

Reducing Reliance on Criminal **FINES & FEES**

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INTRODUCTION

A 1992 Department of Justice study noted that “[F]ines, as a method of criminal punishment, are as old as the system of criminal justice.”¹ In fact, there are multiple references to fines as a form of punishment in both the Old and New Testaments. Fees, where individuals make payments for specific services from government, are a slightly newer phenomenon. But fees have become ubiquitous as a means of supporting government services at all levels of government in the United States.

Fines and fees are assessed at every point in the criminal justice system, from citation or arrest through post-conviction supervision, and are collected by courts and multiple criminal justice agencies. While individual fees may be as little as a few dollars, city, county and state governments have created a complex system of fines and fees, layering one on top of the other, until total financial obligations related to a conviction may reach thousands of dollars. Distribution of the collected dollars is as complex as their assessment – each fine and fee is distributed according to statute, ordinance, or policy. Revenue from fines and fees could be directed to a specific function or special fund or could go to the government general fund: some fines and fees go to local government, some to state government and some to both. The result of this complex system is that most governments do not know the total number and dollars of fines and fees assessed, collected, and distributed in their criminal justice system.

A 2015 White House study estimated that tens of millions of individuals in the U.S. have been assessed fines or fees as part of the punishment for a criminal offense.²

The usage of fines and fees as punishment has increased significantly; in 1986, 12 percent of incarcerated individuals owed fines, but in 2004, that had increased to 37 percent (66 percent owed both fines and fees).³

In the United States, fines and fees are frequently assessed on defendants without considering whether, or how much, defendants can pay. As a result, the current system of generating revenue through fines and fees from the criminal justice system has increasingly raised concerns about inequitable outcomes based on defendants’ wealth. Since criminal defendants are more likely to have lower income than the population as a whole, there are concerns about the regressive nature of these sources of revenue. Moreover, there are often civil and criminal implications for people who do not pay assessed fines and fees: non-payment can impact everything from future employment to limitations on liberty. As a result, criminal justice fees, in particular, have become a form of a “poor tax” – where criminal defendants are punished as much for their socio-economic status as for their criminal offense.

¹ <https://www.ncjrs.gov/pdffiles1/Digitization/136611NCJRS.pdf> at p. lii.

² “Fines, Fees, and Bail: Payments in the Criminal Justice System that Disproportionately Impact the Poor,” Council on Economic Advisors (Dec. 2015), 3.

³ “Fines, Fees, and Bail,” Council on Economic Advisors.

Beyond the issue of equity, reliance on fines and fees from the criminal justice system may result in unintended negative outcomes that come at a high cost. Some early research suggests that defendants with outstanding criminal justice debt may be more likely to offend again. In some cases, individuals who fail to pay fines and fees may be incarcerated as punishment for non-payment. To the extent that outstanding debt limits economic opportunity, it may increase the need for public assistance and reduce the ability to generate taxable income. *In other words, reliance on fines and fees as a source of revenue may be pennywise, yet pound foolish.*

There can also be impacts on the fairness of the criminal justice system itself. A 2015 Department of Justice study of Ferguson, Missouri outlined a compelling case of police abuse, including evidence of intentional discrimination against African American residents. The report's core finding, however, was that the goal of revenue collection from fines and fees had perverted the justice system: investigators concluded that "law enforcement practices are shaped by the City's focus on revenue rather than by public safety needs."

Some local governments are demonstrating the feasibility of reducing or eliminating reliance on fine and fee revenue from the criminal justice system. Some, like San Francisco and Alameda County in California have eliminated all fees that fall under the jurisdiction of local government. Others, like New Orleans, Louisiana, have eliminated fees within the juvenile justice system. Finally, many other cities and counties have eliminated specific fines or fees where there is political support.

This report focuses on how Dallas County can take steps toward reducing and eventually eliminating its reliance on fines and fees from the criminal justice system as a source of revenue for local government. In it, we detail the current use of fines and fees in the Dallas County criminal justice system, the amount of revenue actually collected and what it is used for, and propose a plan for how the County can act to reduce fines and fees and offset any budgetary impacts.

PROJECT DESCRIPTION

Dallas County is the second most populous county in Texas with a population of over 2.3 million residents. As of 2017, approximately 15 percent of Dallas County residents were living in poverty. The County had the 163rd highest poverty rate among 254 Texas Counties.⁴ The County is governed by an elected Commissioners Court, which includes four Commissioners elected by precinct and the County Judge elected countywide. The Commissioners Court appoints a County Administrator who leads County departments on a day to day basis. The County also has several other County elected officials in its criminal justice system, including judges, District and County Clerks, the District Attorney, and the Sheriff.

Dallas County has taken steps to limit fines and fees. Truancy Courts, which report to Judge Clay Jenkins, have historically imposed fines and fees on parents found to be in violation of

⁴ U.S. Census Bureau. Small Area Income & Poverty Estimates, 2017.

truancy-related matters, e.g. the maximum fine for Failure to Attend School was \$500. In 2011, the County implemented a stair-stepped system of fines and fees for Failure to Attend School and Parent Contributing to Non-Attendance cases, which was later adopted by the entire state in 2013. Building on this momentum in 2015, Dallas County Judge Jenkins testified in support of House Bill 2398 which eliminated all fines and fees on student cases by decriminalizing truancy offenses.

In March 2019, Dallas County applied for technical assistance from PFM's Center for Justice & Safety Finance to continue the County's efforts to reduce the impact of fines and fees on the justice-involved population. Through a \$1.2 million grant from Arnold Ventures (previously the Laura and John Arnold Foundation), PFM is providing support to counties that seek to reduce their reliance on criminal fines and fees. After a national outreach and application process, PFM selected Dallas County, Texas, Ramsey County, Minnesota, and Nashville-Davidson County, Tennessee based on each county's executive-level support, commitment to reform, feasibility of effecting change, interest from its criminal justice system, and availability of data.

This report on fines and fees in Dallas County was developed in three steps:

- 1** Determine the County's current system of assessing and collecting fines and fees, and identify the state and local laws that govern their use.
- 2** Assess the revenue and cost impact of the current system.
- 3** Develop a plan to phase out the use of fines and fees, including a set of alternative revenue sources, potential cost savings, and a detailed implementation plan.

In our work, we were guided by the following questions:

- What outcomes does the County hope to achieve through a reduction in reliance on fines and fees?
- What are the total revenues to the County that come from current use of fines and fees, and which departments receive a portion of the funds?
- What are the direct costs of collecting that revenue (e.g. court staff, contractors)?
- What are the indirect costs of collecting the revenue (e.g. police, sheriff, jail beds)?
- What is the financial impact on the community?
- Other than lost revenue, what are the obstacles to reducing or eliminating reliance on fines and fees?

The analysis and recommendations herein consider solely the fines and fees that are assessed through the criminal justice system, including fees charged by third party vendors for monitoring and supervision and goods and services accessed in the County jail. The project excludes all costs and penalties associated with the juvenile justice system, restitution, child support, civil fees, and municipal fees and fines (e.g. building permits and parking violations).

METHODOLOGY

This report's findings and recommendations were developed after analysis of data and documents from County departments, interviews with department heads and three members of the Commissioners Court, and a conversation with men and women participating in Cornbread Hustle, a staffing agency assisting people returning from prison.

The following people and departments shared data with PFM and/or participated in interviews: Judge Clay Jenkins, Commissioner John Wiley Price, staff to Commissioner Elba Garcia, County Administrator Darryl Martin, District Court Judge Carter Thompson, County Court Judges Kristin Wade and Lisa Green, Justice of the Peace Court Judge Steven Seider, District Attorney John Creuzot, Sheriff Marian Brown, Chief Public Defender Lynn Richardson, former director of the Community Supervision and Corrections Department, Javed Syed, and County Treasurer, Pauline Medrano. The PFM team also met with staff in Budget and Evaluation, County Clerk's Office, District Clerk's Office, County Auditor, Criminal Justice Planning Department, and Office of Information Technology.

PFM requested the dollar amount assessed, collected, and waived for each fine and fee assessed by a criminal justice entity and related vendors from FY 2014 through FY 2018. Most of the data presented in this report was shared by the County Auditor and the Office of Information Technology. Several limitations were noted by the departments:

- **The County tracks the assessment and collection of fines and fees by fee code but does not distinguish County Clerk from District Clerk.** Therefore, this report is unable to report how much revenue was collected from individual fees by each Clerk's Office.
- **Community Supervision and Corrections does not track how much money is paid by probationers directly to a third-party vendor for electronic monitoring,** and therefore that dollar amount is unknown.
- **Budget and Evaluation provided the revenue collected in the Justice of the Peace Courts ("JP Courts"), but they could not provide the dollar amount assessed per fine and fee.** Additionally, they did not provide the corresponding fee name nor the fee amount for all of the fee codes in the Justice of the Peace Court fee schedule.
- **The District Clerk could not provide a fee schedule.**
- **Some fees in Texas statute are assessed on both civil and criminal cases.** In these instances, the data provided by the IT department included fees paid in both civil and criminal matters combined. Therefore, revenue related to those fees was not included in the analysis. Fees assessed for both civil and criminal cases include Constable fees in the County and District Courts and the Local Traffic fee in the Justice of the Peace Courts.

PREVALENCE OF FINES & FEES

While often discussed in tandem, fines and fees are assessed for different purposes.

Fines are instituted as a means of punishing and deterring illegal activity. The amount is often specific to the category of charge, such as drug offenses, or level of offense, such as a traffic citation, misdemeanor, or felony. Although fines are considered a punishment, they are often assessed on top of other punishments, such as incarceration or probation.

Fees are a means to recoup or offset costs, and often supplement other revenue sources, such as tax dollars. The Government Finance Officers Association notes that “[W]hen certain services provided especially benefit a particular group, then governments should consider charges and fees on the direct recipients of those that receive benefits from such services.”⁵ Another way to think of fees is as user charges. In the context of fees for service within the criminal justice system, this often means imposing fees on individuals who do not voluntarily avail themselves of a certain service (e.g. jail, probation).

Fines and fees have seen increasing use by state and local governments as a revenue source as they confront growing demands for services at the same time there is a political reluctance to raise revenue through taxes. For example, at the city level, the 2018 annual National League of Cities report on fiscal conditions noted that “[A]s has been the case for much of the past two decades, the most common action taken to boost city revenues, regardless of broader economic trends, has been to increase fees charged for services.”⁶ A similar 2019 analysis found that 43 percent of cities had increased the level of fees and 26 percent had increased the number of all types of fees in the past year.⁷ The ability of most local government to raise revenue through new taxes or tax increases is also frequently constrained by state law; states have imposed caps on property tax increases and new taxes frequently require state legislation.

“[A]s has been the case for much of the past two decades, the most common action taken to boost city revenues, regardless of broader economic trends, has been to increase fees charged for services.”

- National League of Cities

Courts are frequently the primary assessor of criminal justice fines and fees, but they may be assessed at every point from citation or arrest through post-disposition supervision. Courts, criminal justice departments (e.g. probation supervision fees, jail booking fees), vendors (e.g. electronic monitoring, jail phone calls, drug testing), and community-based organizations (e.g. substance use assessments, anger management counseling) all may collect fine or fee revenue, sometimes both. The count of fees outnumbers the number of fines in most jurisdictions and can range from \$1 to several hundred dollars each; they may be assessed one time, or they may recur daily or monthly throughout participation in a program or alternative to detention.

⁵ <https://gfoa.org/establishing-government-charges-and-fees>

⁶ https://www.nlc.org/sites/default/files/2018-09/City%20Fiscal%20Conditions%202018_WEB.pdf

⁷ https://www.nlc.org/sites/default/files/2019-10/CS_Fiscal%20Conditions%202019Web%20final.pdf

DALLAS COUNTY'S SYSTEM OF FINES & FEES

In Dallas County, most fines and fees are imposed upon conviction in Criminal District Courts and County Criminal Courts. Additional fees are assessed throughout the term of probation and some are assessed by vendors on defendants detained in the County jail (and their families and friends) to access goods and services. Fines and fees are subsequently collected by the District Court Clerk, County Court Clerk, the Community Supervision and Corrections Department, and vendors. Dallas County refers to “fees” as “court costs,” however, for consistency with national terms and to be inclusive of other fees that are imposed in the criminal justice system, this report uses the term “fees.” This section details all the points at which fines and fees are assessed on individuals charged with a misdemeanor or felony offense in Dallas County. It also describes how fines and fees are collected, and the options available for defendants unable to pay the amount assessed on them within the required time frame.

Assessment of Fines and Fees

Dallas County’s fines and fees are primarily assessed pursuant to state law; statutory language typically establishes whether the fine or fee is mandatory or discretionary.

State statutes authorize judges to order a fine amount within a range. While there is no minimum fine listed for any offense described in the Penal Code, there are maximum fine amounts described in the Penal Code for specific offenses.⁸

All of the fees assessed by County and District Courts in Dallas County are established in Texas statute. Each fee is assigned an exact value, a range, or a minimum value by statute. While most fees are mandatory by statute, 12 fees are assessed at the discretion of judges, a transaction fee is assessed at the discretion of the Clerks, and the County can allow third party collections agencies to collect an additional fee. Fees related to participation in some specialty court and diversion programs are set by judges and County officials.

In addition to the fines and fees created in statute, the County contracts with vendors that directly charge fees to defendants, the terms of which are set into the contract. Vendor contracts may contain revenue sharing agreements in which a percentage of fee revenue is returned to the County. Contracts may also establish a maximum value for the fees charged by the vendor; in many cases, vendors appear to have significant discretion over fee amount, collection and use. In Dallas County, vendor-supplied services include medical care, phone calls and video visitation, and commissary purchases made in the County’s jails. There are also fees charged each time money is deposited into an inmate’s account to access these in-jail goods and services.

The remainder of this section provides an overview of how fines and fees are assessed by the Criminal District Courts, County Criminal Courts, Justice of the Peace Courts, and Sheriff’s Office. A complete list of all fines and fees and the entity that assesses each is available in Appendix B.

⁸ Texas Penal Code Ch. 12, <https://statutes.capitol.texas.gov/Docs/PE/htm/PE.12.html>

Please note that the names of fees identified throughout this report are those provided in the County’s Chart of Accounts and County Clerk’s Fee Schedule. Some names may appear duplicative or closely associated, but they are associated with different statutes and different dollar values.

Judges in the Criminal District Courts primarily assess fines and fees for felony convictions and judges in the County Criminal Courts primarily assess fines and fees for misdemeanor convictions. In each court, Clerk staff provide judges with a total calculation of fines and fees based on pre-set amounts in their computer system called CRAM. CRAM generates a predetermined set of fees assigned to each offense. For example, if a defendant were convicted of a Class A or B Driving While Intoxicated (DWI), the clerk would notify the judge that the defendant owes a total of \$372.10 in fees. This lump sum includes the following fees:

| | |
|------------------------------------|---|
| \$40.60 Clerk Fee | \$100 in costs for intoxication convictions |
| \$25 District Attorney Fee | \$0.10 State Civil Justice Data Repository Fee |
| \$2 Indigent Defense Fee | \$25 Records Management and Preservation Fee |
| \$4 Technology Fee | \$15 Judicial Fund Fee |
| \$3 Courthouse Security Fee | \$5 Electronic Filing Fee |
| \$40 Jury Fee | |

CRAM also sets the fine for the highest amount possible according to state statute, however, the amount may be lowered per the judge’s ruling.

Additionally, peace officers may request reimbursement for costs to be paid by the defendant, such as transporting them from a jail to the courthouse. Costs paid to peace officers must be submitted in writing to the judge before the case is heard in order for the judge to include the relevant fees in the defendant’s assessment of fees. Some fees include: \$10 to take and approve a bond, \$10 to issue a written notice to appear or make an arrest without a warrant, and \$5 to summon a witness.

At the request of the judge, the clerk may manually edit the assessment, adding fees or reducing the total amount owed. In order to edit the assessment, clerks must open a new window in the system to see an itemized list of all fees assessed. Unless defense counsel requests some costs to be reduced, particularly for an indigent defendant, judges typically do not request clerks to waive specific fines and fees. Judges have the option to grant a defendant credit against owed fines and fees for indigency, days detained in jail, and participation in community service or a diversion program.

Fines are assessed within an allowable range that is dependent on the level of offense and may accompany a jail or prison sentence. The following table summarizes the maximum fine and maximum sentence for misdemeanor and felony offenses based on Texas statute. As the table demonstrates, judges have discretion to determine the fine amount and sentence within a wide range, particularly for more serious offenses.

ALLOWABLE FINE RANGE

| Offense Class | Allowable Fine | Allowable Sentence |
|----------------------|-----------------------|---------------------------|
| Class A Misdemeanor | ≤ \$4,000 | < 1 year |
| Class B Misdemeanor | ≤ \$2,000 | ≤ 180 days |
| Class C Misdemeanor | ≤ \$500 | None |
| Third Degree Felony | ≤ \$10,000 | 2 ≤ 10 years |
| Second Degree Felony | ≤ \$10,000 | 2 ≤ 20 years |
| First Degree Felony | ≤ \$10,000 | 5 ≤ 99 years |

Every convicted defendant must pay a Consolidated Court Cost in addition to any other fines and fees assessed.⁹ Prior to January 1, 2020, the Consolidated Court Cost included: \$133 on conviction of a felony, \$83 on conviction of a Class A or Class B misdemeanor, or \$40 on conviction of a non-jailable misdemeanor offense. If an offense was committed prior to January 1, 2004, the Court Cost payments are allocated to the specific funds using historical data to ensure that each account receives the same amount that would have received if the court costs were collected and reported separately. Beginning on January 1, 2020, Consolidated Court Costs increased for every offense; contributing to the increases are existing fees that have been incorporated into the Consolidated Court Costs, some of these fees include: Judicial Salary Fee, Local Crime Stoppers, DNA Test Fee, and the Jury Reimbursement Fee. The new rates are as follows: \$185 on conviction of a felony, \$147 on conviction of a Class A or Class B misdemeanor, or \$62 on conviction of a non-jailable misdemeanor offense. As of January 1, 2020, the court costs must be allocated so that none of the following funds or accounts receive less than the percentage listed below:

2020 CONSOLIDATED COURT COST REVENUE ALLOCATION

| Fund or Account | % |
|---|---------|
| Crime Stoppers Assistance | 0.2581 |
| Breath Alcohol Testing | 0.5507 |
| Bill Blackwood Law Enforcement Management Institute | 2.1683 |
| Law Enforcement Officers Standards and Education | 5.0034 |
| Law Enforcement and Custodial Officer Supplemental Retirement Fund | 11.1426 |
| Criminal Justice Planning | 12.5537 |
| Establishment and Operation of the Center for the Study and Prevention of Juvenile Crime and Delinquency at Prairie View A&M University | 1.209 |
| Compensation to Victims of Crime Fund | 37.6338 |
| Emergency Radio Infrastructure Account | 5.5904 |
| Judicial and Court Personnel Training Fund | 4.8362 |
| Establishment and Operation of the Correctional Management Institute of Texas and Criminal Justice Center Account | 1.209 |
| Fair Defense Account | 17.8448 |

Common fees assessed by the Criminal District Courts and County Criminal Courts include the Clerk's Fee, District Attorney Fee, and Indigent Defense Fee. State statute mandates the County to collect the Clerk's Fee. However, statute allows each county to set the fee between \$40 and \$50 — Dallas County charges its defendants \$40.60. The money collected from the Clerk's Fee is deposited in the County General Fund. The District Attorney Fee is set at \$25 as mandated by state statute. Like the Clerk's Fee, the money collected from the District Attorney's Fee is deposited in the County General Fund. The \$2 Indigent Defense Fee is assessed on all defendants as mandated by the State as well. Money collected from the Indigent Defense Fee is sent to the State.

Dallas County operates **25 specialty courts** for adult criminal defendants, which provide an opportunity for defendants to have their charges dismissed or nolle pros'd by the District Attorney

⁹ Texas Local Government Code Sec. 133.102.

upon completion of the program. Some of the specialty courts require defendants to pay a fee to participate, but not all do. If a court has participation fees there is no opportunity to waive or reduce the fees for indigent defendants. Fees may include, but are not limited to, a \$1,000 Participation Fee for DIVERT Court, a \$40 Journal Fee, an \$8 Positive UA Fee, and a \$35 Alcohol Fee.

Determination of Indigency in County and District Courts

In both courts, a defendant is considered indigent for the purposes of appointing counsel if their income is 150 percent or less of the federal Health and Human Services poverty guidelines. In June 2017, Governor Abbott signed Texas Senate Bill 1913 and House Bill 351 into law. Senate Bill 1913 requires judges to determine a defendant’s ability to pay fines and fees at sentencing. If found to be indigent, the judge is able to completely waive or reduce fines and fees and provide a sentencing alternative. House Bill 351 and Senate Bill 1913 also limit arrests and incarceration for inability to pay fines and fees. Before a judge can issue a warrant for a defendant’s arrest for failure to pay a fine or fee, they must schedule a hearing where the defendant can explain their reason for nonpayment.

As described in state statute, judges may use their discretion to waive a select group of fees regardless of whether a defendant is found to be indigent. Of the 14 discretionary fees listed in the table below, judges may waive the DNA Fee, DNA Fee 2, and the Probation DNA Test Fee only for indigent defendants.

FEES WITH DISCRETION

| Fee Name | Fee Code | Amount (\$) |
|---|----------|--|
| 3rd Party Collection Fee | 54 | 30% of total amount of each item that: (1) is more than 60 days past due; and (2) has been referred to a vendor for collection (County has authority over this fee) |
| 49 Penal Code (Breath Alcohol Testing Program) | 78 | 22.50 |
| Compensation to Victims of Crime | 100 | Misd: 50.00; Fel: 100.00 |
| Court Appointed Attorney Fee | 22 | Actual cost of legal services provided |
| DNA Fee | 91 | 250.00 |
| DNA Fee 2 | 103 | 50.00 |
| Local Crime Stoppers | 72 | 0.00 - 50.00 |
| Loctcrimnstop Assist | 25 | Amount of reward paid |
| Pretrial Intervention Supervision Fee | Unk | Unknown |
| Probation DNA Tests | 60 | 34.00 |
| Public Defender Fee | 21 | Actual cost of legal services provided |
| Statewide Electronic Filing | 100 | 5.00 |
| Probation Supervision Fee | n/a | 25.00 – 60.00 |
| Transaction Fee | 88 | 2.00/ transaction (Clerks have authority over this fee) |

If a defendant is found to be indigent, County Criminal Court judges may apply jail time to reduce fees. For every day a defendant spends in jail they receive credit for 3 days. Defendants are credited \$150 per day for jail time served. For example, if a defendant spends 10 days in jail, they can be credited \$4,500 (10 days = 30 days * \$150/day). In County Criminal Courts, fines may not be waived but may be probated, so that the judge has discretion to set the terms of how fine obligations are completed. District Court judges may also apply jail time served to pay off fines, but it's unclear whether they reduce fees for jail time.

Although probation supervision is managed by the **Community Supervision and Corrections Department**, probation fees are set by judges at the point of sentencing. Judges have discretion to set probation supervision fees within a range of \$25 to \$60 per month, and in some instances, judges may set probation fees at \$0 or may dismiss owed fees at a later date due to inability to pay. In FY 2018, fees collected from probationers comprised 30 percent of CSCD's budget. In addition to monthly fees, judges may place conditions upon probationers to complete additional monitoring and testing that incur fees, such as electronic monitoring, drug and alcohol testing and counseling, and programs like anger management and batterer's intervention. The County did not provide the costs of most probation conditions, but drug testing typically costs \$12-\$14 per test, about \$200 over the duration of probation. If a probationer cannot afford the costs associated with monitoring or testing, the probation officer may arrange to cover the fee with state grants and other funding sources. All drug and alcohol related counseling programs are provided by a third party. If a probationer cannot afford to pay these participation costs, then the probation officer may offer to use Medicare funding.

Justice of the Peace Courts have jurisdiction over traffic offenses, driver license suspensions, and Class C misdemeanor cases that are punishable by fine only. Justice of the Peace Courts also hear civil cases with up to \$10,000 in controversy. Some fees a Justice of the Peace may assess include the include Seat Belt Violation, State Officers Arrest Fee, Judicial & Court Personnel Training Fee, and Failure to Appear Fees.

The **Sheriff's Office** is the largest department in the County; it has patrol responsibilities across the County. Additionally, it operates the County's detention facilities. The Sheriff's Office operates four detention facilities with a bed capacity of 8,746. On January 1, 2020, the total population was 5,350.¹⁰ The Sheriff's Office contracts with vendors to provide goods and services to inmates in its facilities. Vendors, in turn, charge fees to inmates to access goods in the commissary and services like phone calls, video visitation (\$10 per 20-minute session), and medical care (\$10 per visit). There are additional fees paid by family members outside the facility to deposit money into inmates' accounts (in addition to the amount deposited): for each deposit, people are charged an additional \$2.00 if paying cash or up to \$2.95 if paying with a credit card. The Prison Policy Initiative surveyed the average cost to initiate an in-state phone call in 2018 and to hold a 15-minute in-state phone call in over 2,000 jails across the U.S. They reported that in Dallas County's detention facilities, it costs \$0.90 to initiate a call and \$3.90 to place a 15-minute call, which is lower than Texas' median charge of \$6.50.¹¹

Some contracts between the Sheriff's Office and vendors have historically included a revenue sharing agreement that allowed the County to receive a portion of the revenue or commission collected from inmates and their families. For example, the commissary vendor receives a 56 percent commission

¹⁰ Texas Commission on Jail Standards – Abbreviated Population Report for 01/01/2020," Texas Commission on Jail Standards, Accessed Feb 11, 2020, <https://www.tcjs.state.tx.us/wp-content/uploads/2020/02/AbbreRptCurrent.pdf>.

¹¹ Peter Wagner and Alexi Jones, "State of Phone Justice: Local Jails, State Prisons and Private Phone Providers." *Prison Policy Initiative* (February 2019).

on goods purchased from the commissary and the County receives the remaining 44 percent, or a minimum annual guarantee of \$2,450,000, whichever is greater.¹² Additionally, in its contract with the Parkland Healthcare System to provide medical care in all County detention centers, the County receives 50 percent of each \$10 fee paid by inmates.

Collections Process of Fines and Fees

Nearly all criminal fines and fees are collected by the **District Clerk** and **County Clerk**. Neither clerk's office uses a third-party collection agency any longer to collect unpaid fines and fees. In contrast, the **Justice of the Peace Courts** utilize third party collections agencies to collect unpaid fines and fees. The **Community Supervision and Corrections Department (CSCD)** collects supervision fees and drug testing fees from probationers; CSCD does not use a third-party collection agency.

Staff in the District and County Clerks' Offices do not have authority to reduce fines or fees, but they have authority to establish payment plans with defendants. If a defendant seeks to have their assessed fines and fees waived post-conviction, they must appear again before the sentencing judge.

Payment plans options differ between Clerks:

The **District Clerk** offers defendants one type of payment plan for the total amount owed. Immediately following sentencing, defendants report to the District Clerk's office to establish a payment plan. Over the course of an agreed upon timeline, which can vary by defendant, there are three to four payment dates for the defendant to pay off the entirety of their fines and fees. The total lump sum of the defendant's owed fines and fees is divided equally among the payment dates. There is no mandatory minimum payment, however, clerks encourage defendants to avoid making small, frequent payments to minimize the \$2 transaction fee incurred on every payment. If a defendant knows they will not be able to make a payment on an upcoming due date, they may call the District Clerk's office to notify them and arrange a later payment date. If a defendant misses a payment date, they are automatically notified within 48 hours of the payment date. There are currently no late fees imposed on defendants who miss payment dates. The District Clerks ended the practice of notifying credit agencies if a defendant missed a payment in the mid- to late- 2000s.

The **County Clerk** offers two different payment plan options. Once a defendant is convicted in County Criminal Court, they report to the cashier's office to receive a form detailing their total fines and fees owed. If able, the defendant makes an upfront payment on the entire amount owed. If the defendant cannot pay the full amount immediately after conviction, they must establish a payment plan with the County Clerk. Payment plans consider if a defendant can make a payment on the day of assessment, in 15 days or 30 days from assessment. Typically, a defendant has 90 days to pay their fines and fees in full; however, the longest payment plan may last one year. Payment plans may extend past the period of probation if necessary. The defendant's ability to pay is determined by self-reported monthly bills and checking and savings account totals. A sample of the Application for Extension of Time for Payment from the County Clerk is available in Appendix A. The document is also available in Spanish.

¹² Dallas County Court Order 2019-0570, pg. 1

If a defendant misses a payment, the County Clerk will notify them. After the third month of nonpayment, the defendant must have a “show cause” hearing where they meet with the County Clerk’s Collections Department to explain the reason for repeated nonpayment; judges are not present at show cause hearings and a warrant is not issued for failures to appear at these hearings.

Defendants on probation pay their supervision fees directly to **CSCD**. Probationers have the length of the period of supervision to pay their fees. If a probationer is unable to pay their supervision fees, they will not be kept under supervision longer than initially ordered. Similarly, probationers are not revoked from probation for failure to pay fines and fees alone, but nonpayment coupled with additional technical violations may result in time in jail or revocation of the defendant’s probation.

In order to pay off fines and fees assessed in the **Justice of the Peace Courts**, defendants may utilize an online payment center found on the County’s website. After 60 days of non-payment, the collections process is handed over to a third party. Under Texas Code of Criminal Code of Procedure, the collection agency is authorized to add a 30 percent fee on top of the collections amount for their services.¹³ If the collection agency is used, then the State is first in line to receive their portion of the collected revenue, followed by the collection agency, and lastly the County.

IMPACT OF THE CURRENT CRIMINAL JUSTICE SYSTEM OF FINES & FEES

Criminal Justice Impact

The way the criminal justice system responds to defendants who do not pay their fines and fees differs across jurisdictions. Many jurisdictions use the authority of the criminal justice system to compel defendants to make payment on their fines and fees. This can include post-disposition court hearings, probation violations or extended probation terms, and jail time.

In 2017, Texas Senate Bill 1913 mandated that judges cannot issue a warrant for a defendant’s arrest related to non-payment of fines without first scheduling a hearing where the individual can explain why they haven’t paid.¹⁴ Additionally, probation is not revoked or extended for non-payment issues. If a defendant does not appear in court for a hearing after a show cause hearing, however, then a warrant for their arrest may be issued.

¹³ Texas Code of Criminal Procedure 103.0031(b).

¹⁴ “Legislation: Texas SB 1913,” Fines & Fees Justice Center, June 20, 2017, <https://finesandfeesjusticecenter.org/articles/texas-sb-1913-fines-fees/>.

Individual and Family Impact

In describing its effort to eliminate administrative fees in the criminal justice system, San Francisco uses the term “High Pain, Low Gain.”¹⁵ For most city, county, and state governments, fine and fee revenue represents a relatively small percentage of all revenue collected, but the accumulation of outstanding debt on individuals and their families weighs heavily as they struggle to make payments.

“In many cases, offenders’ total debt burdens overwhelm their abilities to pay while establishing minimally secure financial lives for themselves and their families. The widespread practice in American law is to impose economic penalties with uncertain chances of collection and with insufficient concern for their long-term impact on offender reintegration, recidivism, and public safety.”¹⁶

A series of indicia demonstrate that criminal defendants – especially those that are eventually incarcerated – are disproportionately poor. A 2018 Brookings Institution study found that among individuals age 18-64 who were sentenced to at least 1 year in prison, approximately 80 percent were unemployed in the year before incarceration.¹⁷ A 2000 Justice Department study – the most recent national analysis – found that two-thirds of all defendants in the 100 largest counties were indigent and represented by appointed counsel.¹⁸ In 2019, 60% of felony charges and 59% of misdemeanor charges in Dallas County were appointed a public defender or assigned counsel.¹⁹

While Texas has taken steps to minimize criminalization of non-payment, defendants with limited financial means can still accumulate significant debt through the courts, probation, and monitoring and programs that are ordered as a condition of probation or alternatives to incarceration. This debt weighs heavily on defendants and their families who may not be aware that the system’s response to non-payment has changed and fear repercussions.

These findings are consistent with what we heard about the impact of fines and fees from people engaged in a local reentry program. They said their families were paying their court-ordered costs and making deposits into their inmate accounts. One participant talked about the sacrifices he has made in reintegrating himself fully into society, “I can’t save enough to get out of the halfway house and pay my fees.” Another participant echoed a similar sentiment, “We are able-bodied to pay the fines, but they need to let us try.” Another participant said that the looming debt of all the fines and fees they owed acted as “invisible handcuffs.”

Owing fines and fees feels like
“invisible handcuffs”

¹⁵ “Criminal Justice Administrative Fees: High Pain for People, Low Pain for Government,” *The Financial Justice Project, Office of the Treasurer & Tax Collector, City and County of San Francisco*, (April 24, 2019).

¹⁶ Kevin R. Reitz, “The Economic Rehabilitation of Offenders: Recommendations of the Model Penal Code (Second),” *Minnesota Law Review*, 99:1735 (2015), 1738-1739.

¹⁷ https://www.brookings.edu/wp-content/uploads/2018/03/es_20180314_looneyincarceration_final.pdf

¹⁸ <https://www.bjs.gov/content/pub/pdf/idslc99.pdf>

¹⁹ Texas Indigent Defense Commission, Dallas County Data Sheet, 2019.

FISCAL IMPACT OF FINES & FEES

Fine and Fee Revenue by Assessing Entity

Texas statutes establish and set the value of nearly all the fees assessed in the Dallas County criminal justice system. Judges and County officials may set additional fees related to participating in some specialty court and diversion programs as well.

In 2018, defendants and probationers in Dallas County paid a minimum of \$20.8 million in fines and fees assessed by the Criminal District Courts, County Criminal Courts, and JP Courts. This number is represented as a minimum because it excludes fees paid by inmates and their families to vendors operating in the County’s detention facilities because that amount was not provided by vendors. The Commissioners Court recently renegotiated its contract for jail phone calls and news articles stated the County would lose approximately \$2.5 million in revenue annually. Until recently, the County received 60 percent of the total jail phone call revenue, which means inmates were paying approximately \$4.1 million each year to place phone calls. It also excludes fees paid by probationers to CSCD for drug testing and to vendors for additional monitoring and testing. Finally, it also excludes fees that are assessed in both civil and criminal cases and that the County could not disaggregate, as described in the Methodology section; these totaled \$2.0 million in 2018.

Per state statute, all of the fees assessed by the Criminal District Courts are also assessed by the County Criminal Court. However, there are three fees that the County Criminal Court assesses that the Criminal District Courts does not assess. As described in the Methodology above, due to the County’s accounting procedures, fees that are collected by both courts are recorded by the same fee code and are deposited into the same accounts, so there is no way to distinguish dollars collected by each court. Since probation supervision fees are assessed by judges in County and District Courts, those fees are included in the Courts row of the table below.

2018 FINE AND FEE REVENUE BY ASSESSING ENTITY

| Assessing Entity | Fees (\$) | Fines (\$) | Total (\$) |
|--|-------------------|------------------|-------------------|
| County Criminal & Criminal District Courts | 14,110,954 | 2,835,307 | 16,946,261 |
| JP Courts | 431,171 | 3,076,620 | 3,507,790 |
| County Criminal Courts Only | 290,471 | 0 | 290,471 |
| Transaction Fees Collected by All Courts | 76,162 | n/a | 76,162 |
| Unknown | 910 | 0 | 910 |
| Total | 14,909,668 | 5,911,927 | 20,821,594 |

Appendix B provides the amount collected from each fine and fee for the period 2014 through 2018.

Fine and Fee Revenue by Receiving Entity

Of the nearly \$21 million collected from 69 fines and fees, the County retained over 70 percent (nearly \$15 million), pursuant to statutory distribution formulas. The State collected \$1.9 million from fines and fees in Dallas County, and approximately \$546,000 was divided between the State and County following revenue allocations provided by state law.

2018 FINE AND FEE REVENUE BY RECEIVING ENTITY

| Revenue Recipient | Total Collections (\$) | Share of Total Collections (%) |
|--|------------------------|--------------------------------|
| County | 18,339,435 | 88.1 |
| <i>General Fund</i> | 3,459,731 | 16.6 |
| <i>Special Fund</i> | 405,020 | 1.9 |
| CSCD | 11,110,892 | 53.4 |
| <i>Road & Bridge Fund & General Fund (JP Fines/Fees)</i> | 3,363,893 | 16.2 |
| State & County Split | 545,699 | 2.6 |
| State | 1,934,438 | 9.3 |
| Other | 1,920 | 0.0 |
| Total | 20,821,594 | 100.0 |

Probation supervision fees collected and retained by CSCD are by far the largest single fine or fee collected in Dallas County (\$11.1 million). Excluding probation supervision fees, the Clerks collected one and a half times the amount of fee revenue in fines. Fines account for 28% of all fine and fee revenue and 61 percent of fine and fee revenue collected by the Clerks. All fine revenue is retained by the County.

Among individual fees, the largest percentage of revenue is collected from the Consolidated Court Fee (\$933,435). The County retains 10 percent of the revenue and the remaining 90 percent is allocated to 12 functions according to rates established in State statute (e.g. crime stoppers assistance, breath alcohol testing, law enforcement training, research, and emergency radio infrastructure).

Texas statute allows the County and State to split revenue from nine fees, however the County only collects its share of the revenue from three of those fees. One reason the County opts out of collecting its share is that the effort to divide the revenue exceeds the benefit (e.g. 10 percent of a \$0.10 fee). The County splits revenue from the following fees with the State:

- **Consolidated State Fees:** 90 percent State, 10 percent County;
- **Drug & Intoxication Fee:** 50 percent State, 50 percent County; and
- **Installment Plan Fee:** 50 percent State, 50 percent County.

Fine and Fee Revenue by Authorizing Entity

Texas statute authorizes and sets the value for nearly 100 percent of fines and fees collected in Dallas County. However, judges have significant discretion over the amount of fines and whether or not to assess probation supervision fees; in total, judicial discretion accounts for 84 percent of

FY 2018 fine and fee revenue. Excluding probation fees, which are the largest source of revenue, judges still have discretion over the majority of fines and fees assessed because collections on fines exceed collections on mandatory fees (\$5.9 million versus \$3.0 million).

2018 FINE AND FEE REVENUE BY AUTHORIZING ENTITY

| Authorizing Entity | 2018 Fine Revenue (\$) | 2018 Fee Revenue (\$) | 2018 Total Revenue (\$) | % of Revenue |
|---|------------------------|-----------------------|-------------------------|--------------|
| State Statute: Mandatory Assessment | 0 | 2,958,855 | 2,958,855 | 14.2 |
| State Statute: Judicial Discretion | 5,911,926 | 11,634,274 | 17,546,200 | 84.3 |
| State Statute: Commissioners Court Sets Value | 0 | 5,208 | 5,208 | 0.0 |
| Collector's Discretion (Transaction Fee) | 0 | 76,162 | 76,162 | 0.4 |
| Unknown | 0 | 235,169 | 235,169 | 1.1 |
| Total | 5,911,926 | 14,909,668 | 20,821,594 | 100.0 |

The County's Commissioners Court also authorizes fees through its contracts with vendors to provide goods and services in the jail, such as items in the commissary, depositing money into inmate accounts, health care, and communication methods. However, the County did not provide information about how much money was collected through vendors.

Collections Rates

The total amount of fines and fees assessed by Dallas County District and County Courts in 2018, excluding probation supervision fees, was \$19.5 million. As noted in the Methodology, the amount assessed by JP Courts was not provided for this report. Due to data record procedures, the County cannot distinguish if dollars collected were dollars assessed in that year or from assessments in years prior. Consequently, exact collection rates for the District Clerk District and County Clerk are difficult to estimate. The District Clerk reported a collections rate of 23 percent. The County Clerk collection rate was unknown during this study.

Cost of Collections

There are direct and indirect costs that stem from Dallas County's system of fines and fees. The primary direct costs are personnel costs and materials for the collections divisions of the County and District Clerks' Offices: staff who establish payment plans, receive payments and monitor the status of debt, and materials needed to send notifications of non-payment, such as postage and paper. Since County and District Clerks manage collections in-house, the County directly pays the costs of collecting fines and fees. While both Clerks' Offices distribute a large number of notifications by mail, the cost for related postage and supplies could not be disaggregated at the collection division level, nor even the department level.

The County Clerk has a team dedicated to collecting fines and fees. From FY 2014 to FY 2018, there have been 18 full-time employees in the collections division. Since FY 2015 County Clerk-Collections

personnel costs have increased 5.7 percent. In FY 2018 County Clerk-Collections spent a total of \$1.06 million on salaries and benefits. In addition to collecting money paid by defendants, staff in the Collections subdivision are responsible for establishing payment plans, sending payment reminders and non-payment notifications, and scheduling and holding show cause hearings (as described above). The County Clerk's Office utilizes I-Plow, a collections application that streamlines tracking collections information, rather than use an application managed by Information Technology, however the maintenance and support costs for I-Plow were not provided.

The District Clerk does not have a distinct division for collections, but ten full-time employees are dedicated to fine and fee collections. In total, the District Clerk's Office spent over \$522,000 in personnel costs for fine and fee collections staff in FY 2018. Unlike the County Clerk's Office, the District Clerk's Office does not attempt further action to collect fines and fees if a defendant misses payments. If the defendant misses payments, they are notified by an automated system that calls and mails letters to defendants, which requires little staff effort. In FY 2017, the District Clerks also began using I-Plow to streamline collections tracking. Similar to the County Clerk, the District Clerk could not provide staff costs for maintenance and support of I-Plow.

CSCD does not dedicate staff to collecting or tracking probation supervision fees. Payment is monitored by individual probation officers as part of their routine duties.

Indirect costs are those that result from the criminal justice system's responses to defendants who do not pay. In other jurisdictions, these costs may include staff and operations expenses related to court hearings, arrests, detention, and extended probation that are imposed due to non-payment or failures to appear post-sentencing. As described above, depending on which court the case is heard in, the ramifications of non-payment vary from no criminal consequences at all to having to reappear before a judge after a show cause hearing. The County was unable to quantify the number of hearings that occur related to fines and fees, so this report is unable to calculate an associate cost to the system. While Dallas County no longer jails defendants who are unable to pay their fines and fees, it is possible that individuals who struggle to pay have a higher rate of recidivism, which would impose an indirect cost on nearly every criminal justice department. There is relatively little research on the impact of criminal justice debt on recidivism. **The only significant study to date found that when controlling for other factors, recidivism rates for juveniles were higher for juveniles with criminal justice debt than for juveniles without debt.**²⁰

Obstacles to Eliminating Fine & Fee Revenue

The County's significantly limited authority over the imposition of fines and fees is the primary obstacle to elimination. The County has authority to set the value for only one fee; all other court-imposed fines and fees are established in State statute. State statute also limits the discretion of individual judges; many fees are mandatory and judges cannot exercise discretion on mandatory fees for indigent defendants.

²⁰ Alex R. Piquero and Wesley G. Jennings. "Research Note: Justice System-Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders." *Youth Violence and Juvenile Justice* 15, no. 3 (July 2017): 325-40.

Special Funds and Escrow Funds

To the extent that the County can reduce or eliminate fees, department leaders and staff expressed concerns during interviews that certain programs or functions that receive fine or fee revenue could be impacted by changes to the system.

To departments such as the County and District Clerks, special funds and escrow funds play an important role in funding many of the departments' needs from technology maintenance and updates to day-to-day operational tasks. Escrow funds may provide dollars for needs that are not budgeted for in departments' Commissioner Court-approved budget. Escrow funds such as the Records Management & Preservation Fund and Technology Funds are funded by fees assessed on defendants in both the Criminal District and County Criminal Courts. The Records Management & Preservation Fee charges defendants, regardless of indigency status, \$25 as mandated by state statute. The Technology Fee charges defendants, regardless of indigency status, \$4 as directed by state statute. Both of these funds may be used at the discretion of the departments as long as the purpose is compliant with the fund's scope and is approved by the Commissioner's Court and Auditor's Office. The Clerks' special funds and escrow funds have been used to update technology to providing the salary of staff in the department.

FY 2018 BUDGETED SPECIAL FUNDS AND ESCROW FUNDS

| Department | Account Name | Project No. | Category | Collected Revenue (\$) | Beginning Fund Balance (\$) | End Fund Balance (\$) |
|---------------------------------|--|-------------|-----------|------------------------|-----------------------------|-----------------------|
| County Clerk | Records Management & Preservation | 94009 | Judicial | 4,166,370 | 8,406,049 | 8,968,317 |
| County Clerk | Records Archive | 94078 | Judicial | 4,158,509 | 8,597,468 | 9,506,568 |
| County Clerk; District Clerk | Civil Filing Fee for Records Preservation | 94083 | Judicial | 482,722 | 1,315,789 | 1,482,893 |
| County Clerk; District Clerk | Intoxication and Drug Conviction | 94088 | Judicial | 134,839 | 167,530 | 189,983 |
| County Clerk; District Clerk | Court Technology Fund (HB 3637) | 94085 | Judicial | 51,941 | 187,908 | 239,849 |
| County Clerk; District Clerk | Courts Time Payment Fee | 94086 | Judicial | 32,251 | 878,569 | 910,820 |
| District Clerk | Records Technology Fund (Records Archive Fund) | 94080 | Judicial | 390,566 | 1,084,671 | 1,075,048 |
| District Clerk | Records Management & Preservation | 94060 | Judicial | 226,461 | 453,081 | 616,215 |
| Divert Court | Divert Grant | 94052 | Fiduciary | 79,523 | 2,502 | 8,249 |
| CSCD | Substance Abuse-Wilmer | 94045 | Fiduciary | 0 | 0 | 0 |
| Comm'r Court | Justice Court Technology Fund | 94018 | Judicial | 155,970 | 745,883 | 899,339 |
| Sheriff | Jail Commissary | 91046 | Official | 3,359,238 | 2,543,506 | 1,566,405 |

Recommended Actions to Reduce Reliance on Fines & Fees

Our recommendations identify specific steps that the Dallas County Commissioners Court, judges, and the State can take to reduce reliance on fines and fees as a source of revenue. Because so much of the assessment of fines and fees is set forth in state statute, Dallas County – unlike the other county jurisdictions that we are working with – has very little ability to directly eliminate or reduce fine or fee amounts. Thus, instead, the County needs to work collaboratively with the judiciary and the state to reduce its reliance on fines and fees.

- The Commissioners Court may collaborate with the judiciary to maximize the application of judicial discretion;
- The Court, judges and the State may work together to designate Dallas County as a pilot jurisdiction for a program to scale fines and fees based on ability to pay (i.e. “day fines”);
- The County can seek legislation to eliminate probationer-funded community supervision; and
- The County can continue its efforts to address fees through the RFP and contract process.

To the extent that there are fee revenues that are not directly considered by this study due to a lack of data, the County has already started to take action. In early February 2020, the Commissioners Court acted to significantly reduce the cost to place a phone call within the jail. The County’s new contract with the vendor providing phone calls in the jail sets the per-minute rate at \$0.01, reported to be the lowest in the country (calls for New York City detainees are free, but the per-minute rate charged to the City is higher). The County’s new agreement has eliminated revenue sharing, reportedly foregoing \$2.5 million in annual revenue to the County.

The information provided by the County was unable to disaggregate revenue from individual fines and fees between the County Criminal Courts and the Criminal District Courts and could not disaggregate criminal from civil revenue for certain fees. In addition to these recommendations to reconsider the assessment and collection of fines and fees, Dallas County should implement a technology solution or other protocol to improve tracking of fine and fee revenue between the two entities and two types of cases. Without improved data collection practices, the County cannot know how changes in discretion or adoption of new approaches have impacted the revenue collected by each court and each type of case.

Maximize Judicial Discretion

In interviews with Clerk staff and judges, none of the interviewees were comfortable or familiar with the term “assessment of fines and fees.” Even judges referred to the assessment process passively; in their description of the process, the Clerk’s staff relays to them what the computer says the fine and fee amount should be. Judges do use their authority to apply days spent in jail to the amount of money owed, but otherwise the judges who spoke to the PFM team did not refer to the significant discretion they have in assessing fines and fees.

Through this project, Dallas County has an opportunity for the Commissioners Court, judges in County, District and JP Courts, and the District Attorney to work together to identify indigent defendants more proactively at the point of sentencing, reduce fine and fee amounts, and ensure that the reduction in revenue is offset by cost savings and new revenue. The following table itemizes each of the fees and the fines that could be reduced or eliminated through increased use of judicial discretion. If FY 2019

and FY 2020 revenue for existing sources were to remain constant from FY 2018, the gross revenue generated for the County would be \$6.2 million, plus a little less than \$250,000 generated for the State.

In interviews with County, District, and JP Courts, judges expressed varying sentiments about the value and purpose of fines and fees. While some are ready to change the current system, it will take external pressure and ongoing conversations with others to help them understand the problems with the status quo and to see their role in addressing it. The Commissioners Court and the Criminal Justice Advisory Board (CJAB) can play a role in implementing this recommendation by improving reporting from the courts to better track the use of fines and fees by individual judges. Data on the amount of fines and fees assessed are available by judge; the Court and CJAB members can use this information to identify which judges are likely to be champions and which need to better understand why the system of fines and fees is problematic.

The CJAB meets quarterly and subcommittees of the CJAB meet regularly as well. The CJAB receives regular reporting on priorities for the Dallas criminal justice system, such as jail population trends, use of misdemeanor mental health bail, and pretrial services. This robust reporting structure could expand to regularly track judges' use of waivers on fines and fees; in fact, reports already exist that provide the amount assessed, waived, and collected per judge in County and District Courts.

The District Attorney and defense counsel also play a role in reducing reliance on fines as a means of punishment and on fees as a means of raising revenue. Both counsels can seek a waiver of fines or fees for all indigent defendants, and assistant district attorneys should seek to minimize fines where incarceration is also ordered.

IMPACT OF MAXIMIZED JUDICIAL DISCRETION

| Fine/Fee | Revenue Recipient | 2018 Collections (\$) |
|--|---|-----------------------|
| Fines | County General Fund | 5,911,926 |
| Court Appointed Attorney Fee | County General Fund | 104,384 |
| Public Defender Fee | County General Fund | 65,145 |
| 49 Penal Code (Breath Alcohol Testing Program) | County General Fund | 58,528 |
| Transaction Fees | County General Fund | 76,162 |
| <i>County General Fund Subtotal</i> | | 6,216,145 |
| State Electronic Filing Fee | State Electronic Filing System Fund | 163,683 |
| DNA Fee | State Criminal Justice Planning Account; State Highway Fund | 52,151 |
| DNA Fee 2 | State Department of Public Safety | 24,333 |
| Compensation to Victims of Crime Fee | State Compensation to Victims Crime Fund | 4,964 |
| Local Crime Stoppers Fee | Crime Stoppers Organization | 1,912 |
| Local Crime Stoppers Assistance Fee | County General Fund; Relevant Clerk of Court | 91 |
| Total | | 6,463,279 |

State Legislation for a Day Fines Pilot

For those fees that are mandatory, state legislation is needed to give judges greater authority to take account of defendant ability to pay in setting fees imposed by state law. Judges have discretion to waive fees and reduce fines, and do so frequently, but many fees do not include a consideration for indigency. Additionally, some defendants do not meet the threshold for indigency, but struggle to make any payments toward a much larger fine and other fees.

Day fines are one approach to scaling criminal justice financial penalties based on ability to pay. The approach considers a defendant's income and the severity of their offense to determine an appropriate financial penalty. Offenses are assigned points that equate to the number of days of income a defendant will be required to pay. The more serious an offense, the more days of income a defendant will have to pay. For example, a defendant who makes \$100,000 may pay a maximum fine and fee total of \$548 for a certain offense, whereas a defendant earning \$12,760 may pay a maximum fine and fee total of \$69.

Ideally, this scaled approach would apply to all fines and fees, including those that are mandatory in statute and all fines. The State should designate Dallas County as a pilot jurisdiction and allow all fines and fees to be scaled under the model. A day fine system would continue to generate limited revenue for the County and the State, but it would not disproportionately affect defendants who are unable to pay. The Commissioners Court, the judiciary, and the District and County Clerks would need to work closely together to create an appropriate scale, set the criteria for determining ability to pay, and set up the tracking and payment systems needed to align with the scaled approach.

State Legislation to Change Funding for CSCD

Community supervision and corrections departments are funded in part through supervision fees paid by probationers in Texas. Fees have declined as a source of revenue in recent years, due in part to judge's discretion to set the monthly payment amount and to waive fees at the end of the supervision period. Although fees may be waived at the end, for the duration of probation, people may struggle to make payments and some community supervision officers have discretion to respond more harshly to non-payment. The County should seek legislation that should shift the cost of running the State probation system to the State, rather than relying on funding from probationers.

Application of the RFP Process

The County has taken leadership changing the terms of its contract for phone calls placed in the jail, which has secured it the lowest rate per minute among all jails in the country. The County can choose to directly fund its vendors for diversion, monitoring, and in-detention services like medical care, commissary deposits, and other communications, rather than pass those costs onto defendants. Many of these fees are placed on defendants during the pretrial period, when they are presumed innocent, and may create a barrier to opportunities for diversion through specialty courts or electronic monitoring.

Even prior to restructuring the contracts, the County should seek greater transparency regarding money collected by vendors from participants, all additional fees and the cost of the fees, and performance through audits, financial reports, and inmate impact statements.

Plan to Offset Revenue Impact of Fine & Fee Recommendations

To offset the loss of all local revenue – eliminating all collection of fines and fees under maximized judicial discretion described in the table above – the County would need to identify \$6.2 million in new revenue or savings.

Generally, plans to offset the potential loss of revenue due to elimination of criminal justice fine and fee revenue have three components.

1 **Some savings are potentially available due to reduction in the cost of collections.**
In Dallas County, this would primarily focus on reductions in the collections activity commensurate with the reduction in fines and fees.

2 **Some savings may be available through changes in programs or services that are directly funded by fine and fee revenue.**
This approach is applicable in Dallas County, particularly with respect to consolidation of the collections function.

3 **Dallas County may be able to absorb some of the loss of revenue** if it can identify other related savings in the criminal justice system or new sources of revenue.

Reduce Collections Staff Commensurate with Reduced Fines and Fees (\$158,000)

With a reduction in fines and fees to be collected, there should be a commensurate reduction in staffing in the County and District Clerk’s offices. The savings, however, are limited for a number of reasons.

First, judges are unlikely to cease assessing all fines. Second, it is not clear that the reduction in the amount to be collected would result in a reduction in the amount of effort and time needed to make the collections. The number of defendants owing fines and fees – and subject to collection efforts – would not change. In effect, the Clerks would have the same number of clients, but they would owe less.

Third, even if the judges stopped assessing most fines and fees under their control, there would still be fee and fine revenue that is mandatory to be assessed and other revenue the Clerks collect on behalf of the state.

Nevertheless, some savings in the Clerks’ offices is probably achievable – with additional savings available if there is a change in the structure of fines and fees that better aligns the imposition of both with the ability to pay. **As a first step, the Clerks and the County’s Budget and Evaluation Department should work to identify the equivalent of a ten percent savings in the existing costs attributable to collections – or \$158,000 per year across the two offices.** It is likely that this could be achieved through attrition.

Consolidate Collections Function (\$325,000)

In 2018, the Dallas County and District Clerks spent \$1.6 million to collect \$6.2 million in court-imposed fines and fees (exempting probation supervision fees, which are collected by CSCD, and fines and fees assessed in JP Courts). Each year since 2015, the amount collected by the two offices has decreased, while the cost of collections has increased. Compared to 2015, the Clerks have collected 12.5 percent less revenue from fines and fees, while the cost of collections has increased 5.6 percent.

While the County and District Clerks in most large counties in Texas have responsibility to collect fine and fee revenue, two large counties provide an alternative scenario, which Dallas County may consider as a means to realize savings. In Harris County, the District Clerk is responsible for collecting all fines and fees from County Courts and the Community Supervision and Corrections Department collects most fines and fees assessed by District Courts. In Travis County, a centralized collections division collects fines and fees from County Courts, while the District Clerk continues to collect on behalf of District Courts.

As revenues continue to decline, the County can implement the solution proposed above (i.e. reduced headcount in each office), or it can explore options to centralize its collections functions. **If the dollars expended to collect revenue from the County Criminal Courts were reduced by 30 percent through a merger or reassignment of responsibilities, the County could save \$325,000 annually.**

Reduce Corrections Costs (\$8.3 to \$12.1 million)

The Dallas County Sheriff operates and secures three detention facilities: North Tower, West Tower, South Tower, and a Central Intake, which the Texas Department of Criminal Justice reports as having a total capacity of 8,746.²¹ In recent years, the jail facilities have remained approximately 60 to 65 percent occupied as the County's jail population and average length of stay (ALOS) are both trending downward. In 2016, the County's average daily population (ADP) in the jail facilities was 5,338 and the ALOS was 29 days. The 2019 ADP was 3.8 percent lower (5,020) and the ALOS was 5.3 percent lower (20 days). Dallas County's jail population per capita is lower than the national average: in 2017, the national rate per capita was 229 compared to 199.7 in Dallas County (190.3 in 2019).

While these are positive signs for the County's jail population, ADP began trending up in the latter half of 2019 and spiked in January 2020. Compared to the ADP of 5,020 and ALOS of 20 days in 2019, January 2020's ADP was 5,557 and ALOS was 39 days. Even with the onset of COVID-19, which has led to jail population reductions nationally, there were 5,090 inmates in Dallas County jail facilities as of July 1, which only brings the population back to 2019 levels.

Dallas County spends nearly \$130 million annually on detention costs, including inmate transportation. In 2019, the County reported the per diem to be \$59.99, which is the rate used in the Criminal Justice Advisory Board's monthly jail population reports to calculate cost savings related to special programs (the rate has since decreased slightly to \$59.18 in 2020). Overall spending on

²¹ <https://www.tcjs.state.tx.us/wp-content/uploads/2020/02/AbbreRptCurrent.pdf>

detention costs has increased 4.2 percent since 2016, including a 10.8 percent increase in jail medical costs.

There are two reasons to consider addressing the jail population in Dallas County: 1) the County continues to maintain three facilities at significant and increasing cost even though 40 percent of beds are empty; 2) while recent trends in ADP and ALOS could be erroneous, they are an important reminder that population trends can shift quickly. Total population and length of stay have decreased, but a number of populations within the jail facilities have seen a consistent increase over several years, which could be driving the recent increase, in part.

Stem Recent Increases in Population and Length of Stay

Since 2016, two populations have seen large increases in ADP and ALOS: 1) detainees held for the US Marshalls and 2) defendants found incompetent to stand trial and awaiting transfer to a mental health facility. These populations are difficult for the County to address because their length of stay is significantly impacted by external factors. However, in December 2019, 67 percent of the males in the “incompetent” category were awaiting transfer to a non-maximum security facility. In its monthly reports to the Jail Population Subcommittee,²² the County tracks a number of statistics regarding this population, including how many people are awaiting transport (and to which type of facility), how long they have been waiting, and progress on an initiative to increase personal recognizance bonds for misdemeanor defendants with mental illness.

If the County reduces its ALOS for these two populations back to 2017 levels (88 days for US Marshall detainees and 145 days for defendants incompetent to stand trial), it could accomplish **savings of nearly \$500,000 annually.**

AVERAGE LENGTH OF STAY FOR KEY JAIL POPULATIONS

| | 2016 ADP | 2017 ADP | 2018 ADP | 2019 ADP | CAGR | 2019 LOS | Jan 2020 ADP |
|-------------|----------|----------|----------|----------|--------|----------|--------------|
| US Marshall | 20 | 10 | 41 | 112 | +43.2% | 100 | 111 |
| Incompetent | 71 | 84 | 144 | 180 | +42.4% | 184 | 205 |

Reduce Time to Disposition

One of the primary drivers of jail population is length of stay, and for defendants who have not secured release pretrial, their length of stay is defined by the length of their case. The National Center for State Courts (NCSC) has published model time standards, including the percentage of cases disposed or otherwise resolved within established time frames. NCSC recommends that 75 percent of misdemeanors reach disposition within 60 days, 90 percent within 90 days, and 98 percent within 180 days. For felony cases, it recommends that 75 percent of felony cases be disposed within 90 days, 90 percent within 180 days, and 98 percent within 365 days. While there are always cases that exceed those standards for unique reasons, these standards presume that no more than two percent of cases will force a case to exceed one year for felonies and 180 days for misdemeanors.

Data provided by Texas County and Criminal Courts to the Texas Office of Court Administration do not allow for the exact computation recommended by NCSC, but the data that is provided suggests that

²² <https://www.dallascounty.org/Assets/uploads/docs/criminal-justice/jail-pop/2019/2019-12.pdf>.

Dallas County and Criminal Courts do not meet these standards. Among cases disposed of in 2019, 34 percent of misdemeanor cases in County Criminal Courts and 38 percent of felony cases in District Courts were disposed within 90 days. Further, 66 percent of misdemeanor cases disposed of in 2019 took longer than 90 days to dispose and 29 percent of felony cases disposed of in 2019 took longer than 365 days to dispose, far exceeding the time standards set by NCSC.²³

In 2019, nearly 11,000 detainees were released through a “no bill,” “order of the court,” to probation, or to the Texas Department of Criminal Justice (TDCJ). These categories of release were selected to approximate the number of defendants who were detained through a typical disposition (compared to detainees released into the custody of a federal agency or mental health facility or were arrested on a probation or parole violation). Their lengths of stay varied by type of release; those detainees released to TDCJ had the longest ALOS of 120 days.

Time to disposition is impacting the number of days defendants remain in jail, if they are unable to secure release. **If Dallas County reduced its ALOS for each of these categories of release by 20 to 30 percent, it could accomplish savings of \$7.7 million to \$11.6 million annually.**

Utilize Record Management Fund to Offset Applicable General Fund Records Management Costs

The Record Management Fund is a special revenue account that has seen a growing fund balance in recent years. This fund is used to account for monies received from each civil case filed in County or District Courts and is restricted to manage, preserve or digitize County records.

As of FY2018, Dallas County’s Record Management Fund had an ending fund balance of \$23.5 million. The largest revenue sources are the Record Management Fee and the County Clerk Records Archive Fee. Those fees raised \$3.82 and \$3.76 million in FY2018 revenue respectively and have growing account balances.

RECORD MANAGEMENT FUND HISTORICAL REVENUE AND FUND BALANCE

| | FY 2014 | FY 2015 | FY 2016 | FY 2017 | FY 2018 |
|---|---------------------|---------------------|---------------------|---------------------|---------------------|
| County Clerk Records Management Fee | \$2,851,442 | \$3,560,715 | \$3,894,270 | \$3,592,945 | \$3,815,812 |
| Record Management & Preservation Account (94009) Ending Balance | \$2,812,810 | \$4,702,363 | \$6,402,906 | \$8,406,049 | \$8,968,316 |
| County Clerk Archive Fee | \$2,788,310 | \$3,492,274 | \$3,832,105 | \$3,532,955 | \$3,761,950 |
| County Clerk Record Archive Account (94078) Ending Balance | \$5,693,300 | \$8,077,989 | \$9,079,444 | \$8,597,467 | \$9,506,568 |
| Record Management Fund Ending Fund Balance | \$11,375,000 | \$15,929,000 | \$18,961,000 | \$20,819,000 | \$23,473,000 |

Source: Dallas County CAFR and Escrow Project Accounts 2014-2018

²³ <https://card.txcourts.gov/>

Expenditures from the Record Management Fund requires approval from the Commissioners Court and County Clerk. If agreed upon by both parties, the fund can be used for records preservation and automation projects and to pay a portion of salaries of any employee in the Clerk's office who performs tasks that further specific records management and preservation purposes.²⁴

In FY2018, two clerk positions were moved to the Record Management Fund.

The Record Management Fund currently funds the below FTEs²⁵ —

- 1 Business Analyst II
- 1 Process Support Supervisor
- 1 Accounting Clerk III
- 3 Clerk II
- 2 Clerk III

If the County Clerk moved two additional Clerk II positions to the Record Management Fund, the County would realize annual salary and benefit savings of \$96,681 to \$146,067 depending on the seniority of the Clerk staff.

Use Natural Growth in Property Tax Revenue

Even if the County chose not to take any other steps to offset the loss of fine and fee revenue, natural growth in property tax revenue — both from new development and properties returning to the tax rolls after tax abatement — would offset the projected \$6.2 million loss. The County could also increase its property tax rate.

Property tax revenue is the primary revenue source for Dallas and all counties across the state. Texas counties' ad valorem taxing authority allows for the taxation of Real Property (land and what is on it) and Business Personal Property (items that can be moved and are not attached to real property).

Dallas County is limited in its other revenue options. Counties — like most local governments — are “mere political subdivisions” of state governments: as a result, their taxing authority is defined and limited by state law.

The State of Texas imposes a 6.25 percent state sales and use tax on all retail sales, leases and rentals of most goods, as well as taxable services. Local taxing jurisdictions (cities, counties, special purpose districts and transit authorities) can also impose up to 2 percent sales and use tax for a maximum combined rate of 8.25 percent. While Dallas County imposes no localized sales tax, there is no room to impose a local county increment because Dallas County residents are taxed at the maximum state allowed rate of 8.25 percent from other cities (including the City of Dallas) within Dallas County (1 percent) and the Dallas Metropolitan Transit Authority (1 percent).

The property tax rate assessed for Dallas County is 24.31 cents per \$100 and has not changed since tax year 2010.²⁶

²⁴ 2017 Special & Dedicated Funds, Texas Association of Counties,

https://www.county.org/TAC/media/TACMedia/Legal/Legal%20Publications%20Documents/2017_Special_and_Dedicated_Funds_v2_FINAL.pdf

²⁵ Dallas County FY2019 Approved Budget.

²⁶ FY2018 CAFR PDF pg. 28.

DALLAS COUNTY 2018 & 2019 PROPERTY TAX RATE STRUCTURE

| | 2018-2019 | 2017-2018 |
|---|----------------|----------------|
| Property Tax Rate | \$0.2431/100 | \$0.2431/100 |
| Effective Tax Rate | \$0.232491/100 | \$0.231671/100 |
| Effective Maintenance & Operations Tax Rate | \$0.216923/100 | \$0.212127/100 |
| Rollback Tax Rate* | \$0.246193/100 | \$0.247157/100 |
| Debt Rate | \$0.01126/100 | \$0.017100/100 |

* The above Rollback Rate reflects an 8 percent rate. This rate will be capped at 3.5 percent starting in FY 2020 due to tax reform changes from Senate Bill 2 (SB2).²⁷

In FY 2018, Dallas County collected \$509.4 million in property tax revenue with \$362.9 million allocated to the County's General Fund. Property tax revenue increased by \$33.6 million from FY 2017 due to increases in the 2017 assessed taxable values even as the tax rate remained flat. The FY 2019 Budget will raise more revenue from property taxes than last year's budget by an amount of \$26.4 million, a 7.36 percent increase from last year's budget. New property added to the tax rolls accounts for \$14.6 million of the revenue increase with the remaining increase from increased valuation on existing property.²⁸

Dallas County market values have experienced year over year growth since the 2011 recession. With annual growth in the County's overall property value as high as 10 percent from the prior year, property tax revenue increased without raising property tax rates.

HISTORICAL DALLAS COUNTY GRAND TOTAL MARKET VALUE

| | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 |
|--------------|---------|---------|---------|---------|---------|---------|---------|---------|
| Market Value | \$206.6 | \$215.3 | \$229.3 | \$246.8 | \$271.6 | \$289.5 | \$319.3 | \$345.9 |
| % Change | 1.9 | 4.2 | 6.5 | 7.7 | 10.1 | 6.6 | 10.3 | 8.4 |

Source: DCAD Certified Estimated Values Report (EVR)

Part of the County's property tax revenue increase is attributed to ending property tax abatements coming back on the tax rolls. The County uses property tax abatements for projects in priority or strategic locations as well as projects that are near the major economic centers of the County.

Dallas County abatement projects are required to increase the tax base by a certain amount over a defined period of time in order to receive an abatement on real and/or business personal property. Most abatements last ten years from the effective date unless specified for a shorter time frame (usually 5 years).

²⁷ FY2018-2019 Budget Cover Page.

²⁸ FY2018 CAFR PDF pg. 31.

RECENT DALLAS COUNTY TAX ABATEMENTS

| Year | Name | Type of Abatement | Effective Date | Year Back on Tax Rolls |
|------|--------------------------------|-------------------|----------------|------------------------|
| 2008 | Woodlawn/Old Parkland Hospital | 90% Real | 1/1/2009 | 2019 |
| 2009 | Nurses Building | 70% Real | 1/1/2011 | 2020 |
| 2010 | Whirlpool Distribution Center | 85% Real/BPP | 1/1/2012 | 2022 |
| 2011 | Kohl's Distribution Center | 75% Real/BPP | 1/1/2015 | 2025 |
| 2012 | 350 St. Paul/One Dallas Center | 90% Real | 1/1/2015 | 2025 |
| 2012 | Amazon | 50% Real/BPP | 1/1/2015 | 2025 |
| 2017 | NutriBiotech | 50% Real/BPP | 1/1/2020 | 2025 |

Between 1988 and 2018, Dallas County has authorized 97 tax abatements. The County typically authorizes two to four new abatements each year. As of 2018, 0.2 percent of the County's tax base is abated. Dallas County could dedicate the incremental tax base increase for real and business personal property tax to offset forgone fines and fee revenue.²⁹

Comparable counties in the state have higher tax rates than Dallas County. Travis County, with \$50 billion less market value, collects \$87.6 million more annually than Dallas County due to a higher tax rate.

2017 TEXAS COUNTY PROPERTY TAX RATES

| | Market Value (in billions) | Effective Tax Rate | Total Tax Rate | Total Levy (in millions) |
|----------------|-------------------------------|-----------------------|-------------------|-----------------------------|
| Harris County | \$519.1 | 0.41916 | 0.41801 | \$1,838.6 |
| Travis County | \$202.1 | 0.35680 | 0.36900 | \$632.9 |
| Bexar County | \$165.3 | 0.29982 | 0.30410 | \$458.6 |
| Tarrant County | \$194.3 | 0.23978 | 0.24400 | \$425.5 |
| Dallas County | \$266.3 | 0.23167 | 0.24310 | \$545.3 |
| Collin County | \$104.6 | 0.19225 | 0.19265 | \$238.9 |
| Rank | 2 of 6 | 5 of 6 | 5 of 6 | 4 of 6 |

Source: 2017 County Rates and Levies, Texas State Comptroller

In Texas, counties are able to increase property tax rates up to the Rollback rate without seeking a public referendum. Prior to FY 2020, that rate was 8 percent (as shown in the above property tax rate structure table) however the county continued to not exercise their authority to raise rates at all due to strong growth in county market values and new construction.

Dallas County could consider using natural growth in market value to subsidize forgone fines and fee revenue or make modest tax rate increases to cover the revenue. Even with property tax reform outlined in Senate Bill 2 (SB2) that reduces the Rollback rate from 8 percent to 3.5 percent, a tax rate increase would still keep the County's tax rate below the median rate of comparator counties in the state.

²⁹ Dallas County 2018 Tax Abatement Report.

Appendix A: Collections Application

Case Number



DALLAS COUNTY CRIMINAL COURTS COUNTY CLERK COLLECTIONS DEPARTMENT

APPLICATION FOR EXTENTION OF TIME FOR PAYMENT

All information must be completed by the defendant and must be current, accurate, and true. The application must be clearly completed in blue or black ink and in print only. If the information does not apply to you, enter N/A in the blank. **DO NOT LEAVE ANYTHING BLANK. Incomplete applications will not be accepted. Intentionally giving false or incomplete information will contribute to your waiting period.**

DEFENDANT'S PERSONAL INFORMATION

NAME _____ Last _____ First _____ Middle _____

ADDRESS _____ Street _____ City _____ State _____ Zip Code _____

PHONE NUMBERS _____ Home _____ Cell _____ Other _____

EMAIL ADDRESS _____ Social Security _____ - - -

Date of Birth _____ / _____ / _____ Drivers License/ID _____ State _____ Number _____

Race _____ Sex _____ # of Dependents _____ Attends High School Yes/ No _____ Receives Public Assistance Yes/No _____

PERSONAL REFERENCES

| Name | Phone | Email OR Address |
|------|-------|------------------|
| | | |
| | | |
| | | |

EMPLOYMENT

Employed Unemployed (check one)

EMPLOYER _____

POSITION/TITLE _____

Hourly Wage \$ _____ Take Home Pay \$ _____ Weekly Biweekly Monthly

Next Pay Date _____

Office Use Only

Verifier _____ Approval Status _____

Forvus Existing Cases Address Employment References

ASSETS

I receive or expect to receive money from the following sources:

| | |
|--------------------------------|----|
| SSI/Disability | \$ |
| Unemployment | \$ |
| Worker's Comp | \$ |
| Retirement | \$ |
| Child Support | \$ |
| Other Income | \$ |
| Please provide detail(s) below | |

Other:

List Bank or Credit Union Accounts:

_____ Checking Savings Balance \$ _____
_____ Checking Savings Balance \$ _____

NECESSARY MONTHLY LIVING EXPENSES

I pay money to the following sources:

| | |
|--|----|
| Rent/mortgage | \$ |
| Utilities (Gas, Electric, Phone, Etc.) | \$ |
| Car Payment/Insurance | \$ |
| Groceries | \$ |
| Child Care | \$ |
| Credit Cards | \$ |
| Child Support | \$ |
| Other: Please provide details below | \$ |

Other:

Attorney (Name & Number) _____

Probation Officer (Name & Number) _____

Appendix B: Fine & Fee Collections 2014 – 2018

| Name of Fine/Fee | Assessing Department | Fiscal Year Collections (\$) | | | | |
|---------------------------------|------------------------------|------------------------------|-----------|-----------|-----------|-----------|
| | | 2014 | 2015 | 2016 | 2017 | 2018 |
| 3rd Party Collection Fee | County Court; District Court | 1,170 | 208 | 245 | 119 | 540 |
| 49 Penal Code | County Court; District Court | 73,843 | 72,025 | 62,978 | 59,356 | 58,528 |
| 5TCLEOSE Fee | County Court; District Court | 373 | 384 | 348 | 409 | 339 |
| Breath Alcohol Test | County Court; District Court | 0 | 29 | 25 | 0 | 0 |
| Child Abuse Prev Fun | County Court; District Court | 8,076 | 7,839 | 8,251 | 9,946 | 9,301 |
| Child Safety Fund | County Court; District Court | 3,101 | 3,512 | 3,393 | 5,006 | 4,668 |
| Comp Victims Of Crime | County Court; District Court | 17,811 | 12,245 | 8,325 | 6,161 | 4,964 |
| Cons State Fees | County Court; District Court | 1,313,892 | 1,223,275 | 1,093,449 | 1,053,362 | 933,435 |
| Court App Attorney Fee | County Court; District Court | 198,322 | 175,919 | 138,670 | 121,033 | 104,384 |
| District Attorney Fee | County Court; District Court | 328,080 | 315,213 | 255,403 | 264,406 | 238,394 |
| DNA Fee | County Court; District Court | 32,070 | 27,273 | 34,605 | 53,747 | 52,151 |
| DNA Fee 2 | County Court; District Court | 0 | 0 | 14,837 | 22,811 | 24,333 |
| DR&IN State Portion | County Court; District Court | 320,666 | 309,484 | 292,891 | 278,140 | 242,463 |
| Fines | County Court; District Court | 5,878,653 | 5,039,781 | 4,286,722 | 3,457,202 | 2,835,307 |
| Fugitive Extradition Fee | County Court; District Court | 0 | 0 | 0 | 28 | 195 |
| Graffiti Fee | County Court; District Court | 335 | 86 | 20 | 0 | 50 |
| Indigent Defense Fe | County Court; District Court | 33,134 | 32,405 | 27,906 | 27,772 | 25,332 |
| Installment Plan | County Court; District Court | 244,605 | 228,814 | 188,488 | 185,132 | 154,549 |
| Intox Offense Fee | County Court; District Court | 327,453 | 319,653 | 279,713 | 263,582 | 260,176 |
| Judicial Personnel Training Fee | County Court; District Court | 0 | 0 | 0 | 4,385 | 18,157 |
| Judicial Salary Fee | County Court; District Court | 347,570 | 320,321 | 265,168 | 272,805 | 250,861 |
| Judicial Salary Fee | County Court; District Court | 92,653 | 90,120 | 76,828 | 76,412 | 69,814 |
| Jury Fee | County Court; District Court | 4,318 | 3,687 | 6,757 | 8,163 | 5,219 |
| Jury Fee | County Court; District Court | 68,752 | 66,182 | 56,634 | 56,254 | 51,083 |

| Name of Fine/Fee | Assessing Department | Fiscal Year Collections (\$) | | | | |
|-------------------------------------|------------------------------|------------------------------|------------|------------|------------|------------|
| | | 2014 | 2015 | 2016 | 2017 | 2018 |
| Local Crime Stoppers | County Court; District Court | 106,489 | 104,030 | 100,943 | 14,436 | 1,912 |
| Loctcrimnstop Assist | County Court; District Court | 281 | 234 | 174 | 123 | 91 |
| Out Of County SC&RC | Unk | 2,485 | 1,765 | 1,715 | 1,780 | 910 |
| Probation DNA Tests | County Court; District Court | 0 | 60 | 1,607 | 6,247 | 5,156 |
| Pub Def Fee | County Court; District Court | 105,704 | 76,905 | 52,032 | 75,556 | 65,145 |
| Records Mgt & Pres | County Court; District Court | 409,061 | 391,670 | 335,474 | 340,220 | 308,831 |
| Records Mgt & Pres | County Court; District Court | 52,599 | 49,356 | 42,716 | 36,169 | 32,005 |
| Service By P.O. | County Court; District Court | 4,638 | 2,459 | 2,030 | 1,912 | 3,227 |
| St Electronic Filing | County Court; District Court | 12,745 | 37,791 | 75,595 | 149,069 | 163,683 |
| State Judicial Fee | County Court Judge | 35,350 | 23,698 | 48,014 | 49,709 | 39,006 |
| Probation Supervision Fee | County Court; District Court | 12,762,144 | 12,304,853 | 11,661,522 | 11,382,702 | 11,110,892 |
| Technology Fee | County Court; District Court | 62,878 | 62,515 | 54,814 | 54,859 | 50,165 |
| Traffic Offenses | County Court; District Court | 11,362 | 11,821 | 8,767 | 9,234 | 9,976 |
| Transaction Fee | All collecting depts | 126,004 | 111,579 | 96,964 | 88,071 | 76,162 |
| Transportation Fee | County Court; District Court | 112,060 | 117,001 | 87,361 | 92,296 | 99,734 |
| Treasurer's Fee | County Court Judge | 966 | 80 | 224 | 1,260 | 605 |
| Truancy Prev Div Fnd | County Court; District Court | 0 | 0 | 0 | 1,715 | 2,062 |
| Failure To Appear Fees | Justices of the Peace | Unk | 56,484 | 51,860 | 52,245 | 47,764 |
| Time Payment Fee | Justices of the Peace | Unk | 59,386 | 48,603 | 52,911 | 48,755 |
| Unk | Justices of the Peace | Unk | 0 | 0 | 0 | 11 |
| Fines | Justices of the Peace | Unk | 2,733,387 | 2,655,699 | 3,379,616 | 3,076,620 |
| State Officers Arrest Fee | Justices of the Peace | Unk | 596 | 506 | 554 | 736 |
| Jury Fee | Justices of the Peace | Unk | 544 | 512 | 199 | 2,967 |
| Judicial & Court Personnel Training | Justices of the Peace | Unk | 85 | 107 | 86 | 58 |
| Compensation To Victims Of Crime | Justices of the Peace | Unk | 530 | 873 | 646 | 427 |
| Special Fund | Justices of the Peace | Unk | 0 | 0 | 0 | 0 |
| Comprehensive Rehab | Justices of the Peace | Unk | (19) | 16 | 16 | 8 |

| Name of Fine/Fee | Assessing Department | Fiscal Year Collections (\$) | | | | |
|------------------------------|-----------------------|------------------------------|-------------------|-------------------|-------------------|-------------------|
| | | 2014 | 2015 | 2016 | 2017 | 2018 |
| Unk | Justices of the Peace | Unk | 5,809 | 5,511 | 7,133 | 8,871 |
| Overweight | Justices of the Peace | Unk | 1,398 | 9,715 | 550 | 24,962 |
| Consolidated Court Cost | Justices of the Peace | Unk | 104,539 | 91,195 | 112,503 | 97,604 |
| Fugitive Apprehension | Justices of the Peace | Unk | 174 | 293 | 217 | 148 |
| Juvenile Crime & Delinquency | Justices of the Peace | Unk | 10 | 22 | 17 | 13 |
| Seat Belt Violation | Justices of the Peace | Unk | 514 | 683 | 1,177 | 784 |
| Seat Belt Violation | Justices of the Peace | Unk | 104,242 | 90,517 | 111,961 | 97,291 |
| Correctional Management | Justices of the Peace | Unk | 12 | 29 | 37 | 15 |
| Judicial Support Fee | Justices of the Peace | Unk | 15,276 | 13,179 | 16,458 | 14,289 |
| Unk | Justices of the Peace | Unk | 47,481 | 41,146 | 52,150 | 45,676 |
| Unk | Justices of the Peace | Unk | 0 | 5 | 5 | 5 |
| Unk | Justices of the Peace | Unk | 1,317 | 1,212 | 1,810 | 1,690 |
| Unk | Justices of the Peace | Unk | 3 | 1 | 0 | 0 |
| Unk | Justices of the Peace | Unk | 34,568 | 30,629 | 42,971 | 39,098 |
| Total | | 23,099,647 | 24,710,611 | 22,713,921 | 22,364,852 | 20,821,594 |

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