 2 6 7 8	1 Yes 2 No 6 Not Applicable 7 Not Answered 8 Don't Know
7b + 8	60 - 67	V34A V41	1 2 3 4 5 6 7 8	1 Always or Almost Always 2 In Most Cases 3 In About Half the Cases 4 In Few Cases 5 Never or Almost Never 6 Not Applicable 7 Not Answered 8 Don't Know
9a	68 - 70 71 - 73 74 - 76 68 - 76	V42 V44	0-999 0-999 0-999 000	\$ Amount of Court Costs \$ Amount of Probation Fee \$ Amount of Other Not applicable - no indication that sanction is imposed in court
	68 - 76		Blank	Not answered - sanction indicated, but no amount given/amount varies greatly
9b	77	V45	0 1 2 3 4 5 6 7 8	0 None 1 Suspend sanction/don't impose 2 Impose lower amount/sliding scale 3 Allow more time to pay/pays installments 4 Impose community service 5 Other/Combination 6 Not Applicable 7 Not Answered 8 Don't Know
10	78 - 80	V46 V57	1 2 3 4 5 6 7 8	1 Always or Almost Always 2 In Most Cases 3 In About Half the Cases 4 In Few Cases 5 Never or Almost Never 6 Not Applicable/Not Handled 7 Not Answered 8 Don't Know

1 - 5	ID Number
6	Card Number

10 cont. 7 - 15

V46-V57
CENT.

- 1 Always or Almost Always
- 2 In Most Cases
- 3 In About Half the Cases
- 4 In Few Cases
- 5 Never or Almost Never
- 6 Not Applicable/Not Handled
- 7 Not Answered
- 8 Don't Know

16 - 19	V58	000-9999	\$ Amount - Assault
20 - 23	V69	000-9999	\$ Amount - Auto Theft
24 - 27		000-9999	\$ Amount - Burglary
28 - 31		000-9999	\$ Amount - Disorderly Conduct
32 - 35		000-9999	\$ Amount - Embezzlement
36 - 39		000-9999	\$ Amount - Fraud
40 - 43		000-9999	\$ Amount - Harassment
44 - 47		000-9999	\$ Amount - Bad Check
48 - 51		000-9999	\$ Amount - Possession
52 - 55		000-9999	\$ Amount - Prostitution
56 - 59		000-9999	\$ Amount - Drug Sale
60 - 63		000-9999	\$ Amount - Shoplifting
16 - 63		0000	When blank because never or almost never impose of fine
16 - 63		Blank	Not applicable (i.e., when blank because offense is not handled)/Not answered/ Varies greatly

11	64 - 67	V70-V73	1 More likely to impose a fine
			2 No difference
			3 Less likely to impose a fine
			6 Not Applicable
			7 Not Answered
			8 Don't Know

12	68 - 73	V74	1 Never or Almost Never
		V79	2 In Few Cases
			3 In About Half the Cases
			4 In Most Cases
			5 Almost or Almost Always
			6 Not Applicable
			7 Not Answered
			8 Don't Know

13	74	V80	1 Yes
			2 No
			7 Not Answered
			8 Don't Know

14	75	V81	0 None
			1 Fairer and more equal
			2 Easier to collect fine
			3 Help deal with overcrowded prison conditions
			4 Allows more flexibility

14 cont.

- 5
- 6 Other
- 7 Not Answered
- 8 Don't Know
- 9 Combination

15 76

- 0 *V82* None
- 1 Unfair; unequal
- 2 Still difficult for indigents/people
- 3 Administration/supervision time and costs
- 4 Difficulty in obtaining reliable information
- 5 Depersonalization of justice system
- 6 Other
- 7 Not Answered
- 8 Don't Know
- 9 Combination

16 77

- 1 *V83* Favor
- 2 Oppose
- 3 Not Sure
- 7 Not Answered

17 78

- 1 *V84* Always or Almost Always
- 2 In Most Cases
- 3 In About Half the Cases
- 4 In Few Cases
- 5 Never or Almost Never
- 6 Not Applicable
- 7 Not Answered

18 79

- 1 *V85* Generally installments
- 2 Generally lump sum
- 3 Sometimes installments, sometimes lump sum
- 4 Not up to me
- 6 Not Applicable
- 7 Not Answered

 1 - 5 ID Number
 6 3 Card Number

19 7 - 9

000-999 *V86* Number of days for payment
 Blank Not answered/not applicable

20 10 - 11

- 1 *V87* Yes (includes sometimes)
- 2 *V88* No
- 7 Not Answered

21 12

- 1 *V88A* Court Clerk's Office
- 2 Probation Department
- 3 Other
- 4 Combination

21 Cont.		6	Not Applicable
		7	Not Answered
		8	Don't Know
22	13 - 17	V89- V93 {	1 Yes 2 No 6 Not Applicable 7 Not Answered 8 Don't Know
23	18	V94 {	1 No Problem 2 A Minor Problem 3 Not Sure 4 A Moderate Problem 5 A Major Problem 6 Not Applicable 7 Not Answered
24	19 - 26	V95 - V102 {	1 Agree Strongly 2 Agree 3 Not Sure 4 Disagree 5 Disagree Strongly 6 Not Applicable 7 Not Answered
25a	27	V103 {	1 No Problem 2 A Minor Problem 3 Not Sure 4 A Moderate Problem 5 A Major Problem 6 Not Applicable 7 Not Answered
25b	28	V104 {	1 Yes 2 No 6 Not Applicable 7 Not Answered 8 Don't Know
26	29	V105 {	0 None 1 Bond requirement 2 Conversion to jail or work program 3 Better follow-up procedures 4 Turn over to private collection agencies 5 Revocation proceedings/Contempt hearing/ Show cause hearing 6 Other 7 Not Answered 8 Don't Know 9 Combination

27	30 - 42	V106- V118	1 2 3 4 5 6 7	Agree Strongly Agree Not Sure Disagree Disagree Strongly Not Applicable Not Answered	
28	43 - 49	V119- V125	1 2 3 4 5 6 7 8	Increase Significantly Increase Moderately No Difference Decrease Moderately Decrease a Lot Not Applicable Not Answered Don't Know	
29a	50		1 V126 2 3 4 5 7 8 9	State County City Other Not Answered Don't Know Combination	
29b	51		1 V127 2 3 4 5 6 7 8 9	State County City Court Other Not Answered Don't Know Combination	
30a	52 - 54	001-999 V128 Blank		Number of full-time judges Not answered) Exclude) referees) and) Commissioners
30b	55 - 57	001-99 V129 Blank		Number of part-time judges Not answered	
31	58		1 V130 2 3 4 5 6 7 8	Below 1,000 1,001 - 10,000 10,001 - 50,000 50,001 - 100,000 100,001 - 500,000 500,001 - 1,000,000 Over 1,000,000 Not Answered/Don't Know) Jurisdictional) population for) respondent's) respective court

32	59	1 V131	Always or Almost Always	
		2	In Most Cases	
		3	In About Half the Cases	
		4	In Few Cases	
		5	Never or Almost Never	
		7	Not Answered	
		8	Don't Know	
33a	60	1 V132	Yes	
		2	No	
		3	Not Sure	
		7	Not Answered	
33b	61	1 V133	Yes	
		2	No	
		3	Not Sure	
		6	Not Applicable	
		7	Not Answered	
34a	62 - 64	000-100 V134	Percent of retained counsel	
		Blank	Not answered	
34b	65 - 67	000-100 V135	Percent of public counsel	
		Blank	Not answered	
35a	68 - 69	01-99 V136	Number of years on bench	
		Blank	Not answered	
35b	70 - 71	01-99 V137	Number of years criminal cases	
36	72	1 V138	A Serious Problem	
		2	A Moderate Problem	
		3	Not Sure	
		4	A Minor Problem	
		5	Not A Problem	
		7	Not Answered	
37	73	1 V139	Jail Alone (but with or without fines and/or costs)	
39	75	2 V141		
41	77	V143		
		2		Probation/Community Service Alone (but with or without fines and/or costs)
		3		Restitution Alone (but with or without fines and/or costs)
		4		Fine Alone (but including costs, if any)
		5		Jail and Probation (but with or without fines and/or costs)
		6		Jail and Restitution (but with or without fines and/or costs)
		7	Probation and Restitution (but with or without fines and/or costs)	
		8	Jail and Probation (but with or without fines and/or costs)	

37 Cont.
39 Cont.
41 Cont.

9 Jail, Probation and Restitution (but with
or without fines and/or costs)
0 Other
Blank Not Answered

38 74
40 76
42 78

1 2142 Not a deterrent/Not rehabilitative
2 2142 Insufficient punishment
3 2142 Would commit crime to pay fine
4 2142 Would present hardship to family
5 2142 Cannot afford
6 Not Applicable
7 Other monetary sanction more important
8 Administrative collection costs
9 Combination
0 Other
Blank Not Answered/Don't Know

Judges' Views on Fines

Variable labels

V1 (col 1) = region
id1 (cols 2-5)

A Joint Project of the Center for the Study of Public Policy, University of Connecticut
and the Institute for Court Management of the National Center for State Courts

This questionnaire is intended for trial court judges who are currently handling criminal cases or who have handled such cases within the past two years. If you have not handled criminal cases during the past two years, do not complete the questionnaire. However, please complete and return the attached postcard to the Institute for Court Management, since it is important for us to know the proportion of judges in our sample who have not handled criminal cases during that time.

For some questions, a range of possible responses is provided. Please circle the number before the option that most closely reflects your circumstances or viewpoint. Other questions require a brief written response.

I. Current Caseload Information

V2 Q1. In what type of court are you currently sitting?

1. General Jurisdiction Court 2. Limited Jurisdiction Court

NOTE: If you are not currently handling criminal cases but have handled them within the past two years, please respond to all of the questions in terms of the circumstances that existed when you last handled them.

Q2. In a typical month, approximately how many persons would you impose sentence upon for the following types of offenses?

- V3 a. Felonies
V4 b. Misdemeanors (but not including DWI/DUI or other
misdemeanors involving operation of a motor vehicle)
V5 c. Driving While Intoxicated/Driving Under the Influence of
Alcohol or Other Controlled Substance
V6 d. Traffic Offenses Other Than DWI/DUI
V7 e. Violations of Local Ordinances or Administrative Regulations

8 = total V9 Q3. What percentage of your total caseload involves felony and/or misdemeanor cases? _____%

NOTE: For the remaining portion of this questionnaire we ask that you *not* think in terms of traffic offenses (including DWI/DUI offenses), ordinance violations or juvenile delinquency matters when answering the questions.

II. Sentencing Practices

V10 Q4. In approximately what percentage of your criminal cases do you impose a jail or prison term (not fully suspended) as all or part of the sentence for a convicted offender? _____%

V11 Q5. a) In approximately what percentage of your criminal cases do you impose a fine as the *only* sentence for a convicted offender? _____%

V12 b) In approximately what percentage of your criminal cases do you impose a fine *in combination with* another sanction, such as court costs, jail, probation? _____%

V13 Q6. a) When determining the sentence, judges may have background information on the offender and/or the circumstances of the offense. In general, how frequently is the following information available to you prior to sentencing?

	Almost Always Have	Have in Most Cases	Have in About Half the Cases	Have in Few Cases	Almost Never Have
V13 Offender's Criminal Record	1	2	3	4	5
V14 Offender's Family Status/Community Ties	1	2	3	4	5
V15 Offender's Income	1	2	3	4	5
V16 Offender's Employment Status	1	2	3	4	5
V17 Offender's Assets	1	2	3	4	5
V18 Aggravating or Mitigating Circumstances Regarding the Offense	1	2	3	4	5
V19 Other (please specify)	1	2	3	4	5

b) Who generally provides the following information to you (e.g., police, prosecutor, defense lawyer, probation department)? (Enter NA if information is never available to you)

- V20 Offender's Criminal Record
- V21 Offender's Family Status/Community Ties
- V22 Offender's Income
- V23 Offender's Employment Status
- V24 Offender's Assets
- V25 Aggravating or Mitigating Circumstances Regarding the Offense
- V26 Other (please specify)

c) When you have this information, how often do you find it useful in shaping the sentence?

	Almost Always Useful	Useful in Most Cases	Useful in About Half the Cases	Useful in Few Cases	Almost Never Useful	Not Applicable
V27 Offender's Criminal Record	1	2	3	4	5	6
V28 Offender's Family Status/Community Ties	1	2	3	4	5	6
V29 Offender's Income	1	2	3	4	5	6
V30 Offender's Employment Status	1	2	3	4	5	6
V31 Offender's Assets	1	2	3	4	5	6
V32 Aggravating or Mitigating Circumstances Regarding the Offense	1	2	3	4	5	6
V33 Other (please specify)	1	2	3	4	5	6

V34 Q7. a) Do judges in your jurisdiction have written guidelines or a schedule suggesting the amount of a fine for specific criminal offenses?

1. Yes 2. No (Go to Q8)

V34A b) To what extent do you use this fine schedule?

1. Always or Almost Always 2. In Most Cases 3. In About Half the Cases
4. In Few Cases 5. Never or Almost Never

Q8. When a fine is imposed in your courtroom for a felony or misdemeanor, how frequently are any of the following also imposed concurrently with the fine?

	Always or Almost Always	In Most Cases	In About Half the Cases	In Few Cases	Never or Almost Never
V35 a. Jail/Prison Term	1	2	3	4	5
V36 b. Suspended Jail/Prison Term	1	2	3	4	5
V37 c. Probation	1	2	3	4	5
V38 d. Costs	1	2	3	4	5
V39 e. Restitution	1	2	3	4	5
V40 f. Community Service	1	2	3	4	5
V41 g. Other Monetary Sanction (please specify)	1	2	3	4	5

Q9. a) If any of the following non-fine monetary sanctions are used in your court, please indicate the amounts most commonly imposed.

- V42 a. Court Costs: \$ _____ V43 b. Fee for Probation Services: \$ _____
V44 c. Other (please describe) _____: \$ _____

V45 b) In imposing a non-fine monetary sanction, what provision, if any, is made for cases involving defendants who are indigent? _____

Q10. For each of the offenses below, assume that the individual is an *adult, first-time offender*, employed at a job which pays \$160 per week. In general, how likely are you to impose a fine, either alone or with another sanction, and what would be the typical amount of the fine?

		Always or Almost Always	In Most Cases	In About Half the Cases	In Few Cases	Never or Almost Never	Not Handled
		<u>AMOUNTS:</u>					
Fre Q: V46	a. Assault (minor injury to victim) Typical Fine Amount: \$ <u>V58</u>	1	2	3	4	5	6
V47	b. Auto Theft (\$5,000 value) Typical Fine Amount: \$ <u>V59</u>	1	2	3	4	5	6
V48	c. Daytime Burglary of a Residence Typical Fine Amount: \$ <u>V60</u>	1	2	3	4	5	6
V49	d. Disorderly Conduct/Disturbing the Peace Typical Fine Amount: \$ <u>V61</u>	1	2	3	4	5	6
V50	e. Embezzlement (of \$10,000) Typical Fine Amount: \$ <u>V62</u>	1	2	3	4	5	6
V51	f. Fraud (e.g., fraudulent land deal) Typical Fine Amount: \$ <u>V63</u>	1	2	3	4	5	6
V52	g. Harassment Typical Fine Amount: \$ <u>V64</u>	1	2	3	4	5	6
V53	h. Bad Check/Insufficient Funds Typical Fine Amount: \$ <u>V65</u>	1	2	3	4	5	6
V54	i. Possession of One Ounce of Marijuana Typical Fine Amount: \$ <u>V66</u>	1	2	3	4	5	6
V55	j. Prostitution Typical Fine Amount: \$ <u>V67</u>	1	2	3	4	5	6
V56	k. Unlawful Sale of Controlled Substance (e.g., one ounce of cocaine) Typical Fine Amount: \$ <u>V68</u>	1	2	3	4	5	6
V57	l. Shoplifting (approximately \$80 value) Typical Fine Amount: \$ <u>V69</u>	1	2	3	4	5	6

Q11. Considering the types of offenses listed in the preceding question, to what extent would the following changes in the offender's circumstances affect your likelihood of imposing a fine? (Again, we realize the generality of this question, but please do the best you can.)

		More Likely to Impose a Fine	Would Make No Difference	Less Likely to Impose a Fine
V70	a. Offender Has Two Prior Convictions (shoplifting and assault)	1	2	3
V71	b. Offender Is Unemployed or on Public Assistance	1	2	3
V72	c. Offender Is 18 Years Old	1	2	3
V73	d. Offender Owns a House and Two Cars and Has an Annual Salary of \$35,000	1	2	3

Comments: _____

Q12. If you decide that a fine might be appropriate in a case and you believe that the offender might have difficulty paying a fine, to what extent are you likely to take the following actions?

		Never or Almost Never	In Few Cases	In About Half the Cases	In Most Cases	Always or Almost Always
V74	a. Suspend the Fine	1	2	3	4	5
V75	b. Impose a Lower Fine	1	2	3	4	5
V76	c. Allow the Offender a Longer Period in Which to Pay the Fine	1	2	3	4	5
V77	d. Impose a Suspended Jail or Prison Term in Lieu of the Fine	1	2	3	4	5
V78	e. Impose Community Service in Lieu of the Fine	1	2	3	4	5
V79	f. Other (please specify)	1	2	3	4	5

Comments: _____

III. Day-Fines

Several Western European countries have adopted and widely use a "day-fine" system, which is designed to make the economic impact of a fine roughly equivalent for both rich and poor offenders and to encourage broader use of the fine. Under these systems, the amount of the fine is established in two stages. First, the number of units of punishment is set, taking account of the seriousness of the offense and (if available) information on the offender's prior record. Second, the monetary value of each unit of punishment is set, using a standard formula, in light of information about the offender's financial situation. (The methods for obtaining this information vary; they include having it supplied by the offender's lawyer, by a probation officer, and through direct questioning of the offender by the judge.) Thus, although two offenders may be sentenced to the same number of day-fine units for an offense, an affluent offender would be fined a larger amount than a poor offender convicted of the same offense who had a similar prior record. In the event of a default, the sanction (e.g., jail time) for each would be the same, based upon the number of units of punishment that were set.

Q13. Assuming that statutes authorize such a system, do you feel that it could work in your court?

V80 1. Yes 2. No

Reasons: _____

Q14. What, in your view, would be the principal advantages of such a system?

V81 _____

Q15. What, in your view, would be the principal disadvantages of such a system?

V82 _____

Q16. Would you favor or oppose trying such a system in your court?

V83 1. Favor 2. Oppose 3. Not Sure

IV. Enforcement and Collection of Fines

Q17. When you impose a fine, how frequently do you allow the offender to pay all or part of the fine at a later date as opposed to requiring that the full amount of the fine be paid on the day of sentence?

V84 1. Always or Almost Always 2. In Most Cases 3. In About Half the Cases
 4. In Few Cases 5. Never or Almost Never (Go to Q20)

Q18. When you *do not* require that a fine be paid immediately, do you generally allow for periodic installment payments or require that it be paid as a lump sum?

V85 1. Generally Installments 2. Generally Lump Sum 3. Sometimes Installments, Sometimes Lump Sum
 4. Time and Terms of Payment Are Set by a Clerk or Other Official, Not by Me (Go to Q20)

id3 V86 Q19. When you *do not* require that a fine be paid immediately, what is the *maximum* number of days that you generally allow for full payment of it? _____ Days

Q20. Do you receive information on either of the following?

	Yes	No
V87 a. Total Amount of Fines Imposed and Not Collected	1	2
V88 b. Number of Defendants Who Default on Payment of Fines	1	2

Q21. Who is responsible for the initial collection of fines that you impose?

V88A 1. Court Clerk's Office 2. Probation Department
 3. Other (please specify) _____

Q22. Which of the following procedures are followed when an offender fails to pay a fine that you have imposed?

	Yes	No
V89 a. Phone Call to Offender	1	2
V90 b. Notification Letter Sent to Offender	1	2
V91 c. Warrant Issued	1	2
V92 d. Delinquent Account Turned Over to Private/Government Collection Agency	1	2
V93 e. Other (please specify) _____	1	2

Q23. In your view, to what extent does a problem exist in the collection and enforcement of fines in your court?

V94 1. No Problem (Go to Q25) 2. A Minor Problem 3. Not Sure (Go to Q25)
 4. A Moderate Problem 5. A Major Problem

Q24. To what extent do you agree that the following reasons account for enforcement or collection difficulties in your court?

	Agree Strongly	Agree	Not Sure	Disagree	Disagree Strongly
V95 a. The Court (or other agency responsible for fine collection) Does Not Have Adequate Methods for Monitoring the Payment of Fines	1	2	3	4	5
V96 b. Too Much Time Elapses Between Default of a Fine Payment and the Court's Issuance of a Warrant for Non-Payment	1	2	3	4	5
V97 c. There is Inadequate Contact with or Notification of Offenders Who Fail to Pay on Time	1	2	3	4	5
V98 d. Law Enforcement Agencies Give Low Priority to Serving Warrants for Non-Payment of Fines	1	2	3	4	5
V99 e. Many Offenders Are Poor and Cannot Afford to Pay Their Fines	1	2	3	4	5
V100 f. Many Offenders Think That Nothing Serious Will Happen to Them if They Fail to Pay Their Fines	1	2	3	4	5
V101 g. Nothing Serious Ever Does Happen to Offenders Who Fail to Pay Their Fines	1	2	3	4	5
V102 h. Many Offenders Leave the Area or Are Too Difficult to Locate	1	2	3	4	5

Q25. a) To what extent does a problem exist in collecting and enforcing other financial penalties in your court (e.g., costs, restitution)?

- V103 1. No Problem (Go to Q26) 2. A Minor Problem 3. Not Sure (Go to Q26)
 4. A Moderate Problem 5. A Major Problem 6. Not Applicable (Go to Q26)

b) Are the problems in collecting and enforcing other monetary penalties the same as the problems in collecting fines?

- V104 1. Yes 2. No

Comments: _____

Q26. What policies or procedures, if any, have been introduced in your court to improve the enforcement and collection of fines and/or other monetary penalties?

V105 _____

V. Attitudes Toward the Use of Fines

Q27. To what extent do you agree or disagree with the following statements about the use of fines in your court?

	Agree Strongly	Agree	Not Sure	Disagree	Disagree Strongly
V106 a. Fines Are Relatively Inexpensive to Administer	1	2	3	4	5
V107 b. Using Fines Instead of Incarceration Helps Prevent Overcrowding in Correctional Facilities	1	2	3	4	5
V108 c. Many Offenders Will Commit Additional Crimes to Pay Their Fines	1	2	3	4	5
V109 d. Fines Ordinarily Have Little Impact on the Affluent Offender	1	2	3	4	5
V110 e. Jail Is a More Appropriate Penalty When the Offense Is Serious	1	2	3	4	5
V111 f. Fines Can Be Adjusted to Fit the Severity of the Offense and the Income of the Offender	1	2	3	4	5
V112 g. Fines Help to Reimburse the Cost of Maintaining the Criminal Justice System	1	2	3	4	5
V113 h. Incarceration Is a More Appropriate Punishment for the Cases That Come Before Me	1	2	3	4	5
V114 i. There Is No Effective Way to Enforce Fines Against Poor People	1	2	3	4	5
V115 j. Statutes Do Not Permit Me to Impose High Enough Fines ...	1	2	3	4	5
V116 k. U.S. Supreme Court Decisions Do Not Allow Fines to Be Imposed on Poor People	1	2	3	4	5
V117 l. Fines, in Contrast to Probation, Have No Rehabilitative Capacity	1	2	3	4	5
V118 m. Expanding the Use of Fines Would Give the Court the Appearance of Being Overly Concerned with Producing Revenue	1	2	3	4	5

Q28. What difference, if any, would occur in your use of fines as a criminal sanction if each of the following changes were made:

	Would Increase Significantly	Would Increase Moderately	Would Make No Difference	Would Decrease Moderately	Would Decrease a Lot
V119 a. Limit Placed on the Number of Inmates Housed in Correctional Facilities in Your Jurisdiction	1	2	3	4	5
V120 b. Increase in the Upper Dollar Limit That Is Currently Placed on the Amount of a Fine That Can Be Imposed in Your Court	1	2	3	4	5
V121 c. Improvements in the Enforcement and Collection of Fines in Your Court	1	2	3	4	5
V122 d. Increase in the Types of Offenses for Which a Fine Is Authorized as a Penalty in Your Court	1	2	3	4	5
V123 e. Inauguration of a Day-Fine System in Your Court	1	2	3	4	5
V124 f. Reduction of Probation Staff	1	2	3	4	5
V125 g. New Jail/Prison Facilities Constructed to Double Current Capacity	1	2	3	4	5

VI. General Background Information

Q29. a) From what source does your court receive the majority of its funding?

- V126 1. State 2. County 3. City
4. Other (please specify) _____

b) Into what fund is the majority of the court's criminal fine revenue contributed?

- V127 1. State 2. County 3. City 4. Court
5. Other (please specify) _____

Q30. a) What is the total number of full-time judges sitting in the court?

V128 Number of Judges _____

V129 b) What is the total number of part-time judges sitting in the court?

Number of Judges _____

Q31. Approximately how many people live within your court's jurisdiction?

V130 Number of People _____

Q32. How frequently does the prosecutor make a recommendation concerning the type of sentence to impose on a convicted offender?

- V131 1. Always or Almost Always 2. In Most Cases 3. In About Half the Cases
4. In Few Cases 5. Never or Almost Never

Q33. a) In general, do the prosecutors in your court use written uniform guidelines which suggest when a fine should be imposed?

- V132 1. Yes 2. No (Go to Q34) 3. Not Sure (Go to Q34)

V133 b) Do these guidelines include recommendations on the amount of the fine?

1. Yes 2. No 3. Not Sure

Q34. In approximately what percentage of felony and/or misdemeanor cases in your court is the defendant represented by either of the following:

V134 a. Privately Retained Counsel _____%

V135 b. Publicly Financed Counsel _____%

Q35. a) What is the total number of years that you have served as a judge?

V136 Number of Years _____

V137 b) What is the total number of years that you have handled criminal cases?

Number of Years _____

Q36. In your view, to what extent is jail overcrowding a problem in your jurisdiction?

- V138 1. A Serious Problem 2. A Moderate Problem 3. Not Sure
4. A Minor Problem 5. Not A Problem

VII. Hypothetical Cases

This last section poses three possible situations that judges might confront when sentencing offenders. Each situation describes the basic nature of the offense, offender's criminal record, and social circumstances. On the basis of this information, we would like your estimate of the sanction that you would likely impose and the rationale behind your decision. If you believe that a fine is an inappropriate punishment in any of the three cases, could you indicate why? (We realize that these short descriptions cannot provide the full information that a judge would wish to have in making sentencing decisions. Please do the best that you can with the information provided.)

CASE A

The 26-year old male defendant is charged with larceny and criminal possession of stolen property. He is alleged to have removed a \$40 pair of slacks from a department store, concealing them in a box that had a forged store receipt and leaving without paying. He was arrested outside of the store. The defendant pled guilty to the criminal possession charge and the larceny charge was dropped.

Custody status: On Bail (\$1,000)

Family status: Single with no dependents.

Employment status: Janitor earning \$160 per week.

Offender's record:

1979	Bad check	Convicted — restitution
1980	Bad check	Dismissed
1981	Larceny	Convicted — 6 months probation
1982	Larceny	Convicted — 1 year probation

Q37. What would be the likely sanction and why?

V139

Q38. If a fine is inappropriate, why?

V140

CASE B

The defendant, a 48-year old male, is charged with embezzling \$25,000 from a clothing manufacturing firm. Evidence developed by an outside auditor led to the arrest. The defendant pled guilty to the embezzlement.

Custody status: On bail (\$5,000)

Family status: Married with two children ages 16 and 20.

Employment status: Offender was the accountant at the firm, earning \$3,000 per month at the time of the arrest.

Offender's record:

1981	Driving under the influence	Convicted — license suspended
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Q39. What would be the likely sanction and why?

V141

Q40. If a fine is inappropriate, why?

V142

CASE C

The defendant, a 24-year old male, was arrested for assault after a heated argument with his neighbor over a parking space. The neighbor was punched in the face and about the body, receiving injuries that required emergency treatment at the hospital. The defendant pled guilty to the charge.

Custody status: On bail (\$2,000)

Family status: Single with no dependents.

Employment status: Laborer earning \$200 per week.

Offender's record:

1978	Bad check	Convicted — restitution
1979	Driving under the influence	Convicted — impaired drivers school
1980	Driving under the influence	Convicted — license suspended

Q41. What would be the likely sanction and why?

V143

Q42. If a fine is inappropriate, why?

V144

Please use this space for additional comments.

PLEASE RETURN THE COMPLETED QUESTIONNAIRE TO:

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1624 Market Street, Suite 210
Denver, Colorado 80202