

Reducing Reliance on Criminal  
**FINES & FEES**

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PREPARED FOR



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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.”<sup>1</sup> 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.<sup>2</sup>

***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).<sup>3</sup>***

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.

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

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

<sup>3</sup> “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.

Nashville-Davidson County, Tennessee (Metro Nashville) is one such example, eliminating its \$44/day jail fee and \$35 pretrial release fee in 2018, launching "Steering Clear," a cross-departmental driver's license diversion program to reduce caseload, arrests and fines, and creating a Compliance Division in the Office of the Criminal Court Clerk that helps identify defendants unable to pay so judges may make an indigency determination more quickly.

This report focuses on how Metro Nashville can take the next 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 Nashville-Davidson 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**

Nashville-Davidson County (Metro Nashville) is the second most populous county in Tennessee with a population of just over 690,000 residents<sup>4</sup> As of 2017, approximately 15 percent of Metro residents were living in poverty. Metro is a consolidated city-county government and is led by a Metropolitan Council and an elected Mayor who leads Metro on a day to day basis. Metro also has several other county-level elected officials, including the District Attorney General, members of the Judiciary, the Criminal Court Clerk, and the Sheriff.

<sup>4</sup> Annual Estimates of the Resident Population: April 1 to July 1, 2018, U.S. Census Bureau.



In March 2019, Metro applied for technical assistance from PFM’s Center for Justice & Safety Finance to further the County’s goal of cultivating economic prosperity by reducing or eliminating the fines and fees under the County’s jurisdiction. 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.

In its application, Metro noted that “[M]any Davidson County residents face significant barriers to accessing financial tools or escaping cycles of debt. These barriers disproportionately affect low- and moderate- income communities and communities of color...Criminal justice debt burdens many low-income residents and prevents successful re-entry to society.”

After a national outreach and application process, PFM selected Nashville-Davidson County, Tennessee, Ramsey County, Minnesota, and Dallas County, Texas 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 Nashville-Davidson 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 Metro detention facilities. 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 Metro Nashville departments, interviews with department heads and discussions with stakeholders in the criminal justice system. The PFM team met with an advisory group convened in June 2019 and held a series of follow up conversations with senior leadership in Metro and with the State of Tennessee.

Specifically, the PFM team reviewed data and documents provided by the Criminal Court Clerk, General Sessions Probation, the Sheriff's Office, the Finance Department and the Criminal Justice Planning Department. In addition, the Tennessee Administrative Office of the Courts and State Department of Corrections provided valuable information and assistance. Among other things, the PFM team 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.

The PFM team conducted interviews and follow up conversations with these departments, the District Attorney General, judges and court administrators in General Sessions and the Criminal Court, the Public Defender, the Law Department, Nashville Police Department, Project Return, Community Corrections, and community stakeholders. In June 2019, the PFM team also led a roundtable discussion with eleven reentry clients from Project Return, men and women with varying lengths of sentences who owed fines and fees.

Some data that we sought during our review was not available. Of particular note for the computation of fines and fees, we could not determine the amount of revenue directly collected by vendors (e.g. in the jail, and for testing and electronic monitoring). While some revenue collected by the Circuit Court for traffic offenses might otherwise be included in our review, the Court was unable to disaggregate revenue from traffic convictions and parking tickets (which, as noted above, is not a part of our review). As a result, the total impact of criminal justice fines and fees in Nashville may be even higher than what is reported here.

The PFM team began its work with the County in June 2019, but a number of factors have affected the timing and development of this Plan. These changes will likely impact the estimate of fiscal estimates related to changes in fine and fee revenue. While the data has likely changed in the short term, the order of magnitude of impact in the long term is likely to be similar.

- **There was a change in Mayoral leadership in Nashville in September 2019.** The Cooper Administration engaged early on the issue of fines and fees and worked closely with the PFM team to ensure that work on the Plan continued post-transition.
- **The combination of the tornadoes and the COVID-19 pandemic** understandably limited the availability of certain data and key staff members to engage in work on the Plan.
- **Nashville suffered significant economic losses as a result of the COVID-19 pandemic** leading to the need for significant changes in the City budget as part of the FY 2021 budget process.

# 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.”<sup>5</sup> 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.”<sup>6</sup> 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.<sup>7</sup> 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.

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

<sup>6</sup> [https://www.nlc.org/sites/default/files/2018-09/City%20Fiscal%20Conditions%202018\\_WEB.pdf](https://www.nlc.org/sites/default/files/2018-09/City%20Fiscal%20Conditions%202018_WEB.pdf)

<sup>7</sup> [https://www.nlc.org/sites/default/files/2019-10/CS\\_Fiscal%20Conditions%202019Web%20final.pdf](https://www.nlc.org/sites/default/files/2019-10/CS_Fiscal%20Conditions%202019Web%20final.pdf)

# METRO NASHVILLE'S SYSTEM OF FINES & FEES

In Metro Nashville, most fines and fees are imposed upon conviction in General Sessions Court and Criminal Court. 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 Criminal Court Clerk, General Sessions Probation, the Sheriff, Tennessee Department of Corrections, and vendors.

This section details all the points at which fines and fees are assessed on individuals charged with a misdemeanor or felony offense. 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

In Nashville-Davidson County, misdemeanor cases are adjudicated by the General Sessions Court and felony cases are adjudicated by the Criminal Court. Both courts have state statutory authority to impose a variety of fines and fees.

Statutory language determines the amount of fines and fees that can be imposed by stating an exact value, providing a range or setting a statutory maximum. In some cases, the exact amount of a fee created under state law is set at the discretion of the county-level government.

While statutes defining specific offenses may have provisions related to maximum fines, generally Section 40-35-111 of the Tennessee Code Annotated details maximum fines by type of offense:<sup>8</sup>

- Class A felonies may result in a fine of up to \$50,000
- Class B felonies may result in a fine of up to \$25,000
- Class C felonies may result in a fine of up to \$10,000
- Class D felonies may result in a fine of up to \$5,000
- Class E felonies may result in a fine of up to \$3,000
  
- Class A misdemeanors may result in fine of up to \$2,500
- Class B misdemeanors may result in a fine of up to \$500
- Class C misdemeanors may result in a fine of up to \$50

Again, individual offenses may carry fine provisions that are different from these general provisions. For example, under Section 39-13-102 of the Tennessee Code Annotated, a simple assault is a Class A misdemeanor, but carries a maximum fine of \$15,000.

In Tennessee, judges have considerable discretion in imposing fines. In most cases, there is no statutory requirement of a minimum fine. Based on multiple interviews, fines appear to only be imposed when there is a mandate. As a result, and as discussed in detail below, fine revenue in Metro is less than one-seventh the amount of revenue collected in fees.

<sup>8</sup> Offenses committed by corporations are treated separately by statute and allow for higher fine maximums.



While fines vary by offense under state law, the amount of fees that can be imposed in a criminal case is fairly uniform depending upon whether a case is in General Sessions Court or Criminal Court. The following chart details the different fees that can be imposed at conviction in every case in both courts: there are some additional fees that can be imposed in specific cases involving offenses related to drugs or alcohol use.

Fee Name	General Sessions Fee Amount (\$)	Criminal Court Fee Amount (\$)
Clerk Flat Fee	62.00	300.00
Victim Assistance Assessment	45.00	45.00
Arrest Fee	40.00	40.00
County Litigation Tax – Conviction	29.50	29.50
Criminal Injuries Compensation Fund (CICF)	26.50	26.50
State Litigation Tax	23.75	23.75
Courthouse Security Tax	15.00	15.00
Public Defender Fee	12.50	12.50
County Litigation Tax - Jail Construction	5.00	5.00
Clerk Data Entry Fee	4.00	4.00
Victim Notification Fund	3.00	3.00
Attorney Reimbursement Tax	2.75	2.75
Sheriff Data Entry Fee	2.00	2.00
Driver Education Tax	2.00	2.00
Fingerprinting Tax	1.00	1.00
<b>Total</b>	<b>274.00</b>	<b>512.00</b>

Fees upon conviction in both courts may also vary based on specifics of the case. If there has been a pretrial diversion, then no taxes are assessed. In some cases, DUI and Safety Education costs of \$140 can be ordered by the judge. In the event of continuances in a case, there are additional fees of \$5 for every continuance and \$2 for court security. There may also be additional fees for subpoenas in cases and the amount of fee is determined by the method of delivery.

Fees are set by statute, but judges appear to have discretion to waive some or all fees based on the inability to pay. General Sessions judges typically use federal poverty guidelines as the threshold for determining inability to pay, while Criminal Court judges rely on their own discretion. Some judges require a motion and hearing and an in-court appearance.

In FY 2018, General Sessions and Criminal Court judges waived 56 percent of assessed fines and fees, up from 34 percent in FY 2015. Criminal Court judges waived \$10.3 million in fines and fees in FY 2018. Compared to \$1.3 million in FY 2015.

Even before a defendant is convicted of an offense, they may face fees related to booking and time spent in the County jail. The Sheriff imposes an inmate processing fee for each booking: the fee varies from year to year based on the cost of clothing and initial issuance of basic sanitary items. In 2019, the fee was \$15 per admission. Jail inmates – including those being held pre-trial and pre-conviction – are also charged for phone calls, video visitation and commissary items. Inmates pay medical fees, with charges ranging from \$3 - \$9 per medical visit.

Upon conviction, defendants may also pay additional fees to the Sheriff – if they are incarcerated – or to General Sessions Probation, State Probation or Community Corrections. For convicted offenders in the County jail, there may be additional charges for work release (\$10 per day) and various fees if they participate in the day reporting program.

Convicted misdemeanants sentenced to probation are under the supervision of **General Sessions Probation**, an agency of Metro. The maximum term for General Sessions Probation is 365 days: 23 percent of probationers are under supervision for six months or less and the remaining 77 percent are under supervision for six months to one year. Metro Council has approved a monthly supervision fee of \$33 per month, or nearly \$400 for a one-year probation sentence. These probationers pay additional fees to vendors for electronic monitoring and drug/alcohol testing, if so ordered by the sentencing judge or probation officer.

Defendants who are sentenced to probation for a felony charge are supervised by the Tennessee Department of Corrections (DOC), or what is locally termed “**State Probation.**”

***Probationers reporting to the DOC pay a supervision fee of \$45 per month for the duration of probation or \$1,855 for the average nearly three-and-a-half year probation sentence in Tennessee.***

Unlike General Sessions Probation, probationers supervised by the DOC do not pay additional fees for monitoring and testing related to probation.

**Community Corrections** is an alternative sentence available to some defendants convicted in Criminal Court. Supervision is intended to last for one year, but offenders may continue to be supervised by the State Probation at the end of the year. Defendants who are supervised by Community Corrections pay a monthly fee of \$45 for the duration of supervision or \$540 for one year. These participants may also pay additional fees for electronic monitoring (\$7 per day) and drug/alcohol testing.

A complete list of all fines and fees, including which entity assesses each is available in Appendix A.

## **Process to Collect Fines and Fees**

The Criminal Court Clerk is responsible for collecting more than 70 percent of all criminal justice fines and fees in Metro Nashville. The Clerk collects fine and fee revenue on behalf of both the General Sessions Court and the Criminal Court.

The Clerk attempts to collect fines and fees from defendants at the time of disposition. For those who do not pay upon disposition, the Clerk will send an initial notification as well as 30 day, 45 day and 90 day notifications. Defendants can pay outstanding amounts on an installment plan, but a one-time \$15 fee is imposed – starting on the day after disposition. There is a state penalty imposed

on delinquent litigation taxes of ten percent beginning 45 days after disposition. There is a similar County penalty as well.

For longer term debts, the Clerk utilizes a third-party collections agent. The last contract ended in November 2018. Since then, Metro has selected two vendors to manage collections, Automated Collections Services, Inc. and Municipal Services Bureau, and as of March 2020, Metro was on-boarding the new vendors. The Clerk will use Municipal Services Bureau to do its collections; most debt will be sent to the vendor for collections six months post-conviction. People with outstanding debt will pay a 17.5 percent fee to the collections agency on top of their owed costs.

In 2017, the Clerk created a Compliance Division – repurposing existing staff that had previously been dedicated to collections. Conceptually, the shift in staff and structure reflects a collective effort to eliminate criminal justice debt for defendants who lack the means of payment.

The Clerk's initial efforts focus on helping defendants who can make limited payments enter into payment plans. Among other things, the Clerk seeks to prioritize allocation of payments made by a defendant on those cases where collection may soon be assigned to a third party. Prior to successful litigation that now limits the ability to suspend driver's licenses for non-payment of fines and fees, the Clerk also prioritized payments to avoid the suspension.

If a defendant cannot afford a payment plan, the Clerk will seek a court day to waive payment for indigency. In General Sessions Court, one judge regularly holds hearings post-conviction to determine indigency and waive payment of fees.

The Clerk also recoups assessed fees from bail payments after a defendant makes required appearances: this practice is now the subject of litigation being brought by the ACLU.

Fees owed to the **Sheriff** are taken out of cash that inmates may have at the time of booking and any funds deposited into inmate accounts during detention. Any outstanding balance is maintained over time and, if the defendant is booked in the jail again in the future, cash on hand at booking will be applied toward the balance.

Misdemeanor probationers pay their probation supervision fees directly to **General Sessions Probation**. For outstanding fees owed at the completion of a probation term, the Director identifies which individuals have been deemed indigent in General Sessions Court and refers the remaining probationers to one of Metro's collections vendors.

**DOC** collects State Probation fees through a vendor. There are additional collection fees imposed on all payment methods other than money orders. State Probation will set fees at a maximum of \$45 per month based upon income level and hardship factors, according to statute. The fees are separated into three funds: supervision, diversion, and Criminal Injuries Compensation.

**Community Corrections** will collect fees directly, but only through money orders. Those fees are then sent directly to the Criminal Court (in other counties, it can be to the Circuit Court as the trial court) for deposit. In cases where there is non-payment, Community Corrections will give a verbal warning and then a written warning to the defendant. If there is continued non-payment, Community Corrections may bring a warrant to a judge. Judges usually do not sign warrants if non-payment is the only area of non-compliance; where the warrant is signed, the defendant is arrested, and a court date is set. If a judge declines to sign the warrant, Community Corrections will set up a status date in front of the judge, and interviewees suggested the judges frequently will waive the fees at that point.

# IMPACT OF THE CURRENT SYSTEM OF FINES & FEES

The way the criminal justice system responds to defendants who don't 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.

For many years, Metro Nashville penalized defendants who did not pay their fines and fees. In recent years, while judges in General Sessions and Criminal Court have the ability to jail defendants for non-payment of fines and fees, or more specifically for failure to appear at hearings related to non-payment, multiple people and departments stated in interviews that it happens very infrequently (data was not available to confirm or deny). However, historically, defendants with outstanding fines and fees were subject to having their driver licenses suspended. Subsequently, individuals could – and in many cases would – be arrested and jailed for driving without a license. Under Tennessee law, driving with a revoked license can be punished with up to six months in jail and a \$500 fine for a first offense, and up to a year in jail and a \$2,500 fine for each subsequent offense.

In a 2018 decision, a Federal Court Judge held that the process of suspending driver licenses for unpaid fines and fees violated the 14th Amendment. The case stemmed from a challenge by two Nashville residents to the Tennessee law allowing for driver license suspensions for unpaid court debt. The court held that "the lack of an indigence exception has resulted in numerous poor Tennesseans with suspensions that they cannot overcome. This led to "both constitutional and material injuries" that "are, or are likely to be, irreparable." Since the ruling, Metro has ceased suspending driver licenses for non-payment of fines and fees.

In describing its effort to eliminate administrative fees in the criminal justice system, San Francisco uses the term "High Pain, Low Gain."<sup>9</sup> 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."<sup>10</sup>**

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.<sup>11</sup>

<sup>9</sup> "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).

<sup>10</sup> Kevin R. Reitz, "The Economic Rehabilitation of Offenders: Recommendations of the Model Penal Code (Second)," *Minnesota Law Review*, 99:1735 (2015), 1738-1739.

<sup>11</sup> [https://www.brookings.edu/wp-content/uploads/2018/03/es\\_20180314\\_looneyincarceration\\_final.pdf](https://www.brookings.edu/wp-content/uploads/2018/03/es_20180314_looneyincarceration_final.pdf)

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.<sup>12</sup> In one state (Texas), FY 2019 data indicate that 76 percent of felony cases and 47 percent of misdemeanor cases had appointed counsel.<sup>13</sup>

While Metro 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.

Criminal justice debt impacts defendants long after their case has concluded. While the Criminal Court Clerk and Finance Department were not able to provide the total amount of outstanding debt among defendants in its criminal justice system, among cases with fines and fees completely paid off, it took defendants, on average, four years to complete payment. In Nashville, payment of fines and fees may be a condition of probation. Thus, non-payment could result in a violation, although it is rarely, if ever, used by judges. Under Tennessee law, convicted felons are ineligible to vote until they have satisfied payment on all fines and fees. Where a defendant is indigent, it is difficult to get a hearing to waive fees: there is a backlog to get on the “indigency docket,” and it may require defendants to take unpaid time off from work, as well as incur expenses related to transportation or child care.

These findings are consistent with what we heard about the impact of fines and fees from formerly incarcerated individuals in a local reentry program who participated in a roundtable discussion. Their experiences with reentry and paying off fines and fees differed drastically depending on the level of external support they had from friends and family. Additionally, they pointed to the importance of the reentry organization they were engaged with because otherwise, they said, they would have no idea how to request relief from their judges and reduce their total debt. One participant talked about his surprise when he learned upon release that he owed \$23,000 in fines and fees:

***“I was released from prison and found out I owed more than \$20,000 in fines and fees. I had just paid my debt to society in prison – why did I still owe?”***

<sup>12</sup> <https://www.bjs.gov/content/pub/pdf/idslc99.pdf>

<sup>13</sup> [www.tidc.texas.gov](http://www.tidc.texas.gov)



# FISCAL IMPACT OF FINES & FEES

In FY 2018, based on the available data, approximately \$8.5 million in criminal justice fines and fees were collected from defendants and inmates in Metro Nashville by the Criminal Court Clerk (for fines and fees in both General Sessions and District courts), General Sessions Probation, State Probation and the Sheriff. Just over fifty percent of revenue was collected from fines and fees assessed in General Sessions Court (\$4.4 million), compared to just \$1.6 million in revenue from the Criminal Court. Most of the revenue is derived from fees, with only \$1.15 million was collected from fines.

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

## FY 2018 FINE AND FEE REVENUE BY ASSESSING ENTITY

Assessing Entity	FY 2018 Revenue (\$)			% of Revenue
	Fines	Fees	Total	
General Sessions Court	729,885	3,669,165	4,399,050	52.0
Criminal Court	420,685	1,189,879	1,610,564	19.0
State Probation (All Fees)	n/a	1,038,665	1,038,665	12.3
General Sessions Probation (Supervision Fee only)	n/a	707,432	707,432	8.4
Sheriff's Office	n/a	627,652	627,652	7.4
Community Corrections	n/a	79,963	79,963	0.9
<b>Total</b>	<b>1,150,570</b>	<b>7,312,756</b>	<b>8,463,326</b>	<b>100</b>

## Fine and Fee Collections by Receiving Entity

The majority of fine and fee revenue collected through the Metro Nashville criminal justice system is retained locally. In FY 2018, of the \$8.5 million collected, 68 percent (\$5.8 million) went to Metro – either into the General Fund or for a designated purpose.

## FY 2018 FINE AND FEE REVENUE BY RECEIVING ENTITY

Revenue Recipient	Sheriff's Office	FY 2018 Revenue (\$)						% of Revenue
		General Sessions	GS Probation	Criminal Court	Comm. Correct	State Probation	Total	
Clerk Fees/ Commission	0	1,269,455	0	317,175	0	0	1,586,630	18.7
Metro General Fund	627,652	1,003,177	0	450,260	0	0	2,082,980	24.6
Metro Special Fund or Specified Purpose	0	967,356	707,432	416,956	0	0	2,091,744	24.7
Metro Revenue Subtotal	627,652	3,239,987	707,432	1,184,391	0	0	5,761,354	68.1
State General Fund	0	438,060	0	284,383	79,963	1,038,665	1,841,071	21.8
State Special Fund or Specified Purpose	0	708,372	0	135,900	0	0	844,272	10.0
Satellite Cities	0	11,557	0	5,798	0	0	17,355	0.2
University Police	0	1,073	0	92	0	0	1,165	0.0
<b>Total</b>	<b>627,652</b>	<b>4,399,050</b>	<b>707,432</b>	<b>1,610,564</b>	<b>79,963</b>	<b>1,038,665</b>	<b>8,463,326</b>	<b>100</b>

The Criminal Court Clerk retained nearly \$1.6 million from fees and a five percent commission, which equaled to nearly 19 percent of all collected revenue in FY 2018. Clerk fees and commissions are established by State statute and comprise nearly 26 percent of the Clerk's General Fund budget.

State Probation collected just over \$1 million in probation supervision fees and Community Corrections collected \$80,000 in supervision fees, but none of that revenue went to Metro.

Metro received nearly \$2.1 million from fines and fees that was sent to a special revenue fund or otherwise have a designated purpose.

- Revenue from General Sessions Probation (\$707,342) was used to supplement funding to that department.
- Among fines and fees assessed in General Sessions Court, nearly \$300,000 is generated by arrest fees and supplements funding to the Nashville Police Department, \$126,000 is used to defray the costs of public defender representation, and just over \$100,000 is dedicated to the Victim's Assistance Program. All other dedicated purposes receive less than \$100,000 each from fines and fees.
- In Criminal Court, \$110,000 is dedicated to the District Attorney for the prosecution of drug offenses and economic crimes, and just over \$100,000 is dedicated to the Court's Drug Enforcement Fund. All other dedicated purposes receive less than \$100,000 each from fines and fees.

It is important to note that while this report relies upon FY 2018 actual data, the amount that Metro collects – or receives – today is likely lower. In late 2018, Metro Council eliminated a \$44/day jail fee levied against misdemeanor arrestees. The Sheriff also eliminated a \$35 fee that was assessed on first time offenders released on their own recognizance through his pretrial program in recognition that inability to pay was keeping some eligible defendants in jail. These two fees accounted for just over \$520,000 in FY 2018 revenue – out of the \$627,652 in General Fund revenue attributed to Sheriff fees.

## Fine and Fee Collections by Authorizing Entity

Tennessee statute authorizes and sets the value for 74 percent of fines and fees collected in Metro Nashville.

Fees imposed by Metro Council generated \$2.2 million in revenue in FY 2018. General Sessions Probation fees were the largest source of fee revenue authorized by Metro Council, accounting for 32 percent of \$2.2 million. The second largest fee, the jail fee, was already eliminated in 2018; this fee generated 20 percent of revenue from Metro Council authorized fees. The Sheriff’s Office assesses other fees that comprise another eight percent. The remaining 40 percent are fees authorized by State law, but the value is set by Metro Council.

### FY 2018 FINE AND FEE REVENUE BY AUTHORIZING ENTITY

Authorization	Total Collections (\$)	Share of Total Collections (%)
Metro Ordinance	652,554	7.7
State Statute w/ Local Discretion	1,587,316	18.8
<i>Local Authority</i>	<i>2,239,870</i>	<i>26.5</i>
State Statute (No Local Discretion)	6,223,456	73.5
<b>Total</b>	<b>8,463,326</b>	<b>100.0</b>

## Cost of Collections

There are direct and indirect costs of Metro Nashville’s system of fines and fees. The primary direct costs are personnel costs and materials: staff who receive payments and monitor the status of debt, and materials needed to send notifications of non-payment, such as postage and paper.

The Criminal Court Clerk is the primary department that collects fines and fees for Criminal and General Sessions Court. The department has 19 employees who spend at least a portion of their time on activities related to collecting fines and fees. The Clerk assisted in assessing time allocations for collection for each of the staff members. Based on these time allocations, there are 11.1 FTEs dedicated to fine and fee collection.

The individual salaries for these employees range from \$35,000 to \$48,000. Benefits costs were calculated using a factor of 19.99 percent for Pension and Taxes and healthcare was applied at a cost of \$12,600 per employee. Based on the fully loaded cost for these FTEs and their percentage allocations, the total cost for these personnel dedicated to fine and fee collections is \$678,174. The only operating cost that the Clerk's Office provided was for postage, because it sends notifications for outstanding debt at 30, 45 and 90 days. The FY18 cost for postage was \$45,764. Thus, the estimated combined total direct cost for fine and fee collections is \$723,938.<sup>14</sup> Appendix C provides the personnel costs and estimated time spent on collections for each relevant position in the Clerk's office.

Similar data on collection cost was not available for either General Sessions Probation or the Sheriff, but both departments reported they do not employ staff who dedicate their time to collecting fees. State Probation and Community Corrections are both state funded and receive no local funding.

There may also be other indirect costs of the current system of fines and fees. Many jurisdictions use the authority of the criminal justice system to compel defendants to make payment on their fines and fees. These levers often include post-disposition court hearings, probation violations or extended suspended sentences, and jail time.

The PFM team was told that Nashville judges rarely jail defendants for failure to pay fines and fees, nor do they issue warrants for failure to appear at indigency hearings held post-sentencing. Additionally, Nashville no longer suspends driver licenses for failure to pay fines and fees.

Although Nashville has limited its use of certain penalties for non-payment, which limits associated indirect costs, there are costs associated with defendants who are unable to pay their fines and fees. In FY 2018, 1,211 hearings were held to consider a defendant's indigency and reconsider fines and fees. Another 586 were scheduled, but the defendant failed to appear. While a per-hearing cost is not available, each hearing requires staff resources from the judiciary and Clerk staff.

It is possible that individuals who struggle to pay fines and fees 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.<sup>15</sup>

<sup>14</sup> The actual cost of collection is likely higher. This allocation of Clerk resources does not account for the portion of management time and other staff that provide centralized services.

<sup>15</sup> 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.

# Obstacles to Reducing and Eliminating Fine & Fee Revenue

Metro Nashville has demonstrated both a willingness and an ability to reduce its reliance on fine and fee revenue. Metro Council can independently act to reduce fee revenue, but significant reductions in fines and fees requires support and action from the judiciary and the State. There are, however, obstacles to both.

While some stakeholders in the criminal justice system see fines and fees as a component of holding criminal defendants accountable, the greater concern was over what would happen to programs that are directly funded by criminal justice fine and fee revenue. This concern will be directly addressed in our recommendations on how lost revenue can be offset.

## Recommended Actions to Reduce Reliance on Fines & Fees

The PFM team has identified specific steps that Metro Council, judges, other criminal justice agencies, and the State can take to reduce reliance on fines and fees as a source of revenue.

- Metro Council can eliminate the General Sessions Probation Fee;
- Metro Council can eliminate seven court fees set by the county-level government;
- The Criminal Court Clerk can eliminate the \$15 late fee placed on outstanding debt;
- The Sheriff can eliminate fees for booking, work release, and supervision;
- Judges, the Clerk, and the District Attorney General can work together to sooner identify those unable to pay and maximize discretion; and
- Metro Council, judges and the State can work together to designate Nashville as a pilot jurisdiction for a program to scale fines and fees based on ability to pay (i.e. “day fines”).

## Metro Council and Sheriff’s Actions to Reduce Fees

If FY 2019 and FY 2020 revenue for existing sources were to remain constant from FY 2018, the gross revenue generated for Metro Nashville would be \$5.2 million. If Metro Council, the Criminal Court Clerk, and the Sheriff’s Office eliminated the fees under their direct control, the impact on revenue in future years is a reduction of \$1.6 million, all of which is currently collected by Metro. This estimate includes a commensurate reduction in commission that the Clerk receives on court-assessed fees (5 percent) and taxes (6.75 percent). The impact of these actions is summarized in the following table.



Fee Name	Fee Value (\$)	FY 2018 Revenue (\$)	Impact on Clerk Commission (\$)	Total Impact (\$)
<b>Metro Council Actions</b>				
ADAPT Participation Fee	20/month	24,902	1,245	26,147
Blood Alcohol Conc. (BAC) Fee	50	3,208	160	3,368
County Litigation Tax - Jail Construction	5	31,707	2,140	33,847
County Litigation Tax - Victim Offender Mediation	2	9,738	657	10,395
Courthouse Security Tax	15	84,263	5,477	89,740
Public Defender Fee	12.50	139,195	6,960	146,155
Victim Assistance Assessment Tax	45	158,857	10,723	169,580
General Sessions Probation Fee	33/month	707,432	0	707,432
<i>Metro Council Subtotal</i>		<b>1,159,303</b>	<b>27,362</b>	<b>1,186,664</b>
<b>Clerk's Actions</b>				
Late Payment Fee	\$15	\$61,174	0	\$61,174
<i>Clerk Subtotal</i>		<b>\$61,174</b>	<b>0</b>	<b>\$61,174</b>
<b>Sheriff Actions</b>				
Inmate Processing Fee	15/booking	88,326	0	88,326
Work Release Fee	10/day	16,647	0	16,647
Supervision Fee	Varies	257,711	0	257,711
<i>Sheriff Subtotal</i>		<b>362,684</b>	<b>0</b>	<b>362,684</b>
<b>Total</b>		<b>1,583,161</b>	<b>27,362</b>	<b>1,610,522</b>

## Increase Fine and Fee Waivers

The Mayor, the District Attorney General, and the Public Defender can work with individual members of the judiciary to proactively evaluate more cases where indigency may warrant waiver of fines and fees. This effort should focus specifically on General Sessions Court. The Criminal Court Clerk and the courts can provide a summary of all costs to defendants at sentencing rather than follow up by mail to reduce non-payment due to lack of notice.

## State Legislation for a Day Fine Pilot

Metro Nashville can be an advocate for additional reform at the state level, focused specifically on assessing fines and fees in a way that considers the ability to pay in a consistent manner.

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. The State could designate Metro as a pilot jurisdiction and allow all fines and fees to be scaled under the model. Metro, the judiciary, and the Criminal Court Clerk 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.

In pursuing the concept of day fines, the State and Metro should also consider working with a local university or another research institution to quantify the long-term criminal justice impacts of fines and fees on residents by measuring recidivism rates among indigent defendants assessed fines and fees compared to those with financial means (or no fines and fees). The financial impact of continued involvement in the criminal justice system should be factored into ongoing cost benefit analyses of eliminating or scaling additional fines and fees.

## Plan to Offset Revenue Impact of Fine & Fee Recommendations

To fully offset all criminal justice fine and fee revenue (including those under control of the State), Metro Nashville would need to identify offsets of \$5.2 million. To offset the revenue impacts of just the recommendations under direct control of Metro, there would be a need to find \$1.6 million in annual 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 Metro, this would primarily focus on reductions in the collections activity of the Criminal Court Clerk.
- 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 Metro, particularly with respect to General Sessions Probation.
- 3** **Metro 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.**

As a start, we would recommend that Metro begin by reducing those fees under its direct control and that can be substantially offset by a reduction in the cost of collections and changes in programs that are currently funded by fine and fee revenue. This would be a prudent approach given the current fiscal stress faced by Metro as a result of the COVID-19 pandemic. It would result

given the current fiscal stress faced by Metro as a result of the COVID-19 pandemic. It would result in the elimination all the fees locally imposed by Metro Council and waiver of late payment fees (just less than \$1.3 million).

During the course of FY 2021, we also recommend that the Mayor work with the Sheriff to identify an additional \$1 million in annual savings – this would allow the Sheriff to eliminate fees under its control and offset the full annual cost of all locally imposed fees under control of Metro.

### **Savings Option:**

#### Reduce Compliance Staffing at the Criminal Court Clerk = \$72,393

With a reduction in fees to be collected, there could be a commensurate reduction in staffing in the Criminal Court Clerk's office. The savings, however, are limited for several reasons.

First, even if Metro Council were to adopt all of the recommended reductions in court fees subject to local control, that would account for only \$450,000 out of the approximately \$6 million in revenue that the Clerk is responsible for collecting in fines and fees from the General Sessions and Criminal Courts.

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 Clerk would have the same number of clients, but they would owe less. Further, implementation of the day fines approach could require the same level of staff currently dedicated to collections if Nashville opts to verify income or track changes in income post-disposition.

Third, even if Metro Nashville were successful in eliminating all fees and fines that it receives through the courts (including those controlled by state statute), there would still be fee and fine revenue that the Clerk collects on behalf of the state.

Finally, as noted above, the Clerk has already repurposed its Collections staff to focus more on Compliance – and to actively assist defendants who cannot pay in efforts to reduce or eliminate their court debt.

Nevertheless, some savings in the Clerk's office 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 Clerk and the City Finance Department should work to identify the equivalent of a ten percent savings in the existing costs attributable to collections – or \$72,393 per year.** It is likely that this could be achieved through attrition.

### **Savings Option:**

#### Reduce Probation Headcount = \$563,664

The proposed elimination of the General Sessions Probation fee should prompt a review of its current level of funding.

Between FY 2014 and FY 2019, the number of individuals on General Sessions Probation has declined by approximately one-quarter -- from an average daily caseload of 6,000 in FY 2014 to

approximately 4,500 in FY 2019. During a similar period, the office's budgeted staff increased from 27 probation officers in FY 2014 to 32 in FY 2020. While some of the increase in the number of probation officers is the result of additional assignments to specialty courts and an increase in pretrial supervision responsibilities, the average caseload in FY 2019 was 99 probationers per officer compared to 250 probationers per officer in FY 2012.

Reducing probation caseloads could be justified if it results in a reduction in recidivism among probationers. When asked about whether this has been the impact, General Sessions Probation indicated that they do not maintain any reliable data on recidivism. In fact, a meaningful reduction in recidivism related to the reduction in caseload seems unlikely. General Sessions Probation officers supervise misdemeanants with probation terms of no longer than 11 months and 29 days and rely primarily on remote supervision, using email and phone calls to keep in touch with probationers to limit costs associated with parking downtown.

Given the department's headcount and method of supervision, General Sessions Probation could likely eliminate eight probation officer positions without a negative impact on public safety. According to Finance Department data, the average total cost of a Probation Officer position in FY 2020 is \$70,458. **Elimination of eight positions would reduce cost by \$563,664 annually.** This reduction could be achieved immediately through reassignment or phased-in through attrition.

## **Savings Option:**

### **Reduce the Cost of Incarceration = Up to \$12 million**

While criminal justice fines and fees generated \$8.5 million in revenue in FY 2018 (\$5.8 million for Metro Nashville), the costs of the criminal justice system in Metro are far greater. Part of the offset to the loss of that revenue could come from reductions in cost in the criminal justice system. In FY 2020, the General Fund cost of the criminal justice system in Metro is nearly \$347 million – or 35 percent of the total General Fund budget (excluding Nashville Public Schools).

The costliest element of the criminal justice system is the Nashville Metro Police Department, with an annual budget of more than \$200 million. The next most costly department within the criminal justice system is the Sheriff's Office with a budget of approximately \$76.3 million.

Within the budget of the Sheriff's Office, approximately \$38.6 million is directly attributable to the cost of local incarceration, excluding costs for federal inmates and TDOC backup. Until recently, the Sheriff's Office managed four jail facilities (Davidson CDC, Davidson HDC, Davidson MCC and Davidson ORC) and a private contractor operated a fifth, Metro-Davidson Detention Facility (MDF). Today, three of the four facilities operated by the Sheriff have closed, a new building (Davidson DDC) has come online, and the private contractor operating MDF has terminated its contract. As of early October 2020, the Sheriff's Office manages MDF, the private facility, in addition to DDC, MCC (female inmates were moved from CDF to MCC), and CDM. These significant infrastructure changes make this an apt time to evaluate costs and identify savings.

These facilities hold local inmates – both convicted misdemeanants and pre-trial felons and misdemeanants – and inmates that are the responsibility of the federal and state governments. Metro is responsible for the cost of holding local inmates, while the state and federal government reimburse Metro for the cost of holding state or federal prisoners.

The FY 2020 annual cost of the private jail provider contract was budgeted at approximately \$17 million, much of which was funded through State revenue for housing locally sentenced felons: as of December 2019, two-thirds of MDF inmates were locally sentenced felons. Thus, in sum, the current total local annual cost of incarceration in Metro is at least \$44 million, which includes one-third of costs associated with MDF inmates.

**Metro has already been successful in dramatically reducing incarceration levels, but there remain opportunities to do more.** Point in time data from the Tennessee Department of Corrections (TDOC) shows that, between July 2013 and July 2019, the number of local inmates (excluding locally sentenced felons, federal/other jurisdiction inmates, and TDOC back-up) declined from 2,066 to 1,252 (39.4 percent). The decline is largely the result of a nearly fifty percent reduction in the number of convicted misdemeanants – from 546 on July 31, 2013 to 278 on July 31, 2019. The number of pre-trial inmates in jail also declined, but at a much lower rate – going from 1,150 in July 2013 to 974 in July 2019: pre-trial felons declined from 966 to 839 and pre-trial misdemeanants declined from 184 to 135.

The jail population has declined even further in 2020, likely due, in part, to policy decisions made in response to COVID-19. As of August 31, 2020, there were 943 local inmates in the jail. There have been significant reductions in the misdemeanor populations just discussed; on the same date in August, there were 104 convicted misdemeanants and 76 pre-trial misdemeanants in the jail.

If Nashville can sustain reductions in its jail population, it should achieve significant long-term savings. Although there may be costs associated with alternatives to detention or sentencing, those costs are less than incarceration. The cost per inmate per day in locally operated facilities was reported at \$103, though this sum appears to be several years old and the actual sum may be greater. This Plan provides a means for Metro and the Sheriff to achieve those savings:

- Maintain its reduced jail population through bail reform and alternatives to incarceration;
- Fully recognize operational efficiencies that can be achieved from moving to the new facility; and
- Phase reductions in staffing and immediate reductions in other costs (e.g. inmate health and food service) resulting from population decline.

The key to the continued reduction in local jail population is to reduce both the number of defendants being held in jail pre-trial and the number of convicted misdemeanants who are incarcerated. The following provide preliminary approaches to do so that may warrant the County’s additional analysis and consideration.

Potential Savings from Reduced Incarceration	Preliminary Estimated Annual Impact (\$)
Bail Reform	\$2.4 million - \$8.0 million
<i>Pretrial Misdemeanants</i>	<i>\$1.0 million - \$3.4 million</i>
<i>Pretrial Felons</i>	<i>\$1.4 million - \$4.6 million</i>
Alternatives to Incarceration	Up to \$3.6 million
Operational Efficiency (estimated at 5% reduction in operating costs)	\$2.0 million



## **Bail Reform:**

In recent years, county governments across the nation have increasingly looked to reform the use of pre-trial detention and to enhance equity in criminal justice systems – including in Davidson County, through the Sheriff’s Office’s pre-trial release program for low-risk individuals, among other actions.

Other counties have demonstrated the impact of effective bail reform on jail population. For example, in Cook County, Illinois, bail reform – in concert with other criminal justice system actions during a multi-year period – resulted in a 42 percent reduction in jail population over a five-year period of time.<sup>16</sup> The County’s bail reform took effect in September 2017. In the 15-months after adoption of bail reform, the felony-related focus of the County’s bail reform more than doubled the number of defendants released with personal bonds. Among those granted bail with a monetary amount, the median bond amount was one-fifth of the pre-bail reform bond amount. The percentage of defendants not released (“no bond” decisions) increased by 8 times (to nearly 7.2 percent of all cases) as a result of the bail reform mandate that, if an individual poses a danger to a person or the community, pre-trial detention should result as opposed to a higher bond amount.

**Cook County estimates that the 42 percent decrease in jail population saved the County millions of dollars – perhaps more than \$60 million (at an average daily cost per inmate of \$143) in the first calendar year.**

In Metro, defendants released pre-trial are typically only released on a bond and those released typically have higher bail amounts. Among Metro defendants released in 2019, 53 percent were released on bond compared to 37 percent through pre-trial release: the percentage of those released through a bond actually increased from 46 percent in 2018. In the case of defendants released in 2018, 79 percent of felons obtained release through a surety bond compared to 43 percent of misdemeanants.

In Metro, only one percent of felons and six percent of misdemeanants were released on their own recognizance – a no cost, common form of release in other jurisdictions. For context, in 2018, New York City released 72 percent of defendants on recognizance. Money bail – or bond in lieu thereof – was set in just 23 percent of all criminal cases in 2018: Additionally, money bail was set in 13 percent of misdemeanor cases, 40 percent of non-violent felonies, and 62 percent of violent felonies.<sup>17</sup> More than a decade earlier, a national study of pre-trial release of felony defendants in state courts in the 75 largest counties found that, among those released, 32 percent were released on personal recognizance.

In Metro, the 2018 average bond amount set for those charged with a felony who did not post bond was \$38,685; for those who did post a type of bond, the average bond was \$10,994. Those charged with a felony who did not post bond spent, on average, 33.2 days in jail. At a cost of at least \$103 per inmate per day, the average cost to Metro for such an individual’s inability to post bond was \$3,419.60.

<sup>16</sup><http://www.cookcountycourt.org/Portals/0/Statistics/Bail%20Reform/Bail%20Reform%20Report%20FINAL%20-%20%20Published%2005.9.19.pdf>

<sup>17</sup> Aubrey Fox and Stephen Koppel, Pre-Trial Release without Money: New York City, 1987 – 2018, New York City Criminal Justice Agency, March 2019

In 2018, the average bond amount set for those charged with a misdemeanor who did not post bond was \$1,407; for those who did post a type of bond, the average bond was \$1,863. Those charged with a misdemeanor who did not post bond spent, on average, 2.6 days in jail. At a cost of at least \$103 per inmate per day, the average cost to Metro for such an individual's inability to post bond was \$267.80.

Reducing reliance on cash bail would limit the degree to which a defendant's financial circumstances determine whether he or she is incarcerated; it could also reduce jail population and save taxpayer dollars.

One place to start might be misdemeanants being held pre-trial. The County's data indicates that the 2019 ADP for this population was 91.<sup>18</sup> Given the District Attorney's recent announcement that he will no longer prosecute low level possession of marijuana, these savings may be immediately available. At a cost of \$103 per inmate per day, detained misdemeanants costs Metro \$3.4 million annually.

The entirety of the \$3.4 million sum may not be recoverable. Reductions in personnel cost would require the ability to close off actual units in a jail. But there would be savings in costs for medical care – which Metro pays on a per inmate per day basis – and food – where the contract similarly is based on a per inmate per day cost.

According to data from the Sheriff's Office, the daily average cost of inmate health care is \$25.91. Under the contract for meals, the daily cost per inmate is \$4.83. Thus, at a minimum, eliminating all pre-trial misdemeanants from Metro jails through bail reform would provide \$1.0 million in annual savings. This figure could be affected by the fact that some pre-trial misdemeanants are currently in MDF – a privately-operated facility where per inmate costs may be different. But, any downward projection in cost savings would likely be offset by the fact that at least some personnel savings could likely be achieved with the reduction of 91 inmates.

Moreover, bail reform need not be limited to the pre-trial release of misdemeanants. A comprehensive approach to bail reform, including a risk-based assessment could reduce felony jail population as well. For example, based on the County's 2019 ADP data, there were, on average, 815 felony defendants being held pre-trial. Dialogue with the County and a review of prior point-in-time top charge data suggest that this population includes a meaningful number of individuals who are being held on charges related to the possession or sale of drugs or non-violent offenses – preliminary estimates suggest that it could be between 15 percent and 25 percent of pre-trial detainees. Bail reform may include releasing felony defendants charged with such offenses. At \$103 per inmate per day, a preliminary estimate of the annual cost to detain individuals with such charges is at least \$4.6 million.

As with the pre-trial misdemeanor population, the entirety of the \$4.6 million sum may not be recoverable. Reductions in personnel cost would require the ability to close off actual units in a jail. At a bare minimum, there would be savings in costs for medical care and food that could generate at least \$1.4 million in reduced costs.

<sup>18</sup> However, for context, as of December 31, 2019, there were 138 pretrial misdemeanor detainees in Metro facilities -- including 35 in MDF.

## ***Alternatives to Incarceration:***

Metro should also continue to explore opportunities to reduce the number of misdemeanants that are convicted and sentenced to jail time. By definition, most misdemeanants are not convicted of serious offenses and frequently are not convicted of violent offenses: many are in jail for violations of probation. Their length of stay is relatively short – an average of 66 days – with little time for any sort of rehabilitation.

As of July 31, 2019, Davidson County had 3.4 convicted misdemeanants in jail per 10,000 residents. This was less than Hamilton County (8.4), but significantly more than either Knox County (1.4) or Shelby County (2.6). By expanding opportunities for alternatives to incarceration, Metro could further reduce its convicted misdemeanor population to the same rate as Knox County – resulting in a population reduction of approximately 130 inmates.

Alternative to incarceration programs may cost as much as \$10,000 per year, but – even at a high-end rate of \$10,000 for the average annual participant cost, the potential net savings could be \$3.6 million or more.

## ***Jail Staffing:***

Even if the jail population were to remain unchanged, there may be opportunities to reduce the cost of incarceration through more efficient staffing of Metro jails.

In FY 2019 (and continued in FY 2020), correctional staffing was reduced – with the number of correctional officers/trainees declining from 413 to 313: yet this reduction in staffing seems to have been offset, almost position by position, with the creation of 99 new security officer positions. Security officers, however, provide non-jail security.

In recent years, the County's total inmate population decreased by more than 1,000 inmates – of which 797 (76.9 percent) were in DCSO facilities (as opposed to MDF) – some of which is likely related to temporary transition of female inmates to MDF during construction of the new jail facility.

The new jail is scheduled to open in 2020. As the Sheriff's Office's new facilities come online, Finance should work with the Sheriff to identify the most efficient manner to ensure staff, inmate, and public safety, while minimizing cost and incarceration. The Sheriff's Office has noted that the new facilities will have a state of the art design. Improved design and improved inmate supervision combined with historic population reductions should allow for staffing reductions. Additionally, a detailed review of the inside and outside security needs, staffing allocation, and cost of alternative service provision could provide opportunities to adjust staffing, achieve savings, and ensure a constant level of security and safety.

At a budgeted cost of \$38.9 million for non-MDF County-supervised inmates, every one percent in staffing and operational savings and operational efficiency generates nearly \$390,000 in savings. Just a five percent increase in staffing and operational efficiency would generate nearly \$2.0 million in annually recurring savings.

### ***Combining Approaches:***

The most impactful approach may result from the County exploring the opportunity to pursue more than one of the above strategies. The above, preliminary strategies combine to total an estimated \$13.6 million in savings and population reduction of more than 340 inmates. The preceding preliminary strategies should result in the ability to meaningfully reduce jail units; however, the inmate reduction impact on DCSO's ability to reduce personnel and operational costs may result in some overlap and, as a result, the entirety of the \$13.6 million may not be achievable. Though, to be clear, the preliminary analysis suggests that a significant portion thereof could be achievable. Additional data and analysis would be required to confirm and refine.<sup>19</sup> Preliminarily, an annual savings range of \$8.0 million to \$12.0 million may be a reasonable target to seek upon full implementation.

Additionally, over coming years, if the County can sufficiently reduce its population in a manner such that it can completely close or consolidate jail facilities, it could also explore the cost/benefits associated with private operation of the MDF facility as well as the associated sum of state revenue dedicated to this purpose.

<sup>19</sup> Additionally, if the County takes a subset of the preceding actions, a smaller population reduction and corresponding personnel savings may result.

## Appendix A: Complete List of Fines and Fees

Fine or Fee Name	Fine / Fee	Assessing Entity	Funds Destination
Arrest Fee - Alcoholic Beverage Commission	Fee	General Sessions Court	State (General Fund)
Arrest Fee - Lakewood	Fee	General Sessions Court	Satellite Cities
Arrest Fee - TN Department of Conservation	Fee	General Sessions Court	State (Dedicated Purpose)
Arrest Fee - TN Department of Safety	Fee	General Sessions Court	State (Dedicated Purpose)
Arrest Fee - TWRA	Fee	General Sessions Court	State (Dedicated Purpose)
County Litigation Tax - Victim Offender Mediation	Fee	General Sessions Court	Metro (Dedicated Purpose)
Drug Fines - Belle Meade	Fine	General Sessions Court	Satellite Cities
Drug Fines - Berry Hill	Fine	General Sessions Court	Satellite Cities
DUI Interlock	Fee	General Sessions Court	State (General Fund)
Finance & Taxation Fines	Fine	General Sessions Court	State (General Fund)
General Sessions Probation Fee	Fee	General Sessions Court	State (General Fund)
Impaired Drivers Trust Fund & Traumatic Brain Injury Fund	Fee	General Sessions Court	State (Dedicated Purpose)
Interpreter Refund to Clerk	Fee	General Sessions Court	Clerk Fees/Commission
Judicial Education Tax	Fee	General Sessions Court	State (Dedicated Purpose)
Judicial Salary Tax	Fee	General Sessions Court	State (General Fund)
Metro Transportation Refund Prisoner Travel	Fee	General Sessions Court	Metro (Dedicated Purpose)
Moving Violation Tax	Fee	General Sessions Court	State (General Fund)
Pre-Trial Services Fees	Fee	General Sessions Court	Metro (General Fund)
Probation Fees (collected by Clerk)	Fee	General Sessions Court	Metro (Dedicated Purpose)
TN Department of Conservation - Fines	Fine	General Sessions Court	State (Dedicated Purpose)
TN Department of Safety - Fines	Fine	General Sessions Court	State (Dedicated Purpose)
TWRA - Fines	Fine	General Sessions Court	State (Dedicated Purpose)
ADAPT Participation Fee	Fee	Criminal Court	Metro (Dedicated Purpose)
County Expense Tax (Misdemeanor)	Fee	Criminal Court	Metro (General Fund)
CSA - CICF	Fee	Criminal Court	State (Dedicated Purpose)
Drug Fines - Metro Drug Task Force	Fine	Criminal Court	Metro (Dedicated Purpose)
DUI Dedicated Fund - Probate	Fee	Criminal Court	Metro (General Fund)
DUI Fines - THP	Fine	Criminal Court	State (Dedicated Purpose)
DUI School Fees	Fee	Criminal Court	Metro (Dedicated Purpose)
Ignition Interlock Fee	Fee	Criminal Court	State (General Fund)

<b>Fine or Fee Name</b>	<b>Fine / Fee</b>	<b>Assessing Entity</b>	<b>Funds Destination</b>
Impaired Drivers Trust Fund	Fee	Criminal Court	State (Dedicated Purpose)
Lower Court Data Entry Fees	Fee	Criminal Court	Metro (General Fund)
Lower Court Fees	Fee	Criminal Court	Metro (General Fund)
Metro Transportation Reimbursement Prisoner Travel	Fee	Criminal Court	Metro (Dedicated Purpose)
Out of County Sheriff	Fee	Criminal Court	Satellite Cities
Pre-Trial Diversion	Fee	Criminal Court	Metro (General Fund)
Sheriff Travel	Fee	Criminal Court	Metro (Dedicated Purpose)
State Refund of Costs	Fee	Criminal Court	State (General Fund)
TN Dept of Safety - THP	Fee	Criminal Court	State (Dedicated Purpose)
TN Dept of Safety Fines & Final Forfeits	Fine	Criminal Court	State (Dedicated Purpose)
Traumatic Brain Injury Fund	Fee	Criminal Court	State (Dedicated Purpose)
Arrest Data Entry Fee	Fee	General Sessions & Criminal Court	Metro (Dedicated Purpose)
Arrest Fee - Belle Meade	Fee	General Sessions & Criminal Court	Satellite Cities
Arrest Fee - Berry Hill	Fee	General Sessions & Criminal Court	Satellite Cities
Arrest Fee - Goodlettsville	Fee	General Sessions & Criminal Court	Satellite Cities
Arrest Fee - MPD	Fee	General Sessions & Criminal Court	Metro (Dedicated Purpose)
Arrest Fee - TSU	Fee	General Sessions & Criminal Court	University Police
Arrest Fee - Vanderbilt	Fee	General Sessions & Criminal Court	University Police
Attorney Reimbursement Tax	Fee	General Sessions & Criminal Court	State (General Fund)
BAT Fee	Fee	General Sessions & Criminal Court	State (General Fund)
Blood Alcohol Content (BAC) Fee - MPD	Fee	General Sessions & Criminal Court	Metro (Dedicated Purpose)
Blood Alcohol Content (BAC) Fee - Satellite Cities	Fee	General Sessions & Criminal Court	Satellite Cities
CICF	Fee	General Sessions & Criminal Court	State (Dedicated Purpose)
Clerk Commission	Fee	General Sessions & Criminal Court	Clerk Fees/Commission
Clerk Court Security	Fee	General Sessions & Criminal Court	Metro (General Fund)
Clerk Data Entry	Fee	General Sessions & Criminal Court	Clerk Fees/Commission
Clerk Dedicated Fund	Fee	General Sessions & Criminal Court	State (Dedicated Purpose)

<b>Fine or Fee Name</b>	<b>Fine / Fee</b>	<b>Assessing Entity</b>	<b>Funds Destination</b>
Clerk Fees	Fee	General Sessions & Criminal Court	Clerk Fees/Commission
Clerk Veterans Fund	Fee	General Sessions & Criminal Court	State (Dedicated Purpose)
Clerk Victim Assistance Assessment	Fee	General Sessions & Criminal Court	Clerk Fees/Commission
County Fines & Final Forfeits	Fine	General Sessions & Criminal Court	Metro (General Fund)
County Late Penalty	Fee	General Sessions & Criminal Court	Metro (General Fund)
County Litigation Tax	Fee	General Sessions & Criminal Court	Metro (General Fund)
County Litigation Tax - Jail Construction	Fee	General Sessions & Criminal Court	Metro (Dedicated Purpose)
Courthouse Security Tax	Fee	General Sessions & Criminal Court	Metro (Dedicated Purpose)
Drivers Education Tax	Fee	General Sessions & Criminal Court	State (General Fund)
Drug Alcohol & Drug Addiction Fee	Fee	General Sessions & Criminal Court	State (Dedicated Purpose)
Drug Dedicated Fund	Fee	General Sessions & Criminal Court	Metro (Dedicated Purpose)
Drug Fines - County General Fund	Fine	General Sessions & Criminal Court	Metro (General Fund)
Drug Fines - County State Trial Courts Fund	Fine	General Sessions & Criminal Court	Metro (Dedicated Purpose)
Drug Fines - Goodlettsville	Fine	General Sessions & Criminal Court	Satellite Cities
Drug Testing Fee	Fee	General Sessions & Criminal Court	State (Dedicated Purpose)
DUI Alcohol & Drug Addiction Fund	Fee	General Sessions & Criminal Court	State (Dedicated Purpose)
DUI Dedicated Fund	Fee	General Sessions & Criminal Court	Metro (General Fund)
DUI Fines - Belle Meade	Fine	General Sessions & Criminal Court	Satellite Cities
DUI Fines - Berry Hill	Fine	General Sessions & Criminal Court	Satellite Cities
DUI Fines - Goodlettsville	Fine	General Sessions & Criminal Court	Satellite Cities
DUI Fines & Final Forfeits	Fine	General Sessions & Criminal Court	Metro (General Fund)
DWI Fines	Fine	General Sessions & Criminal Court	State (Dedicated Purpose)
Expungement Fund	Fee	General Sessions & Criminal Court	State (Dedicated Purpose)
FECPA (Fraud & Economic Crimes Prevention Act)	Fee	General Sessions & Criminal Court	Metro (Dedicated Purpose)



<b>Fine or Fee Name</b>	<b>Fine / Fee</b>	<b>Assessing Entity</b>	<b>Funds Destination</b>
Fingerprint Tax	Fee	General Sessions & Criminal Court	State (General Fund)
Jail Fee	Fee	General Sessions & Criminal Court	Metro (General Fund)
Metro Warrants Division Prisoner Travel	Fee	General Sessions & Criminal Court	Metro (Dedicated Purpose)
Public Defender Fee	Fee	General Sessions & Criminal Court	Metro (Dedicated Purpose)
Reckless Driving Dedicated Fund	Fine	General Sessions & Criminal Court	Metro (Dedicated Purpose)
Reckless Endangerment Dedicated Fund	Fine	General Sessions & Criminal Court	Metro (Dedicated Purpose)
Sheriff Data Entry Fee	Fee	General Sessions & Criminal Court	Metro (Dedicated Purpose)
Sheriff Fee	Fee	General Sessions & Criminal Court	Metro (Dedicated Purpose)
State Late Penalty	Fee	General Sessions & Criminal Court	State (General Fund)
State Litigation Tax	Fee	General Sessions & Criminal Court	State (General Fund)
TBI Expungement Fee 40-32-101(G)	Fee	General Sessions & Criminal Court	State (General Fund)
TBI Expungement Fee 40-35-313	Fee	General Sessions & Criminal Court	State (General Fund)
TBI Lab Fee	Fee	General Sessions & Criminal Court	State (Dedicated Purpose)
Unclaimed Property	Fee	General Sessions & Criminal Court	Metro (General Fund)
Veterans Drug Dedicated Fund	Fee	General Sessions & Criminal Court	Metro (Dedicated Purpose)
Victim Assistance Assessment Tax	Fee	General Sessions & Criminal Court	Metro (Dedicated Purpose)
Victim Notification Fund Tax	Fee	General Sessions & Criminal Court	State (Dedicated Purpose)
DUI and Safety Education	Fee	Sheriff's Office	Metro (General Fund)
Inmate Processing Fee	Fee	Sheriff's Office	Metro (General Fund)
Medical Co-Pays	Fee	Sheriff's Office	Metro (General Fund)
Pretrial Release	Fee	Sheriff's Office	Metro (General Fund)
Supervision Fees	Fee	Sheriff's Office	Metro (General Fund)
Work Release/Inmate Room and Board	Fee	Sheriff's Office	Metro (General Fund)
General Sessions Probation Fee	Fee	General Sessions Probation	Metro (General Fund)
Community Corrections Supervision Fee	Fee	Community Corrections/ Criminal Court	State (General Fund)
State Probation Fees	Fee	TN Department of Corrections	State General Fund

## Appendix B: Fine & Fee Collections FY 2014 – FY 2018

Fine or Fee Name	Assessing Department	Fiscal Year Collections (\$)				
		2014	2015	2016	2017	2018
Arrest Fee - Alcoholic Beverage Commission	General Sessions Court	450	855	622	530	738
Arrest Fee - Lakewood	General Sessions Court	315	0	0	0	0
Arrest Fee - TN Department of Conservation	General Sessions Court	1,082	1,594	1,164	689	428
Arrest Fee - TN Department of Safety	General Sessions Court	24,416	13,642	16,540	15,383	20,491
Arrest Fee - TWRA	General Sessions Court	1,952	1,895	1,915	2,487	1,468
County Litigation Tax - Victim Offender Mediation	General Sessions Court	15,657	12,256	10,475	9,547	9,738
Drug Fines - Belle Meade	General Sessions Court	0	238	380	0	48
Drug Fines - Berry Hill	General Sessions Court	0	475	0	0	0
DUI Interlock	General Sessions Court	40,256	29,081	26,865	23,635	22,010
Finance & Taxation Fines	General Sessions Court	7,506	4,642	4,904	3,020	4,013
General Sessions Probation Fee	General Sessions Court	0	0	0	0	0
Impaired Drivers Trust Fund & Traumatic Brain Injury Fund	General Sessions Court	103,258	64,711	53,711	42,424	40,931
Interpreter Refund to Clerk	General Sessions Court	1,868	1,320	1,218	956	449
Judicial Education Tax	General Sessions Court	13,771	10,391	9,299	8,969	9,761
Judicial Salary Tax	General Sessions Court	29	22	34	37	24
Metro Transportation Refund Prisoner Travel	General Sessions Court	0	0	0	2,066	133
Moving Violation Tax	General Sessions Court	494	237	292	297	553
Pre-Trial Services Fees	General Sessions Court	60	0	33	0	46
Probation Fees (collected by Clerk)	General Sessions Court	61,482	52,026	53,169	42,954	39,654
TN Department of Conservation - Fines	General Sessions Court	2,291	3,795	2,752	1,436	938
TN Department of Safety - Fines	General Sessions Court	441,542	283,469	265,235	227,418	188,088
TWRA - Fines	General Sessions Court	3,912	2,984	3,093	2,988	1,932

Fine or Fee Name	Assessing Department	Fiscal Year Collections (\$)				
		2014	2015	2016	2017	2018
ADAPT Participation Fee	Criminal Court	50,742	42,078	35,061	33,660	24,902
County Expense Tax (Misdemeanor)	Criminal Court	2,974	2,765	2,636	2,350	2,043
CSA - CICF	Criminal Court	3,601	3,297	4,568	2,854	3,202
Drug Fines - Metro Drug Task Force	Criminal Court	405,096	665,783	821,840	15,069	98,197
DUI Dedicated Fund - Probate	Criminal Court	188	283	95	302	0
DUI Fines - THP	Criminal Court	0	0	0	95	114
DUI School Fees	Criminal Court	0	79	0	0	176
Ignition Interlock Fee	Criminal Court	7,393	6,162	5,891	5,495	3,861
Impaired Drivers Trust Fund	Criminal Court	1,151	958	985	906	716
Lower Court Data Entry Fees	Criminal Court	7,316	7,498	8,571	7,507	5,948
Lower Court Fees	Criminal Court	59,531	62,875	69,656	59,381	50,930
Metro Transportation Reimbursement Prisoner Travel	Criminal Court	2,135	4,205	1,298	971	1,870
Out of County Sheriff	Criminal Court	3	0	0	0	0
Pre-Trial Diversion	Criminal Court	360	668	1,221	179	111
Sheriff Travel	Criminal Court	88	0	0	66	33
State Refund of Costs	Criminal Court	192,842	223,016	227,861	177,610	175,525
TN Dept of Safety - THP	Criminal Court	539	76	105	69	6
TN Dept of Safety Fines & Final Forfeits	Criminal Court	29,059	243,144	8,102	12,698	16,208
Traumatic Brain Injury Fund	Criminal Court	5,482	3,932	3,382	3,286	2,514
Arrest Data Entry Fee	General Sessions & Criminal Court	2,153	31,710	33,232	28,656	25,040
Arrest Fee - Belle Meade	General Sessions & Criminal Court	1,003	1,308	1,256	1,359	800
Arrest Fee - Berry Hill	General Sessions & Criminal Court	756	778	547	502	500
Arrest Fee - Goodlettsville	General Sessions & Criminal Court	9,600	9,583	10,861	10,011	6,400
Arrest Fee - MPD	General Sessions & Criminal Court	33,752	436,494	433,115	379,721	313,384
Arrest Fee - TSU	General Sessions & Criminal Court	91	90	82	202	64
Arrest Fee - Vanderbilt	General Sessions & Criminal Court	2,173	2,461	2,738	2,055	1,101
Attorney Reimbursement Tax	General Sessions & Criminal Court	31,385	24,711	21,964	19,496	20,007
BAT Fee	General Sessions & Criminal Court	286,619	192,859	172,850	163,541	136,411
Blood Alcohol Content (BAC) Fee - MPD	General Sessions & Criminal Court	7,903	6,036	5,005	4,052	3,208

Fine or Fee Name	Assessing Department	Fiscal Year Collections (\$)				
		2014	2015	2016	2017	2018
Blood Alcohol Content (BAC) Fee - Satellite Cities	General Sessions & Criminal Court	300	116	387	438	28
CICF	General Sessions & Criminal Court	197,717	155,134	152,879	145,625	167,646
Clerk Commission	General Sessions & Criminal Court	386,895	375,646	360,168	286,329	273,140
Clerk Court Security	General Sessions & Criminal Court	45,332	41,613	42,712	39,091	33,019
Clerk Data Entry	General Sessions & Criminal Court	79,887	67,907	64,162	58,164	48,603
Clerk Dedicated Fund	General Sessions & Criminal Court	7,611	7,036	6,937	7,602	7,391
Clerk Fees	General Sessions & Criminal Court	2,103,077	1,720,831	1,568,587	1,442,375	1,254,480
Clerk Veterans Fund	General Sessions & Criminal Court	0	0	0	270	1,284
Clerk Victim Assistance Assessment	General Sessions & Criminal Court	12,982	11,572	10,877	10,072	9,958
County Fines & Final Forfeits	General Sessions & Criminal Court	148,182	176,230	133,914	168,833	144,214
County Late Penalty	General Sessions & Criminal Court	47,701	41,278	38,241	35,169	34,911
County Litigation Tax	General Sessions & Criminal Court	302,626	237,411	210,175	188,824	190,495
County Litigation Tax - Jail Construction	General Sessions & Criminal Court	51,437	40,678	36,085	32,081	31,707
Courthouse Security Tax	General Sessions & Criminal Court	140,026	106,855	95,654	85,587	84,263
Drivers Education Tax	General Sessions & Criminal Court	23,006	18,158	16,049	14,269	14,613
Drug Alcohol & Drug Addiction Fee	General Sessions & Criminal Court	15,558	16,761	18,734	15,177	11,494
Drug Dedicated Fund	General Sessions & Criminal Court	87,316	83,920	80,564	70,329	66,898
Drug Fines - County General Fund	General Sessions & Criminal Court	236,368	266,661	236,339	191,983	189,546
Drug Fines - County State Trial Courts Fund	General Sessions & Criminal Court	236,368	266,661	236,339	191,983	189,546
Drug Fines - Goodlettsville	General Sessions & Criminal Court	4,771	7,077	9,586	10,417	8,690
Drug Testing Fee	General Sessions & Criminal Court	292,579	282,379	259,121	228,420	209,646
DUI Alcohol & Drug Addiction Fund	General Sessions & Criminal Court	127,124	93,842	88,010	78,788	70,903
DUI Dedicated Fund	General Sessions & Criminal Court	123,797	95,063	84,758	77,669	71,138
DUI Fines - Belle Meade	General Sessions & Criminal Court	1,837	238	1,425	1,425	238
DUI Fines - Berry Hill	General Sessions & Criminal Court	238	0	1,187	0	0
DUI Fines - Goodlettsville	General Sessions & Criminal Court	7,618	8,832	11,005	11,174	652
DUI Fines & Final Forfeits	General Sessions & Criminal Court	411,633	359,497	319,307	278,370	278,064
DWI Fines	General Sessions & Criminal Court	4,683	4,111	3,430	1,756	1,920
Expungement Fund	General Sessions & Criminal Court	30,160	28,420	29,000	29,590	19,890
FECPA (Fraud & Economic Crimes Prevention Act)	General Sessions & Criminal Court	72,990	60,038	67,533	59,108	49,188
Fingerprint Tax	General Sessions & Criminal Court	11,225	8,771	7,740	6,904	7,015

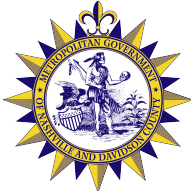
Fine or Fee Name	Assessing Department	Fiscal Year Collections (\$)				
		2014	2015	2016	2017	2018
Jail Fee	General Sessions & Criminal Court	539,652	513,014	543,268	481,158	452,915
Metro Warrants Division Prisoner Travel	General Sessions & Criminal Court	1,623	2,927	3,330	3,204	3,024
Public Defender Fee	General Sessions & Criminal Court	235,357	195,027	193,629	169,211	139,195
Reckless Driving Dedicated Fund	General Sessions & Criminal Court	39,682	26,624	21,045	19,070	15,126
Reckless Endangerment Dedicated Fund	General Sessions & Criminal Court	9,651	10,478	11,004	15,118	13,037
Sheriff Data Entry Fee	General Sessions & Criminal Court	10,233	9,042	10,361	9,050	8,536
Sheriff Fee	General Sessions & Criminal Court	110,223	99,460	105,306	90,081	87,526
State Late Penalty	General Sessions & Criminal Court	34,122	29,683	27,792	25,591	25,369
State Litigation Tax	General Sessions & Criminal Court	283,748	221,140	195,213	173,884	183,172
TBI Expungement Fee 40-32-101(G)	General Sessions & Criminal Court	5,200	4,900	5,000	5,350	7,650
TBI Expungement Fee 40-35-313	General Sessions & Criminal Court	141,550	141,978	153,853	132,668	121,481
TBI Lab Fee	General Sessions & Criminal Court	60,252	53,602	55,507	52,032	48,541
Unclaimed Property	General Sessions & Criminal Court	308	113	301	194	58
Veterans Drug Dedicated Fund	General Sessions & Criminal Court	0	0	8,767	24,905	31,029
Victim Assistance Assessment Tax	General Sessions & Criminal Court	190,720	171,242	163,681	150,393	148,899
Victim Notification Fund Tax	General Sessions & Criminal Court	27,687	22,019	19,482	18,239	18,759
Inmate Processing Fee	Sheriff's Office	151,015	161,631	146,974	123,535	88,326
Medical Co-Pays	Sheriff's Office	21,694	23,337	28,479	24,608	21,920
Work Release/Inmate Room and Board	Sheriff's Office	40,683	30,845	21,158	12,923	16,647
Supervision Fees	Sheriff's Office	130,859	142,108	228,504	210,983	257,711
DUI and Safety Education	Sheriff's Office	369,600	290,727	262,727	203,341	173,482
Pretrial Release	Sheriff's Office	81,685	75,990	77,137	77,553	69,566
General Sessions Probation Fee	General Sessions Probation	1,217,085	1,115,429	947,400	871,148	707,432
Community Corrections Supervision Fee	Community Corrections/ Criminal Court	100,554	104,963	97,035	93,230	79,963
State Probation Fees	TN Department of Corrections	Unk	Unk	Unk	1,069,089	1,038,665
<b>Total</b>		<b>10,878,503</b>	<b>10,485,497</b>	<b>9,842,481</b>	<b>9,141,309</b>	<b>8,463,326</b>

## Appendix C: Analysis of Costs Related to the Collection of Fines and Fees in Criminal Court Clerk

Section	Position	Time Fine/ Fee Collection (%)	FTEs	FTE Cost (\$)
Bookkeeping	Deputy Criminal Ct Clerk 3	50	0.5	32,369
Bookkeeping	Deputy Criminal Ct Clerk 3	50	0.5	35,085
Bookkeeping	Deputy Criminal Ct Clerk 3	50	0.5	33,290
Cashiers	Deputy Criminal Ct Clerk 5	100	1	56,963
Cashiers	Deputy Criminal Ct Clerk 5	100	1	55,797
Cashiers	Deputy Criminal Ct Clerk 5	100	1	66,578
Compliance	Deputy Criminal Ct Clerk 3	100	1	60,566
Compliance	Deputy Criminal Ct Clerk 3	100	1	62,996
Compliance	Deputy Criminal Ct Clerk 3	100	1	60,748
Compliance	Deputy Criminal Ct Clerk 3	100	1	58,198
Compliance	Deputy Criminal Ct Clerk 5	100	1	59,336
Customer Information	Deputy Criminal Ct Clerk 4	20	0.2	14,069
Customer Information	Deputy Criminal Ct Clerk 5	20	0.2	11,393
Customer Information	Deputy Criminal Ct Clerk 5	20	0.2	11,393
Customer Information	Deputy Criminal Ct Clerk 5	20	0.2	13,513
Customer Information	Deputy Criminal Ct Clerk 5	20	0.2	10,921
Customer Information	Deputy Criminal Ct Clerk 5	20	0.2	10,921
Customer Information	Deputy Criminal Ct Clerk 5	20	0.2	11,393
Customer Information	Deputy Criminal Ct Clerk 5	20	0.2	12,648
<b>Total</b>			<b>11.1</b>	<b>678,174</b>

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