The FARE Probation Experiment: Implementation and Outcomes of Day Fines for Felony Offenders in Maricopa County*

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Day fines—fines that are proportionate to the seriousness of the offense and the offender's financial resources—have been popular for decades in Europe as a sanction for a wide range of criminal offenses. This article reports on the implementation and outcomes of a day fine program in Maricopa County (Phoenix), Arizona, involving felony offenders with low need for supervision and treatment. Findings show that the day fine program was successful in diverting offenders from routine supervision probation and in encouraging greater financial payments while maintaining public safety, as measured by arrests and technical violations.

Background

The serious overcrowding of jails and prisons and the continuing growth of probation caseloads have piqued policymakers' interest in community-based sentencing options. Many think that if a full spectrum of "intermediate sanctions"—fines, intensive probation, electronic monitoring, and community service—can be implemented, judges will be better equipped to match the seriousness of offenses with the severity of sanctions.[1] Ultimately, more of those now sentenced to jail and prison might be sentenced, so to speak, to the community. Such a system of "graduated sanctions" would offer other benefits, such as saving money, protecting some offenders from the criminalizing effects of incarceration, and reserving prison and jail space for the more serious offenders. Equally important, many of those now supervised by probation officers could be handled administratively, lightening officers' caseloads and giving them more time to supervise high-risk offenders. If appropriately imposed, monitored, and enforced, criminal fines could become a credible intermediate sanction, rather than just a means of addressing trivial offenses.

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[1] Discussions of the theoretical reasoning for intermediate sanctions can be found in Morris and Tonry (1990) and von Hirsch, Wasik, and Greene (1989). Program and practical information is contained in Byrne, Lurigio, and Petersilia (1992) and McCarthy (1987).

Criminal Fines in the United States

Fines for criminal convictions are not new to U.S. sentencing. In fact, they are authorized in all American jurisdictions (Greene, 1988) and widely used in conjunction with other sanctions (e.g., probation) or as standalone sentences for less serious crimes, such as traffic offenses (Hillsman, 1990). Fines are big business for American courts. Hillsman and Mahoney (1988) note that although the total revenue from fines for all American courts at the local, state, and federal levels is difficult to determine, estimates of annual figures are over $1 billion for fines alone and over $2 billion for all monetary sanctions.

Judges generally impose fines well below the statutory limits—despite legislative action to raise these limits to punish a broader range of offenses. At present, American judges tend to impose fines for certain offenses according to an informal "tariff" or "going rate." Often, these tariff rates are set at the lower end of the scale to enable payment by modest income offenders. Over time, low fines applied only to the least serious crimes have become the norm in most courts (Greene, 1988). In the long run, these tariff fines depress fine amounts, diminish the punitive weight of fines for better-off offenders, and constrict the range of offenses for which judges view a fine as appropriate (Winterfield and Hillsman, 1993). Fixed fines also give an advantage to offenders with higher incomes. When fines are set at standard amounts for similar crimes, they have a disparate punitive impact across differing income classes—distorting the key principles of proportionality and equity in the justice system.

Judges seem hesitant to use fines more broadly because of several concerns. They are unsure that fine sentences protect the public if fines divert persons from incarceration. Judges also worry about poor enforcement of fine payments (McDonald, 1992). In addition, they fear that fines will unduly penalize the poor (Hillsman and Mahoney, 1988; Cole, Mahoney, Thornton, and Hanson, 1988). But perhaps the most inhibiting influence against an increased use of fines is the deep skepticism among American criminal justice practitioners about the ability of judges to set fines large enough to punish those convicted of crimes and deter individuals from repeated offenses (Winterfield and Hillsman, 1993).

Day Fines

The European "day fine" addresses these concerns. European practice makes the imposition and amount of a fine commensurate with the offender's ability to pay and the seriousness of the offense. Western European countries have successfully used fines as the sole sanction for many nontrivial cases, such as property and assault convictions, and in several countries, fines serve as a major alternative to imprisonment (Hillsman and Greene, 1988; Gillespie, 1980). The European system of graded fines is based on the concept that punishment should be proportionate to the seriousness of the offense and have a roughly similar impact—in terms of economic "sting"—upon persons with differing financial resources who are convicted of the same offense (Winterfield and Hillsman, 1993).

Structured fines were first introduced in Sweden in the 1920s. In the 1970s West Germany adopted structured fines as part of a set of sentencing reforms aimed at reducing the use of short-term incarceration (Greene, 1990). Fines reduced the number of prison sentences (for terms of less than six months) from over 110,000 to just above 10,000 from 1968 to 1976. Furthermore, they were the sole sanction for 75 percent of offenders convicted of property crimes and two-thirds of those convicted of assaults.

The implementation of a day fine system involves three steps. First, the number of fine units for offenses is determined based on severity. This element weights the severity of the offense without regard to an offender's means. Second, planners develop a process for placing a dollar value on these units based on net daily income, hence the name "day fine." The total amount of the day fine is calculated by multiplying the number of day fine units by the unit valuation. The share of an offender's income used to value the day fine units varies, as do methods for accounting for the offender's assets and family responsibilities, but the basic scheme assures routine imposition of variable, but equitable, fines with a punitive impact proportional to the crime (Greene, 1988:41). Third, policymakers establish a collection and enforcement program often staffed by officers who develop payment schedules for defendants, send notification letters, and administer graduated sanctions for noncompliance.

In 1988 researchers at the Vera Institute of Justice developed a pilot project to use day fines for low-level offenders handled in Staten Island, New York, courts. The project proved feasible and successful on a number of dimensions. The majority of fines imposed were paid in full. Nonabiding offenders were sanctioned (returned to court and resentenced), but only 10 percent of offenders with completed cases had to be jailed for default. In addition, substantial revenue was collected. Less than twelve months after the pilot year, 77 percent of the approximately $93,000 in fines imposed by judges had been collected (Greene, 1990).

Despite the recent attention to fines, there is little research to guide policymakers. Reliable data do not exist on the frequency or amount of financial sanctions imposed on different offenders, on how imposed sanctions are monitored and enforced, or on their effectiveness relative to other sentences. As with other intermediate sanctions, debate centers on whether fines are appropriate as *enhancements* or as *alternatives* to either probation, jail, or prison. Consequently, it is difficult for court systems to assess how they might implement a structured system of day fines, to determine what the target group for day fine sentences might be, or to predict the potential costs and benefits that greater reliance on fines might offer.

The Bureau of Justice Assistance (BJA) developed the Structured Fines Demonstration Project to provide some of these needed data. Begun in late 1991, the project was designed to enhance the application and enforcement of structured fines (day fines) as sanctions for drug offenders and other misdemeanants and felons. Four jurisdictions participated in the demonstration effort: Maricopa County (Phoenix), Arizona; Bridgeport, Connecticut; Polk County (Des Moines), Iowa; and Marion, Malheur, Coos, and Josephine counties in Oregon. Although the data available to evaluate the project differed across the participating sites, the results in these communities showed that day

fines could be imposed as an alternative sanction and that it was possible to augment fine collection without increasing either technical probation violations or arrests. The sites did experience substantial implementation difficulties; namely, statutory constraints, staffing needs, and continuing education about day fines for judges, defense counselors, prosecutors, and other members of the court (Turner and Petersilia, 1996).

Because the circumstances of Maricopa County permitted a quasi-experimental evaluation, it provided the richest set of data of the four sites. Consequently, this article presents findings for Maricopa County, which is the participating jurisdiction with the longest history of operation among the BJA demonstration sites.[2]

The Maricopa County (Phoenix) FARE Program

Initially funded by grants from the State Justice Institute and the National Institute of Corrections, the Maricopa County FARE (Financial Assessment Related to Employability) Program was initiated in 1991. FARE targeted indicted felony offenders who had little need for supervision and treatment. The intent was to draw offenders from among those who had traditionally received routine probation. FARE was planned to be less restrictive than routine probation, but more restrictive than summary probation.[3] FARE's targeting of low-risk, low-need defendants was intended to reduce expensive probation services used for routine probationers and to save supervision dollars.

Offenders sentenced to FARE were not under routine supervision or required to follow the standard list of probation conditions. The terms of their probation were that they remain crime free and pay financial obligations imposed by the judge. A special FARE probation order was designed to incorporate these provisions and was set at sentencing to terminate automatically upon final payment of the monetary obligation in full. Early termination of probation upon full payment served both as an incentive to the offender and as a potential cost-savings mechanism.

The two major objectives of FARE were 1) to create a system that allowed equitable consideration of the offender's offense and means in determining the total financial penalty and 2) to provide an intermediate sanction in lieu of routine probation for an offender who did not require special services or structured supervision.

History of Fines in the Jurisdiction

Approximately 65 percent of Arizona's population lives in Maricopa County, the largest county in the state. The FARE Program was initiated in the Superior Court of Maricopa County, a general jurisdiction trial court that handles all felonies and has juris-

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2 Findings on the implementation of other sites are contained in Turner and Petersilia (1996).

3 Routine probation usually entails supervision of an offender by a probation officer, with monthly personal, phone, and collateral contacts. Summary probation is the least restrictive form of probation, with no required contacts by the probation officer.

diction over misdemeanors not otherwise provided for by law. At the time of the FARE Program, the superior court was handling more than 15,000 felony filings per year, resulting in more than 10,000 felony convictions.

Several years before implementation of the FARE Program, the superior court and the adult probation department engaged in a planning effort to develop an array of intermediate sanctions, ranging from summary probation to prison. As part of this work, planners began to consider how they could improve the imposition and enforcement of fines. In 1986 data were collected to help the county better understand the extent to which monetary penalties were being imposed by the court and how monies were being collected (Hillsman, 1991). In 1991 additional planning specific to the FARE program was conducted on approximately 750 randomly selected cases disposed of in superior court. Overall sentencing patterns revealed that many offenders received sentences combining both jail and probation and that very few defendants received a fine as a sole sanction. Over three-fourths of offenders (78 percent) were sentenced to probation supervision. Split sentences—with some jail or prison time imposed as a condition of probation—accounted for 42 percent of these cases. Prison was imposed on approximately one-fifth of offenders.

Fines were imposed as part of the sentence in 26 percent of the sampled cases. Fines were coupled with a probation order in most of these cases. The majority of fines were imposed under the mandatory fine provisions in the Arizona code: drug and drunken driving offenses accounted for 81 percent of fines imposed in the sample. The fines clustered around certain going rates, with 70 percent above $1,000.

Fines are not the only monetary sanction used by the court. In fact, monetary penalties comprise a complex package of components in the county. The court frequently orders restitution because the law requires offenders to pay full restitution when the victim has suffered a monetary loss. In addition to fines and restitution, each felony conviction carries a $100 penalty assessment earmarked for the victim's compensation fund, a probation service fee of $30 per month, and a mandatory time payment fee of $8—a service charge if the offender makes extended payments rather than immediate payment of all monetary penalties—for delaying payment if the offender is unable to pay immediately. Additional specialized assessments may also be imposed. A fixed-percentage surcharge is added on top of all felony fines; before FARE implementation, it stood at 37 percent of the amount of the fine.

In interviews conducted early in the planning process, many superior court judges expressed the view that the criminal fine was not a particularly attractive sentencing option. They felt that the patchwork of monetary penalties contributed to the erosion of the sentencing process—at least in regard to noncustodial sanctions. In particular, the then new mandatory minimum drug fines required in each felony drug conviction—coupled with the requirement that restitution orders could not be tailored to fit an offender's ability to pay and the proliferation of other fees, assessments, and fine surcharges—had left many judges with the sense that, given the modest level of financial resources possessed by the majority of the county's criminal offenders, they were just setting many probationers up for failure.

To address these issues, the planners sought to craft the day fine concept to include the entire sum of financial assessments to be imposed by the judge as an "affordable" and appropriate sanction for eligible offenders. By multiplying a number of penalty units set to reflect the relative seriousness of the offense by a factor representing a fair share of the offender's financial means, the resulting dollar figure could then be imposed by a sentencing judge as a sole sanction—a sort of "financial pie" to be sliced up and distributed—i.e., apportioned among the variety of financial obligations imposed by the Arizona sentencing statutes. Planners made a few modifications to take into account large restitution and fine amounts. Cases where full-damage restitution (as in the case where an offender was required to pay for an expensive vehicle) exceeded the calculated FARE amount were excluded from the program. In addition, any fine amount above the total FARE financial penalty was excluded from the FARE imposition but was imposed in a judgment order lodged against the defendant at sentencing. This amount remained as an outstanding obligation after the FARE amount had been satisfied and probation terminated.

Scaling Offense Severity and Assigning Penalty Units

Planners devised a classification framework of fourteen severity levels for offenses. Offenses deemed to be the most serious were placed in level one; the least serious, in level fourteen. This structure provided a more refined grading system than the general classes of criminal code offenses (felony classes one through six, and misdemeanor classes one through three). Furthermore, each offense was graded without regard to its penal law classification so that its rank would more accurately reflect the relative seriousness of the actual criminal behavior involved. That is to say, the ranking system allowed for grading a fourth-degree offense involving bodily harm at a level that reflected a higher measure of gravity than a third-degree, nonviolent property offense.

Next, the planners determined the penalty units appropriate for each of the offenses within the fourteen severity levels. The highest three levels were determined to be inappropriate for day fine sentencing because the majority of offenders convicted for these offenses were sentenced to prison. Apart from these felonies, planners assigned each of the remaining eleven categories a range of penalty units and each individual offense a specific unit score. Penalty units spanned 350 points, from a floor of 10 to a ceiling of 360. For example, conviction of possessing drug paraphernalia resulted in a penalty score of 40; a score of 25 was assigned to the unlawful use of transportation, theft of property valued under $250, and possession of less than one pound of marijuana. A more serious offense such as second-degree burglary was assigned a much higher score: 340 units, slightly higher than the 320 score assigned for the transport or sale of a narcotic drug.

Assigning Dollar Amounts to Penalty Units

A variety of important concerns arose as the planning committee developed a format for determining a fair way to value penalty units for individual offenders. The value assigned each penalty unit needed to be set in direct relation to an offender's economic

means, generally defined as "daily net income" (e.g., take-home pay divided by the number of days in a pay period, or the amount of a public assistance grant divided by the period of time it is intended to cover).

The proportion of income to be "sheltered" from consideration in valuation may be determined by the purposes for which the sanction is introduced. If the sanction is to be reserved for relatively low level, petty offenses, which would normally draw relatively light sanctions, a court might want to shelter all but purely discretionary income, discounting daily net income by a generous proportion to allow for normal living expenses and further adjusting the amount downward to account for family responsibilities–resulting in lenient fine amounts. On the other hand, if a monetary sanction has the specific intent of displacing terms of incarceration, a court might draw much more heavily from an offender's full daily "take-home pay" to produce fines that will be appropriately stiff.

The policy committee determined to steer a middle course in developing the FARE valuation formula for two reasons. The court expected to impose the new penalty for a broad range of offenses, which had been filed as felonies and were typically disposed as such, even though FARE's targeting mechanism would exclude defendants bound for jail or prison from eligibility. The FARE formula was also calibrated to produce monetary assessments that would be neither too lenient nor too stiff for the targeted offenders.

Planners were asked to maintain the current level of revenue generated through the existing sentencing practices. The program's planners tested their unit valuations with a historical analysis of the convictions of more than 300 offenders who would have been eligible for a FARE sentence. A spreadsheet program was used to forecast various scenarios of "shelters and discounts." Planners were able to demonstrate that the formula ultimately chosen—a combination of an across-the-board income shelter and a household support discount, which increased proportionally as family size increased—would not reduce the bottom line for probation fees or general fund revenues. For example, for an offender with a daily income of $50, the discount resulted in an actual assessment of $23 a day for a family of four. This formula was then incorporated in a simple-to-use "tax-table" format for use by presentence investigators.

Imposition of FARE Sentence

Cases were screened for the FARE sentence at the presentence investigation—the moment at which all information necessary for screening and calculation of the FARE monetary penalty was available. The specifics of eligibility were:

- The defendant must have been convicted of a probation-eligible offense.
- The defendant was not in need of formal supervision (did not pose a threat of danger to the community and was not a chronic offender).
- The defendant did not have personal or social problems requiring treatment, education, or training.

To determine the FARE financial obligation, a presentence investigator multiplied the FARE fine units for the offense by the adjusted net daily income (including the

income shelters and family size discount). This amount then became the full financial obligation for the defendant from which disbursements for the time payment fee, victim compensation fund, fine and surcharge, restitution, and reimbursement and probation service fee were computed.

After the defendant was deemed eligible for FARE, the investigator completed a short presentence report, attached the FARE paperwork, and forwarded the package to the FARE judge, who then made the decision whether to impose the FARE sentence recommended by the presentence investigator. Defendants sentenced by the judge to FARE reported immediately to the FARE probation officer, who set up the conditions of their payment schedule and explained the terms of FARE probation.

The FARE Probation Collection System

In normal court system operations, responsibility for collection and enforcement of financial assessments is "decentralized"—which is to say, fragmented. Various actors play a role (judges, county attorneys, court administrators, clerks, probation officers, etc.), but no single agent is accountable for the overall efficiency or effectiveness of the collection system.

One of the most important aspects of planning for the FARE Program was developing a model for centralized collections; i.e., a dedicated, accountable staff with a primary focus on collection and enforcement of all financial assessments imposed by the court on the offenders under its supervision. The FARE Program was designed to ensure effective, efficient collection of monetary sanctions through the following measures:

- Using the day fine technique to ensure imposition by sentencing judges of fair, affordable, and thus collectable dollar amounts in individual cases
- Setting appropriate individualized schedules for payment within time frames that were as short as possible, given the offender's personal and household responsibilities, and providing preaddressed envelopes to facilitate prompt, regular installment payments
- Providing timely notification when each payment was due
- Responding rapidly when a payment was not received on time
- Investigating promptly and responding appropriately when a payment became delinquent
- Continuing rapid, persistent responses to delinquency—and quickly moving cases of unresponsive offenders back to the court for revocation and issuance of a warrant

At the start, offenders were allowed to make their payments by mail. When a payment was missed, a letter was mailed to the offender, usually followed by a call by the FARE officer to the defendant's place of employment or residence. Second and third delinquency letters were followed up by a personal visit by the FARE officer. If payments were still not forthcoming, the conditions of the original order could be modified by the court. If nonpayment appeared willful and FARE probation no longer seemed

viable, the offender could be resentenced to routine probation, perhaps with incarceration, or to a more serious sanction, including state-level incarceration.

Evaluation of FARE

The evaluation of the FARE Program was designed to answer key questions concerning the program's implementation and its impact on financial payments by offenders and recidivism, including:

- What financial penalties were imposed for FARE offenders, and how did they compare with those of similar offenders not sentenced to FARE?
- Did FARE actually serve as an intermediate sanction between summary and routine probation?
- Was FARE associated with increased financial obligation payment by offenders?
- What impact did FARE have on public safety as measured by technical violations and arrests for new crimes?

To evaluate the impact of FARE, our research design took advantage of pilot FARE implementation agreed upon by the adult probation department and the court.[4] Two judges within each of the county's four major judicial quadrants had been selected to participate in the FARE program; the two remaining judges in each quadrant did not participate. Following existing case assignment policy in the county, all cases were randomly assigned to judges within quadrants, ensuring that individual judges received the same mix of cases in the long run. In this manner, the jurisdiction laid the framework for an evaluation in which offenders who might have been eligible for FARE, but appeared before non-FARE judges (and, therefore, were not eligible for the pilot program) could be studied as a comparison group.

The major research strategy was to consider the FARE offenders as the experimental group and to construct a comparison group from offenders sentenced by non-day-fine judges. Although the strongest design would have involved randomly assigning *FARE-eligible* offenders to either FARE or traditional sentencing, this option was not possible. The actual design, however, had several advantages over many quasi-experimental designs. Comparison group offenders were from the same time period as FARE offenders, reducing the possible confounding effects of historical changes in sentencing or supervision practices. In addition, the comparison defendants were drawn from the same geographical areas, controlling for the types of offenses and offenders represented in the county's four quadrants.

[4] This partial implementation was agreed upon and implemented by planners before RAND became involved in the evaluation.

The research design involved three major steps:

- Identification of defendants who received a FARE sentence in 1991 and 1992
- Screening of sentenced defendants by non-FARE judges, using FARE eligibility criteria to match the FARE participants
- Coding of historical and twelve-month follow-up information for both FARE and comparison group offenders from probation and clerk files on offense records, monetary payments, technical violations, and arrests occurring during the follow-up period

Screening Comparison Group Offenders

Our goal was to select a match for each FARE client—a defendant who would have met the FARE eligibility criteria had he or she been sentenced by a FARE judge and who was similar to the FARE client in terms of conviction offense (theft, drug, white collar, other), felony or misdemeanor conviction, age (under 21, 21-25, 26-30, and over 30), race, sex, conviction date (in calendar-year quarters), and judicial quadrant.

Unfortunately, no direct mechanism existed to create the pool of comparison offenders. The actual matching process encompassed a broad computer-assisted screen, followed by manual examination of the records of cases potentially eligible for FARE. For the computer screen, FARE clients were classified according to the seven background and offense variables outlined above. Subsequently, superior court sentencing data for 1991 and 1992 were obtained from the adult probation department for non-FARE judges. The most serious violent offenders were dropped from consideration as potential comparison group cases because they would not be eligible for FARE. In addition, approximately 5 percent of the cases were sentenced by temporary or pro tem judges for whom it was impossible to identify a quadrant. These were also dropped from the eligibility pool. For each FARE client, up to five potential comparison group offenders were identified for further consideration.

The second step was to conduct manual screening for almost 2,000 potential matches, using FARE criteria. Manual screening was required because the automated data did not contain variables we could use to assess "low-risk," "low-need" requirements for a FARE offender. RAND staff created a FARE-eligibility screening form to mirror the process used by presentence investigation officers in their determination of FARE eligibility. The form was devised in collaboration with the FARE probation officer to make sure that our process paralleled as closely as possible the actual FARE criteria. Specifically, the form requested summary information about any substance abuse problems; prior criminal record; likelihood of posing a threat to the community; personal or social problems requiring treatment, training, or education; employability; other reasons why the defendant would be in need of formal supervision; and the total amount of restitution. The FARE monetary calculation was also performed on the coding sheet to ensure that cases with large restitution were not included.

Probation files were located for each of the potential comparison group defendants. From these records, RAND on-site coders abstracted information from the presentence

investigation for the screening items related to risk and need and for the FARE calculation. If the offender's record contained evidence of need or risk as identified by the screening tool, or if the restitution amount exceeded the FARE amount, the case was dropped from consideration as a comparison group offender.

Data Collection

Final sample sizes for the evaluation included 191 FARE and 191 matched comparison offenders. Once the sample had been identified, two separate data collection forms were filled out for each offender, using probation files and clerk payment records. A background form recorded detailed characteristics of the defendant (prior drug use, prior criminal record), basic demographic characteristics, current offense information (arrest and conviction charges, disposition of offense, sentence), employment and income information, and risk/needs assessment items. A twelve-month follow-up form recorded information on each offender's criminal justice status at follow-up; supervision and confinement during the twelve months; technical violations and arrests for new criminal behavior; contacts and services from probation; drug tests; payments of monetary conditions; and payment enforcement activities.

Sample Characteristics

Matched vs. Total FARE Sample. During the two-year pilot evaluation period, 257 offenders were sentenced to FARE. Our matching protocol identified matches for 191, or about 75 percent of the FARE sample. The matched sample is similar to the full sample with one slight difference. The matched sample has relatively more white offenders and fewer black and Hispanic offenders than the full sample; distributions for age, sex, offense, current conviction, and sex are similar, suggesting the matched FARE sample is representative of the full FARE sample (see **Table 1**).

Matched FARE vs. Comparison Groups. FARE and comparison groups were similar with respect to sex, race, age at conviction, and offense type. Slight differences in offense, prior record, and risk score suggested that FARE offenders were slightly less serious than comparison group offenders. FARE and comparison group offenders also had similar employment profiles. Over half were employed full- or part-time; the average monthly income was approximately $1,000 (see **Table 2**).

Sentence Imposed. One of the goals of FARE was to provide offenders an alternative sanction to routine probation. An analysis of offender sentences showed that FARE, as planned, drew its clients from the group that would have normally received routine probation. Over 77 percent of the comparison group offenders were placed on routine probation (modal length of probation was three years); only a very few (3.8 percent) were sentenced to summary probation. Interestingly, 15.9 percent of the comparison offenders were sen-

Table 1
Comparison of Matched and All FARE Offenders

	Matched (N=191) %	All FARE (N=257) %
Sex		
Male	77.0	74.7
Race		
White	78.5	67.3
Black	8.9	12.1
Hispanic	12.6	18.7
Other	0.0	2.9
Age		
Under 21	25.6	25.3
21 to 25	27.8	28.8
26 to 30	17.8	17.1
Over 30	28.8	28.8
Offense		
Theft	56.0	56.8
Drug	31.9	28.4
White collar	1.0	1.9
Other	11.0	12.8
Current Conviction		
Felony	69.6	70.4
Misdemeanor	30.4	29.6

tenced to jail. Thus, it appears that FARE functioned as a true alternative to routine probation, not just as a sanction that increased the level of correctional supervision.

For each of the components of the total financial assessment, we present in **Table 3** the percentage of each group sentenced to each monetary penalty plus the mean amount of each type of penalty, for those who received the penalty, as well as the mean across all offenders in FARE and the comparison group in parentheses. A slightly higher percentage of FARE than of comparison group offenders were sentenced to monetary sanctions (93 percent vs. 100 percent for comparison and FARE offenders, respectively); however, the total assessment for those who received FARE sentences, as planners had intended, was not significantly different.

However, our examination of the distribution of fines imposed revealed an interesting pattern. The total range of financial penalties was broader for FARE than for comparison group offenders, ranging from a low of $33 to a high of over $12,000. But, the *median* for the FARE offenders was lower—$710, in contrast to over $1,000 for comparison group offenders, demonstrating that FARE achieved its purpose in broadening the range of fine amounts imposed and discouraging a tariff approach to fines.

Results

Probation Status at Twelve Months. One of the incentives of a FARE sentence is that offenders are discharged from probation at the completion of their payments.

Table 2
Background Characteristics

	FARE (N=191)	Comparison Group (N=191)
Sex (%)		
Male	77.0	77.3
Race (%)		
White	79.6	79.4
Black	8.9	9.0
Hispanic	11.5	11.6
Age at Current Conviction	27.2	27.1
Current Conviction (%)*		
Felony	71.8	81.9
Misdemeanor	28.2	18.1
Offense Type (%)		
Homicide	0.0	0.0
Robbery	0.0	0.5
Assault	1.1	1.6
Burglary	5.3	8.5
Theft	50.0	45.2
Drug	32.1	33.0
Other	11.6	11.2
Prior Record Summary (%)*		
No prior record	58.6	39.8
Arrests only	26.7	32.5
Prior probation	6.8	11.0
Prior jail	5.2	15.2
Prior prison	2.6	1.6
Risk Score (%)*		
Low	22.0	10.3
Moderate	49.1	48.9
High	23.7	26.1
Intensive	5.2	14.7
Employed full- or part-time (%)	62.4	59.4
Self-supporting (%)	66.0	69.9
Average monthly income**	$1,116	$950

* Indicates FARE and comparison groups were significantly different, $p < .05$. Chi-square tests were used for categorized variables, t-tests for continuous variables.

** Calculated for those employed full- or part-time. Mean income is $548 for controls and $681 if those with no part-time/full-time employment are considered to have zero income.

However, if they do not pay, they may be sentenced to routine probation or even imprisonment for willful nonpayment. One year after sentencing, over half of the FARE offenders had completed their terms of probation, compared to approximately 10 percent of comparison group offenders. While slightly more than one-third of the FARE offenders remained on FARE after one year, almost 70 percent of the comparison group offenders were still on probation at this point. None of the FARE offenders had their sentences

Table 3
Financial Assessment Imposed

	FARE (N=191)	Comparison Group (N=191)
Restitution	33%	26%
Mean amount	$670 ($221)	$550 ($141)
Probation Fee*	74%	63%
Mean amount	$593 ($441)	$642 ($403)
Fine	35%	36%
Mean amount*	$765 ($264)	$1,319 ($476)
Victim Compensation	74%	80%
Mean amount	$96 ($70)	$93 ($75)
Time Fee*	95%	79%
Mean amount	$8 ($8)	$8 ($6)
Total Assessment*	100%	93%
Mean amount	$1,015 ($1,010)	$1,186 ($1106)

* Indicates FARE and comparison groups were significantly different, $p < .05$. Chi-square tests were used for categorized variables, t-tests for continuous variables. Mean values for entire group are presented in parentheses.

revoked during the time period, and fewer than 5 percent had a warrant issued for absconding. It is clear that FARE moved offenders off the supervision rolls of the probation department more quickly than routine probation.

Payment Outcomes. Payment outcomes are central to the success of the FARE program. Did the offenders pay their fines? Did the FARE program result in revenue gains using a more equitable form of fining, with the collections being done by specialized staff? Because of the automatic distribution of payments into the different components, the most meaningful payment type is the percentage of offenders making any payment (see **Table 4**). Virtually all FARE fine participants paid something during their twelve-month follow-up, compared to 77 percent of the control offenders. For those making payments, the average amount paid was $694 for FARE and $447 for comparison group offenders—a statistically significant difference. Considering all offenders in each group, FARE offenders on average paid $669, compared to $344 for comparison group offenders.

Total payments were higher for FARE participants, and the timeliness of their payments was noteworthy. For each quarter of the year, a significantly greater percentage of FARE offenders paid in full. For instance, after three months, 21.4 percent of FARE offenders had paid in full, while only 0.7 percent of the comparison group had. The cumulative percentages for the six- and nine-month markers continued this pattern: in half a year, 31.9 percent of FARE participants had completed financial obligations; 40.1 percent had done so in nine months. The completion numbers for the comparison group were 3.6 and 8.0 percent, respectively.

Table 4
Payments Made During Twelve-month Follow-up

	FARE (N=191)	Comparison Group (N=191)
Any Payment*	96%	77%
Mean amount*	$694 ($669)	$447 ($344)
Restitution	31%	23%
Mean amount	$477 ($150)	$291 ($67)
Probation Fee	62%	66%
Mean amount*	$360 ($222)	$187 ($124)
Fine	37%	30%
Mean amount*	$602 ($220)	$398 ($119)
Victim Compensation*	65%	50%
Mean amount*	$97 ($63)	$51 ($26)

* Indicates FARE and comparison group were significantly different, $p < .05$. Chi-square tests were used for categorical variables, t-tests for continuous variables. Mean values for entire group are presented in parentheses.

Recidivism Outcomes. An intermediate sanction that removes offenders from some level of criminal justice supervision is open to the question of what impact it has on recidivism. After all, the majority of the FARE offenders had been sentenced for felonies in superior court, and public safety must be assured. Comparison group offenders were significantly more likely to incur a technical violation than were FARE offenders, primarily for failure to report and failure to pay fines (see **Table 5**). Part of this may reflect the greater level of supervision afforded these offenders. As Petersilia and Turner have shown (1990, 1993), increased supervision can lead to increased levels of technical violations. Over 20 percent of comparison group offenders received at least one technical violation, compared with 9.4 percent of FARE offenders. However, 9.4 percent of FARE offenders incurred technical violations for failure to pay fines.

FARE and comparison group offenders were not significantly different in their likelihood of being rearrested. Eleven percent of FARE offenders were arrested during the twelve-month follow-up, in contrast to 17.3 percent of the comparison offenders. In other words, the lower level of supervision afforded FARE offenders was not associated with higher levels of recidivism, compared to routine supervision (as measured by technical violations or new arrests).

Multiple Regression Analyses

Our matching protocol produced FARE and comparison groups that were similar on most of the background characteristics. However, FARE clients were slightly less serious in terms of criminal record and risk score. Multiple regression analyses were conducted to control for the few differences between FARE and comparison offenders on

Table 5
Technical Violations and Arrests During Twelve-month Follow-up

	FARE (N=191) %	Comparison Group (N=191) %
Technical violations		
Any violation	9.4	21.5
Fail to report*	1.1	16.2
Drug violation*	0.0	9.4
Failure to maintain employment*	0.5	7.3
Community. service not performed*	0.5	5.2
Failure to pay fines	9.4	13.1
Treatment violation*	0.0	6.3
Abscond	0.0	0.5
Other violation*	1.6	10.0
Arrests		
Any arrest	11.0	17.3
Person	2.6	2.6
Property	4.7	6.8
Drugs*	2.6	6.8
Other crimes	6.3	11.0

* Indicates FARE and comparison group were significantly different, $p < .05$. Chi-square tests were used for categorical variables.

background characteristics. Four outcomes were considered: amount paid during follow-up, any payment during follow-up, any arrest during follow-up, and any technical violation during follow-up. Each outcome was modeled as a function of offender age, race, sex, offense, felony or misdemeanor, prior record, risk, and group (FARE or comparison group). Logistic regression was used for categorical outcomes (any payment, any technical violation, any new arrest). Ordinary least squares regression was used for payment amount. Regression results confirmed the earlier findings: FARE offenders made higher financial payments, had fewer technical violations, and had similar arrest records compared to comparison group offenders (see **Tables 6 to 9**).

Numbers of Eligible Offenders for FARE

During the initial FARE implementation, planners expected a fairly small number of offenders—several hundred of the approximately 10,000 convictions processed each year in superior court—to be sentenced to FARE. The question that often arises with a new program is whether all eligible offenders are being referred to the program. Are there substantial numbers of eligible offenders who, for some reason, are not referred? If so, additional training and education may be needed for identifying and targeting potential program participants.

Our data allowed us to estimate the potential number of offenders eligible for FARE. Recall that the FARE program was implemented by two judges in each of the four quad-

Table 6
OLS Regression Results for Total Payments Made

Variable	DF	Parameter Estimate	Standard Error	T for HO: Parameter = 0	Prob > |T|
Intercept	1	634.66	159.50	3.97	0.00
FARE	1	304.73	58.43	5.21	0.00
Misdemeanor	1	-305.02	75.41	-4.04	0.00
Black	1	-91.71	101.02	-0.90	0.36
Hispanic	1	-137.22	91.38	-1.50	0.13
Female	1	-172.94	71.01	-2.43	0.01
Prior record	1	-71.75	30.70	-2.33	0.02
Risk score	1	-19.39	8.44	-2.29	0.02
Theft	1	-29.10	105.21	-0.27	0.78
Drug	1	96.90	105.77	0.91	0.36
Age 21-25	1	15.35	83.99	0.18	0.85
Age 26-30	1	136.18	102.53	1.32	0.18
Over 30	1	234.17	92.62	2.52	0.01

Analysis of Variance

Source	DF	Sum of Squares	Mean Square	F Value	Prob>F
Model	12	25145952.73	2095496.06	7.387	0.0001
Error	339	96164631.88	283671.48		
C total	351	121310584.63			
R-square	0.20				
Adj R-sq.	0.17				

Table 7
Logistic Regression Results for Any Assessment Paid

Analysis of Maximum Likelihood Estimate

Variable	DF	Parameter Estimate	Standard Error	Pr > Chi-square	Standardized Estimate
Intercept	1	3.17	0.95	0.00	
FARE	1	2.14	0.49	0.00	0.59
Misdemeanor	1	-0.32	0.47	0.48	-0.07
Black	1	-0.97	0.53	0.06	-0.15
Hispanic	1	-0.31	0.54	0.55	-0.05
Female	1	0.07	0.45	0.86	0.01
Prior record	1	-0.52	0.16	0.00	-0.31
Risk score	1	-0.08	0.04	0.06	-0.19
Theft	1	0.26	0.62	0.67	0.07
Drug	1	0.20	0.63	0.75	0.05
Age 21-25	1	-0.75	0.55	0.16	-0.18
Age 26-30	1	0.58	0.83	0.48	0.11
Over 30	1	-0.68	0.61	0.26	-0.17

Model Fitting Information

Criterion	Intercept Only	Intercept and Covariates	Chi-square for Covariates
-2 LOG L	280.40	210.74	69.661 with 12 DF (p=0.0001)

Table 8
Logistic Regression for Any Arrest

Analysis of Maximum Likelihood Estimates

Variable	DF	Parameter Estimate	Standard Error	Pr > Chi-square	Standardized Estimate
Intercept	1	-3.81	0.89	0.00	
FARE	1	-0.27	0.33	0.41	-0.07
Misdemeanor	1	1.01	0.39	0.01	0.23
Black	1	0.25	0.51	0.62	0.04
Hispanic	1	0.12	0.49	0.79	0.02
Female	1	0.39	0.40	0.33	0.09
Prior record	1	0.33	0.15	0.03	0.19
Risk score	1	0.12	0.04	0.00	0.29
Theft	1	0.00	0.60	0.00	1.00
Drug	1	0.37	0.59	0.52	0.09
Age 21-25	1	0.16	0.47	0.71	0.04
Age 26-30	1	-0.02	0.59	0.96	-0.00
Over 30	1	-0.31	0.55	0.56	-0.07

Model Fitting Information

Criterion	Intercept Only	Intercept and Covariates	Chi-square for Covariates
-2 LOG L	294.79	262.11	32.683 with 12 DF (p=0.0011)

Table 9
Logistic Regression Results for Any Technical Violation

Analysis of Maximum Likelihood Estimates

Variable	DF	Parameter Estimate	Standard Error	Pr > Chi-square	Standardized Estimate
Intercept	1	-3.24	0.89	0.00	
FARE	1	-0.92	0.33	0.00	-0.25
Misdemeanor	1	-0.03	0.41	0.93	-0.00
Black	1	0.39	0.50	0.43	0.06
Hispanic	1	-0.43	0.54	0.42	-0.07
Female	1	-0.28	0.41	0.49	-0.06
Prior record	1	0.17	0.15	0.24	0.10
Risk score	1	0.10	0.04	0.00	0.25
Theft	1	0.13	0.61	0.83	0.03
Drug	1	0.44	0.61	0.47	0.11
Age 21-25	1	0.72	0.47	0.12	0.18
Age 26-30	1	0.48	0.59	0.41	0.09
Over 30	1	0.52	0.54	0.33	0.13

Model Fitting Information

Criterion	Intercept Only	Intercept and Covariates	Chi-square for Covariates
-2 LOG L	305.11	273.67	31.441 with 12 DF (p=0.0017)

rants. The other judges' cases in the quadrants may have been eligible, but were not participating in the pilot project. In our screening of potential matches for comparison group offenders in these latter courts, we recorded whether the offenders met the day fine criteria. Using information from our 1991 screening, we calculated the probabilities of being placed in FARE for selected background characteristics. We then applied these probabilities to all 1991 sentencing data to estimate the total percentage of the entire non-FARE judge caseload that would have been eligible for FARE.

Our estimates indicated that the number of potential FARE offenders was higher than the number currently being sentenced to FARE. Overall, 5.5 percent of defendants in the FARE courts were sentenced to FARE, compared to estimates of 14.0 percent of the non-FARE judge cases that would have been eligible for FARE sentences. Although there is the potential to increase the number of day fine participants, the total percentage eligible for a FARE sentence (less than 15 percent) represents only a minority of offenders sentenced in superior court.

Summary and Conclusions

This evaluation supports the use of means-based monetary sanctions by those policymakers and practitioners who continue to search for rational, effective sanctioning options for those offenders who do not require incarceration. In addition, this effort to introduce a new form of felony probation in Maricopa County demonstrated the power of the day fine to bring a new degree of rationality and manageability to a hodgepodge of financial assessments, which, over recent years, had grown to unwieldy proportions and had convinced many court officials that prospects for administrative reform were nearly hopeless. Judges interviewed during the planning period revealed that most felt the fine was not an attractive sentencing option and that the "mismatched array of monetary penalties they felt obliged to impose at sentencing were contributing to an erosion of the credibility of the sentencing process" (Greene, 1996). The pilot's policy group was able to define an appropriate target group, and probation staff created a screening system, which successfully diverted a modest but steady stream of cases from within the target pool—evidently avoiding the common pitfall of merely "widening the net" of social controls.

Judging by key measures available, the FARE strategy appears to have worked well. It enabled the collection of a just and affordable monetary sanction instead of traditional (and more costly) probation supervision, without increasing recidivism among the diverted offenders. FARE offenders, on average, paid an additional $325 each month in financial obligations over a twelve-month follow-up more than similar offenders who received routine probation, resulting in increased collections of over $62,000. The data indicate that the central concepts and practices tested in the pilot could be used throughout the Maricopa County courts. Indeed, such a sentencing practice may be suited to other jurisdictions across the nation. **jsj**

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