

HB 414 (2019) Report On Incarceration And Transportation Fees



Prepared for the HB 414 (2019)
Jail Incarceration and Transportation Costs
Study Council

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Overview

The purpose of this report is to present the findings of the HB 414 (2019) study about *restitution* fees, further defined as *incarceration* fees (often called pay-for-stay fees) and *transportation* fees.

Utah Code Annotated § 76-3-201(6) authorizes restitution fees.

Utah Code Annotated § 76-3-201(5) authorizes transportation fees.

In calendar 2019, 7 of 25 county jails directly assess incarceration fees:

- Cache (stops in July 2019)
- Duchesne
- Iron
- Kane
 - Data for Kane is not included in this report because the jail has negligible amounts for weekender inmates (inmates who serve their sentence a few days per week and pay up front for those days) only.
- Utah
- Wasatch
- Weber (stops in July 2019)

In calendar 2019, 2 of 25 county jails directly assess transportation fees:

- Duchense
- Iron

In fiscal 2019 (June 30), courts (whether District or Justice) assess incarceration fees in 2 counties:

- Davis
- Weber

In fiscal 2019 (June 30), courts (whether District or Justice) assess transportation fees in 14 counties:

- Box Elder
- Cache

- Carbon
- Davis
- Iron
- Kane
- Millard
- Salt Lake
- Summit
- Uintah
- Utah
- Wasatch
- Washington
- Weber

In calendar 2019, Adult Probation & Parole assesses, on behalf of the courts, incarceration fees in 6 counties:

- Davis
- Duchesne
- Juab
- Utah
- Wasatch
- Weber

In calendar 2019, Adult Probation & Parole assesses, on behalf of the courts, transportation fees in at least 1 county:

- Davis

This report is comprised mostly of a series of graphs and charts with commentary. Understanding the information presented in the graphs and charts, and the associated commentary, is very helpful to understanding the assessment, payment, and write-off of restitution fees during calendar 2019.

Key abbreviations in this report:

- Administrative Office of the Courts (AOC).
- Adult Probation & Parole (AP&P).
- Courts case management program (CORIS). This is the system that Utah courts use to manage cases and their related financial information.
- GL System (GLS). This general term (mine) refers to the software used by a jail to keep track of financial transactions of its inmates. GLS software is not the same for every jail.
- Jail Management System (JMS). This general term refers to the software used by a jail to keep track of its inmates. JMS software is not the same for every jail.
- Office of State Debt Collection (OSDC).
- Utah Commission on Criminal and Juvenile Justice (CCJJ).

Policy and Related Matters 17-22-32.3(1)

This section functions as an executive summary of this report (the end at the beginning).

The Jail Incarceration and Transportation Costs Study Council met via Zoom on three occasions to discuss ongoing developments in the jail data. The courts data and the AP&P data were finally compiled (and in some instances received) after the last of these meetings.

Not everyone invited attended every session, and attendance was lighter than the CCJJ had hoped.

The Council offers the following observations and recommendations—

- Some argue that incarceration fees (and perhaps even the usually much-smaller transportation fees) are inappropriate in *any* amount, given the constraints and realities of incarceration, but these arguments are for the Legislature to revisit, debate, and resolve.
- Large incarceration fees at the upper end of the scale, reaching \$5,000, \$10,000, \$20,000, or more, seem onerous and unreasonable.
 - For example, spending a year at Cache County Jail while an inmate waits for his case to be resolved not in his favor may generate a fee of \$16,425 (\$45 daily rate).
 - Is this the intended outcome of the Legislature authorizing incarceration fees, or are much smaller amounts, resulting from a few days, weeks, or perhaps a few months?
- As long as the average daily cost of running a jail (\$80–\$90 or more) is greater than an amount inmates generally are able to pay, the issue is not the daily cost of running a jail—
 - The issue is how much jails or courts can reasonably expect to receive from an inmate.
 - The issue is how much is proper to remind inmates that someone else must pay for their stay in jail.
 - The issue is how much is reasonable and fair.
- The amount of fees received versus the costs to administer the fees is not the only cost-benefit metric to consider (several of the jails appear to achieve this mark). For example, enforcement efforts generally may provide other, often intangible

benefits, such as maintaining respect for the law or providing deterrence to criminal behavior, whereas ineligibility for certain federal grants may be a counterincentive.

- Sheriffs should consider, insofar as is possible, the issue of indigency before allowing any fees to be assessed to an inmate.
- Sheriffs should be aware of and review any large incarceration fees assessments, particularly those for inmates sentenced to *time served* where significant delays allow fees to accumulate excessively prior to court adjudication, and exceed the sentence inmates would have or might have otherwise received.
- The Council is unable to reach consensus on any specific recommendations about daily rates, caps on fees, or any other administrative rules that might impinge on the judgment and circumstances of a sheriff in the administration of fees.
- If a jail takes payment (specific amounts, percentages, etc.) from inmate commissary or other funds, then the policy regarding this practice should be plainly disclosed to anyone making deposits for an inmate, whether deposits are made online, in person, or in some other way.
- Collection efforts, particularly those by private collection agencies, may impose significant social, emotional, and financial costs (such as the impact to the credit rating of an inmate) and impairments that might leave an inmate in bondage long after the completion of his sentence. Collection efforts should be pursued consistent with OSDC policies and procedures.
- Jails having a dedicated staff member responsible for the administration of fees enjoy significantly higher payments percentages than jails opting for some other approach.
- Courts may be best positioned to determine matters of indigency and ability to pay, but jails may be best equipped to access inmate funds and exact payment.

The financial analyst wishes to highlight the following insights arising from the HB 414 (2019) year-long study of jail, courts, and AP&P data:

- A general, semi-strong negative correlation exists between the payments percentage received for an incarceration fee assessed by a jail and the relative amount of the fee.
 - This suggests that the lower and more reasonable the fee, the higher the payments percentage.

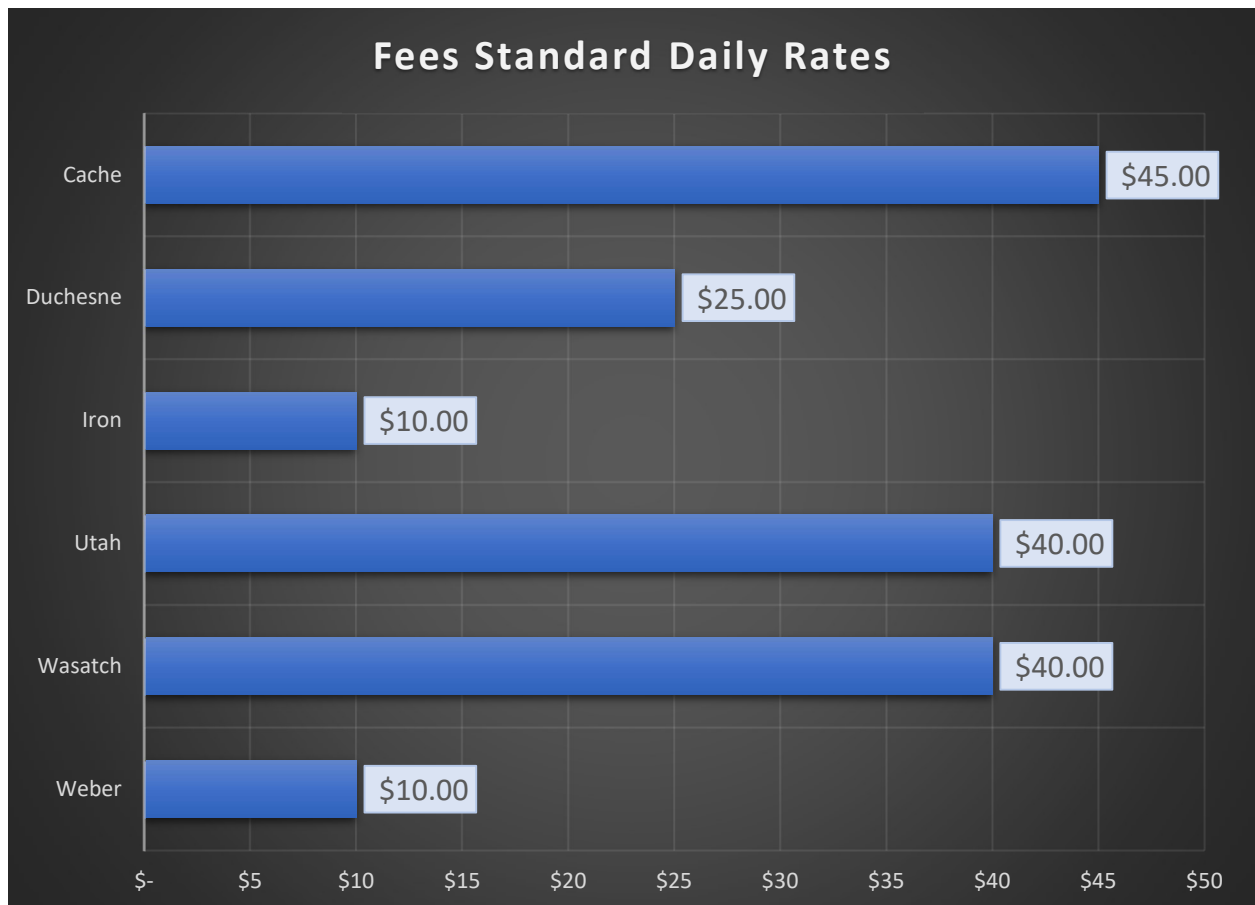
- This negative correlation is so significant that lower and more reasonable fees might result in more payments and more overall receipts. For example, based on actual payments percentages, if fees are capped at \$1,000 in 2019, then the jails might receive \$53,000 more in fees.
- If jails assess and receive only \$40 from all 5,144 inmates assessed incarceration fees in 2019, then the jails receive roughly the same amount actually paid by the inmates.
- The courts, either directly or through AP&P, assess much smaller and more closely dispersed incarceration fees (as evidenced in the significant differences in measures of distribution, average, and standard deviation of the data presented in this report), which suggests that the courts are more concerned about the reasonableness of the fees and an inmate's ability to pay, whereas the jails are more focused on assessing the fees allowed by law.
- The ongoing relationship between an inmate and AP&P, along with lower, more reasonable incarceration fees, are the likely reasons that AP&P enjoys significantly higher payments percentages than those of the courts and the jails.
- Proper management of inmate data in the JMS and GLS of a jail is critical in narrowing the field of assessments or payments relating to "inmates who are acquitted or whose charges are dismissed." The following practices help to achieve this end:
 - Jails assessing fees should agree or match inmate names and numbers in the JMS and GLS. If this is not possible, then a crosswalk should be maintained between the JMS and the GLS.
 - Jails assessing fees should enter in the JMS updated, correct, and complete information—case numbers and locations (courts)—about the judicial status of each inmate to be assessed fees.
- Some might infer that the tone or phrasing of certain sections of the report is criticism of the jails in their assessing fees, but no such criticism is intended, for the jails are merely doing, in a systematic and professional way, what the law allows them to do.

Jails

Incarceration Fees 17-22-32.2(3)

Daily Rates

The standard daily rates for fees are shown below:



Notes:

- The standard daily rates are subject to various policy constraints, allowances, and modifications.

Policy

Significant policies for incarceration fees are shown on the next page.

Notes:

- Jail personnel are *acutely aware* of the prohibition against assessing fees to inmates whose judicial status is undecided.
- Cache and Weber stop assessing fees in July 2019 primarily because the payments received are small relative to the amounts assessed.
- Wasatch offers a 50% discount if fees are paid up front.
- Jails often negotiate and renegotiate fees assessed based on many factors involving inmates.

Jail Policies						
County Jails						
Policy	Cache	Duchesne	Iron	Utah	Wasatch	Weber
Assesses and receives payments for fees	On release	Takes up to 40% from commissary deposits	On release or from commissary with permission	On release or from commissary with permission	On Release	On release or from commissary with permission
Assesses only inmates found guilty (or its equivalents)	Yes	Yes	Yes	Yes	Yes	Yes
Fees cap	\$ -	\$ 5,000.00	\$ -	\$ -	\$ -	\$ -
Fees remain on the books	About 120 days	Indefinitely	About 90 days	4 years after last account activity	About 120 days	about 120 days
Felonies explicitly excluded	No	No	No	Yes	No	No
Indigency check before assessing fees	No	No	No	No	No	No
Negotiates fees	Yes	Yes	Yes	Yes	Yes	Yes
Prepayment discount	No	No	No	No	Yes	No
Fees standard daily rate	\$ 45.00	\$ 25.00	\$ 10.00	\$ 40.00	\$ 40.00	\$ 10.00
Stops assessing fees in 2019	Yes	No	No	No	No	Yes
Unpaid fees sent to collections	Yes	No	Yes	Yes	Yes	Yes
Unpaid fees sent to OSDC	No	No	No	No	No	No

Balances

Fees are usually included among other accounting balances in the general ledger, accounting records, or books of a county jail.

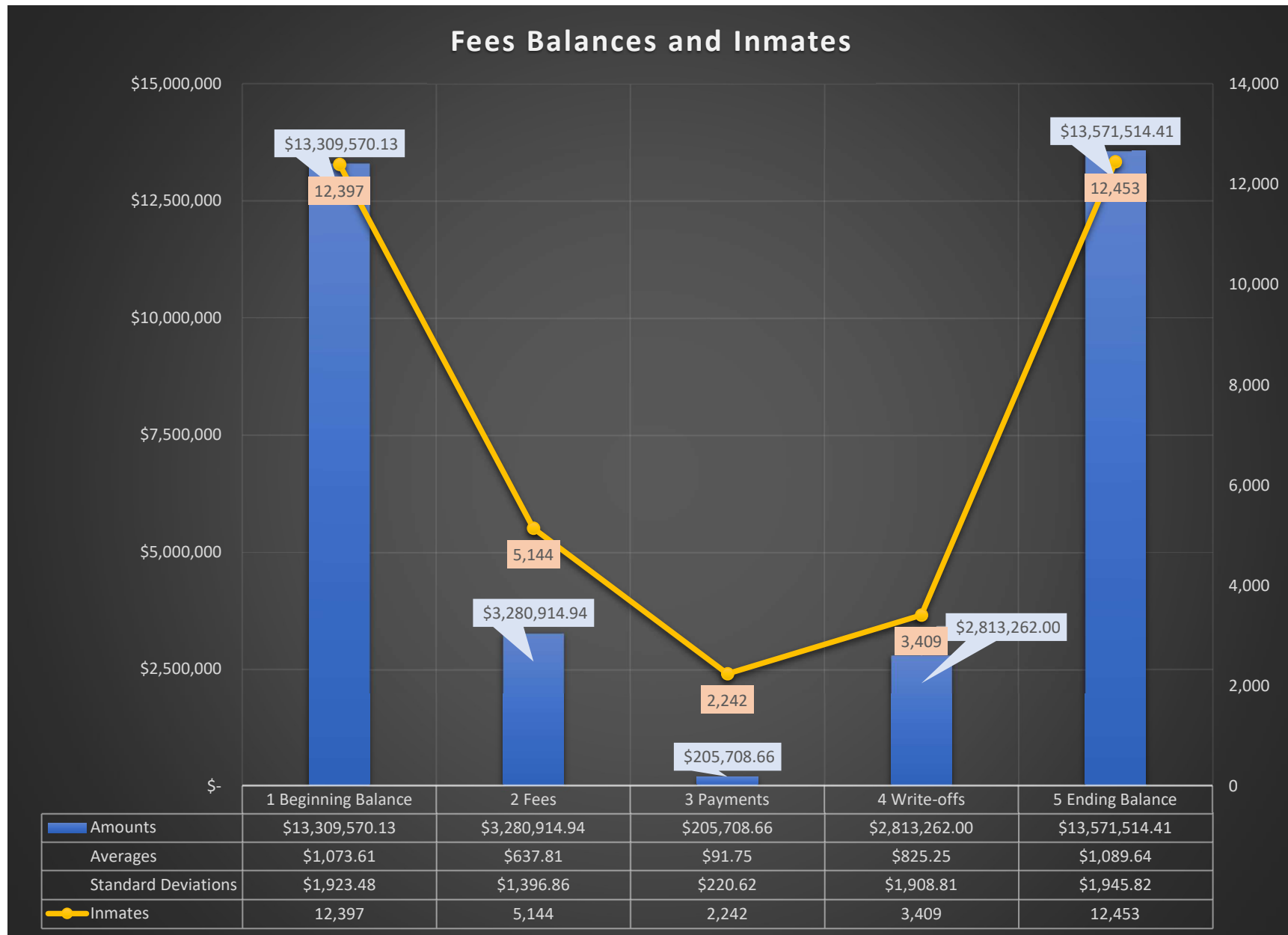
One important accounting relationship among balances is the following equation:

Accounting Balances for Fees		
Balances	Amounts	Explanation
Beginning Balance	\$ 100.00	Unpaid amounts from prior periods still on the books at the beginning of the period
+ Current Fees	200.00	Fee assessments during the current period
- Payments	(50.00)	Payments made by inmates
- Write-offs	(25.00)	Amounts deemed uncollectible and removed from the books; sometimes sent to a collection agency
= Ending Balance	\$ 225.00	Unpaid amounts on the books at the end of the period

Incarceration fees balances and inmates for all jails are shown on the next page.

Notes:

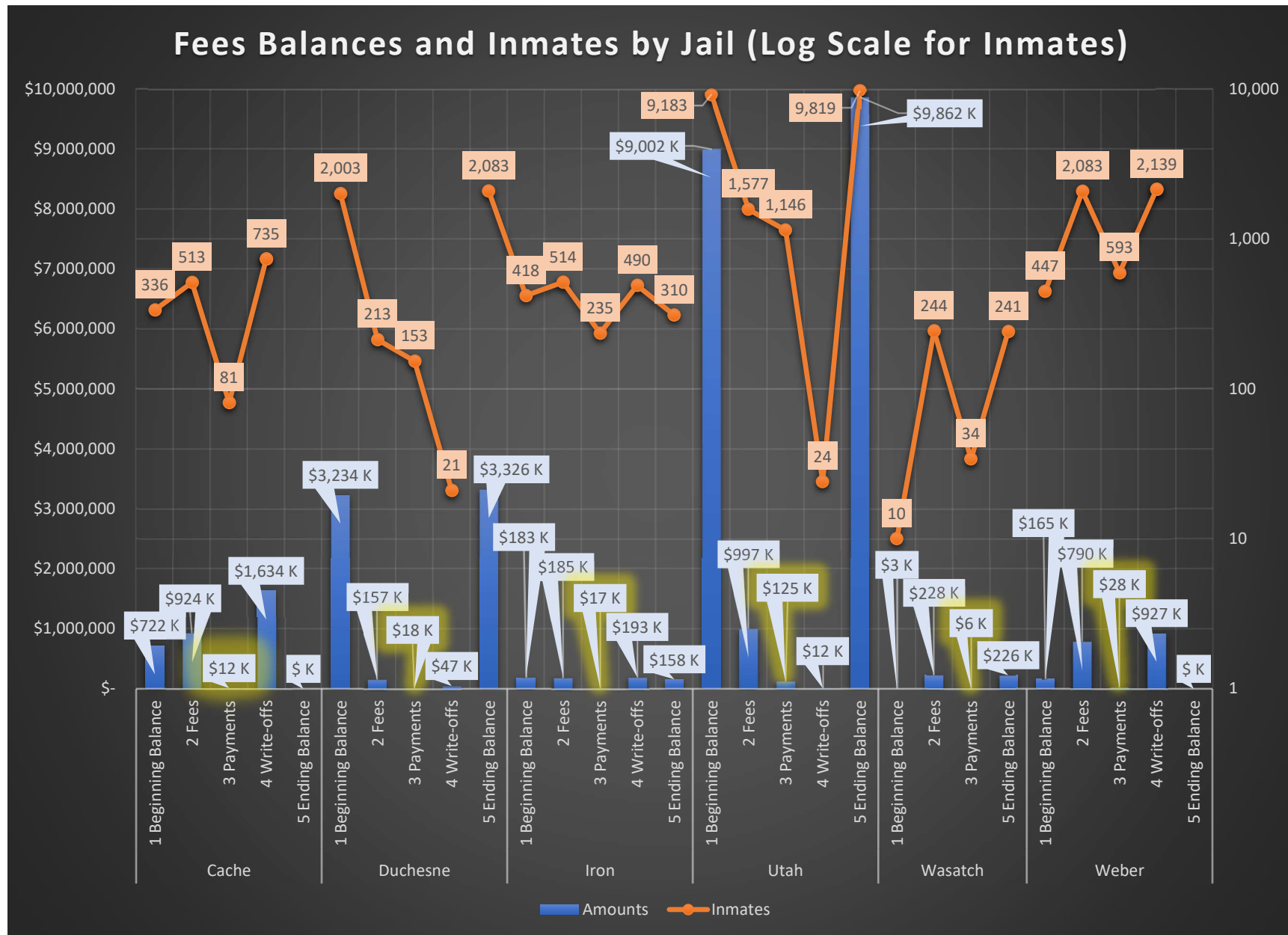
- Beginning and ending balances are high relative to current activity.
- Payments are small relative to fees.
- Write-offs are high relative to fees.
- The steep U-shaped pattern, reflecting high beginning and ending balances, few payments, and fees roughly equal to write-offs, is undesirable (but may reflect the pattern associated with other fees assessed by government).
- The ideal pattern looks like two high rock pillars rising from a desert floor, and reflects low beginning and ending balances, high fees and payments, and no write-offs.
- High standard deviations relative to averages indicate a high degree of variability in the individual amounts comprising each balance category.
 - For example, the average fees amount is \$637.81, with a standard deviation of \$1,397.00. This means that most fees differ dramatically from the average, and may be smaller or much larger.



Incarceration fees balances and inmates by jail are shown on the next page.

Notes:

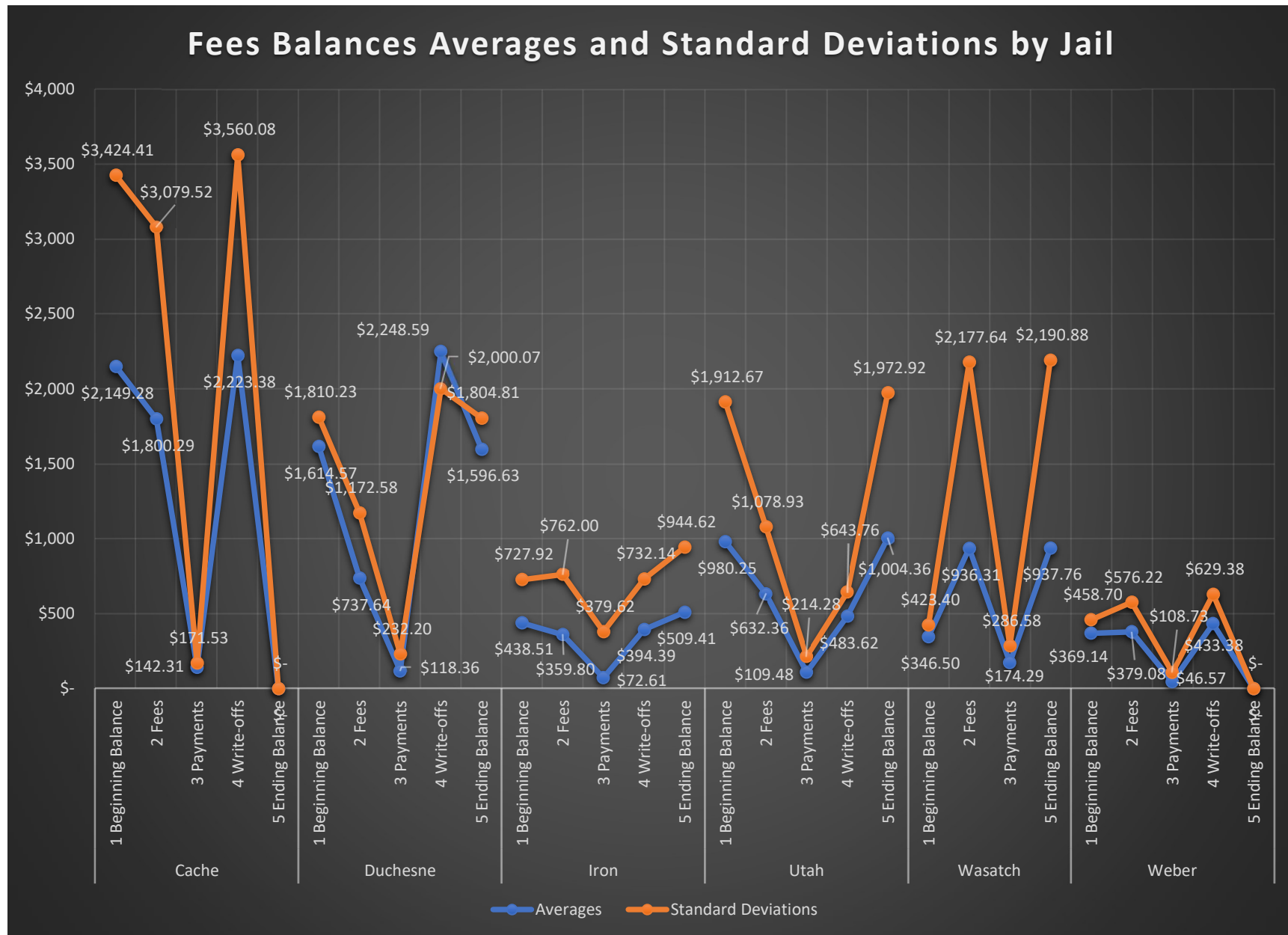
- In order to show all the data in one graph, a logarithmic (log) scale is used for the number of inmates.
- A log scale compresses the normal graph, and shows 0 – 9, 10 – 99, 100 – 999, 1000 – 9,999, etc. in equal sections or bands.
 - This presentation compresses and distorts the distance between data points, and makes them seem closer than they are.
 - For example, for Weber, the inmate count of 2,083 for Fees (in the 1000 – 9,999 band) is much closer in the graph to the inmate count of 593 for Payments (in the 100 – 999 band), even though the inmate count for Fees is nearly 4 times the inmate count for Payments.
- Not all jails send delinquent fees amounts to collections.
- Cache and Weber have no Ending Balance because they stop assessing *incarceration fees* during 2019.
- Duchesne and Utah carry the lion's share of beginning and ending balances.
- Accounts Receivable balances and Write-offs appear in no published financial statements and are, in effect, memo entries that facilitate the billing and receipt of fees. Large balances may reflect administrative efforts to collect fees.
- Utah has the most inmate payments; Wasatch has the fewest.
- Weber assesses fees to the most inmates; Duchesne assesses fees to the fewest.



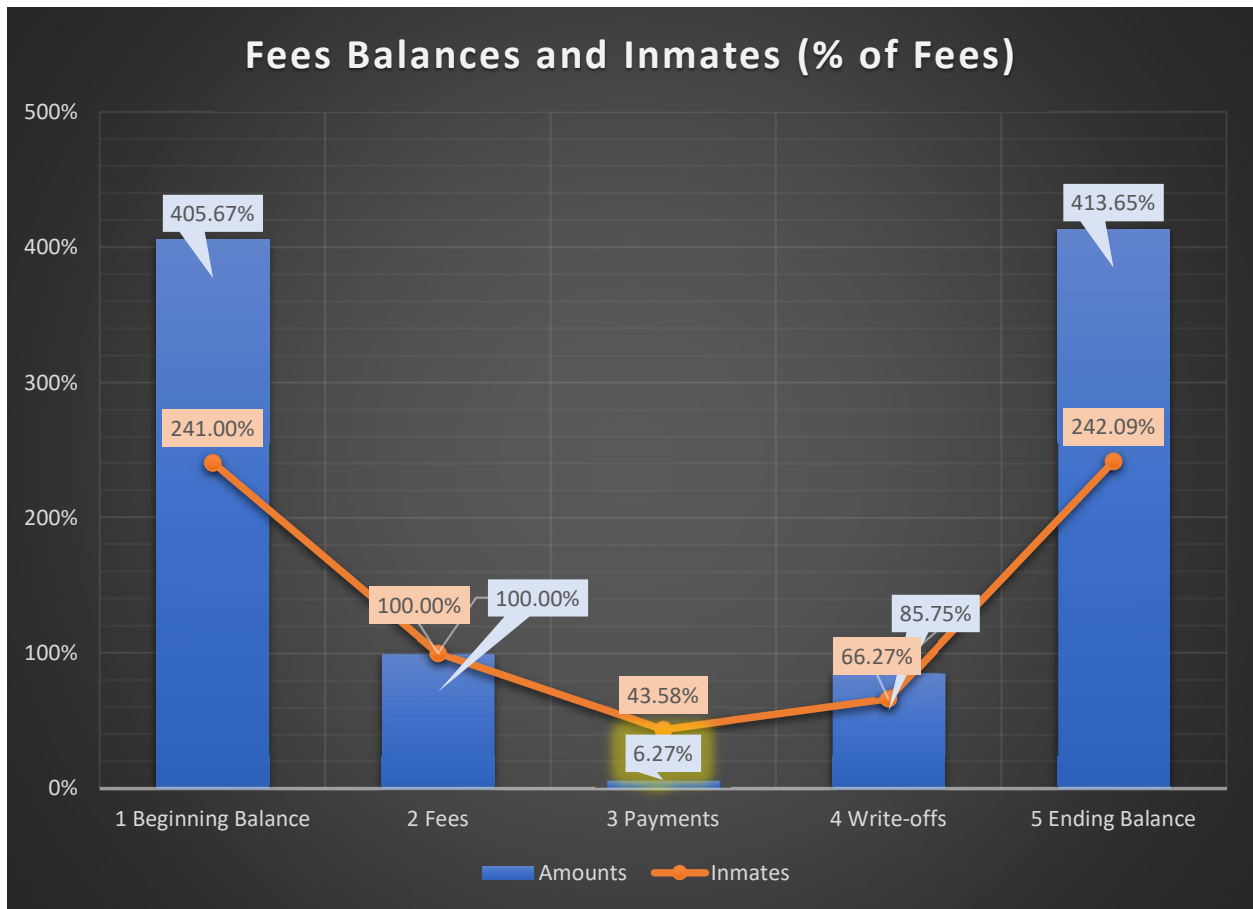
Incarceration fees balances averages and standard deviations by jail are shown on the next page.

Notes:

- Different daily rates (\$10 – \$45) among jails contributes to different averages among jails.
- Cache has the highest fees average at \$1,800.29 and the highest fees standard deviation at \$3,079.52.
- Iron has the lowest fees average at \$359.80.
- Weber has the lowest fees standard deviation at \$576.22.
- Standard deviations exceed averages in all balances categories except for Write-offs at Duchesne.
 - This means that balances amounts differ significantly from balances averages.



Incarceration fees balances and inmates for all jails and as percentages are shown below:



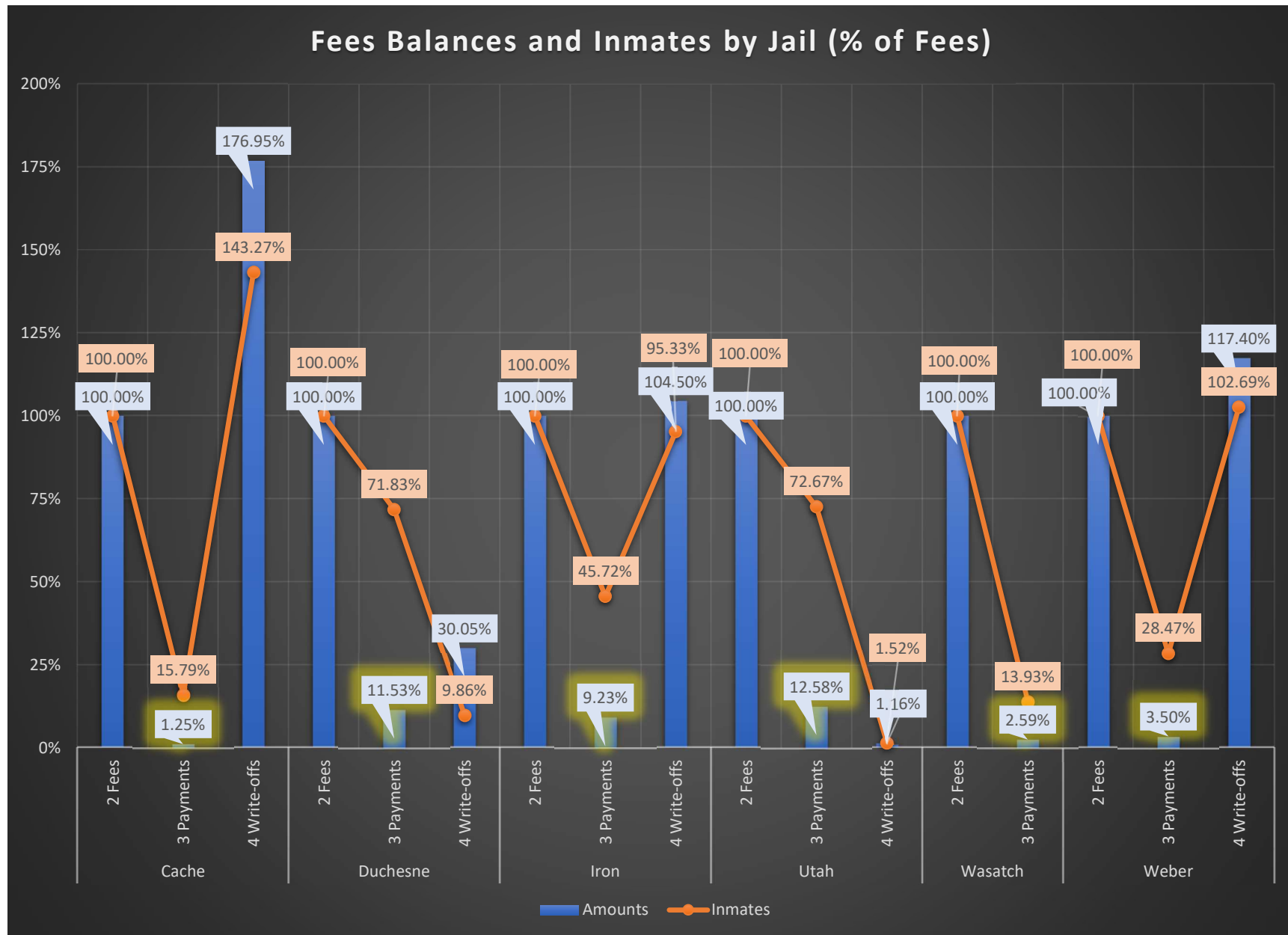
Notes:

- Only 6.27% of assessed fees are received, but 43.58% of inmates pay something.
- The ratio of beginning and ending balances to fees is over 4:1.
- The ratio of inmates in beginning and ending balances to inmates with fees is about 5:2.
- The undesirable steep U-shaped pattern again characterizes amounts, but the inmates U is flatter (and better than the steeper amounts U).

Selected incarceration fees balances and inmates as percentages by jail are shown on the next page.

Notes:

- Cache and Weber write off all their balances in 2019.
- Utah has the highest payments percentage at 12.58%, with Duchesne a close second at 11.53%; Cache has the lowest at 1.25%.
- Utah receives payments from the highest percentage of inmates at 72.67%, with Duchesne a close second at 71.83%; Wasatch receives payments from the lowest at 13.93%.



Fees and Payments: Relative Percentages

Fees and inmates, and their respective percentages, for all jails are shown below:



Notes:

- Utah assesses the most fees at \$997,236.04; Duchesne assesses the least at \$157,117.88.
- Weber assesses the most inmates at 2,083; Duchesne assesses the fewest at 213.

Incarceration payments and inmates, and their respective percentages, for all jails are shown below:



Notes:

- Utah dominates payments.
- Despite assessing only 30.40% of all fees, Utah receives 60.99% of all payments, or \$125,464.94 of total payments of \$205,708.66.
- Despite assessing only 30.66% of all inmates, Utah receives payments from 51.12% of all inmates, or 1,146 of total inmates of 2,242 making payments.
- Duchesne and Iron also enjoy a greater percentage of payments and inmates making payments than the jails' respective percentage of fees and assessed inmates; Cache, Wasatch, and Weber have a lesser percentage.

Fees and Payments: Percentiles

A *percentile* is created from a set of values (a *population*, such as all fees assessed or all payments received) by dividing the values, arranged in some meaningful way (for example, lowest to highest), into 100 equal groups.

Knowing the percentile distribution of a set of values, such as fees or payments, gives greater insight into the set of values, whether the values are similar or different, or have a particular pattern, or exhibit some other interesting trait.

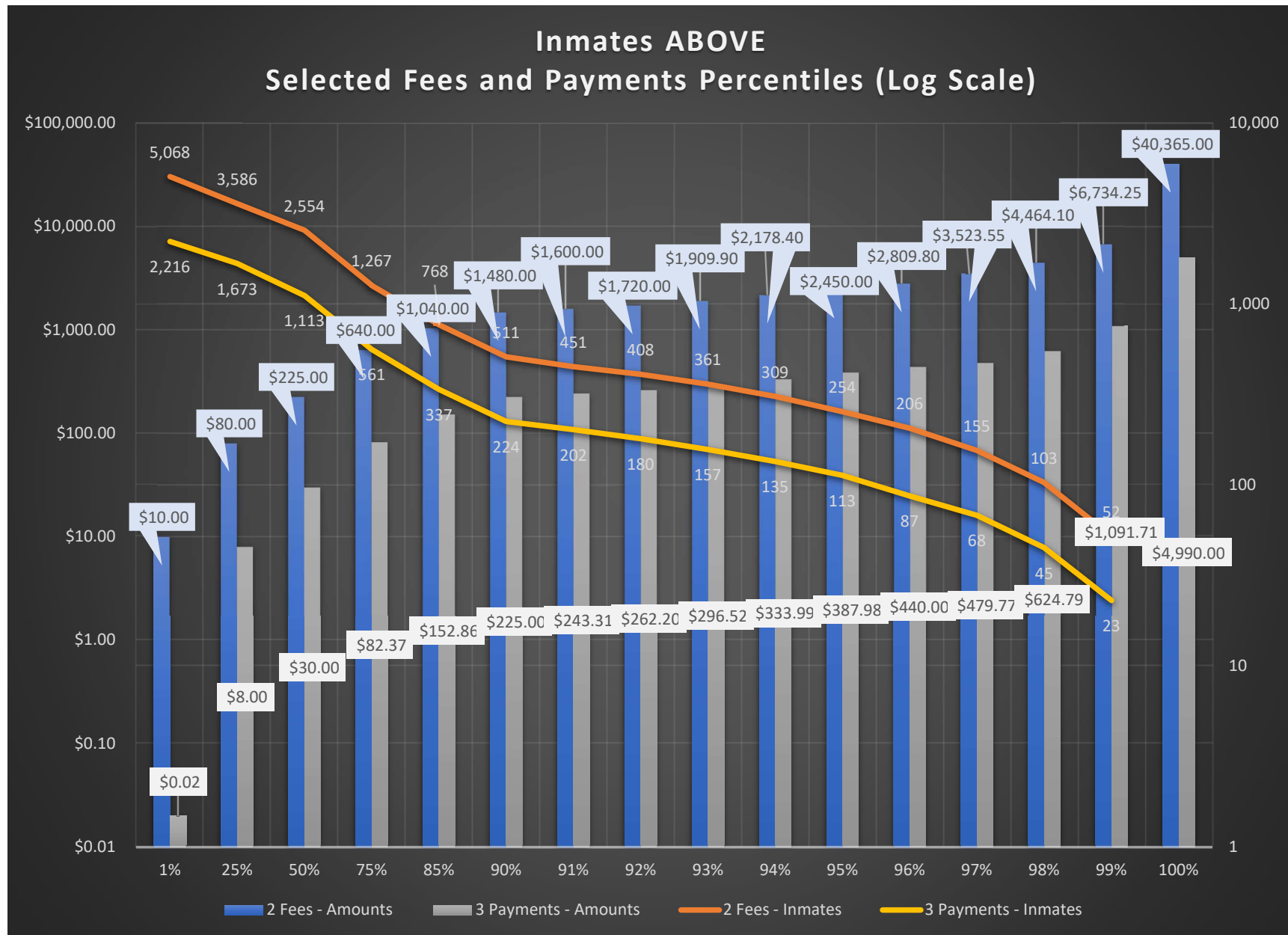
For example, the percentile distribution of amounts paid for movie tickets on a Friday in the summer (prior to COVID-19) would probably be very different from the percentile distribution of amounts withheld for Utah income taxes from employees' paychecks.

For purposes of this report, *inclusive* percentiles (not the traditional *exclusive* percentiles) are used—that is, if a movie ticket price of \$5.00 is in the 20th percentile, then 20% of all movie ticket prices are less than or equal to \$5.00 (not below \$5.00).

Selected fees and payments percentiles, with inmates above these markers, for all jails are shown on the next page.

Notes:

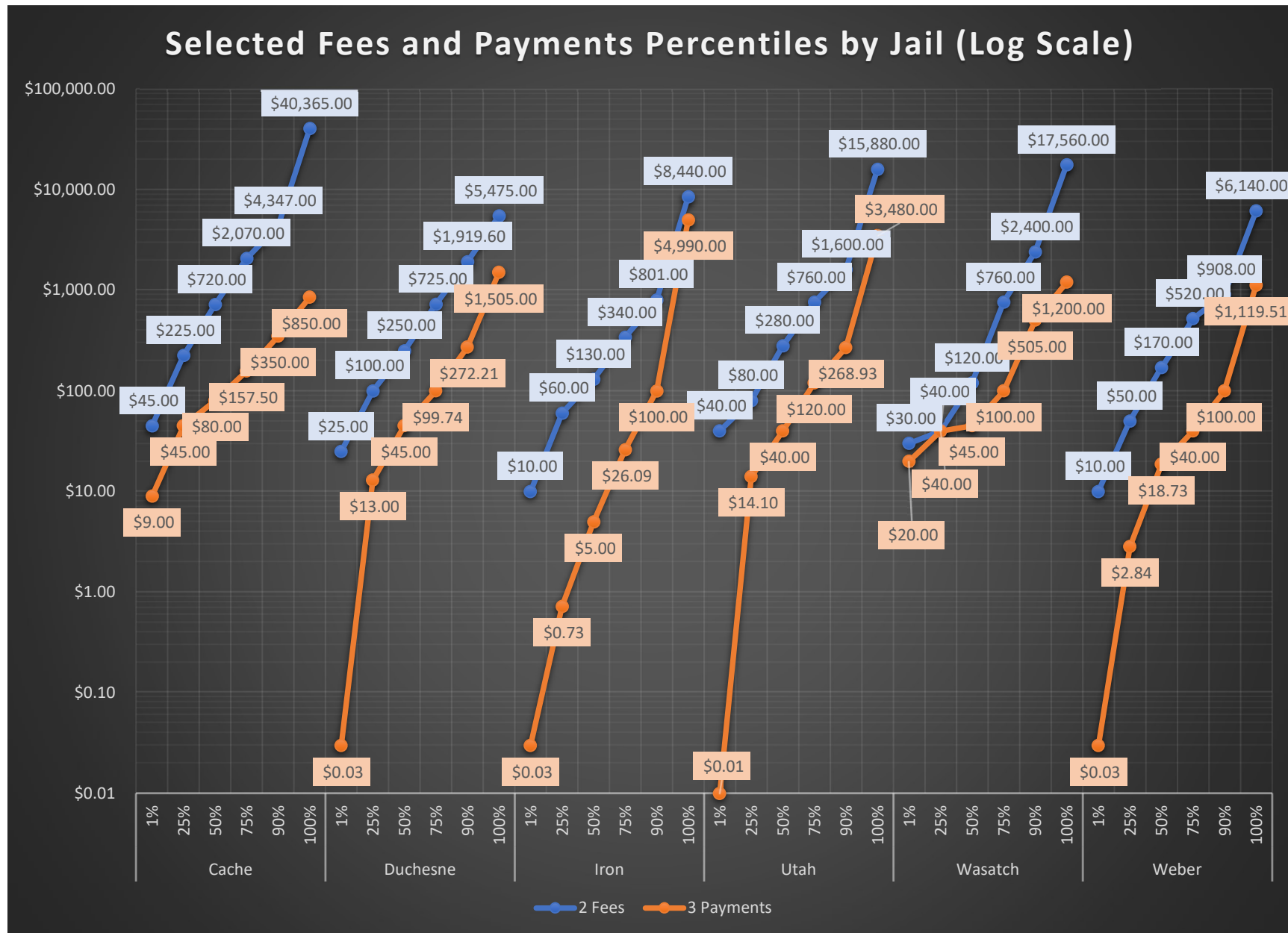
- In order to present all the relevant data in one graph, a logarithmic (log) scale is used for both amounts and number of inmates, and only selected percentiles are shown (1st, 25th, 50th, 75th, 85th, 90th – 100th).
- Payments lag well behind fees across all percentiles.
- The 25th percentiles for fees and payments are \$80.00 and \$8.00, respectively, which means that one-fourth of fees and payments are less than or equal to \$80.00 and \$8.00, respectively.
 - These fees seem minor, nominal, reasonable.
- The 50th percentiles (the medians) for fees and payments is \$225.00 and \$30.00, respectively, which means that one-half of fees and payments are less than or equal to \$225.00 and \$30.00, respectively.
 - These fees also seem minor, nominal, reasonable.
- At or about the 75th percentile, fees begin to become something other than minor or nominal, or perhaps even reasonable.
- At the 85th percentile, fees exceed \$1,040.00 for 768 inmates and climb sharply from there to the maximum of \$40,365.00, an outlier, much higher than the \$6,734.25 at the 99th percentile.
 - This upper range of percentiles creates the most concern and affects 100s of inmates.



Selected fees and payments percentiles by jail are shown on the next page.

Notes:

- In order to present all the relevant data in one graph, a logarithmic (log) scale is used for amounts, and only selected percentiles are shown (1st, 25th, 50th, 75th, 90th, and 100th).
- Payments lag well behind fees across all percentiles for all jails.
- Fees in the upper range of percentiles (at about the 75th percentile and above, except for Iron) begin to be something other than minor or nominal, or even reasonable.

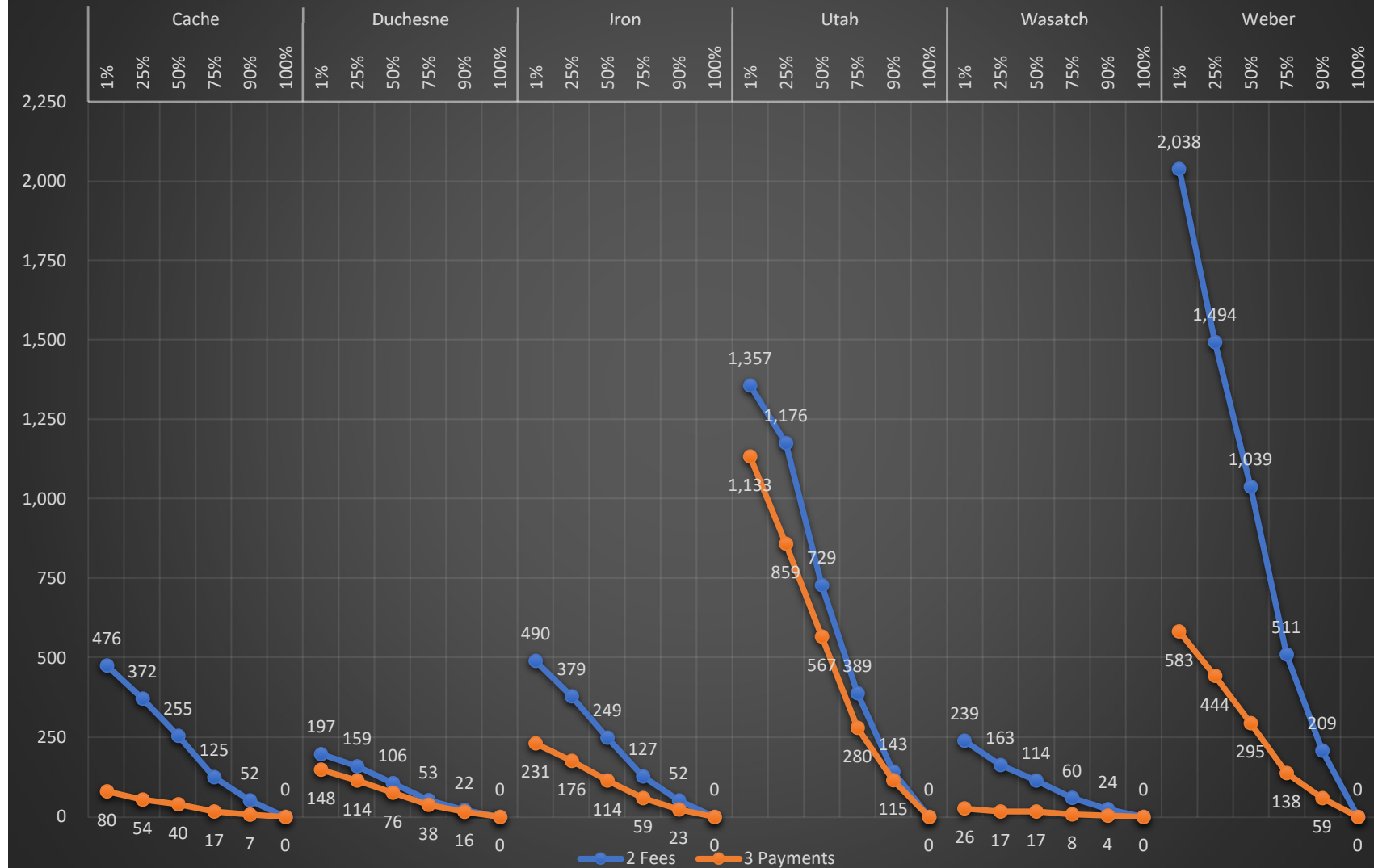


Inmates above selected fees and payments percentiles by jail are shown on the next page.

Notes:

- In order to present all the relevant data in one graph, only selected percentiles are shown (1st, 25th, 50th, 75th, 90th, and 100th).
- The closer the orange payments line is to the blue fees line, the better, because this means that assessed inmates are making payments (even if the payments are smaller than the fees).
- Inmates making payments lag well behind inmates assessed fees.
- Utah and Duchesne exhibit the most desirable patterns; Wasatch, with its flat payments line, exhibits the least.

Inmates ABOVE Selected Fees and Payments Percentiles by Jail

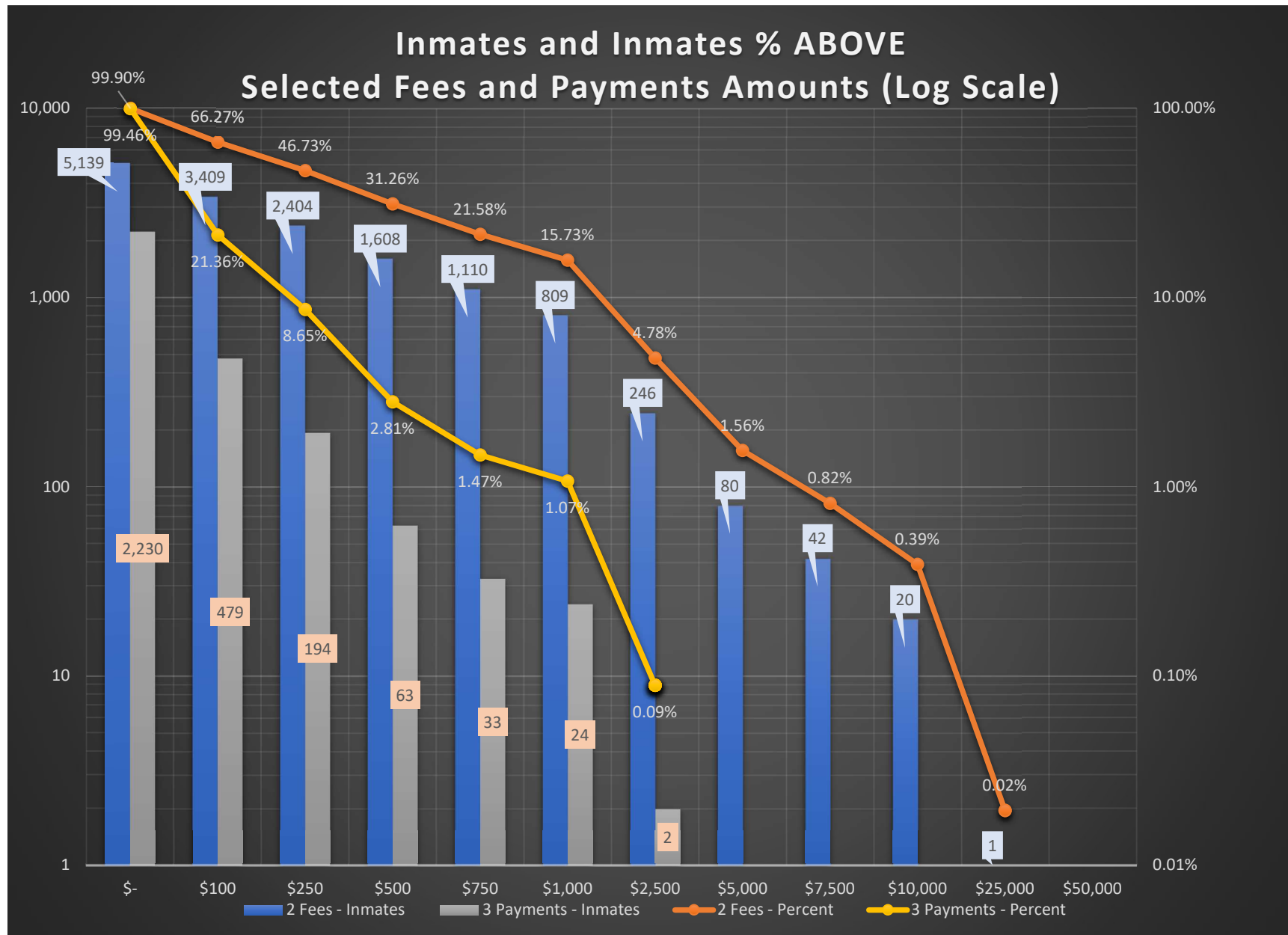


Fees and Payments: Threshold Amounts

Inmates and percentages of inmates above selected fees and payments amounts for all jails are shown on the next page.

Notes:

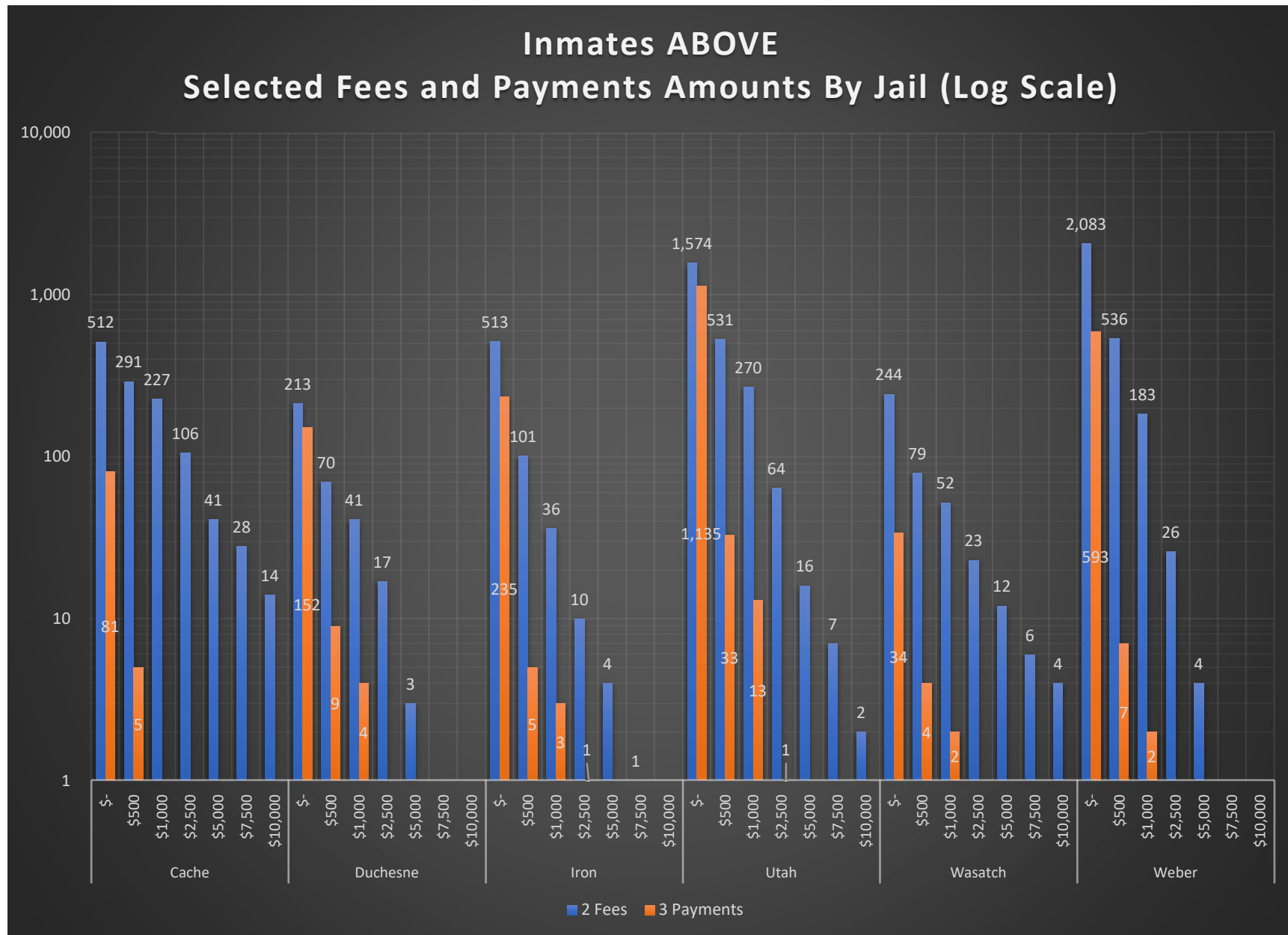
- In order to present all the relevant data in one graph, a logarithmic (log) scale is used for inmates, and only selected threshold amounts are shown (\$0, \$250, \$500, \$750, \$1,000, \$2,500, \$5,000, \$7,500, \$10,000, \$25,000, and \$50,000).
- Fees over \$1,000 are assessed to 809 inmates, 15.73% of all inmates, but only 24 inmates, 1.07% of all inmates, make payments over \$1,000.
- Fees over \$5,000 are assessed to 80 inmates, 1.56% of all inmates, but 0 (zero) inmates make payments over \$5,000.



Inmates above selected fees and payments amounts for all jails are shown on the next page.

Notes:

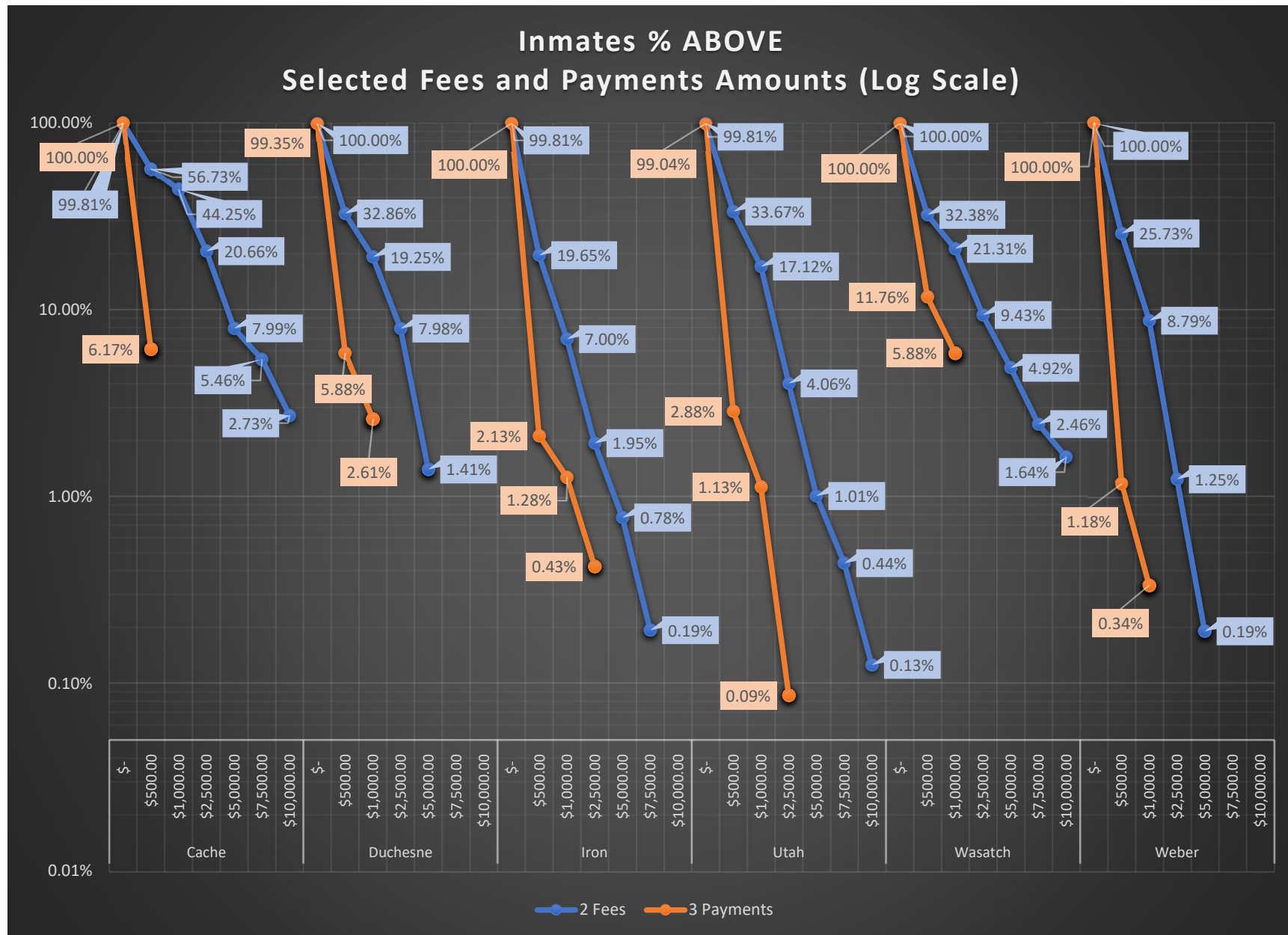
- In order to show all the relevant data in one graph, a logarithmic (log) scale is used for inmates, and only selected threshold amounts are shown (\$0, \$500, \$1,000, \$2,500, \$5,000, \$7,500, and \$10,000).
- Utah has the most inmates, 13, paying over \$1,000; Cache has no inmates, despite assessing 100s of fees over \$1,000.
- Cache, Utah, and Wasatch assess fees over \$10,000.
- All jails assess fees over \$5,000.
- Perhaps no other graph shows the futility of assessing fees over \$1,000 (or over \$2,500) and expecting full payment as well as this one.
- The blue fees columns tower over the orange payments columns, and often no orange exists for the corresponding blue.



Inmates percentages above selected fees and payments amounts by jail are shown on the next page.

Notes:

- In order to show all the relevant data in one graph, a logarithmic (log) scale is used for percentages, and only selected threshold amounts are shown (\$0, \$500, \$1,000, \$2,500, \$5,000, \$7,500, and \$10,000).
- Cache assesses the highest percentage of fees, 44.25%, over \$1,000; Iron assesses the lowest percentage, 7.00%.
- Once again, the futility of assessing fees over \$1,000 (or \$2,500) is front and center.



Payments Percentages: Percentiles

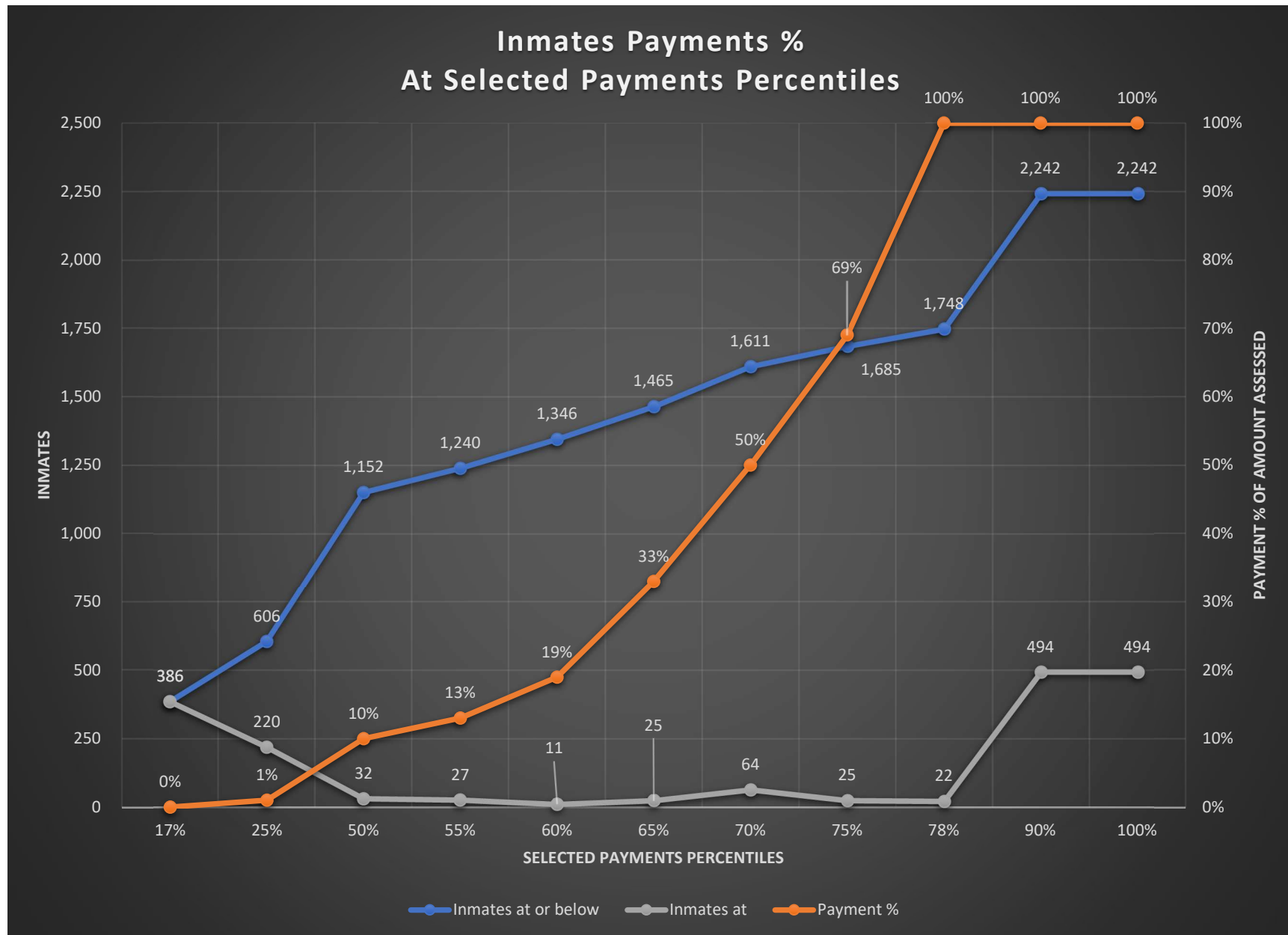
Payments as a percentage of beginning balances + fees is another way to look at fees:

- How many inmates pay 0% of their assessment?
- How many inmates pay 100%?
- How many pay something in between?

Inmates payments percentages at selected payments percentiles are shown on the next page.

Notes:

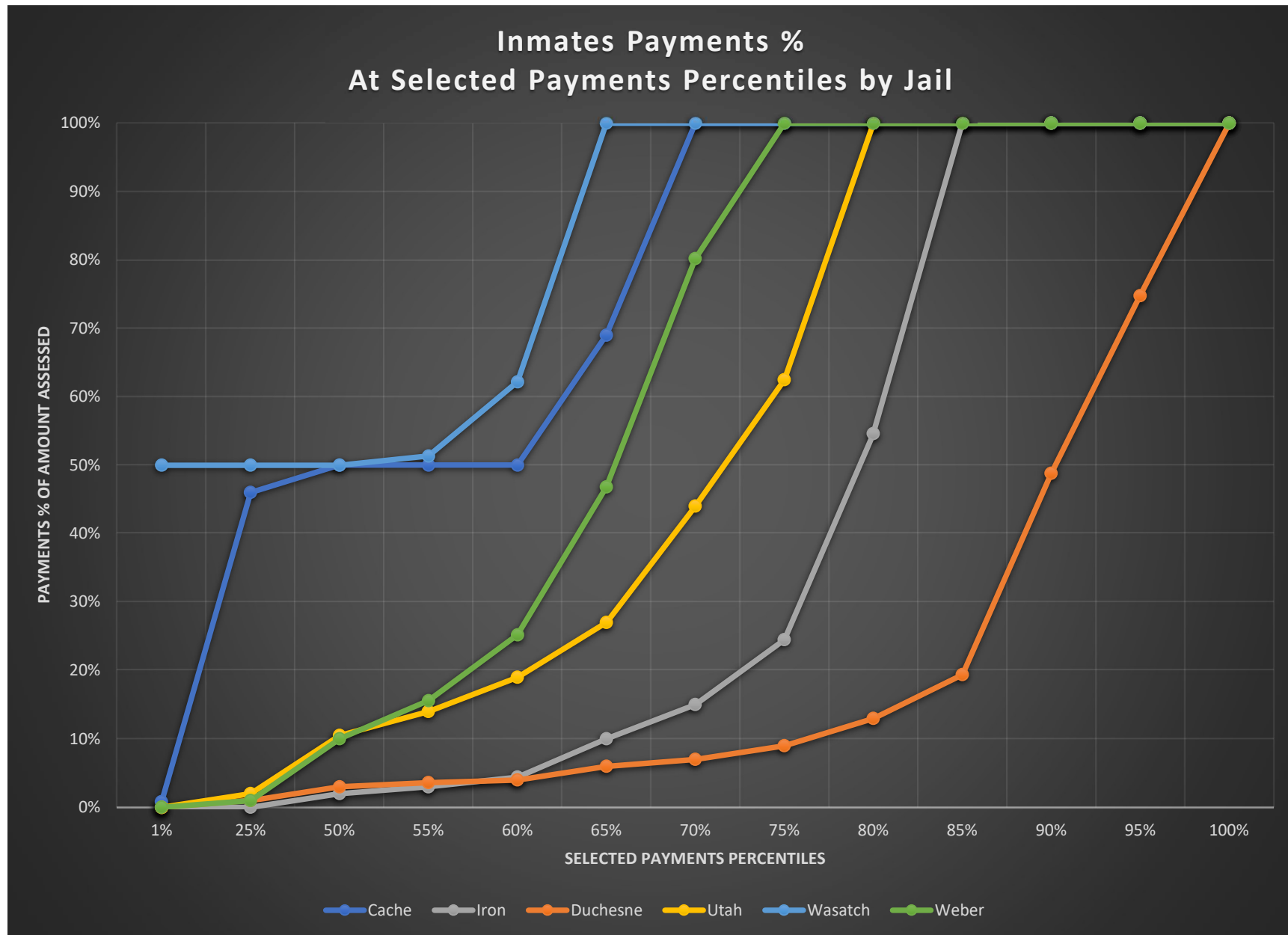
- In order to present all the relevant data in one graph, only selected payments percentages percentiles are shown (17th, 25th, 50th, 55th, 60th, 65th, 70th, 75th, 78th, 90th, and 100th percentiles).
 - The 17th percentile is shown because this is the percentile at which 0% payments end.
 - The 78th percentile is shown because this is the percentile at which 100% payments begin.
- From the 1st to the 17th percentile, 388 inmates make 0% payments (no payments) of fees assessed.
- From the 78th percentile to the 100th percentile, 494 inmates make 100% payments of fees assessed.
- From the 18th percentile to the 77th percentile, representing 60 percentiles, the remaining 1,360 inmates pay more than 0% and less than 100% of fees assessed.
- Only 8 percentiles (70th to 77th) see payments of 50% or more but less than 100% of fees assessed.
- Half of all percentiles (50 percentiles) see payments of 10% or less.



Inmates payments percentages at selected payments percentiles by jail are shown on the next page.

Notes:

- In order to show all the relevant data in one graph, only selected payments percentages percentiles are shown (1st, 25th, 50th, 55th, 60th, 65th, 70th, 75th, 80th, 85th, 90th, 95th, and 100th percentiles).
- The faster a jail reaches 100% payments, the more inmates make 100% payments, but this does not necessarily mean that a jail receives payments for 100% of fees assessed.
 - A jail that reaches 100% payments quickly, but collects only small amounts assessed, may still suffer from a lackluster overall payments percentage.
 - Ideally, a jail would receive 100% payments of 100% of fees assessed.
- Wasatch is first to reach 100% payments, between the 61st and 65th payments percentiles; Duchesne is last to reach 100% payments, between the 96th and 100th payments percentiles.
- Wasatch achieves 50% payments at the 1st payments percentile, which is a feat no other jail comes close to matching.
 - Wasatch has only 34 payments, the fewest of all jails.
 - Wasatch receives an overall 2.59% of fees assessed.



Payments Percentages: Amounts Received

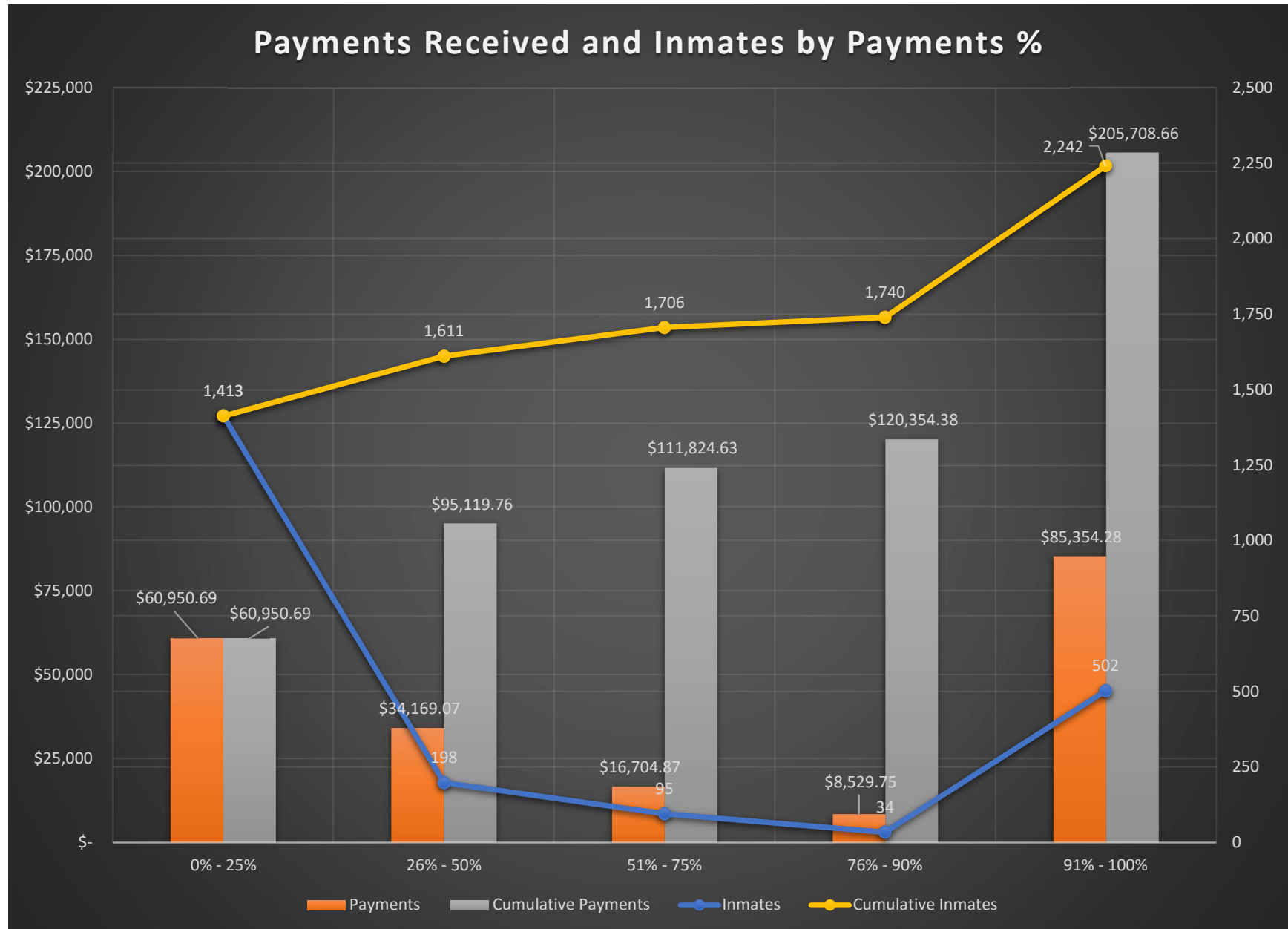
Which payments percentages generate the payments received?

For example, do inmates who pay 90% or more of their assessments generate most of the payments received, or do inmates who pay some other percentage?

Payments received and inmates by payments percentages are shown on the next page.

Notes:

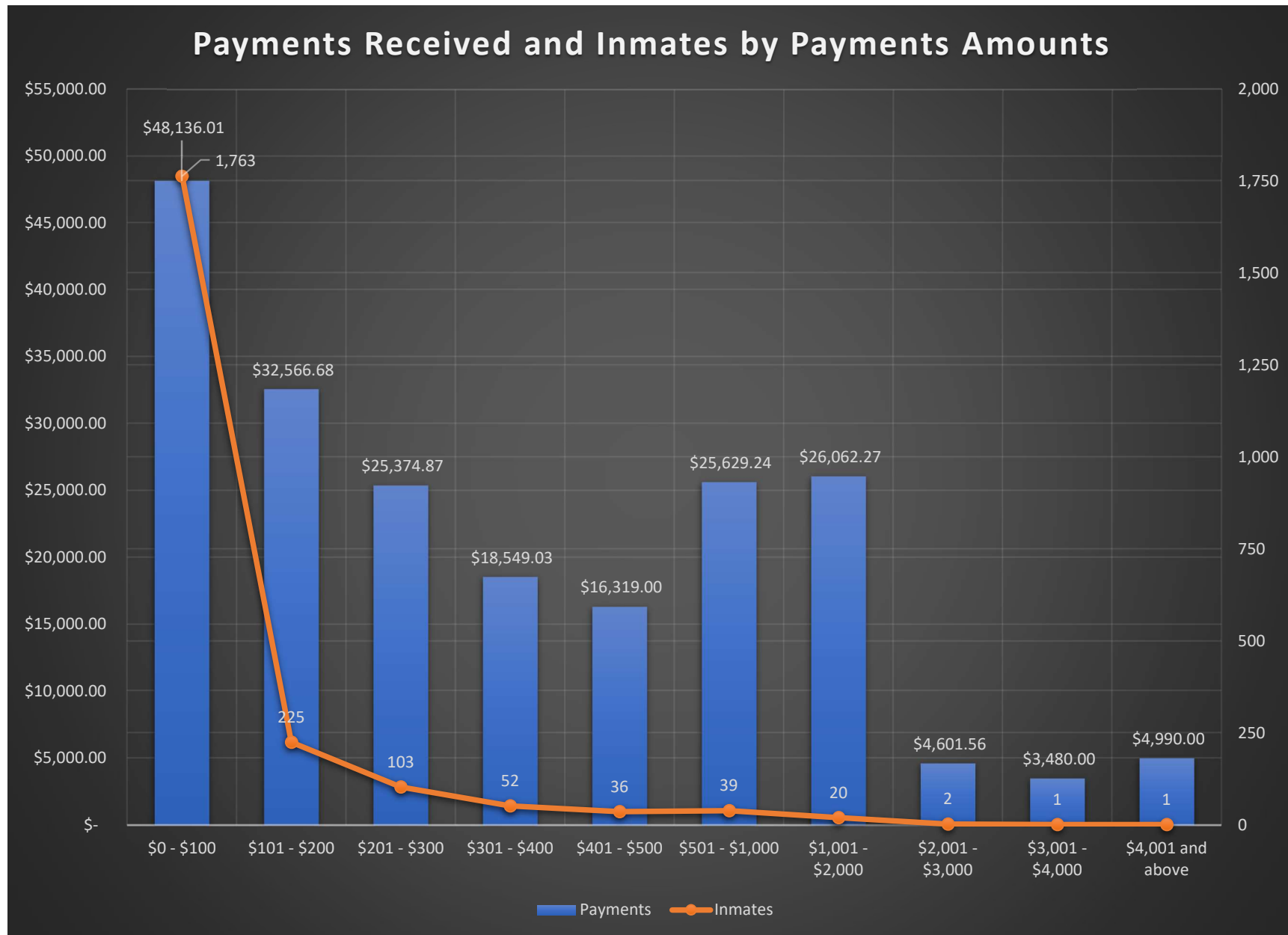
- Most of the payments received come from inmates who pay 1%–25% (\$60,950.69) or 91%–100% (\$85,354.28) of fees assessments; the least from inmates who pay 76%–90% (\$8,529.75).
- Amounts received steadily decrease as payments percentages increase, until the 91%–100% group shoots up to take first place.



Payments received and inmates by payments amounts are shown on the next page.

Notes:

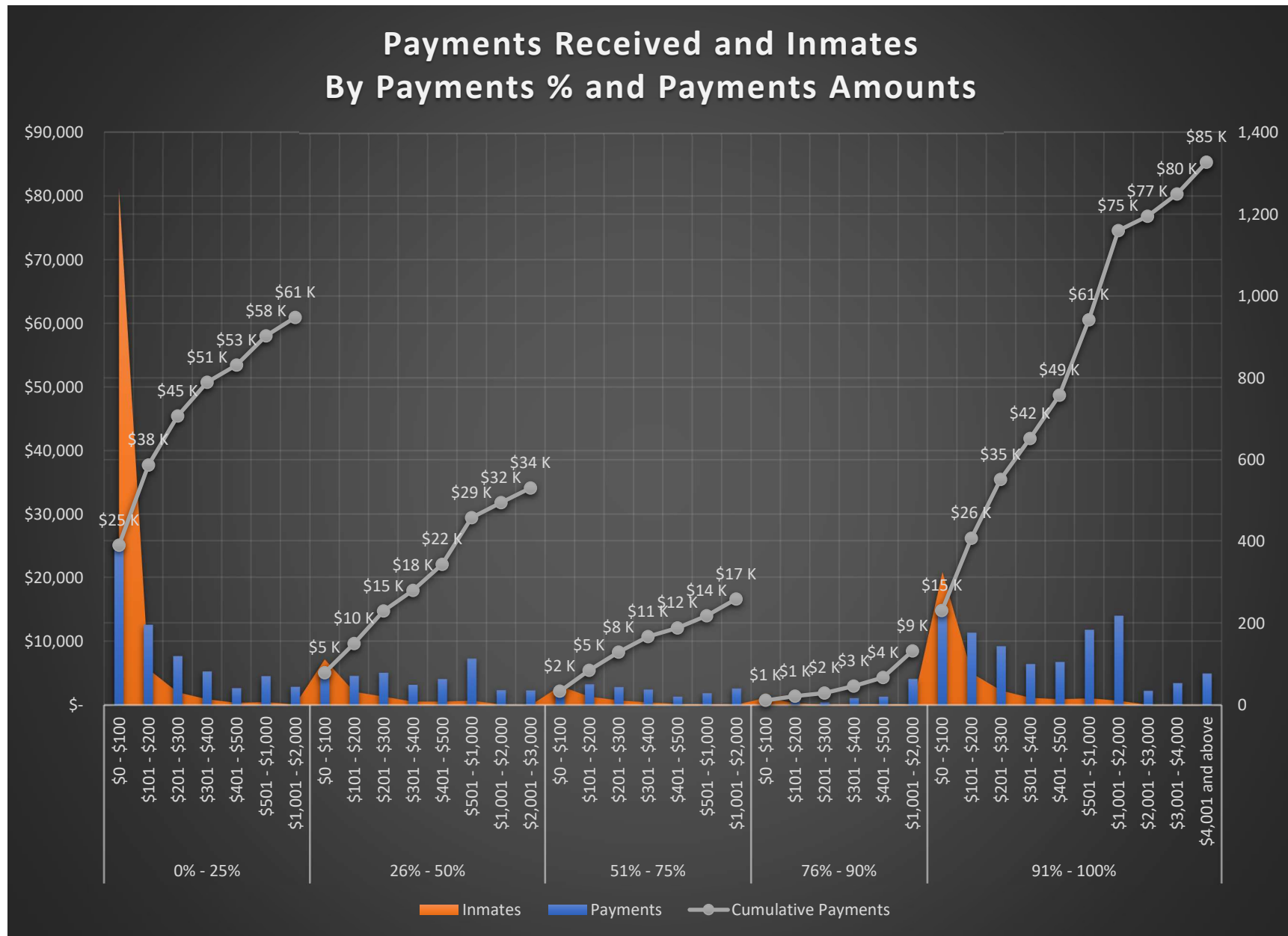
- More than three-fourths of inmates make payments in the \$0 – \$100 payments range, which is the single largest source of payments amounts at \$48,136.01
- More than half of all payments amounts come from payments in the \$0 – \$300 range.
- More than three-fourths of all payments amounts come from payments in the \$0 – 1,000 range.
- Only 24 of 2,242 inmates make payments greater than \$1,000, which total \$13,071.56.
- A steep decline in inmates and payments amounts occurs after the \$2,000 payments mark.



Payments received and inmates by payments percentages and payments amounts are shown on the next page.

Notes:

- Most inmates make smaller payments.
- Perhaps the most significant reveal of this graph is the cluster of inmates in the \$0–\$300 payments range who pay 91%–100% of amounts assessed, which means that the amounts assessed are about \$300 or less.



Correlation: Payments Percentages and Fees Balances Percentile Ranking

A correlation between two sets of variables suggests some relationship between the two variables—they are not random, but are connected in some way.

A positive correlation means that as one variable increases (or decreases) the other variable also increases (or decreases).

A negative correlation means that as one variable increases (or decreases) other variable decreases (or increases).

Correlation values range from -1.0 to 1.0, with 1.0 being a strong positive correlation and -1.0 being a strong negative correlation.

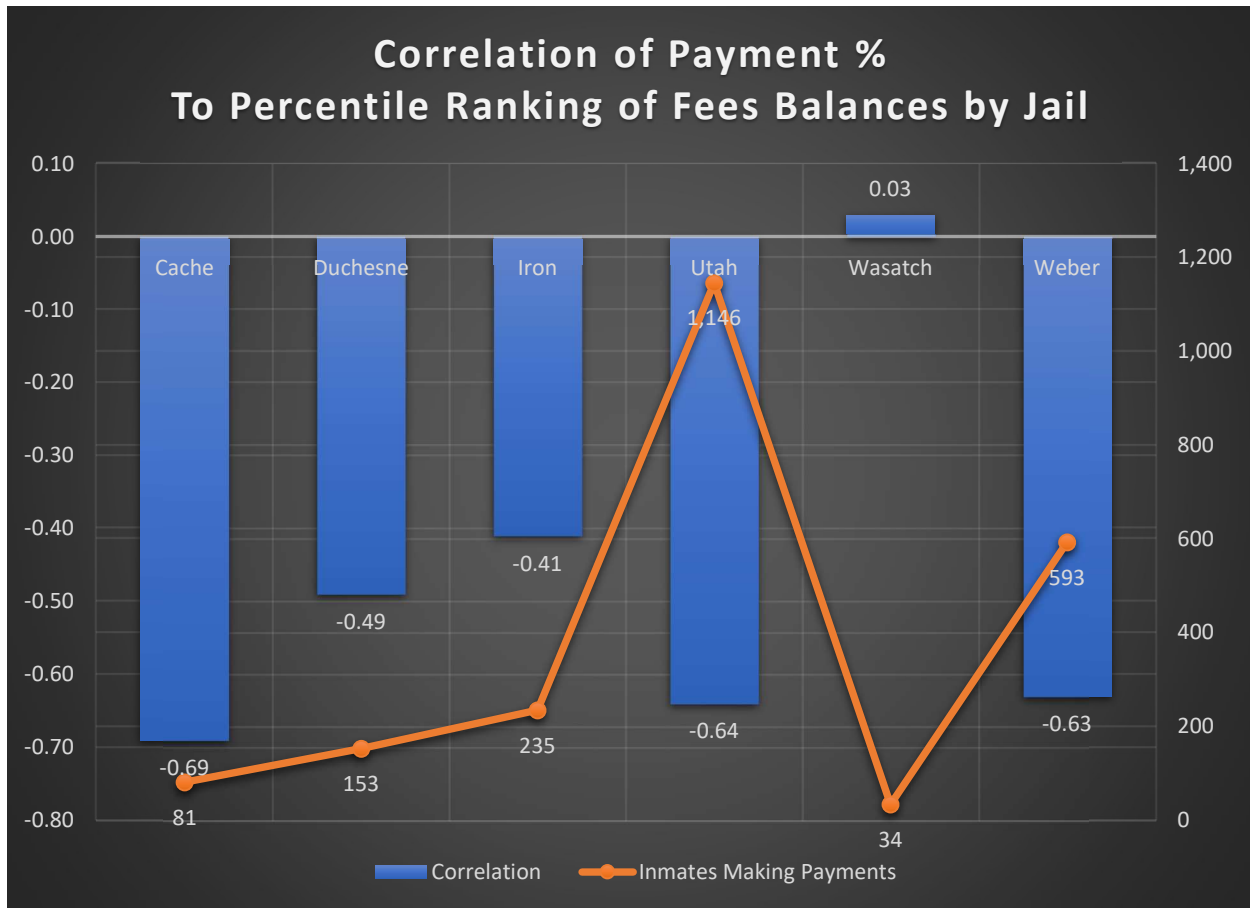
The ideal correlation between payments percentages (the percentage of the fee that is paid) and fees balances percentile ranking (the size of a fees balance relative to all fees balances) is 0.0, which means that no correlation exists between the amount paid and the fees balance (the relative size of a fee does not influence the percentage paid).

The correlation between payments percentages and fees balances percentile ranking for all jails is **-.60**, which is a semi-strong negative overall correlation.

This result suggests that inmates are more likely to pay a higher percentage of smaller fees balances.

Stated another way, and generally speaking, as a fee increases, payments decrease.

The correlation between payments percentages and fees balances percentile ranking for each jail is shown on the next page.



Notes:

- Wasatch somehow escapes the pattern present in the other jails.
 - This unexpected result may occur because Wasatch has relatively few payments for fees not representative of the overall fees balances population or for some other reason.
- The larger jails—Cache, Utah, Weber—all exhibit a similar pattern and are within 0.06 of one another.
 - This result has policy implications about the amount of fees that should be assessed.

Correlation: Fees Balances and Payments

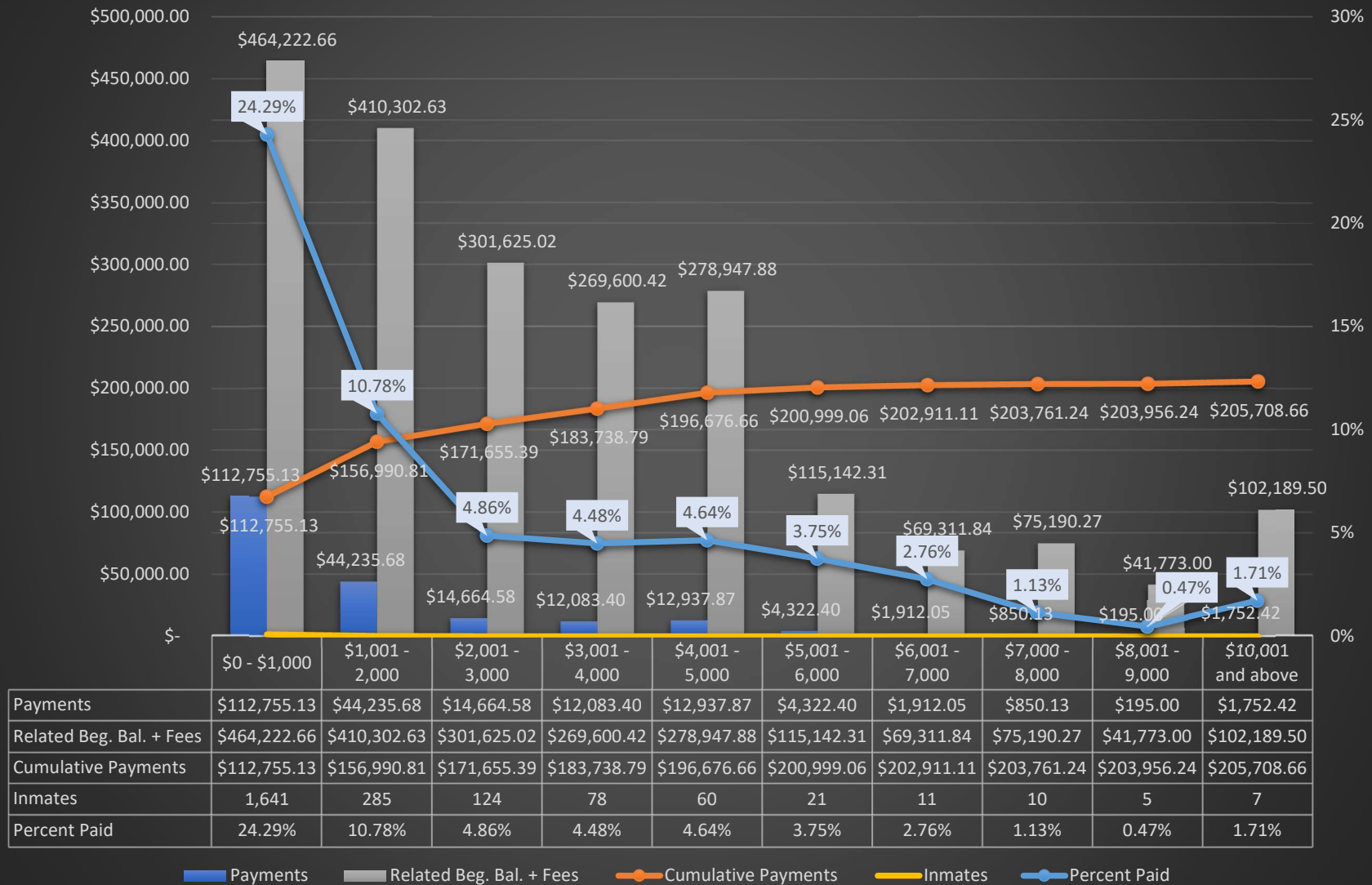
The semi-strong negative correlation between payments percentages and fees balances percentile ranking for all jails begs another question: Which fees balances—larger or smaller—are responsible for the most payments?

Payments and payments percentages by fees balances are shown on the next page.

Notes:

- The semi-strong negative correlation noted above is reflected in the decreasing payments percentages as fees balances increase.
 - Fees balances up to \$1,000 enjoy a payments percentage of 24.29%, but fees balances from \$1,001 to \$2,000 have a payments percentage of only 10.78%.
 - This decreasing payments percentage pattern generally holds, with a few minor exceptions.
 - Most payments, \$112,755.13 of \$205,708.66, come from fees balances up to \$1,000.
 - More than 95% of all payments come from fees balances up to \$5,000.
- The implication of the semi-strong negative correlation is that lower fees balances generate more payments. For example, if payments percentages hold—
 - Reducing fees balances above \$305 down to \$305 generates about \$205,000 in payments, which is the actual 2019 amount.
 - Reducing fees balances above \$1,000 down to \$1,000 generates about \$53,000 more in payments than the actual 2019 amount.
- The notion that less is more—lower fees balances generate more payments within a relevant range—is counterintuitive, but reflects the reality of diminishing payments percentages with increasing fees balances.

Payments and Payments % By Fees Balances

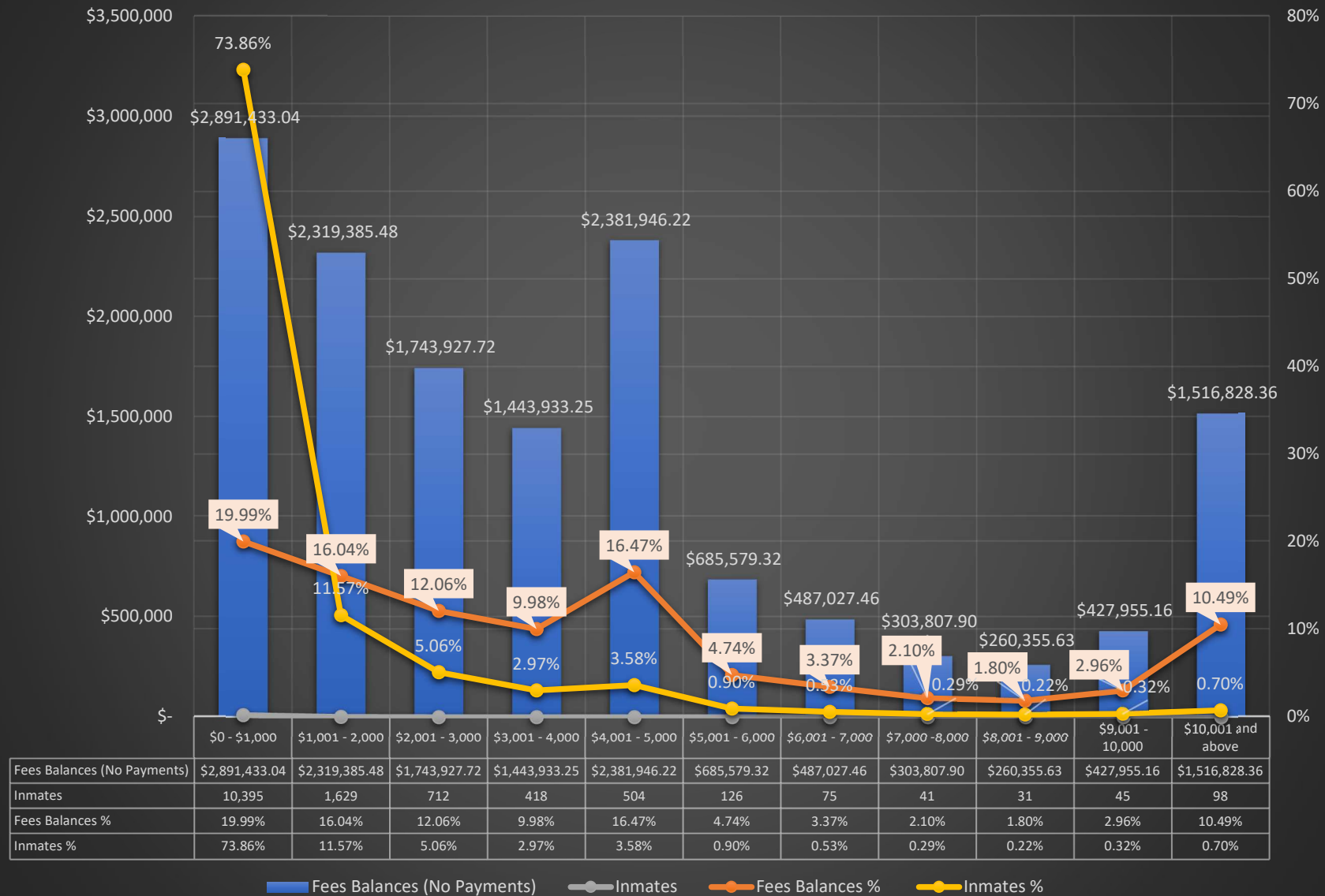


Fees balances with no 2019 payments are shown on the next page.

Notes:

- About 20% of all fees balances of \$16,590,485.07 (beginning balances \$13,309,570.13 + fees \$3,280,914.94 = fees balances) with no 2019 payments are of fees up to \$1,000; about 80% are of fees over \$1,000.
- About 74% of inmates with fees balances with no 2019 payments have fees of up to \$1,000; about 26% have fees over \$1,000.

Fees Balances with No 2019 Payments



Payments: None, Partial, Full

The question of whether an inmate makes full payment or partial payment is complicated by the fact that an inmate can make payments that fall into one of nine mutually exclusive categories:

- No payments made against a prior fees balance, a current fees balance, or both.
- Partial payments made against a prior fees balance, a current fees balance, or both.
- Full payments made against a prior fees balance, a current fees balance, or both.

Payments are frequently made exclusively toward a prior fees balance or a prior fees balance + a current fees balance.

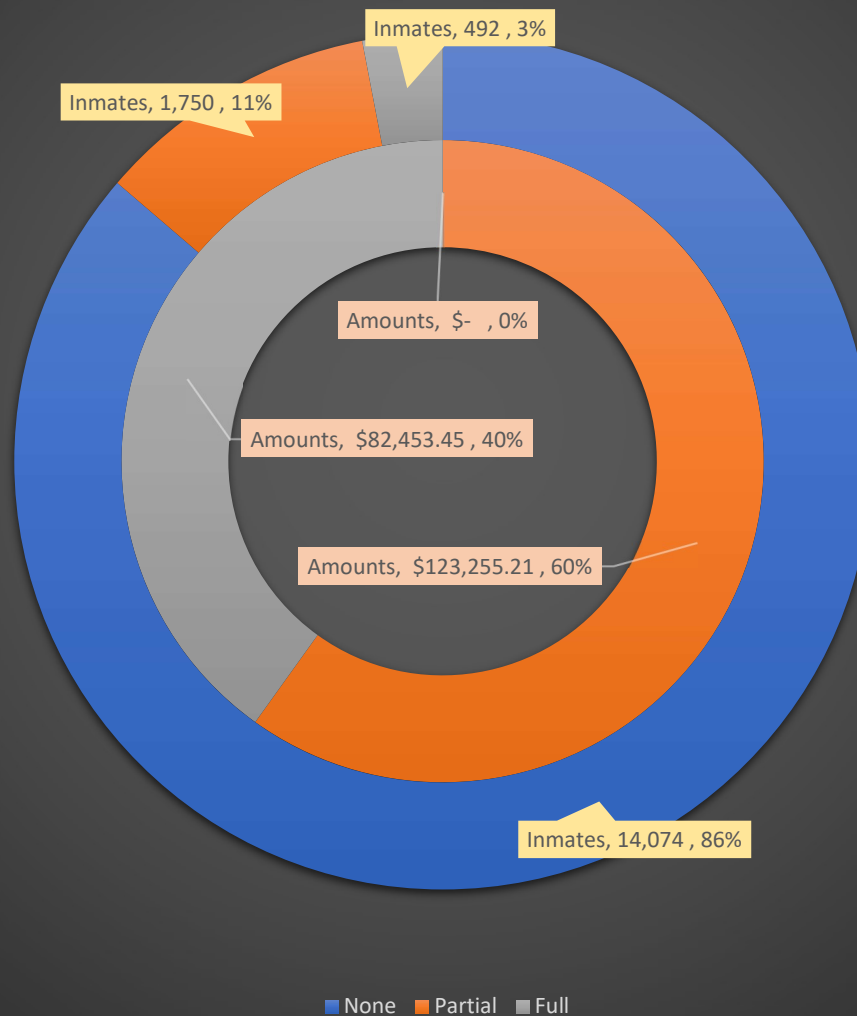
Consequently, payments may exceed current fees because part of the payments are for prior fees balances.

Inmate and payments divided into the categories of no payments, partial payments, and full payments are shown on the next page.

Notes:

- Most inmates (86%) in the population of beginning fees balances, current fees balances, or both make no payments at all.
- The ratio of inmates making partial payments (11%) to inmates making full payments (3%) is nearly 4:1.
- About 40% of all payments amounts are full payments, and the remaining 60% are partial payments.

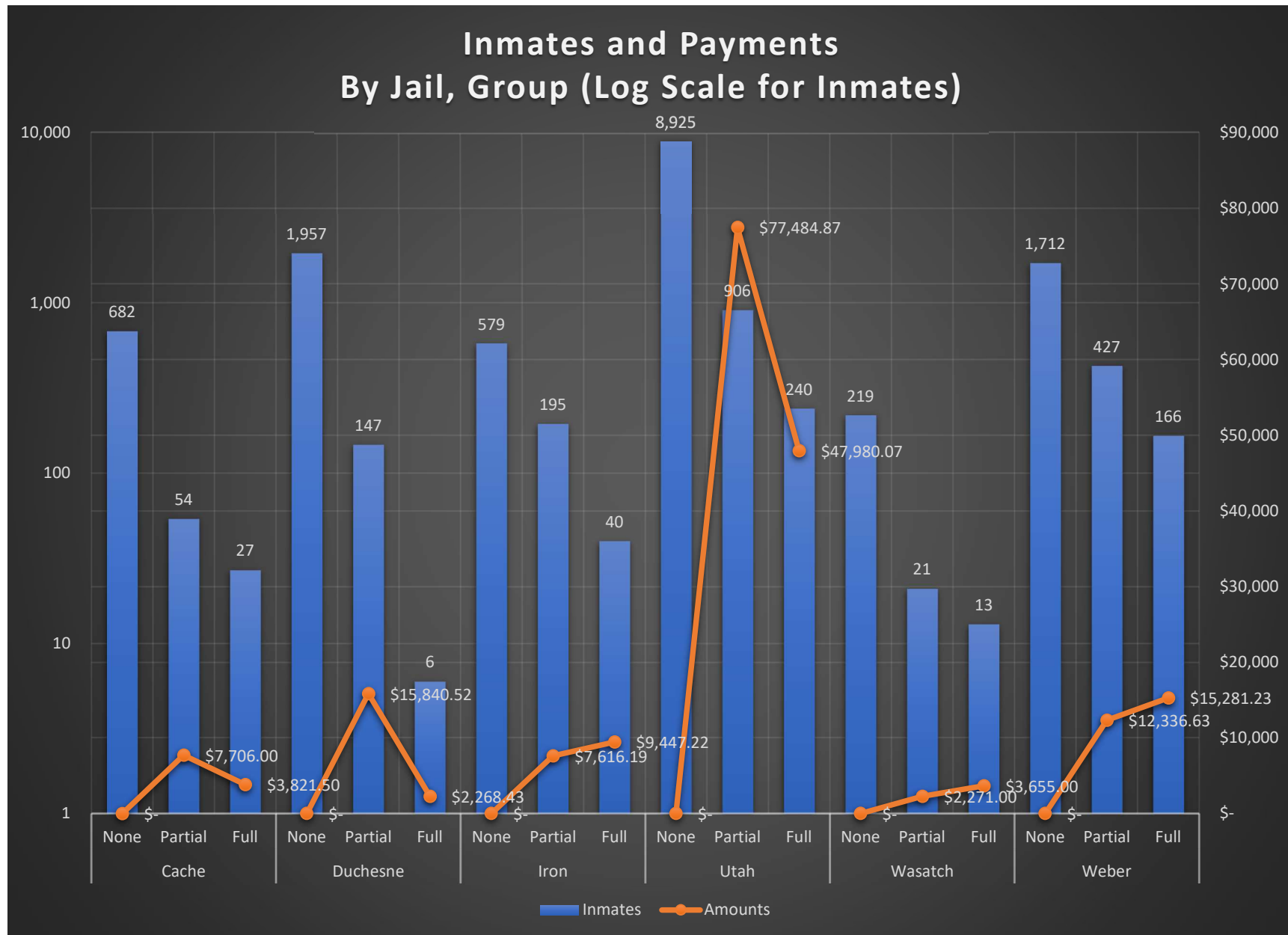
Inmates and Payments By Group



Inmates and payments by jail, and divided into the categories of no payments, partial payments, and full payments, are shown on the next page.

Notes:

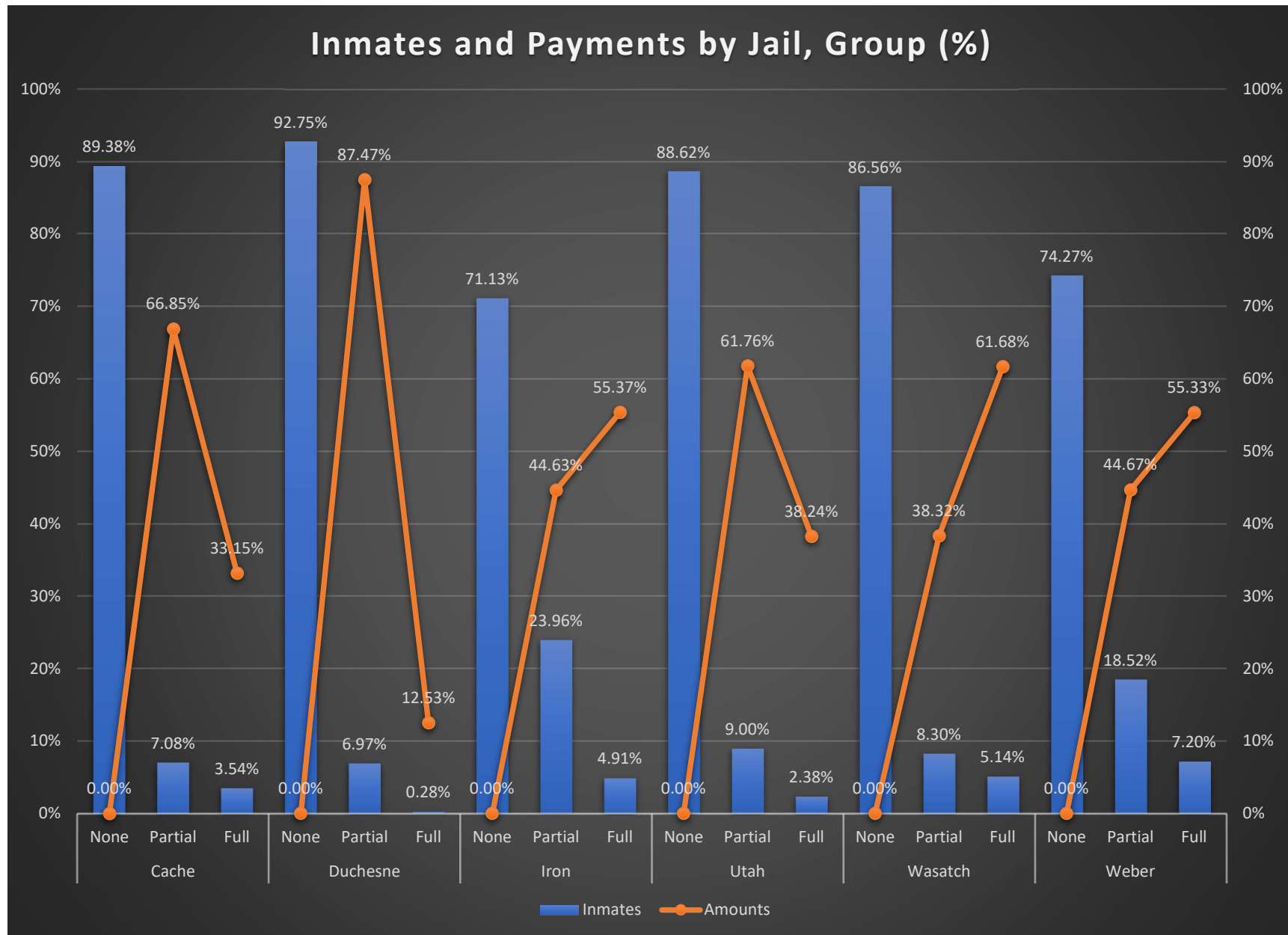
- Utah payments significantly exceed those of other jails.
- At Cache, Duchesne, and Utah, partial payments exceed full payments, but at Iron, Wasatch, and Weber, full payments exceed partial payments.
- The pattern of inmates making no payments exceeding inmates making partial payments, and inmates making partial payments exceeding inmates making full payments, holds true for all jails.



Inmates and payments percentages by jail, and divided into the categories of no payments, partial payments, and full payments, are shown on the next page.

Notes:

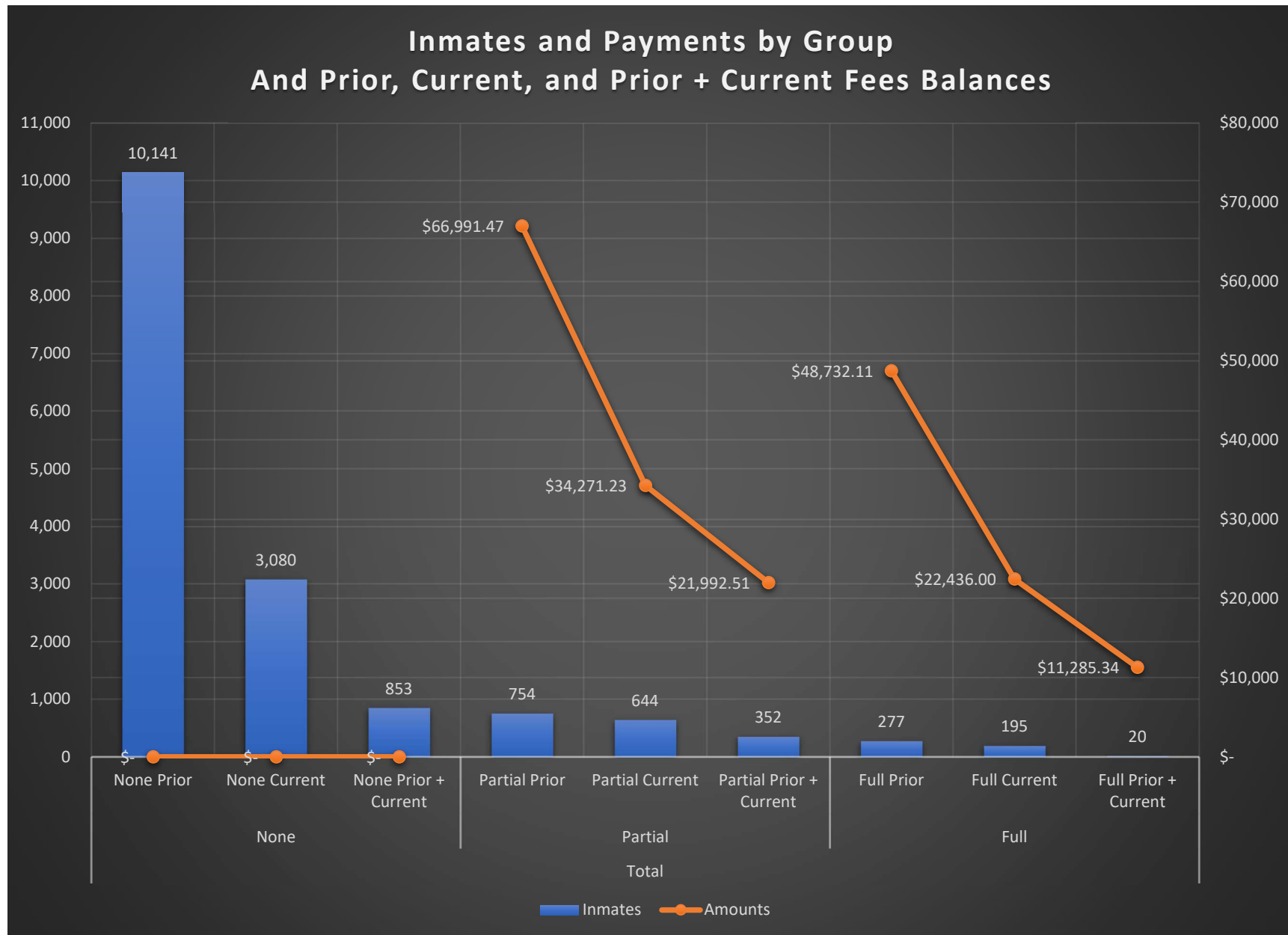
- Inmates and payments percentages vary significantly from jail to jail.
- Duchesne has the greatest percentage of inmates making no payments (92.75%); Iron has the least percentage (71.13%).
- Wasatch has the greatest percentage of inmates making full payments (61.68%); Utah has the least percentage (12.53%).



Inmates and payments divided into all 9 payments categories are shown on the next page.

Notes:

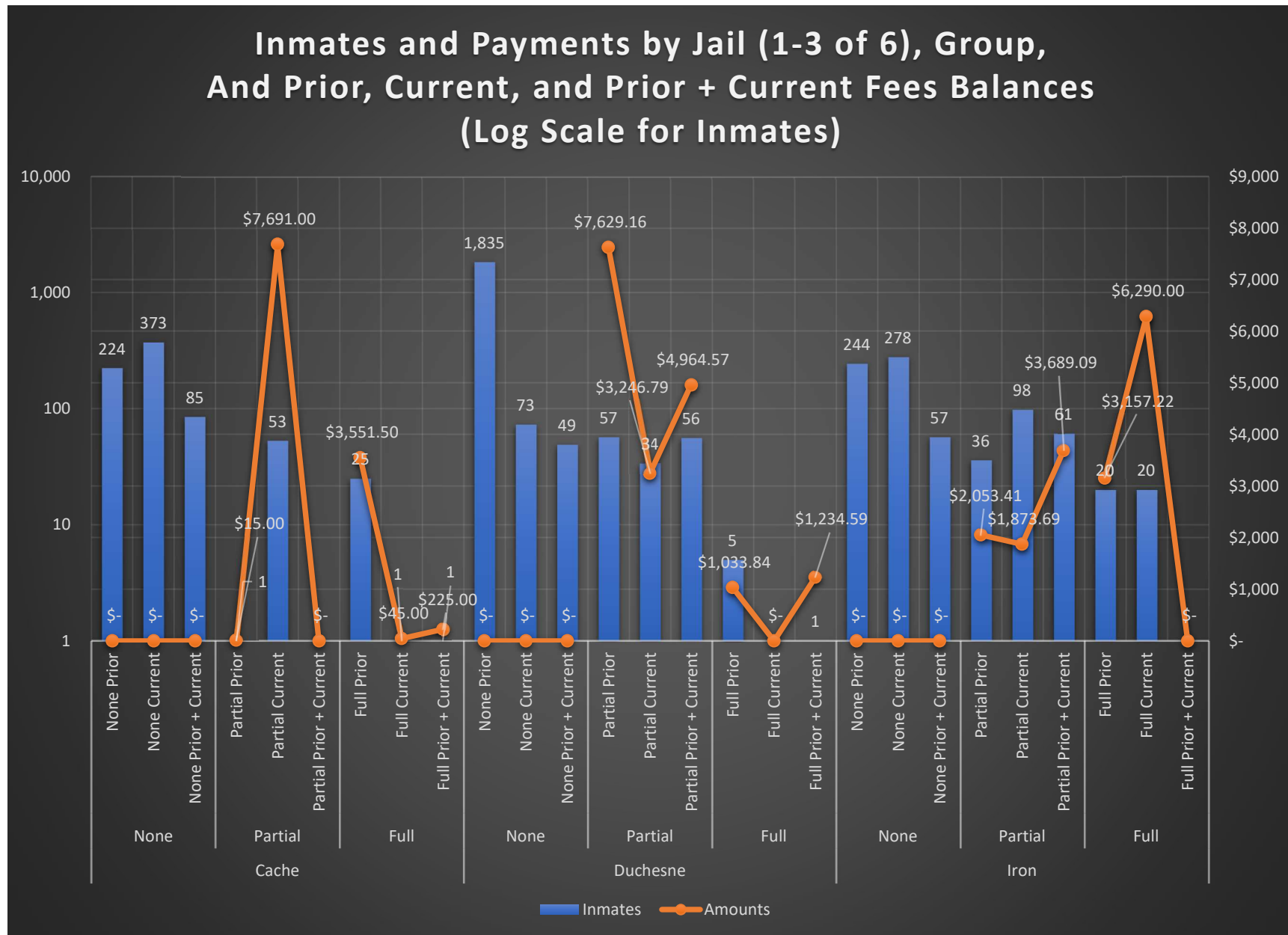
- Payments and inmates appear in 1 (and only 1) of the 9 payments categories.
- Partial payments are the largest component of payments.
- Payments for prior fees balances are the largest of the 9 payments categories.
 - Partial payments for prior fees balances (\$66,991.47) are the largest.
 - Full payments for prior fees balances (\$48,732.11) are the second largest.

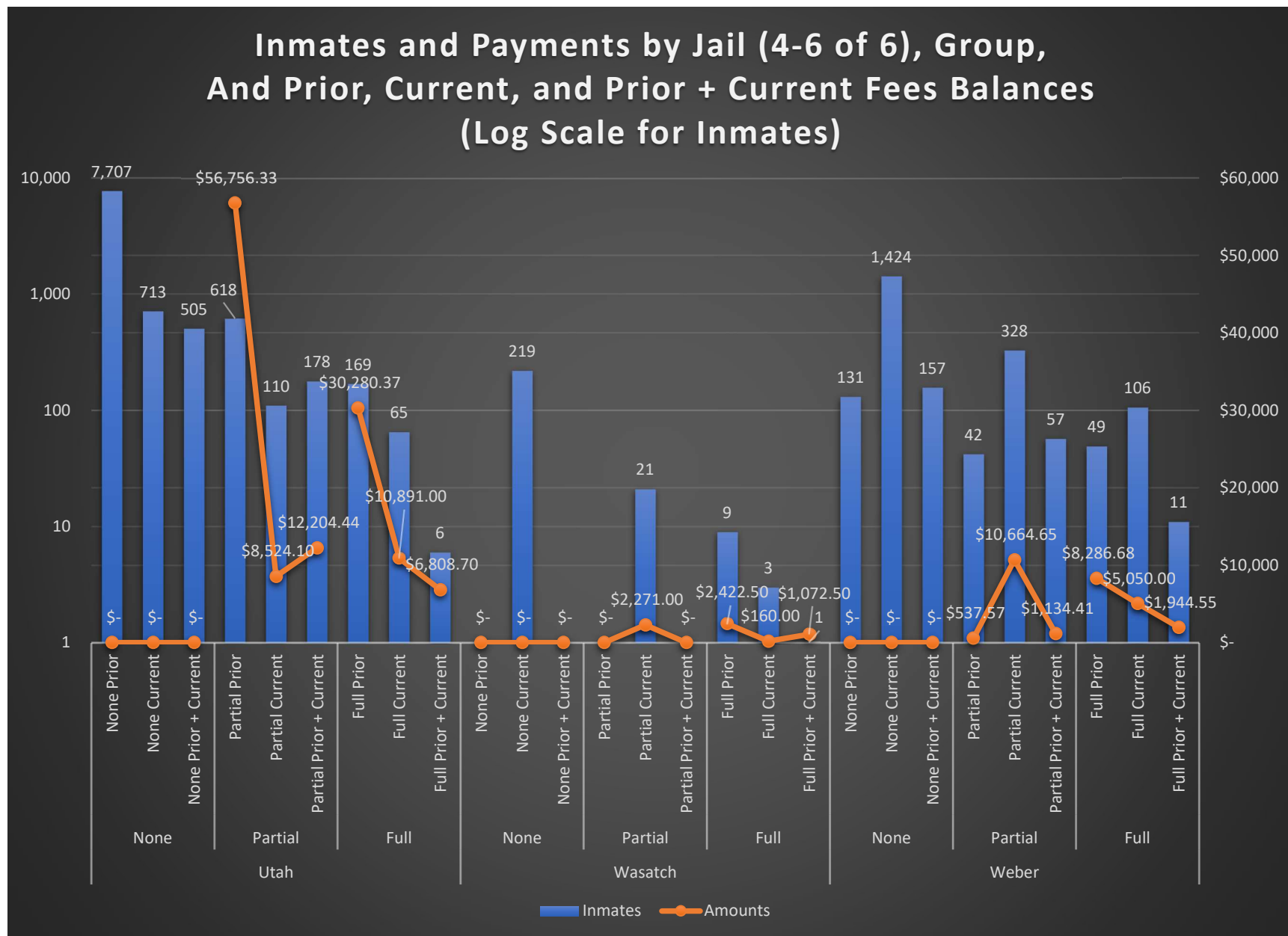


Inmates and payments by jail, and divided into all 9 payments categories, are shown on the next two pages.

Notes:

- Most of the payments at Utah are for balances from prior periods, which suggests that Utah remembers older balances and works hard to receive payment for them.
- Most of the payments at other jails are for balances from the current period.





Fees and Payments: Acquittal or Dismissal

The question of whether or not “inmates who are acquitted or whose charges are dismissed” are assessed or pay fees is difficult to answer conclusively en masse for all inmates.

The question is difficult to answer conclusively because of the inherent limitations of the data required in the process to attempt to answer the question.

This process involves the following tasks:

- Assemble quarterly AOC case and charge-lines data (the individual charges in each each) for cases having a disposition—that is, the cases are decided and closed.
 - This data, in a convenient Excel format, is sent to the CCJJ quarterly.
 - Data for closed cases from 7/1/2017 to 12/31/2019 is in this report, but data for open cases is not available in bulk or in a convenient format.
 - IMPORTANT: Case numbers are 9-digit numbers, with the first 2 digits indicating the applicable 2-digit year.
- Extract case data from the JMS of each jail.
 - This often requires the creation of complex procedures to extract the data.
 - Data for calendar 2019 is in this report.
- Agree or match the inmates in the JMS to the inmates in the GLS of each jail.
 - This is difficult (or impossible) where the JMS and GLS use different names (or forms of the name) or numbers (or both) for the same inmate, and requires the creation of complex procedures to attempt to join or agree the JMS to the GLS.
 - Where available, data for calendar 2019 is in this report.
 - Agree AOC data, based on case number and location, to the GLS.
 - IMPORTANT: Only case number and location (jurisdiction) uniquely identify a case because the same case number may be used at different locations (jurisdictions).

Any discrepancy or breakdown, omission or error, among the AOC data, the JMS data, and the GLS data destroys the connection required to systematically determine if an

inmate is found guilty (or its equivalents) of *something* in cases pertaining to the inmate or is acquitted (or its equivalents) of *everything* in cases pertaining to the inmate.

If the above process seems to be fraught with peril and is hard to understand, then that is because it is.

The following table, containing values in the *judgment_type* field of the AOC case data, shows how “inmates who are acquitted or whose charges are dismissed” are determined in this report:

Disposition judgment_type	
judgment_type	Acquitted or Dismissed
{Guilty Plea}	No
{Guilty}	No
Bail Forfeiture	No
Bound Over District	Yes
Deceased	Yes
Declined Prosecution	Yes
Dismissed (w/o prej)	Yes
Dismissed w/ Prejudi	Yes
Diversion	Yes
Extradition	Yes
Forfeiture Judgment	No
Guilty	No
Guilty - Bench	No
Guilty - Jury	No
Guilty - Mental Ill	No
Guilty Plea	No
No Cause of Action	Yes
No Contest	No
Not Guilty	Yes
Not Guilty - Bench	Yes
Not Guilty - Jury	Yes
Not Guilty -Insanity	Yes
Plea in abey dom	No
Plea in abeyance	No
Remanded	Yes
Set Aside	Yes
Transfer-Juvenile Ct	Yes
Transferred	Yes

Two methods, selected because of their apparent usefulness for this particular data, attempt to agree or match JMS and GLS data:

- Matching on inmate full name and number produces a strong match with a high likelihood of identifying the correct inmate.

- Matching on inmate first name and number produces a semi-strong match with a reasonably high likelihood of identifying the correct inmate. First name is easier to extract than last name, given the possibility of name suffixes (such as Jr. or III), the use of initials, and the occurrence of multiple names that might be the last name.

At least five questions logically follow—

Question 1: What is the conviction rate (or its equivalents) for case charge lines in the AOC data?

The following table answers this question:

AOC Conviction Rate		
Case Disposition: 7/1/2017 - 12/31/2019		
Disposition	Case Charge Lines	%
Guilty	1,078,483	69%
Acquitted or Dismissed	490,924	31%
Total	1,569,407	100%

Notes:

- The 69% represents case charge lines that indicate a defendant is guilty (or its equivalents) of something.
- The 31% represents case charge lines that indicate a defendant is not guilty of anything, or in other words, “inmates who are acquitted or whose charges are dismissed.”

Question 2: How many JMS “cases” are 9-digit valid-looking numbers?

The following table answers this question:

JMS Case Data			
Jail	Field Entries	9-Digit Valid-Looking Numbers	9-Digit %
Cache	4,425	2,138	48%
Duchesne	0	0	0%
Iron	2,042	1,997	98%
Utah	24,016	20,556	86%
Wasatch	427	401	94%
Weber	12,145	11,438	94%
Total	43,055	36,530	85%

Notes:

- Duchesne is currently unable to extract case numbers from its JMS.
- Values representing something other than case numbers are sometimes entered in the same field where cases are entered.

Question 3: What does it mean if a 9-digit valid-looking case number exists for an inmate in the JMS of a jail, but does **not** exist in the AOC data?

Possible answers:

- The value entered in the JMS represents something other than a case number.
- Either the case number or location in the JMS is incorrect.
- The case number in the JMS is for a case that is still open (and therefore not yet in the AOC data).
- The case number is for a case closed before July 1, 2017 or after December 31, 2019.
- The matching procedures used in the report fail to recognize valid matches.

Question 4: What does it mean if an assessed inmate is not matched to any cases?

Answer:

- The inmate may be assessed improperly prior to conviction, but this is not conclusive because unmatched cases and charge lines may exist that render an inmate eligible for assessment.

Question 5: What does it mean if an inmate is matched to cases and charge lines **all** of which indicate that either the inmate is not guilty (or its equivalents) or the inmate's charges are dismissed?

Answer:

- The inmate may be assessed improperly, but this is not conclusive for the same reason noted in Question 4—unmatched cases and charge lines may exist that render an inmate eligible for assessment.

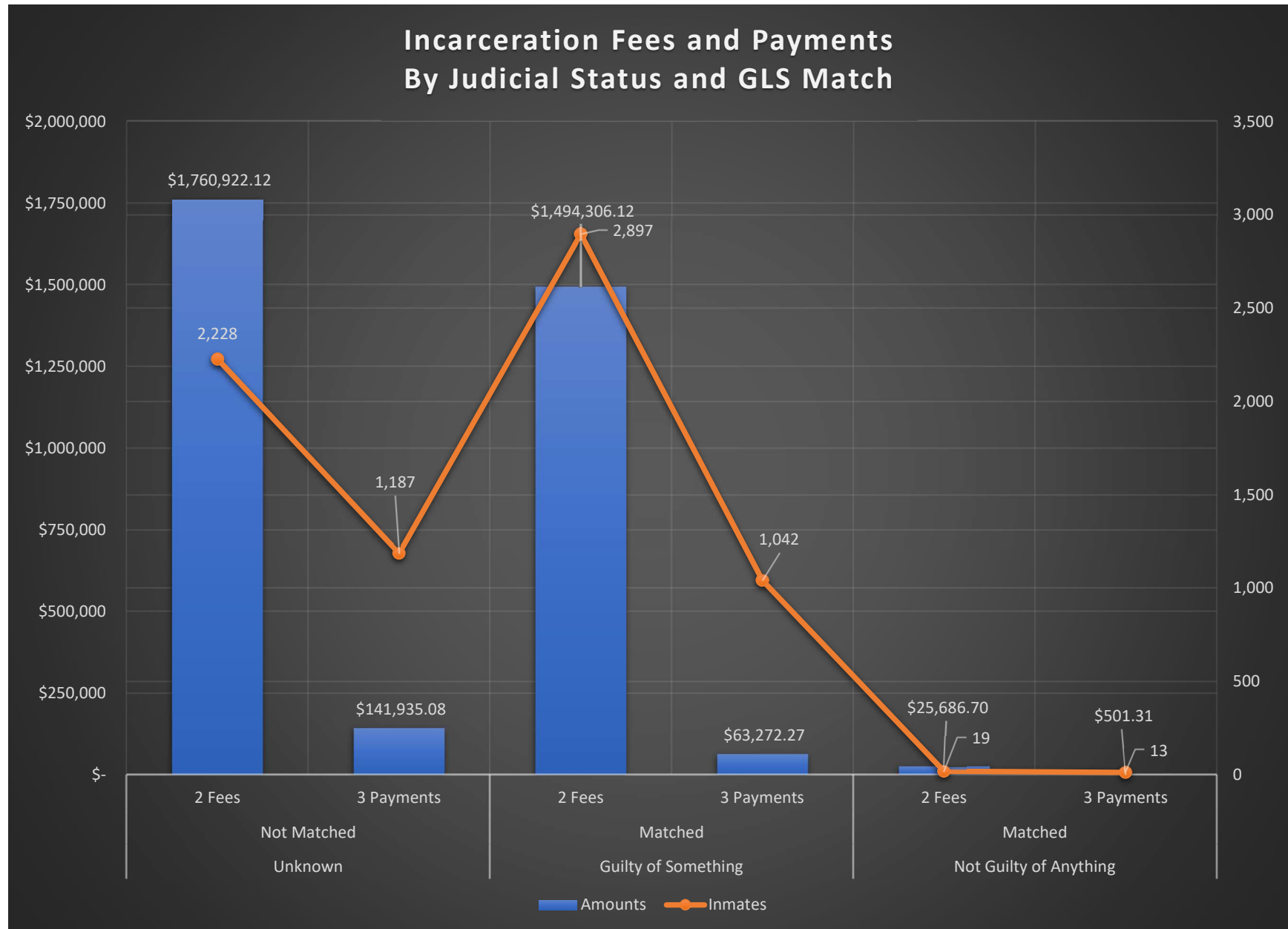
The answers to several of these questions highlight the inherent challenges in determining the judicial status of inmates and lead to at least three conclusions:

- Perfect agreement between AOC data and GLS data of a jail serves to greatly narrow the population of fees and payments that might exist for “inmates who are acquitted or whose charges are dismissed.”
- Perfect agreement between AOC data and GLS data of a jail does not definitely determine how many “inmates who are acquitted or whose charges are dismissed” are assessed fees or pay fees unless the jail always enters into its JMS every applicable case relating to an inmate.
- The only definitive way to determine how many “inmates who are acquitted or whose charges are dismissed” are assessed fees or pay fees is on a case-by-case basis and by carefully searching for all case information pertaining to a particular inmate on the Utah State Courts Xchange system. This is exactly what jail personnel do when they enter case numbers in the JMS in order to determine, among other things, when to assess fees.

The judicial status of inmates, and related fees and payments, are shown on the next page.

Notes:

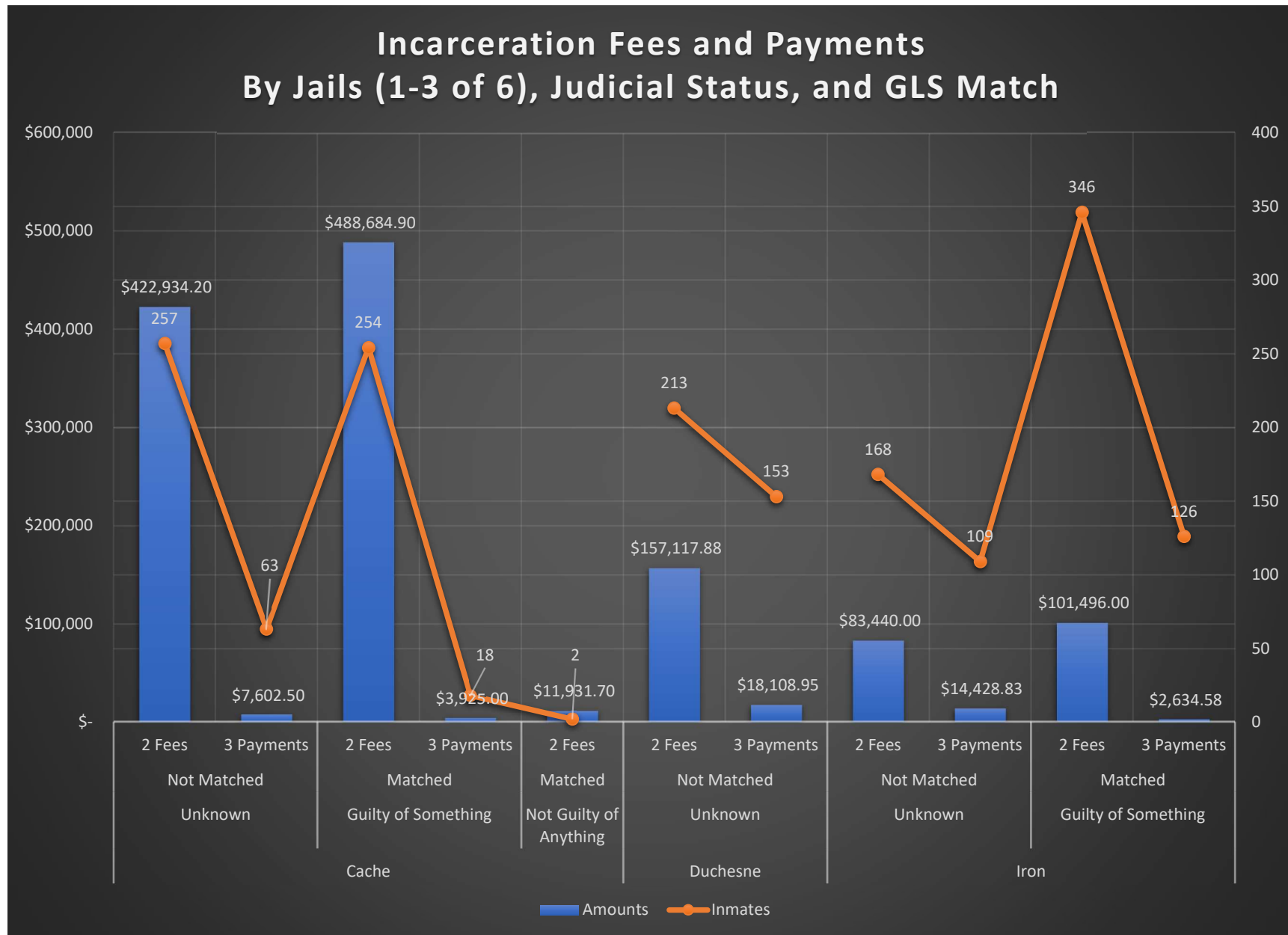
- How many “inmates who are acquitted or whose charges are dismissed” are assessed fees or pay fees?
 - First answer: None (for certain).
 - Second answer: Matched GLS data suggests that \$25,686.70 in fees and \$501.31 in payments may be suspect.
 - Third answer: Unmatched GLS data suggests that \$1,741,991.02 in fees and \$141,935.08 in payments may be suspect.
 - The relative magnitude of matched fees and payments for inmates “guilty of something” compared to matched fees and payments for inmates “not guilty of anything” suggests that few (if any) assessments or payments exist for “inmates who are acquitted or whose charges are dismissed.”
- The inability to match AOC data to GLS data renders suspect more than half of the fees and more than two-thirds of the payments.



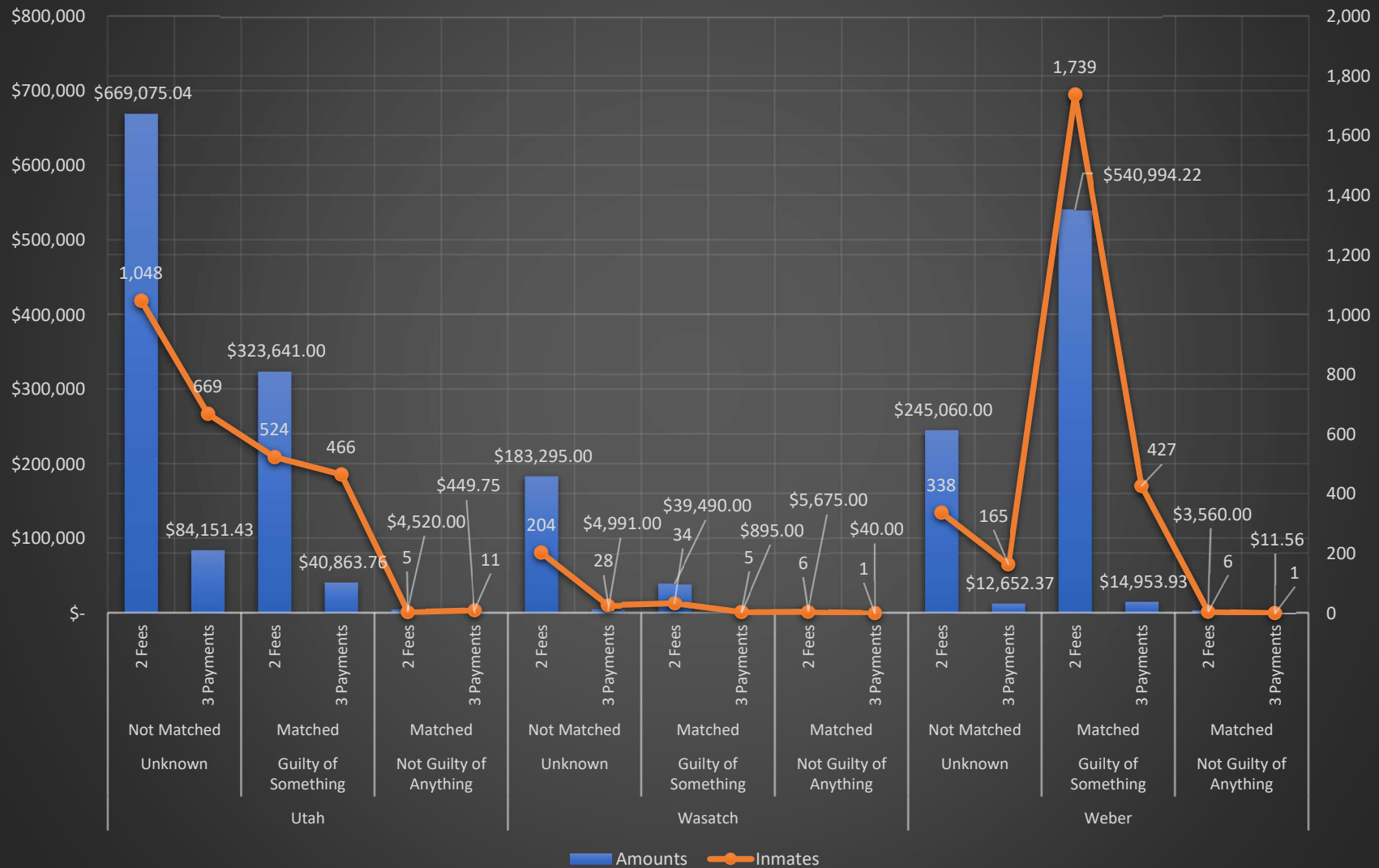
The judicial status of inmates, and related fees and payments, by jail, are shown on the next two pages.

Notes:

- Duchesne is currently unable to extract case numbers from its JMS, so all fees and payments are unmatched to AOC data and are suspect.
- Weber is the only jail whose fees, payments, and inmates matched to AOC data exceed the fees, payments, and inmates unmatched to AOC data.
 - This result occurs because of the high match rate of AOC data and GLS data made possible by the quantity and quality of the case data entered into the JMS, and the strong agreement on inmate name and number between the JMS and the GLS.
 - If JMS data from calendar 2018 were also incorporated into this report, then AOC data and GLS data for Weber might achieve near-perfect agreement, which would probably greatly reduce the population of fees and payments of possible “inmates who are acquitted or whose charges are dismissed.”
- The delay between inmate booking and the assessment of fees may explain the generally disappointing match rate between AOC data and GLS data. Note that JMS data and GLS data for calendar 2019 are used in this report, but in retrospect, JMS data from calendar 2018 should have also been requested and added to this report.



Incarceration Fees and Payments By Jails (4-6 of 6), Judicial Status, and GLS Match



Costs of Administration and Collection

The costs of administration (assessment, receipt, and write-off) and collection (interpreted to mean the collection of fees *after* write-off by the jail) of incarceration fees is shown below in qualitative measures:

Costs of Administration and Collection			
Jail	System	Cost of Administration	Cost of Collection (After Write-off)
Cache	Outside vendor	Financial clerks: time spent receiving payments and discussing issues during the day. Accountant or other administrative person: a few hours per month to reconcile reports.	A percentage of the amount collected by outside vendor.
Duchesne	In-house	One financial clerk primarily dedicated to incarceration fees.	None (Duchesne does not send written-off amounts to a collection agency).
Iron	In-house	One financial clerk marginally dedicated to incarceration fees.	A percentage of the amount collected by a collection agency.
Utah	In-house	One financial clerk primarily dedicated to incarceration fees.	A percentage of the amount collected by a collection agency.
Wasatch	Outside vendor	Financial clerks: time spent receiving payments and discussing issues during the day. Accountant or other administrative person: a few hours per month to reconcile reports.	A percentage of the amount collected by outside vendor.
Weber	Outside vendor	Financial clerks: time spent receiving payments and discussing issues during the day. Accountant or other administrative person: a few hours per month to reconcile reports.	A percentage of the amount collected by outside vendor.

Transportation Fees 17-22-32.2(4)

Transportation fees assessed by county jails are very small relative to incarceration fees. Only two jails, Duchesne and Iron, assess transportation fees, shown below in summary:

Transportation Fees			
Balances	Duchesne	Iron	Total
Beginning Balance	\$ 83,056.80	\$ 1,596.20	\$ 84,653.00
+ Fees	4,902.96	650.00	5,552.96
- Payments	853.41	-	853.41
- Write-offs	385.17	1,150.00	1,535.17
Ending Balance	\$ 86,721.18	\$ 1,096.20	\$ 87,817.38

Notes:

- Duchesne retains a large prior balance of unpaid transportation fees; Iron does not.
- Duchesne receives about one-sixth of its assessments; Iron receives nothing.

Courts

Preliminary Data Submission

The AOC CORIS database tracks all kinds of fees assessed and received by District Courts and Justice Courts, which fees are summarized below:

AOC CORIS Database			
Court Type	Court	Fees	Payments
Incarceration Fees 1/1/2019 - 6/30/2020			
District	Farmington District	\$ 14,488.86	\$ 13,424.18
Justice	Various	-	-
Totals		\$ 14,488.86	\$ 13,424.18
Transportation Fees 1/1/2019 - 6/30/2020			
District	Various	\$ 2,446.69	\$ 2,293.87
Justice	Various	12,085.14	11,320.19
Totals		\$ 14,531.83	\$ 13,614.06

Notes:

- **IMPORTANT:** The data submitted by AOC is incomplete because it contains only those fees for which some payments are made—all fees for which no payments are made, are excluded.
 - AOC is preparing additional information for the CCJJ to correct this omission.
- **IMPORTANT:** AP&P, on behalf of the courts, also assesses and receives payments for incarceration and transportation fees.
 - This fact was not known until recently.
 - Data has been requested from AP&P and is pending receipt.
- Virtually all incarceration fees assessed and received by the courts are in Davis County because Davis County Jail previously relinquished its incarceration fees activities to the courts.
- Data from the AOC is classified under the following Account Type classifications:
 - Jail Reimbursement
 - Interest on Jail Rmb

- Warrant Transport
- In CORIS, monthly balances and payments amounts often contain comingled amounts from the above classifications, and sometimes Jail Reimbursement amounts and Interest on Jail Rmb are juxtaposed.
- Because of this comingling and juxtaposition, amounts cannot be cleanly separated by date into calendar 2019.
- A second, subsequent data submission provides much more information about restitution fees administered by the courts.

Incarceration Fees 17-22-32.2(3)

Information from the second, subsequent data submission (noted above) follows.

District Courts Fees and Cases

District Courts fees and cases by county are shown on the next page.

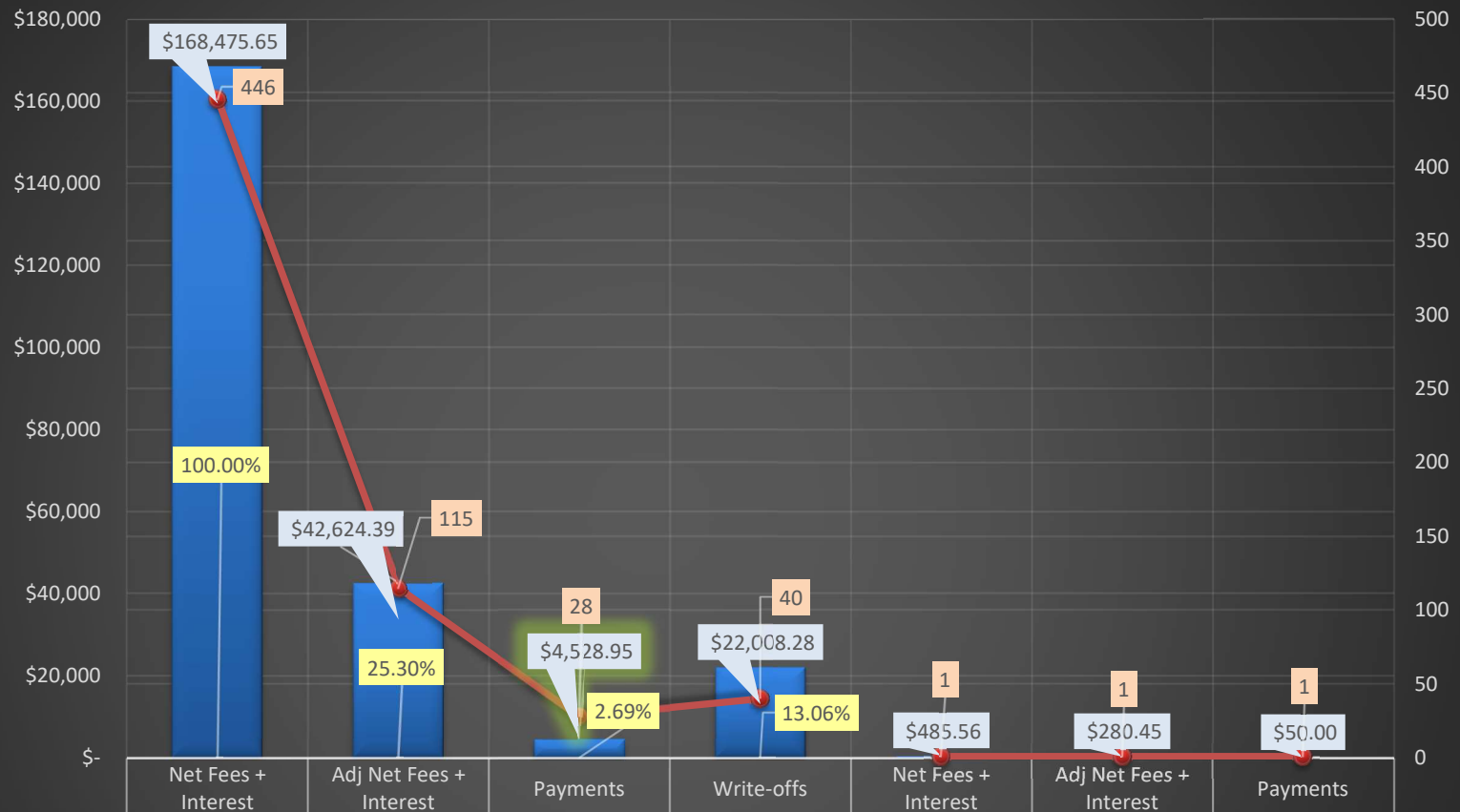
Notes:

- NOTE: Courts data is for the fiscal year ended June 30, 2019, not the calendar year ended December 31, 2019.
- Davis, given its particular circumstances with regard to certain restitution fees, almost single-handedly generates all the data.
- The courts, on behalf of Davis:
 - Assess smaller fees, with much less dispersion (individual amounts are much closer to each other), than the jails assess.
 - Make significant, subsequent write-downs of original assessments.
 - Charge interest.
 - Assess relatively few fees, \$168,475.65, and receive relatively few payments, \$4,528.95, which is only 2.69% of assessments (for Davis).

Justice Courts Fees and Cases

No incarceration fees activity is in the 2019 data.

District Courts Incarceration Fees and Cases by County



Amounts	\$168,475.65	\$42,624.39	\$4,528.95	\$22,008.28	\$485.56	\$280.45	\$50.00
Percent of Fees	100.00%	25.30%	2.69%	13.06%	100.00%	57.76%	10.30%
Averages	\$377.75	\$370.65	\$161.75	\$550.21	\$485.56	\$280.45	\$50.00
Standard Deviations	\$354.91	\$444.58	\$202.27	\$585.70	\$-	\$-	\$-
Cases	446	115	28	40	1	1	1

Amounts

Percent of Fees

Averages

Standard Deviations

Cases

Transportation Fees 17-22-32.2(4)

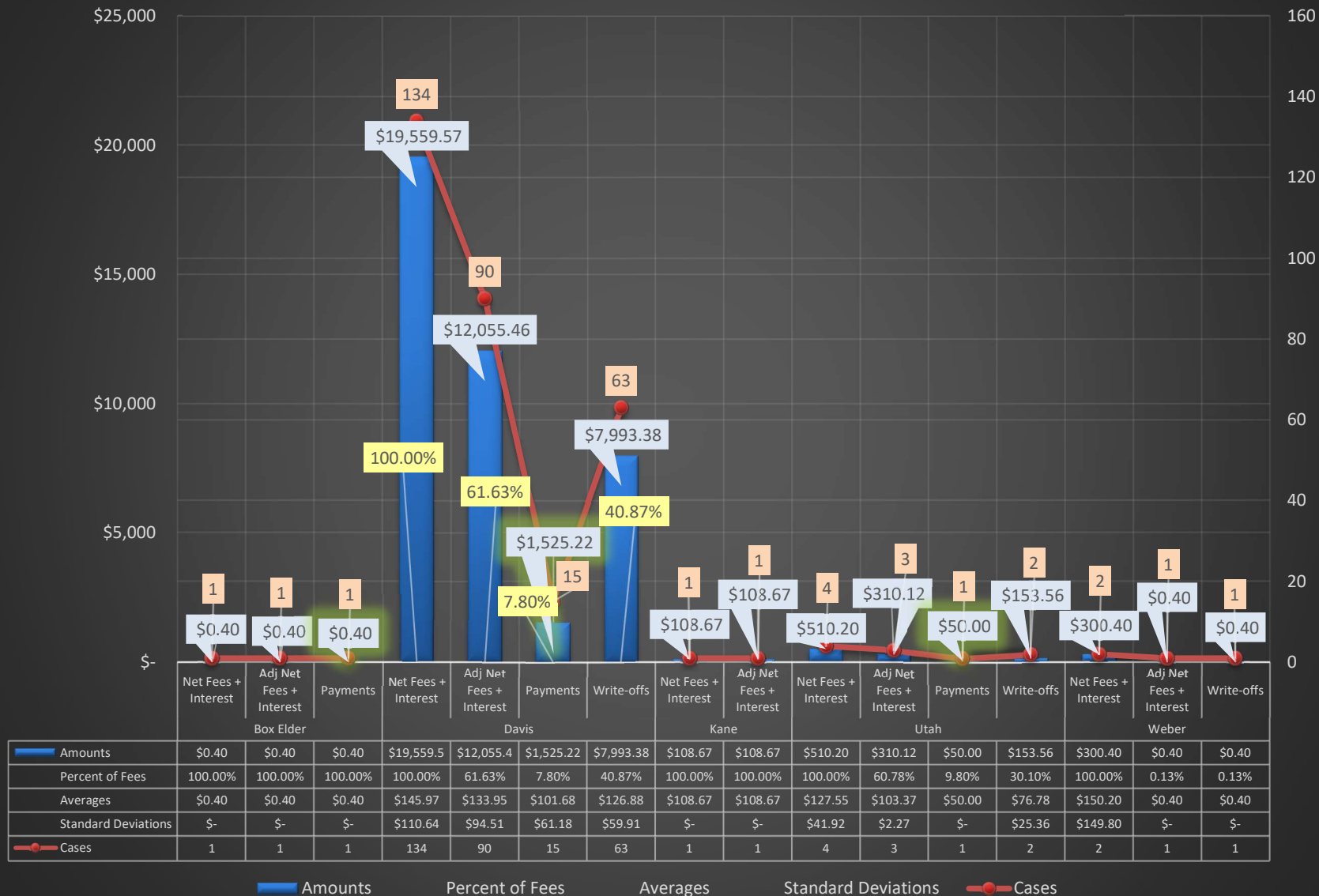
District Courts Fees and Cases

District Courts fees and cases by county are shown on the next page.

Notes:

- NOTE: Courts data is for the fiscal year ended June 30, 2019, not the calendar year ended December 31, 2019.
- Davis once again almost single-handedly generates all the data; other counties do not seem interested in pursuing transportation fees in the District Courts.
- The courts still struggle to collect payments on the much-smaller transportation fees, but achieve a payments percentage of 7.80%, which is nearly 3 times higher than the 2.69% for incarceration fees.

District Courts Transportation Fees and Cases by County



Justice Courts Fees and Cases

Justice Courts fees and cases by county are shown on the next three pages.

Notes:

- NOTE: Courts data is for the fiscal year ended June 30, 2019, not the calendar year ended December 31, 2019.
- Davis has almost no activity, but is joined by 11 other jails pursuing fees in the Justice Courts.
- Wasatch, with \$23,659.23 in assessments, \$11,983.84 in payments, and an outstanding payments percentage of 50.65%, leads the way, with Weber also doing very well with \$14,014.52 in assessments, \$6,449.83 in payments, and an impressive payments percentage of 46.02%.
 - These results have important policy implications and break free from the lower payments percentages associated with restitution fees.

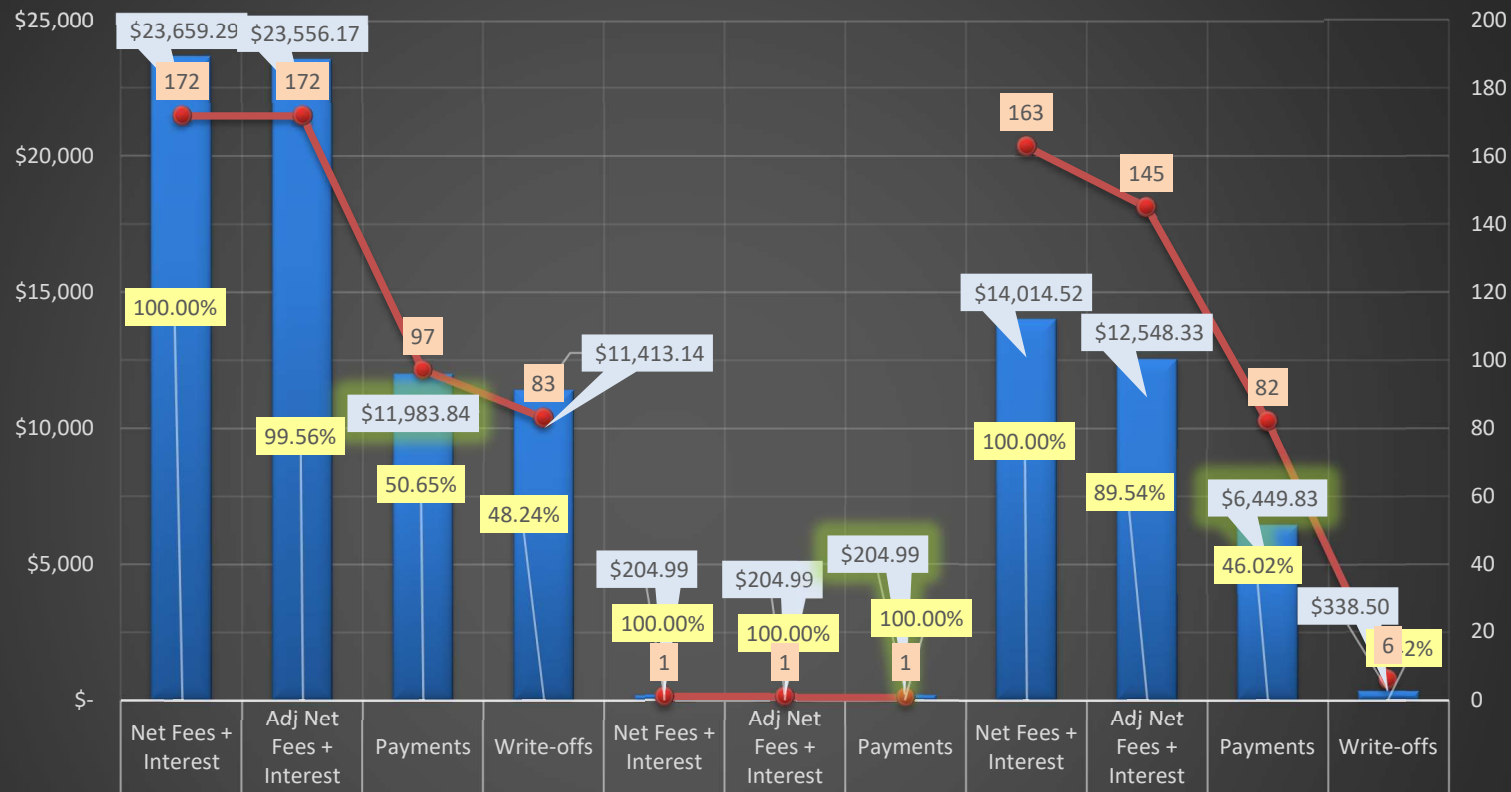
Justice Courts Transportation Fees and Cases by County (1 of 3)



Justice Courts Transportation Fees and Cases by County (2 of 3)



Justice Courts Transportation Fees and Cases by County (3 of 3)



	Wasatch				Washington			Weber			
Amounts	\$23,659.29	\$23,556.17	\$11,983.84	\$11,413.14	\$204.99	\$204.99	\$204.99	\$14,014.52	\$12,548.33	\$6,449.83	\$338.50
Percent of Fees	100.00%	99.56%	50.65%	48.24%	100.00%	100.00%	100.00%	100.00%	89.54%	46.02%	2.42%
Averages	\$137.55	\$136.95	\$123.54	\$137.51	\$204.99	\$204.99	\$204.99	\$85.98	\$86.54	\$78.66	\$56.42
Standard Deviations	\$74.62	\$74.52	\$63.86	\$83.78	\$-	\$-	\$-	\$34.88	\$36.24	\$37.63	\$12.03
Cases	172	172	97	83	1	1	1	163	145	82	6

Amounts Percent of Fees Averages Standard Deviations Cases

Adult Probation & Parole

Incarceration Fees 17-22-32.2(3)

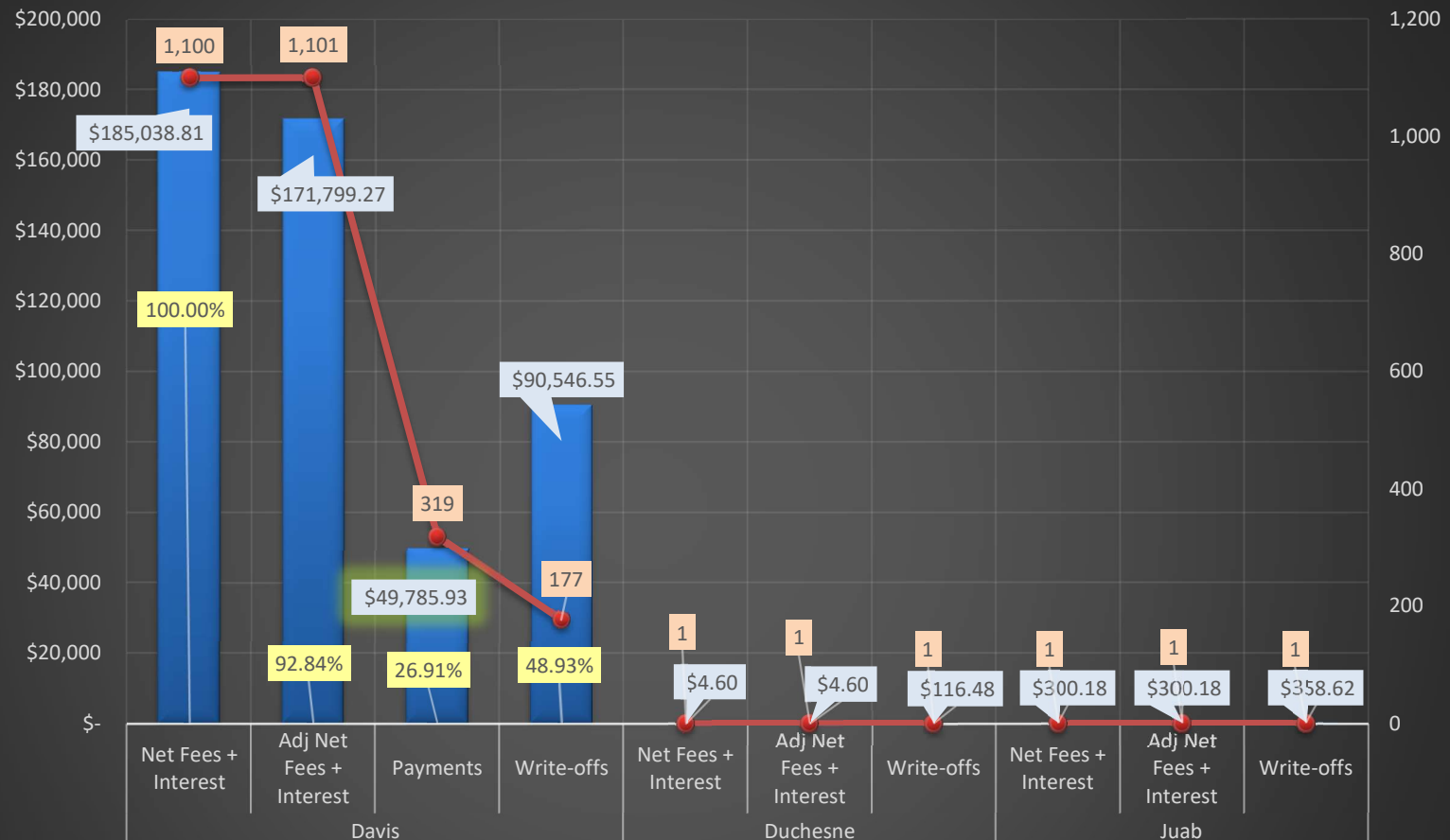
Fees and Cases

AP&P fees and cases by county are shown on the next two pages.

Notes:

- AP&P data has challenging idiosyncrasies and is difficult to parse; the correct classification of an amount often hinges on deciphering the message in the free-form *Comment* field of a line of data.
- Davis, given its particular circumstances with regard to certain restitution fees, almost single-handedly generates all the data.
 - Amounts for the other 5 counties are negligible.
- On behalf of Davis, AP&P:
 - Assesses smaller fees, with much less dispersion (individual amounts are much closer to each other), than the jails assess.
 - Charges interest.
 - Achieves a remarkable payments percentage of 26.91%, which is more than 2 times the jail-leading payments percentage of Utah. This result has policy implications.

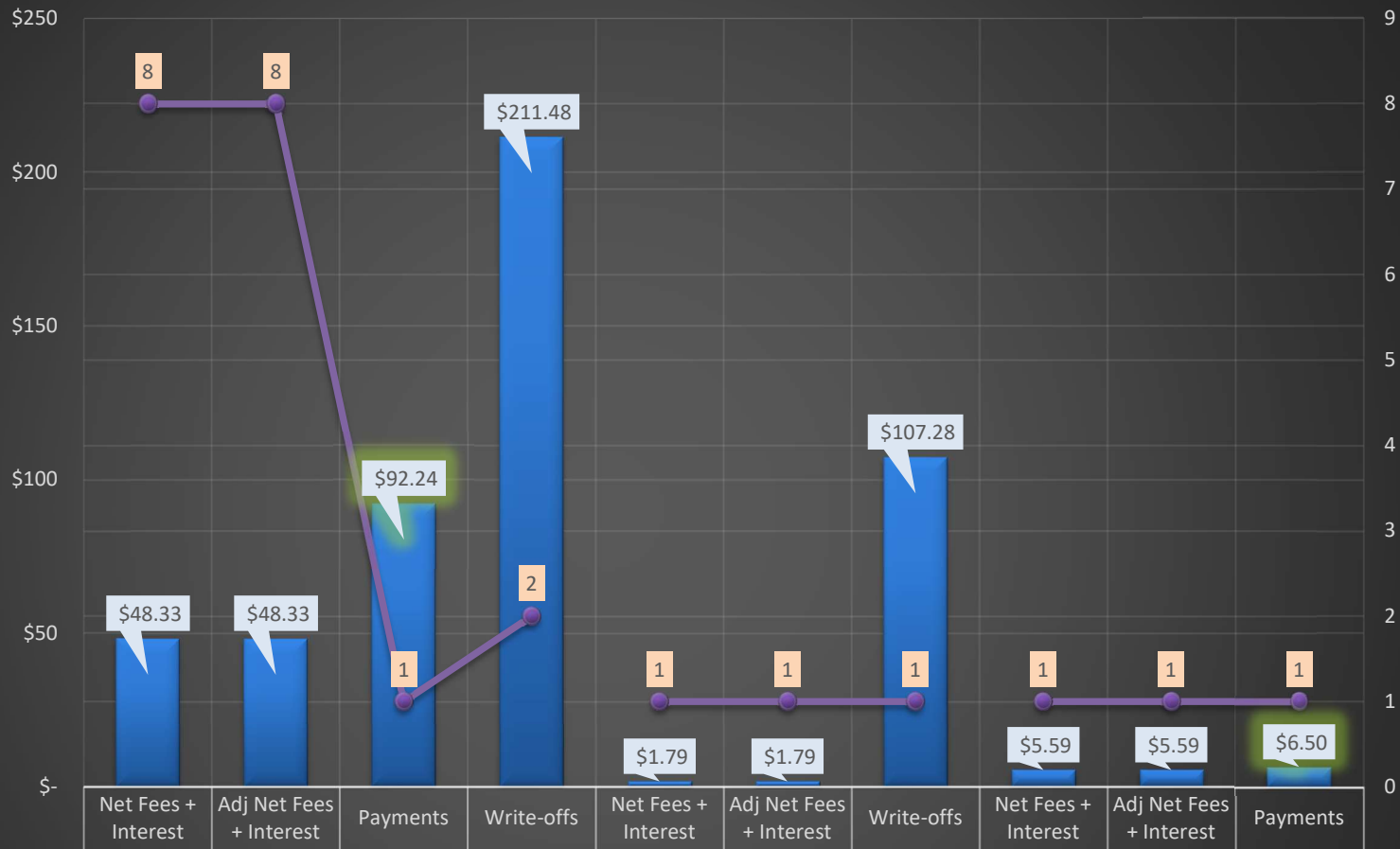
AP&P Incarceration Fees and Cases by County (1 of 2)



	Davis	Duchesne	Juab
Net Fees + Interest	\$185,038.81	\$4.60	\$300.18
Adj Net Fees + Interest	\$171,799.27	\$4.60	\$300.18
Payments	\$49,785.93	\$116.48	\$300.18
Write-offs	\$90,546.55	\$300.18	\$358.62
Averages	\$168.22	\$4.60	\$300.18
Standard Deviations	\$322.51	\$-	\$-
Cases	1,100	1	1

■ Amounts
 Percent of Fees
Averages
Standard Deviations
—●— Cases

AP&P Incarceration Fees and Cases by County (2 of 2)



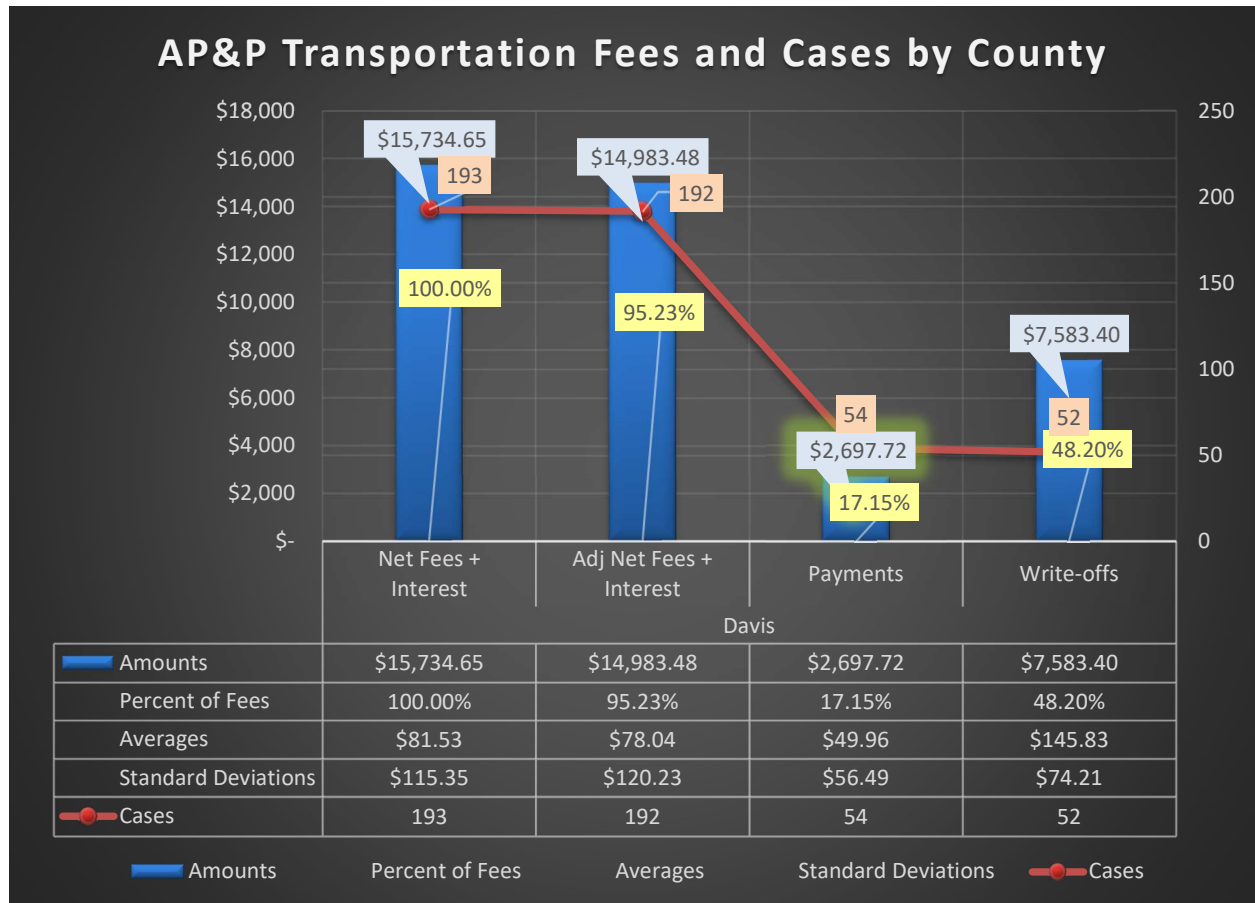
	Utah				Wasatch			Weber		
Amounts	\$48.33	\$48.33	\$92.24	\$211.48	\$1.79	\$1.79	\$107.28	\$5.59	\$5.59	\$6.50
Averages	\$6.04	\$6.04	\$92.24	\$105.74	\$1.79	\$1.79	\$107.28	\$5.59	\$5.59	\$6.50
Standard Deviations	\$8.66	\$8.66	\$-	\$0.66	\$-	\$-	\$-	\$-	\$-	\$-
Cases	8	8	1	2	1	1	1	1	1	1

Amounts Averages Standard Deviations Cases

Transportation Fees 17-22-32.2(4)

Fees and Cases

AP&P fees and cases by county are shown below:



Notes:

- Davis is probably not the only county for which AP&P administers transportation fees, but is the only county in the data.
- On behalf of Davis, AP&P achieves a relatively strong payments percentage of 17.15%, which is nearly 1 1/2 times the jail-leading payments percentage of Utah.
- This result has policy implications.