

THE PRICE OF JUSTICE: LEGAL FINANCIAL OBLIGATIONS IN WASHINGTON STATE



Washington State Supreme Court
Minority and Justice Commission

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Background

In 2016, the Minority and Justice Commission was the recipient of a Department of Justice, Office of Justice Programs grant, “The Price of Justice: Rethinking the Consequences of Justice Fines and Fees.” Washington was one of five states to be selected to lead efforts to critically assess and plan for changes to policies and practices around legal financial obligations (LFOs). The grant initiative was a response to a growing national concern that LFOs were unfairly and unjustly criminalizing poverty.

In Washington, much like in many of the other states, the imposition of LFOs falls disproportionately on Black, Indigenous, and other people of color, and upon those least able to afford them. It is estimated that 80-90 percent of defendants in Washington are indigent and thus do not have the ability to pay.¹ In 2008, the Minority and Justice Commission commissioned a report on the assessment and consequences of LFOs in Washington state.² It found, among other things, that racial disparities existed in the imposition of LFOs, with significantly higher fees and fines assessed for Hispanic defendants than white defendants, even after controlling for relevant legal factors. A more recent analysis in 2018 showed that racial disparities continue to exist with Black, Latina/o, and Indigenous people being sentenced to LFOs more frequently and at higher rates than Whites and Asians.³

Washington has a particularly challenging court funding scheme, with it being ranked 48th in state-level judicial funding in comparison to all other states.⁴ Because of this funding structure, Washington courts have to rely primarily upon county and municipal governments for funding. The resulting outcome is vast disparities among counties, cities, and even judges in how LFOs are imposed and enforced across the state.

In applying for the grant, the Minority and Justice Commission brought together a group of stakeholders to collaborate on uncovering more information about the structure and differing practices around LFOs, and to work together on finding solutions.

¹ 2018 Status Report on Public Defense in Washington State (2018), https://www.opd.wa.gov/documents/00732-2019_StatusReport.pdf

² Beckett, Katherine, Ph.D., Harris, Alexis, Ph.D. (2008), *The Assessment and Consequences of Legal Financial Obligations in Washington State Research Report*, from https://www.courts.wa.gov/committee/pdf/2008LFO_report.pdf

³ Harris, Alexes, Edwards, Frank, *Legal Debt, Monetary Sanctions and Inequality* (2017).

⁴ Bronson, Jennifer, PH.D., (2018) *Justice Expenditure and Employment Extracts 2015*.

About the Project

The Minority and Justice Commission called together a group of stakeholders representative of those who work within or are impacted by the LFO system, including judges, legislators, county clerks, court administrators, prosecutors, public defenders, legal aid attorneys, community organizations, and people living with LFOs. This diverse stakeholder group became the **LFO Stakeholder Consortium** and served as the advisory body and working group throughout the 3-year grant period.

The LFO Stakeholder Consortium was divided into four (4) working sub-groups that sought to answer the following questions:

- **Subcommittee 1** – What is the current legal landscape, and the local and statewide policies and practices around LFOs in Washington?
- **Subcommittee 2** – What do LFO collection practices look like in Washington?
- **Subcommittee 3** – In Washington, how much does it cost to collect LFOs, how much are we actually collecting vs. how much is being assessed? After LFOs are collected, where do they go?
- **Pilot Project Subcommittee** – Is the LFO Calculator a useful tool in helping improve more equitable and just practices around LFOs?

The subcommittees gathered and analyzed Washington state court data, conducted surveys, discussed current initiatives around LFOs, and in the process, uncovered new areas that needed further research and data gathering.

The LFO Stakeholder Consortium

The LFO Stakeholder Consortium was a collaborative group of stakeholders representing the courts, the executive branch, legislative branch, prosecution, defense, court administration, county clerks, civil legal aid attorneys, community members, advocates, and people directly impacted by LFOs. Below is a list of all of the members who participated in the process:

EXECUTIVE COMMITTEE MEMBERS

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Washington State Supreme
Court

Justice Debra Stephens

Subcommittee 3 Chair
Washington State Supreme
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Judge Linda Coburn

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⁵ Judge Linda Coburn was appointed to the Washington State Court of Appeals Div. I in January 2021.

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Executive Summary

In 2008, the Minority and Justice Commission released a first-of-its-kind report looking at legal financial obligations (LFOs) in Washington State. One of the findings in that report was that Latino/a defendants received significantly higher LFOs than White defendants.⁶ Research today shows that not much has changed. Latinx, Black, and Native Americans are sentenced to LFOs more frequently and at higher rates than Whites.⁷ It is the mission of the Minority and Justice Commission to identify where racial bias exists within the state court system, and to take steps to eradicate that bias. It is in that spirit that the Commission's work around LFOs continues.

In 2016 the Minority and Justice Commission was the recipient of a Department of Justice grant, "Price of Justice: Rethinking the Consequences of Fines and Fees."⁸ As part of the grant, it brought together a broad group of stakeholders to uncover the complexities of Washington's system of legal financial obligations (LFOs). One of the greatest successes of the grant were the relationships developed amongst the stakeholders. Many of the stakeholders came to the table with differing viewpoints on LFO reform, and along the course of the grant, found ways to work together towards a common purpose: uncovering the system of LFOs in Washington State.

LFO Policy and Practice

Washington's system of LFOs is vast and complex. There are over 156 separate and distinct LFOs in Washington state alone. Some LFOs are mandatory and must be imposed in every case, regardless of one's ability to pay. The remaining LFOs are discretionary, creating practices that vary across courts and across judges. To get a better understanding of the breadth and complexity of the LFO system, members of the LFO Consortium reviewed all Cost Fee Codes, court rules, and statutes. They conducted a survey of practices for judges, prosecutors, defense attorneys, and civil legal aid attorneys. Among the surveys' findings, the following was revealed:

- The majority of defendants (80%-90%) who come to court are indigent.
- Survey responses from prosecutors and defense attorneys showed an inconsistency in judges conducting adequate ability to pay assessments and widespread variation in how LFOs are assessed across jurisdictions.
- Despite the change in law due to the passage of ESSHB 1783, relief of LFOs is not widely sought by defendants, and this could be attributed to the fact that there are very few courts with formal processes that would help a defendant seek relief from LFOs.

⁶ Beckett, Katherine, Ph.D., Harris, Alexis, Ph.D. (2008), *The Assessment and Consequences of Legal Financial Obligations in Washington State Research Report*, from https://www.courts.wa.gov/committee/pdf/2008LFO_report.pdf

⁷ Harris, Alexes, Edwards, Frank, *Legal Debt, Monetary Sanctions and Inequality* (2017).

⁸ The Price of Justice: Rethinking the Consequences of Justice Fines and Fees.

<https://bjia.ojp.gov/sites/g/files/xyckuh186/files/media/document/iripriceofjustice.pdf>

The LFO Calculator

The LFO Calculator was created with the assistance of Microsoft and through the vision and leadership of Judge Linda Coburn. The LFO Calculator is an innovative online tool that can assist judges in determining an appropriate amount of LFOs. We made the Calculator public so that attorneys, defendants, and those assisting defendants could also utilize it when presenting to courts what should be considered when imposing LFOs. The tool takes account of all laws, statutes, and caselaw governing LFOs, and provides the user with a guide for an ability to pay assessment. The LFO Calculator was piloted with 10 judges across the state. Each of the judges was interviewed on a periodic basis during the pilot period to understand how the LFO Calculator influenced their LFO practice.

The judges reported that what was most useful about the tool was that it provided immediate access to all LFO laws and statutes. Almost every single judge who participated in the pilot said that the tool has greatly improved their understanding of the laws related to LFOs, and helped them better understand the financial burden and length of punishment imposed by LFOs. One judge commented, “I was very aware of fines and fees, but now, it really dawned on me how many people in my courtroom can’t pay. This has been very eye opening how dire people’s financial situation is.”

Assessment and Collection of LFOs

Some of the biggest questions the LFO Stakeholder Consortium sought to answer was: *How much LFOs are assessed in Washington State? How much has been collected? Where does the money go?*

The Consortium analyzed court data between the years of 2014-2016 and found the following:

- Superior Courts imposed roughly \$130 million and collected \$7 million.
- Courts of Limited Jurisdiction (CLJ) imposed roughly \$88 million and collected \$4 million.
- Juvenile Courts imposed roughly \$5.3 million and collected \$494,000.

The court levels varied in how LFOs are distributed once they are collected. The data showed that largest allotted distribution of the LFOs that are collected in Superior Courts go to restitution or restitution interest (41%), with the next largest distribution going to unrestricted local funds (36%). For Courts of Limited Jurisdiction, most LFOs that are collected go towards local funds (85%), followed by state funds (10%). In Juvenile Courts, most LFOs that are collected go to restitution and restitution interest (70%), followed by unrestricted local funds (19%).

While not part of the original scope of work, additional partners looked into courts’ involvement with debt collection agencies. While almost all Superior Courts work with their county clerks’ offices to handle the collection of LFOs, almost all of the Courts of Limited Jurisdiction contract with debt collection agencies to handle the collection of unpaid LFOs. Students from the Seattle

University School of Law's LFO Clinic, led by Professor Bryan Adamson, reviewed contracts from several Courts of Limited Jurisdiction and analyzed the common contract terms. The findings from the analysis show that debt collection agencies can increase LFOs exponentially when unpaid debts are transferred from the courts, and do not have to consider a defendant's ability to pay when adding the additional collection costs and fees.

Including the Voices of Those Most Impacted by LFOs: *The Cost of Justice* – A Companion Report

In putting together this final report, a large gap in information was missing from the report. The LFO Stakeholder Consortium never came around to making recommendations for reform, and while judges, prosecutors, defense attorneys and civil legal aid attorneys were surveyed about LFO practices, the voices of those who are directly impacted by LFOs was left out. In order to address that gap, the Minority and Justice Commission partnered with Living with Conviction to produce a companion report, "The Cost of Justice."

Living With Conviction is a nonprofit organization in Washington that works in partnership with formerly incarcerated individuals, leveraging multimedia storytelling and legal empowerment strategies to advocate for an end to legal financial obligations. We hope that you will read both reports and join us in uplifting and empowering the recommendations of those who are directly impacted by LFOs. We recognize that those who are closest to the problem, are closest to the solution.

Much reform has occurred over the last 3 years since the grant ended. LFO reform legislation was passed with HB 1783. Courts in Kitsap and Pierce County held LFO Reconsideration Days where the court opened up its doors specifically to assist people with motions for LFO relief. New programs and legislation are helping to reinstate drivers' licenses that were once suspended because of unpaid LFOs, and much more research has been conducted that continues to uncover the practices and impact of LFOs.

While much has been done, there is still much more work to do. The LFO Stakeholder Consortium was the first time that stakeholders in the statewide LFO system came together with one goal – to assess the system of LFOs in Washington. We hope that this report helps inform future policy and practices, shines a light on areas of the system that were otherwise unknown, and provides a clearer path towards justice for the people of Washington State whose lives are most impacted by LFOs.

Key Findings

POLICIES AND PRACTICES AROUND LFOs

- **Mandatory LFOs** - For almost every felony case, mandatory LFOs totaling \$600 are assessed, and for misdemeanors, a minimum \$100 is assessed, regardless of whether the defendant has the ability to pay. For Juveniles, a \$100 mandatory DNA Collection fee is assessed.
- **Several different types of LFOs exist** - There are at least 156 separate and distinct types of LFOs that judges can impose on a defendant.
- **Additional criminal justice related fees are collected** - There are many additional costs associated with involvement with the criminal justice system, some that are assessed by other criminal justice related entities, such as a Public Defense Recoupment fee, warrant issuance fee, jail booking fees, and intake or supervision fees assessed by the Department of Corrections. Majority of Defense Attorneys surveyed for the report indicated that their clients have to pay for out-of-pocket drug evaluations, mental health evaluations, anger management classes, domestic violence evaluations, follow up treatment, victim impact panels, alcohol and drug information school, alternatives to jail (electronic home monitoring, work release), alternative sentencing options, alternative resolutions (diversion, deferred prosecution), interstate compact fees, ignition interlock devices, etc. Many of these expenses are ordered by the court, but collected by entities outside of the court.
- **The majority of criminal defendants are indigent** - When judges were surveyed, a majority indicated that between 80%-100% of the defendants that appear before them are indigent, and thus lack the ability to pay LFOs.
- **Judges are considering ability to pay, but not all of the time** - In a survey of judges across the state, a majority of judges indicated that they do consider an individual's ability to pay when setting LFOs. Similarly, when Prosecutors were asked whether the court considers ability to pay, majority answered "yes". However, this finding should be weighed by feedback received by Defense Attorneys, who were split on whether judges are doing an adequate inquiry into ability to pay (59% yes vs. 41% no).
- **Many judges don't believe LFOs are essential to the criminal justice process** - In the survey of judges that asked whether judges believe LFOs are essential to the criminal justice process, many of them (44%) said no.
- **There is still widespread variation in how LFOs are assessed** - Several Defense Attorneys indicated that courts' LFO practices varied widely from judge to judge and from jurisdiction

to jurisdiction. There was variability in what judges considered mandatory LFOs, whether the court considers future ability to pay LFOs in its determination, whether the court allows community service in lieu of paying LFOs, and whether judges impose recoupment of public defense costs. There is also a difference in the amount of standard probationary fees, ranging from \$20-\$200 per month.

- **Remission of LFOs is not yet widespread** - A majority of judges surveyed (75%) said that they are only “sometimes” or “rarely” asked by defendants to reduce LFOs post-sentencing. Only half of the judges said that their court has a formal remission process, the other half indicated that their process is informal. Additionally, more than half of the judges (55%) indicated that they do not inform defendants at sentencing of their right to seek remission post-sentencing if their financial situation changes. A large majority of Defense Attorneys surveyed (85%) said that there was no clear practice for remission in their courts, and a majority said that they do not represent their clients on remission (79%).
- **Restitution is a regularly assessed LFO** - In a survey of Prosecutors across the state, all who were surveyed indicated that restitution is regularly imposed.
- **LFOs are included in plea negotiations** - In a survey of Defense Attorneys, a majority (51%) said that prosecutors require LFOs as part of plea offers.

LFO COLLECTION

- **Methods of Collection, In-house vs. Private** - Majority of the Superior Courts across the state have their County Clerks manage the collection of LFOs. Majority of the Courts of Limited Jurisdiction do not manage collection of LFOs in-house, and instead contract with private debt collection companies to oversee the collection of outstanding LFOs.
- **The \$100 annual collection fee is necessary to maintain in-house collection** - Of the clerks that assess a collection fee, majority of them (21 out of 22) said in a survey that the elimination of the fee would cause them to cease or significantly reduce the scope of their collection efforts.
- **Private debt collection in courts of limited jurisdiction does not have to consider ability to pay** - In research done by Seattle University School of Law’s LFO Clinic, it was found that debt collection agencies that contract with Washington Courts of Limited Jurisdiction are not obligated by law to consider a debtor’s ability to pay.
- **Private debt collection in courts of limited jurisdiction can increase LFOs exponentially** - RCW Section 19.16.500 allows debt collection agencies working with the courts to impose an additional “collection fee” in a sum of up to fifty percent (50%) of the outstanding LFO amount less than \$100,000, and thirty-five percent (35%) of the unpaid debt if it is over

\$100,000. Debt collection agencies may also charge a twelve percent (12%) per annum charge on its collection fee. Research from Seattle University Law School's LFO Clinic found that, in nearly half of the DCA contracts with the courts, the statutory maximum fee was imposed (50% for debts less than \$100,000, and 35% for debt more than \$100,000). This 50%/30% fee is higher than many other states – Florida (40%), Alabama (30%), Texas (30%), and Illinois (30%).

- **The private debt collection fee in Washington is higher than many other states -** Washington's 50%/35% "collection fee" is higher than many other states— for example: Florida (40%), Alabama (30%), Texas (30%), and Illinois (30%).

- **Two debt collection agencies hold most of the contracts with courts of limited jurisdiction -** AllianceOne and Dynamic Collectors, Inc. accounted for 50 of the 77 LFO contracts for courts of limited jurisdiction.
 - **Collection Amounts from 2014-2016:**
 - *Superior Courts:* \$130 million LFOs imposed, \$7 million collected
 - *Courts of Limited Jurisdiction:* \$88 million LFOs imposed, \$4 million collected
 - *Juvenile Courts:* \$5.3 million LFOs imposed, \$494,123 collected

- **There was a decline in cases where LFOs were imposed in courts of limited jurisdiction from 2014 – 2018 -** There was a twenty-three percent (23%) decline in the number of CLJ cases where LFOs were imposed during the years 2014-2018. On average, the rate of decline was nearly six percent (6%) per year. From 2015-2016, we observed the largest decline in the year-over-year number of cases where LFOs were imposed, a decrease of 9.25%.

- **There was a decline in average amount of LFOs imposed in courts of limited jurisdiction from 2014 -2018 –** Between 2014 - 2018 the average amount of LFOs imposed per case in courts of limited jurisdiction declined by twelve percent (12%), with the median being \$561 for the 5 year period.

- **There was a decline in the total amount of LFOs imposed statewide in courts of limited jurisdiction -** The total amount of LFOs imposed per year declined by just over thirty-three percent (33%) from 2014-2018.

- **Most LFOs collected in superior court go towards restitution or restitution interest -** An analysis of collected LFOs in Superior Courts in 2014-2016 showed that most of the LFOs collected in Superior Courts went to restitution or restitution interest (41%). The next largest category was unrestricted local funds (36%), followed by state funds (14%), and restricted local funds (7.5%).

- **Most LFOs collected in courts of limited jurisdiction go towards local funds, but more accurate data on restitution is needed** - An analysis of LFOs collected in Courts of Limited Jurisdiction shows that roughly eighty-five percent (85%) are distributed to local funds, followed by state funds (10.5%), and then to victims (4.5%). However, due to limitations in the case management system and variance amongst courts in reporting, we could not retain reliable data to show the collection and distribution of restitution in courts of limited jurisdiction.
- **Most LFOs collected in juvenile courts go towards restitution and restitution interest.** - In Juvenile Courts, restitution made up the largest portion of collected and distributed LFOs (70%), followed by unrestricted local funds (19%).

THE LFO CALCULATOR

- **Easy and Quick to Use** - On average, it took judges less than 5 minutes to make a full ability to pay assessment with the LFO calculator, and judges found the LFO Calculator easy to use.
- **Immediate Access to All LFO Laws and Statutes** - When judges were asked what was most useful about the tool the most popular response was that it provided immediate access to all LFO laws and statutes. One judge commented, “[the LFO Calculator provides] one-stop shopping on all authorities related to LFOs, links to the laws, what is mandatory, what is not, all included in one place.” Almost every single judge who participated in the pilot said that the LFO Calculator has greatly improved their understanding of the applicable statutes and laws related to LFOs.
- **Most defendants are indigent and are only assessed the mandatory LFOs.** - Several superior court judges participating in the pilot indicated that the tool was not as useful because most defendants that come before them are indigent, therefore they don’t need the calculator since they only impose the mandatory LFOs.
- **Creates More Consistency in Ability to Pay Assessments** - Judges who use the LFO Calculator on a consistent basis reported that their ability to pay inquiry became more formal and more consistent than it had been prior to the calculator.
- **Helps Judges Understand Realistic Impact of LFOs** - Majority of judges from the Courts of Limited Jurisdiction who participated in the pilot said that the Calculator had an impact on their understanding of the financial burden and length of punishment imposed by LFOs.

One judge commented, *“I was very aware of fines and fees, but now, it really dawned on me in how many people in my courtroom can’t pay. This has been very eye opening how dire people’s financial situation is.”*

Washington's LFOs

One of the goals of the LFO Stakeholder Consortium was to identify and analyze the various statutes, court rules, and related policies that govern the imposition and collection of LFOs in Washington State.⁹

WASHINGTON STATE STATUTES & COURT RULES

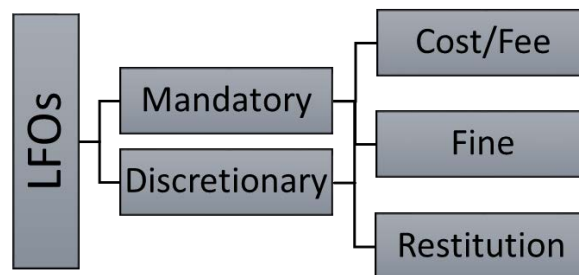
The Workgroup identified all statutes in the Revised Code of Washington (RCWs) addressing the imposition and collection of criminal¹⁰ LFOs in Washington, and statutes allowing post-conviction relief from LFOs imposed by the court.

LFOs are categorized as one of two types:

- **Mandatory LFOs** – Debts where the legislature has divested the sentencing court of all discretion to waive the LFO, and which must be imposed by the court at sentencing regardless of a defendant's ability to pay.
- **Discretionary LFOs** – LFOs that the court can choose to impose based on any number of factors, including whether the defendant is indigent at the time of sentencing.¹¹

LFOs are also categorized as either a cost, fee, fine, or restitution. (See *chart below*)

- **Fee/Assessment** – A payment for certain services that the court provides as designated by the legislature.
- **Cost** – Imposed to recoup costs incurred by courts related to an individual's arrest and prosecution.
- **Fine** – Imposed as a means of punishment.
- **Restitution** – Imposed to compensate victims who have suffered loss resulting from the defendant's conduct.



⁹ The LFO Stakeholder Consortium did not conduct an analysis on caselaw pertaining to LFOs, and while there is a good amount of caselaw on this particular topic, it is not included in this report.

¹⁰ The LFO Stakeholder Consortium decided to focus its efforts on criminal law related LFOs and not include civil infractions because it would have created a scope that was too large for the time frame of the Consortium's work.

¹¹ Mostly due to the passage of HB 1783, there are now additional LFOs that are discretionary or mandatory unless the defendant lacks the ability to pay, in which case the court is precluded from imposing the LFO, see e.g. RCW 10.01.160(3), 10.64.190, 36.18.020(2)(h).

The Workgroup analyzed LFOs authorized under the RCWs to determine whether they were mandatory, discretionary, or whether it was unclear in the statute and interpretation was left up to the judge.

Mandatory LFOs in Superior Courts

- **Victim Penalty Assessment (VPA)** - \$500 for each case that includes one or more felony or gross misdemeanor convictions; \$250 for each case that includes misdemeanor convictions.¹²
- **DNA Collection Fee** - \$100 one-time fee for the first sentence imposed in a defendant's lifetime for a crime specified in RCW 43.43.754. Not mandatory for defendants with mental health conditions.
- **Restitution** – Shall be ordered whenever a felony offense results in injury to any person or damage to or loss of property, unless extraordinary circumstances make restitution inappropriate.¹³
- **Crime-Specific LFOs** – Amounts vary. Some offenses carry additional mandatory LFOs, for example RCW 9.68A.105 which requires a court to impose fee assessments for convictions for commercial sex abuse of a minor related offenses¹⁴.

Mandatory LFOs in Courts of Limited Jurisdiction

- **DNA Collection Fee** – A mandatory \$100 is assessed for certain crimes.¹⁵
- **Public Safety & Educational Assessment** – Amount varies. Two separate assessments, which together equal 105% of any fines, forfeitures, or penalties imposed. ¹⁶
- **Offense-Specific Fines** – Amount varies. Some offenses carry additional mandatory LFOs, for example RCW 26.50.110 imposes a \$15 mandatory fine for Violation of a Domestic Violence Protection Order.

Mandatory LFOs in Juvenile Courts

While most LFOs associated with juvenile offenses have been abolished by the Youth Equality and Reintegration Act of 2015 (YEAR Act), the following are still mandatorily imposed for all juvenile cases:

- **DNA Collection Fee** - \$100 (see above)
- **Victim Penalty Assessment** – \$100 for each cause of action. The court must order the respondent to pay the crime victims penalty assessment when the offense committed by the respondent is defined as a most serious offense or a sex offense.¹⁷ The court must order up to seven hours of community restitution when the offense involves a

¹² RCW 7.86.035

¹³ RCW 9.94A.753(5)

¹⁴ RCW 9.68A.105 – Additional note - 2/3 of the assessment may be waived if the court finds, on the record, that the defendant lacks the ability to pay.

¹⁵ RCW 43.43.7541

¹⁶ RCW 3.62.090 – Notes that, per statute, the PSEA is applied slightly differently for DUI/Physical control cases.

¹⁷ RCW 9A.44.128 & RCW 9.94A.030

victim and is not a most serious offense or a sex offense, unless community restitution would not be practicable.¹⁸

The remaining LFOs are Discretionary, which means that judges have discretion to impose or later waive or reduce the LFO, subject to a determination of indigence. If a court finds that a defendant is indigent, they must waive all discretionary LFOs at sentencing and if relief is sought at a later time.

Court Rules

The Workgroup reviewed state court rules, 39 sets of county local rules, and 96 sets of municipal court rules. Only two state court rules address the imposition of LFOs:

- Rules of Appellate Procedure 14.2
- Rules for Appeal of Decisions of Courts of Limited Jurisdiction 9.3

After recent amendments, both rules now require the court to consider a defendant's ability to pay when considering imposition of appellate costs and precludes courts from imposing these costs if the defendant is indigent.

Research of local court rules revealed several jurisdictions in Washington that reference LFOs in their local court rules. However, most of these rules only establish limits on costs and the circumstances under which certain costs, such as costs for indigent defense, may be imposed. See **Appendix D** for a listing of the local court rules that were identified.

In 2021, the Washington State Supreme Court adopted Court Rule GR 39. GR 39 creates a process for courts in assessing LFOs and also for reviewing LFOs when a party is seeking post-conviction relief. The Administrative Office of the Courts is currently working on a pattern form that one could use to seek LFO relief from the court.

Remission – Relief from LFOs

The Committee reviewed the RCWs to identify statutes that provide persons with LFOs opportunities to remit (waive) their LFOs. Common forms of statutory remittance include:

- Waiver or suspension of LFOs
- Waiver or reduction of interest on LFOs
- Remission of discretionary costs
- Conversion to community service

While options exist in each of these areas, such remittance is limited and is not automatic.¹⁹ This requires one to proactively file a motion with the sentencing court to ask for remission.

¹⁸ RCW 7.68.020 & RCW 7.68.035

¹⁹ See e.g. RCW 10.01.160(4); RCW 10.73.160(4); RCW 3.62.010; RCW 10.82.090(2).

LFO Reconsideration Days

In 2019, two jurisdictions in Washington took initiative to provide their communities an opportunity to seek remittance of LFOs through “LFO Reconsideration Days.” The purpose behind the LFO Reconsideration Days was to give individuals a chance to meet with an attorney to help fill out a Motion to Remit LFOs, and on the same day, be seen by a judge to order remittance where the individual is entitled to such relief under the law.

Kitsap County and Pierce County held LFO Reconsideration Days in 2019 and other courts, Spokane County and Thurston County, had plans to host LFO Reconsideration days in 2020.

The LFO Reconsideration Days in Kitsap and Pierce County were very successful and resulted in the waiver of millions of dollars of LFO debt for people who lacked the ability to pay. In 2020, the Minority and Justice Commission commissioned a report on the Pierce County LFO Reconsideration Day.²⁰

Some of the key findings of that report include:

- The collective total amount waived for the participants in the LFO Reconsideration Day in Pierce County (Superior Court, District Court, and Tacoma Municipal Court) was \$2,371,092.
- A survey of participant characteristics show that participants had a median annual income of \$15,000 (in comparison to Pierce County’s median annual income of \$67,868). A large percentage of participants were unemployed (36%) or looking for work (14%). Most participants were renters (50%), living with family or friends paying no or reduced rent (25%), or were homeless or housing insecure (13%).
- There was considerable overrepresentation of men and persons who identified as Black or African American.
- Several participants (67%) had their driver’s licenses suspended as a result of not paying their LFOs.
- LFOs created a substantial difficulty to pay typical household expenditures – fifty-seven percent (57%) of respondents said they struggled to pay rent or mortgage, forty-nine percent (49%) struggled to pay for utility bills, fifty-three percent (53%) had difficulty paying for groceries, and fifty-three percent (53%) struggled to pay for transportation costs.
- After attending LFO Reconsideration Day, eighty-nine percent (89%) of participants left with a more positive opinion of the court system.
- Participants had a very high level of satisfaction with the outcome of their time in court on LFO Reconsideration Day with all court staff (judge, prosecutor, defense attorney, and security), with the average score being 9.5 out of 10.

It is important to note that, while individuals may at any time file a motion with the court for remittance, many do not have the knowledge or information necessary to fill out and file the

²⁰ Fowle, Matt, Martin, Karin, Ph.D. (2020) An Evaluation of Pierce County’s LFO Reconsideration Day.

motion on their own. There are some entities and resources available to assist individuals who would like to seek relief from LFOs:

- The Northwest Justice Project offers self-help guides and templates for Motion to Remit LFOs²¹.
- Several Non-Profit Organizations are offering direct assistance to people seeking LFO relief, including but not limited to Civil Survival²², Living With Conviction²³, and The Way to Justice²⁴.
- Some public defender agencies can also offer limited assistance and a person could also seek help from local legal assistance programs.²⁵

THE LFO BENCHCARD

A Legal Resource on LFOs & Changes Following HB 1783

The Minority and Justice Commission created an LFO Benchcard in 2015 for judges to have a centralized resource listing all of the relevant statewide laws governing LFOs. The LFO Benchcard was updated in 2018 to reflect the changes in law with the passage of HB 1783 (see **Appendix A**). A comprehensive list of the changes that HB 1783 created can be found in **Appendix B**.

A summary of the major changes put in place through HB 1783 include:

- **Interest Accrual:** Elimination of the 12% interest rate on non-restitution LFOs.²⁶ Prior to passage of HB 1783, Washington was one of the states with the highest interest rate applied to LFOs.
- **Discretionary Costs:** A court cannot impose costs on a person who is indigent at the time of sentencing.²⁷ Prior law allowed a court to order an indigent defendant to pay costs if he or she had the current OR future ability to pay. The new law only looks at an indigent defendant's current ability to pay.
- **Indigence Defined:** A person is indigent if they meet the definition of indigence under RCW 10.101.010(3)(a)-(c). Under that definition a person is indigent if they are receiving certain types of public assistance; is voluntarily committed to a public mental health facility; or receives an annual income of 125% or less of the current federally established poverty level.
- **Remission of LFOs:** Allows an individual who was ordered to pay LFOs to petition the court for a waiver of LFOs at any time after sentencing.

²¹ Link to Northwest Justice Project's Washington Law Help related to LFOs

<https://www.washingtonlawhelp.org/issues/criminal/legal-financial-obligations-restitution-reduc-1>

²² Link to Civil Survival's Website: <https://civilsurvival.org/>

²³ Link to Living With Conviction's Website: <https://www.livingwithconviction.org/>

²⁴ Link to The Way to Justice's Website: <https://www.thewaytojustice.com>

²⁵ Link to WSBA <http://wsba.org/for-the-public/find-legal-help>

²⁶ RCW 10.82.090

²⁷ RCW 10.01.160

- **Mandatory LFOs:** Three previously mandatory LFOs – the criminal filing fee²⁸, jury fee²⁹, and conviction/guilty plea fee³⁰ — can no longer be imposed on defendants who are indigent at the time of sentencing. Additionally, the mandatory DNA fee can only be imposed one time on a defendant.
- **Sanctions for Failure to Pay LFOs:** Provides guidance on how courts determine “willful failure to pay,” which may result in further punishment, and what to do if the failure to pay is not “willful.”³¹
- **Prioritizing Restitution:** Payments for LFOs imposed for both felonies and non-felonies must be allocated in the following order – (1) Victims not fully compensated from other sources, (2) Proportionately to insurance and other sources of restitution, (3) proportionally to crime victim assessments; and (4) proportionately to other costs, fines, and assessments.

COST FEE CODE REVIEW

In order to identify all LFOs that exist within Washington State, the Committee did an extensive review of the various types of Cost Fee Codes that are listed in the courts’ statewide case management system.³² The Committee found that there are a total of *156 separate and distinct types of LFOs* that courts may impose on a defendant.³³ A list of each of those LFOs can be found in **Appendix C**.

The review included 135 Cost Fee Codes used in superior courts and 102 Cost Fee Codes used in courts of limited jurisdiction. Each code was reviewed and compared to provisions in the RCW to identify and confirm what an LFO was, and which were other types of administrative costs not related to LFOs.

Additional Court Costs Not Captured

There are other financial penalties that may flow from a criminal conviction that may be ordered by a court, but are collected by other outside agencies. These financial penalties may or may not show up in an LFO report from the court, and are financial obligations that the defendant will be responsible for. Some of these additional financial penalties include:

- Public Defense Recoupment
- Warrant Issuance or Jail Booking Fees
- Intake or supervision fees assessed by the Department of Corrections

²⁸ RCW 36.18.020(2)(h)

²⁹ RCW 10.46.190

³⁰ RCW 3.62.085

³¹ See e.g., RCW 9.94A.6333; RCW 9.94B.040, RCW 10.01.180

³² Cost Fee Codes are a collection of laws, accounting codes, account distribution information, amount distribution percentage, and effective date.

³³ The review was focused only on Cost Fee Codes related to criminal penalties, and not infractions.

Survey of LFO Practices

The Consortium created and administered surveys to gain insight into the LFO practices of judges, prosecutors, defense attorneys, and civil legal aid attorneys. While the report is limited to the experience and knowledge of the survey participants, this insight is key to understanding the practices of each of these different stakeholders who all play a part in Washington's LFO system. A list of all survey responses can be found in **Appendix E**. Below is a summary of all of the responses by group.

Judges

The judges' survey was designed to answer three main questions:

1. Who uses the LFO calculator and is it helpful?
2. What individualized considerations are contemplated before imposing LFOs, and what avenues for relief are provided to defendants post sentencing?
3. Why does the criminal justice system impose LFOs?

The survey was released in Spring of 2019, and was sent to judicial officers at all levels of the trial courts (superior, district, municipal, and tribal courts) in all counties throughout Washington State.

RESPONDENT CHARACTERISTICS

98 judicial officers responded to the survey and provided feedback related to their respective LFO practices.³⁴ Of those that responded to the survey, forty-eight percent (48%) were superior court judges, one percent (1%) were superior court commissioners, thirty-one percent (31%) were district court judges, seventeen percent (17%) were municipal court judges, and three percent (3%) were district/municipal court commissioners or magistrates.

³⁴ At the time the survey was conducted in 2019 there were 193 superior court judges, and 207 judges in courts of limited jurisdiction.

Figure 1. Survey Respondents

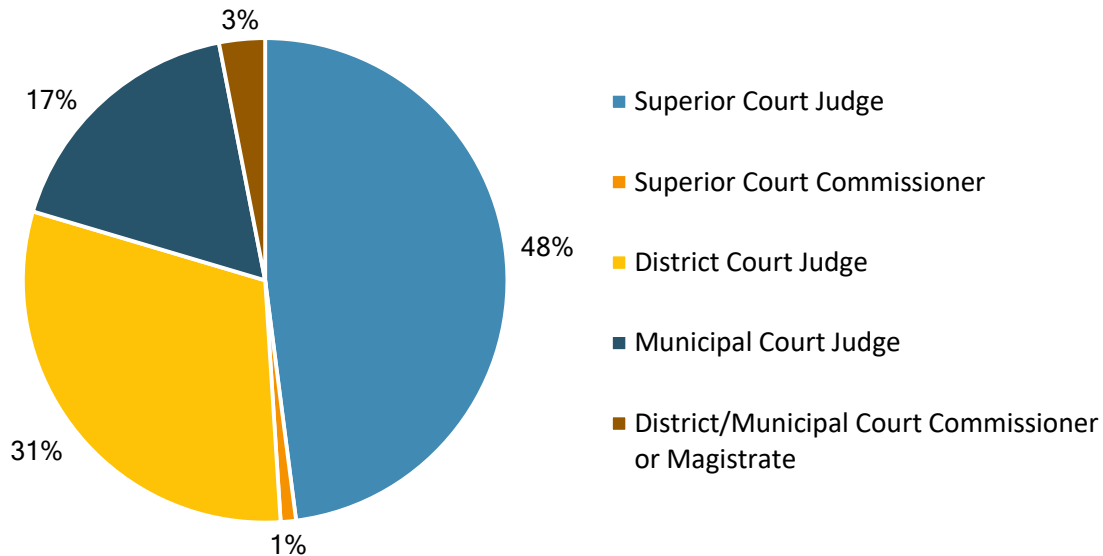


Table 1. Survey Respondents

	Number of respondents (N) = 98	% respondents ³
Superior Court Judge	47	48%
Superior Court Commissioner	1	1%
District Court Judge	30	31%
Municipal Court Judge	17	17%
District/Municipal Court Commissioner or Magistrate	3	3%

LFO CALCULATOR

An overwhelming majority of respondents (92%) are aware that an LFO calculator exists and that it can assist Washington State judicial officers with setting appropriate levels of LFOs based on a defendant’s ability to pay (Question 2). However, only a minority of respondents (41%) have ever used the calculator (Question 3). Of those that have ever used the LFO calculator, fifty-four percent (54%) reported that they use the calculator on a regular basis (Question 4).

Figure 2. Knowledge of LFO Calculator

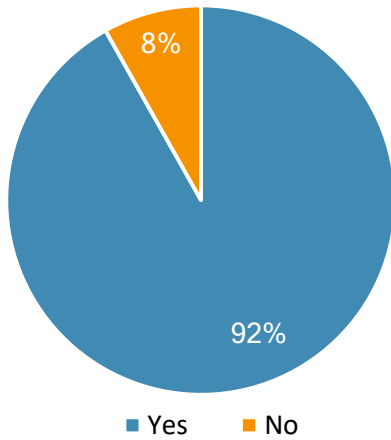
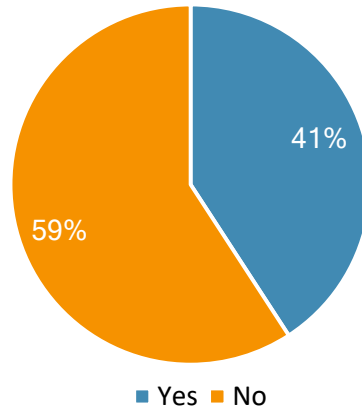
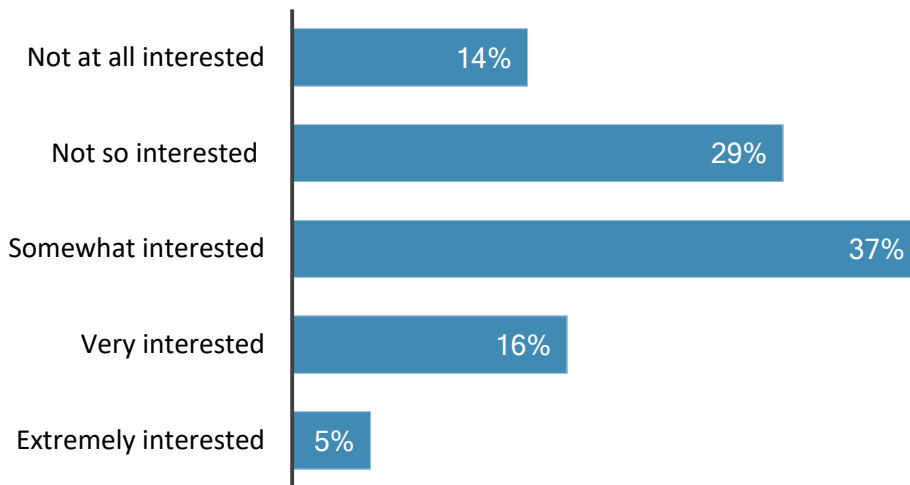


Figure 3. Use of LFO Calculator



When respondents were asked why they do not use the LFO calculator, eighty-eight percent (88%) said that it takes too long, and twelve percent (12%) said that they do not use it because they are not tech savvy (Question 6). Respondents that did not use the LFO calculator were asked if they were interested in using it, and the majority (58%) said that they were at least “somewhat interested” (Question 5).

Figure 4. If you have not used the LFO Calculator, are you interested in using it?



ABILITY TO PAY

Nearly every respondent answered in the affirmative when asked whether they consider an individual's ability to pay when setting costs and fees. Only two respondents answered that they only sometimes consider an individual's ability to pay when setting costs and fees, and no one answered that they do not consider an individual's ability to pay (Figure 5). The results were exactly the same when respondents were asked whether they consider an individual's ability to pay when setting fines (Figure 6).

Figure 5. Do you consider an individual's ability to pay when setting **costs and fees**?

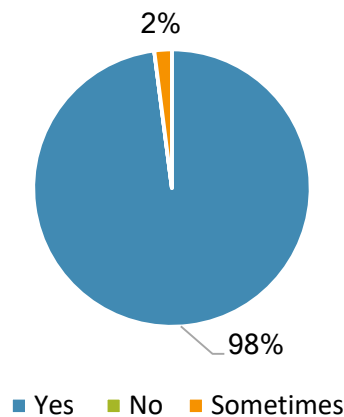
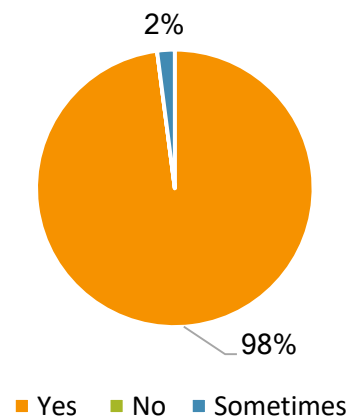


Figure 6. Do you consider an individual's ability to pay when setting **fines**?



When asked what factors, if any, do they consider when imposing restitution, respondents gave an assortment of answers. Many of the answers related to the loss suffered by the victim and whether the loss was causally connected to the crime(s). Other respondents answered that they consider the defendant's ability to pay, including current and future income. (Question 9)

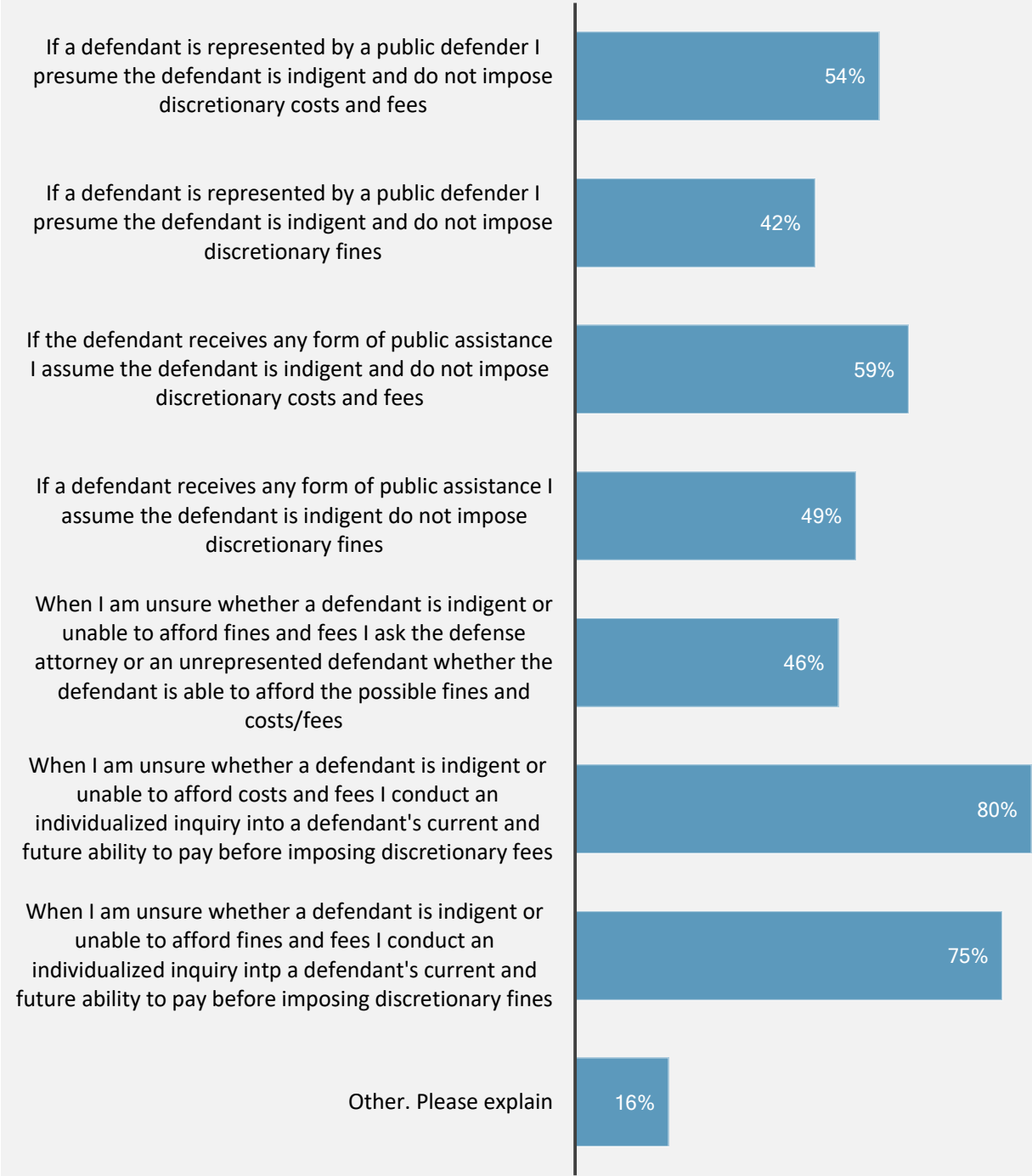
It is clear from the responses related to what respondents consider when imposing restitution that considerations vary greatly among judges. (Question 9). One respondent answered, "I always order payment of all restitution established. I leave it up to our clerk's office to establish a payment schedule with the defendant." *Id.* While another respondent answered, "I consider ability to make monthly payments of the restitution and the period of time it will take to complete restitution and then adjust fines/fees/assessments/costs in light of the restitution amount." *Id.*

There were 90 responses to the question: "When you consider ability to pay, which factors do you typically consider? Please list." The list included past and current work history; physical health and ability; family size and dependents; declaration of indigence; recipient of public assistance/benefits; mental health concerns; education; and other LFOs. (Question 10).

When respondents were asked to please check all the factors that they typically consider when setting fines and fees, eighty percent (80%) answered that when they are unsure whether a defendant is indigent or unable to afford costs and fees the judicial officer conducts an individualized inquiry into a defendant's current and future ability to pay before imposing

discretionary fees. Seventy-five percent (75%) of respondents answered they conduct the same individualized inquiry before imposing discretionary fines. Only forty-six percent (46%) of respondents answered that they ask defense counsel or the unrepresented defendant whether the defendant is able to afford the possible fines and costs/fees. (Figure 7).

Figure 7. When you consider setting fines and fees, which factors do you typically consider? Check all that apply.

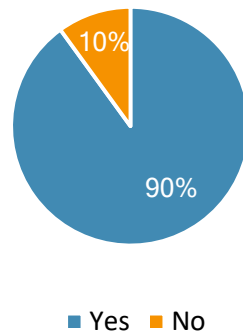


Of the sixteen percent (16%) that responded “other,” many respondents explained their process for conducting an individualized inquiry into the defendant’s ability to pay. Some respondents noted that these inquiries occur by way of financial screenings, colloquies on the record, attorney representations, or assumptions based on the circumstances. (Question 11)

When asked whether respondents consider a defendant’s future ability to pay, the overwhelming majority answered in the affirmative. (Figure 8) Many of the respondents who provided explanations explained that they consider future ability to pay only when the defendant is between jobs, temporarily unemployed, seasonally employed, or recently secured employment. (Question 12). Some respondents clarified that they define “future ability to pay” as immediate or near future, not long future. *Id.* Two respondents explained that they only consider future ability to pay when imposing fines or restitution respectively. *Id.*

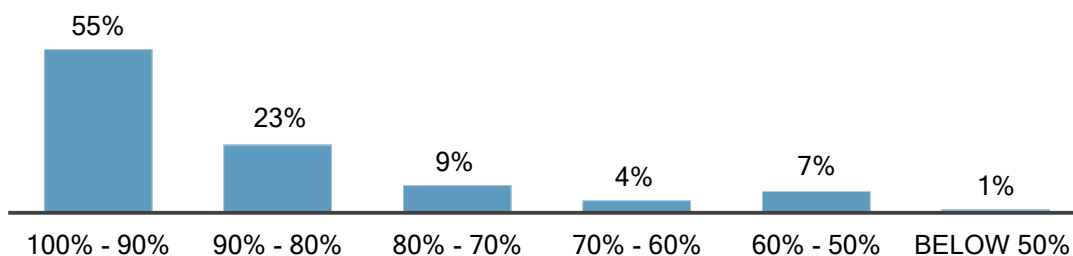
One respondent answered, “*In a few statutes, future ability to pay is a factor (DUI deferred prosecution costs). Most LFOs however are now limited by the [Washington State] Supreme Court, in my opinion, to ‘present ability to pay.’ Id.*”

Figure 8. Do you consider a defendant's future ability to pay?



Respondents were asked to provide the approximate percentage of indigent defendants that come before them. The majority reported that 90% or more of the defendants are indigent.

Figure 9. Approximately what percentage of defendants that appear before your court do you believe are indigent?



REASONING AND PHILOSOPHY

Respondents were asked to provide a reason why they think courts impose LFOs. (Question 14). Many respondents answered that they think courts impose LFOs to punish the defendant or compensate the victim. Id. Many others responded they think that LFOs are imposed to fund the criminal justice system, courts, and court programs. And some responded that LFOs are imposed because the Legislature decided through statute that it was good policy to impose monetary sanctions as part of sentencing. Id.

One respondent was very candid about the dire economic reality of their court in conjunction with the growing need of the community for the supports provided by the court (Question 14). The respondent stated, “We are struggling for our fiscal lives in District Court. The state share contribution is miniscule. Rural counties with small populations have almost zero property tax base. Timber revenue, which is the largest portion of current expense funding in my county, is unpredictable at best and declining due to increasing foreign competition and environmental regulations which prohibit harvesting increasingly large portions of county timber trust. Most local residents are on fixed incomes, need to be protected by the criminal justice system, but can’t afford to support levies for supplemental funding. I worry about how much longer we can afford to provide any meaningful measure of community protection.” Id.

Respondents were asked if they consider LFOs to be essential to the criminal justice process. (Table 2). The responses were grouped into six categories.³⁵ Forty-four percent (44%) of respondents said that LFOs are not essential to the criminal justice process. Another forty-four percent (44%) said that LFOs are essential or are sometimes essential to the criminal justice process.

Table 2. LFO as essential to the criminal justice system

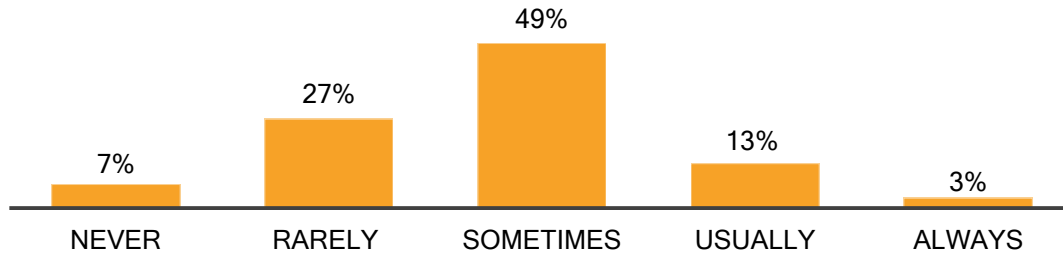
Do you consider LFOs to be essential to the criminal justice process? Please explain.	Number of respondents (N) = 97	% respondents ³
Yes	30	31%
Depends/ sometimes	13	13%
No	43	44%
No, except restitution (or other victim compensation)	3	3%
Not really	3	3%
Not applicable/no comment	5	5%

³⁵ Responses that did not address the question fell into the “not applicable/ no comment” category.

REMISSION PRACTICES

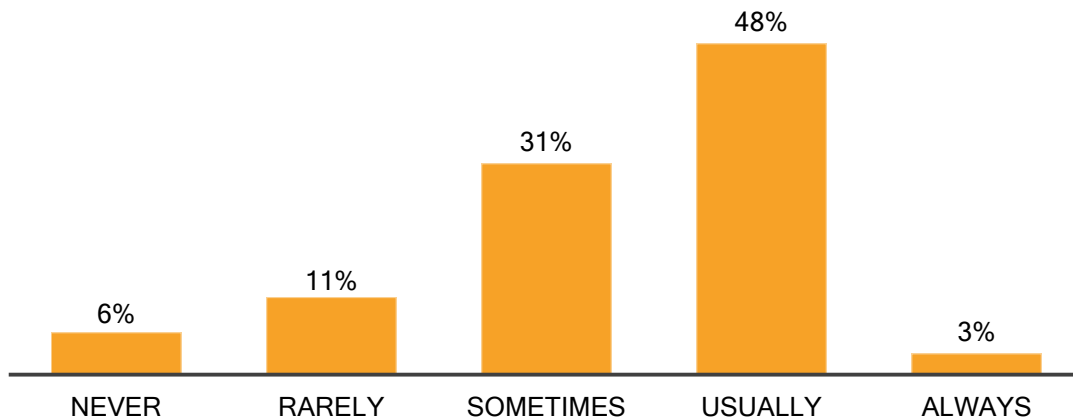
The majority of respondents answered that they are only sometimes asked for reductions post sentence to reduce fines or fees. Thirty-four percent (34%) of respondents said they are never or rarely asked for reductions to fines or fees post sentencing, and sixteen percent (16%) of respondents said they are always or usually asked for reductions. (Figure 10).

Figure 10. How often are you asked, post sentence, to reduce fines or fees?



When asked how often they agree to reduce a fine or fee post sentence, forty-eight percent (48%) of respondents said that they usually agree to a reduction. (Figure 11). Thirty-one percent (31%) of respondents said that they sometimes agree to a reduction and seventeen percent (17%) said that they rarely or never agree to a reduction. Id.

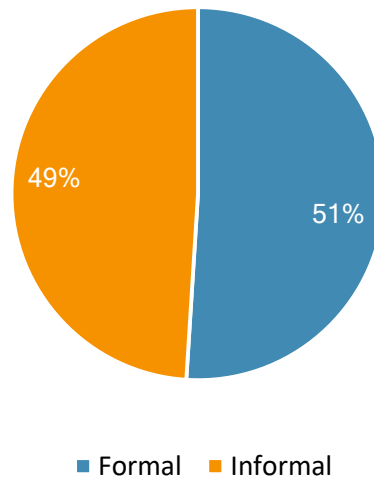
Figure 11. How often do you agree to reduce, post sentence, a fine or fee?



Respondents were split when asked how they classify their remissions process, with fifty-one percent (51%) of respondents answering that their process is formal, while forty-nine percent (49%) of respondents answered that it is informal. (Figure 12).

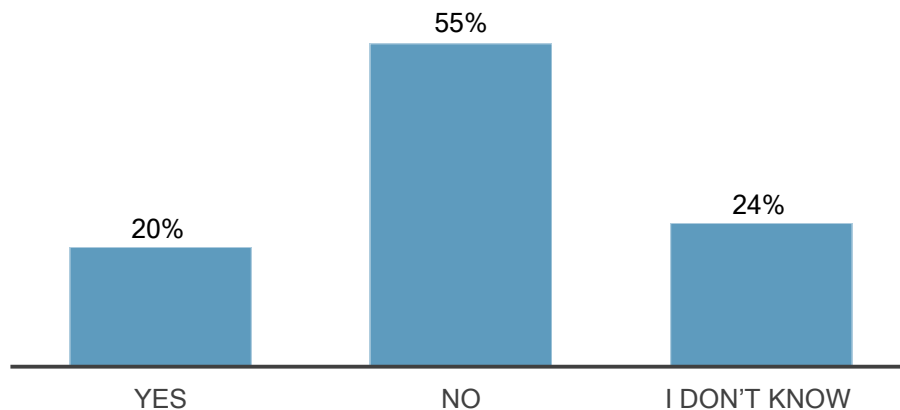
Of the 55 respondents that provided an explanation, 14 explained that their remission process requires a written motion to the court and are generally followed up with a hearing. (Question 18). 7 of the 55 respondents that provided an explanation mentioned that they have calendars or dockets where persons may appear and request reductions to their LFOs. *Id.* 3 respondents who provided explanations reported that their remission process can be both formal and informal depending on the facts and circumstances. *Id.*

Figure 12. How would you classify your remission process?



Fifty-five percent (55%) of respondents answered that their court does not inform defendants at sentencing that they may later seek remission of costs or waiver of LFOs. (Figure 13). Twenty percent (20%) of respondents answered that they do inform defendants at sentencing that they may later seek remissions. *Id.*

Figure 13. Does your court inform defendants at sentencing that they may later seek remission of costs or waiver of LFOs?



However, of the twenty percent (20%) of respondents that answered that they inform defendants at sentencing that they may seek remissions, 3 respondents clarified that they “rarely” do and 2 others clarified that they only “sometimes” do. (Question 19). 2 respondents explained that they provide notice of remission only through the Judgement and Sentence form. *Id.* While another respondent explained that they are “assuming the lawyers so [sic] advise their clients...” *Id.* Another respondent explained that they notify that the defendant that they have “until the due date to pay” and “if the fine is not paid in full they can set up a payment plan or bring the matter back to court by filing a motion before the due date.”

OTHER OBSERVATIONS

To the question: “Do you have any other observations regarding the imposition of fines and fees or the remission of fines and fees? Please share,” 75 respondents provided an answer. 27 respondents answered that they had nothing further to share, and another 3 respondents took the opportunity thank the Minority and Justice Commission for their work on this important issue. 4 respondents mentioned that the courts need dedicated and consistent funding that does not rely on LFOs. Another 4 respondents believe that the system will continue to disproportionately impact indigent people unless mandatory LFOs become discretionary.

Tribal Judges

RESPONDENT CHARACTERISTICS

In Washington State there are 29 federally recognized tribes. Each tribe retains sovereign authority to establish and operate their own justice systems. The tribal courts are empowered to resolve conflicts and disputes arising from within a tribe’s jurisdiction and to enforce tribal law. Most tribal courts apply their own tribal codes and not the RCWs as the source of law. There are 26 tribal courts in Washington State, and one Intertribal Court.³⁶

The LFO Survey was sent out through the Tribal State Court Consortium listserv, and through the tribal court representatives serving on the LFO Task Force. There were a total of 8 tribal judges who responded to the survey. Seven (7) out of the 8 respondents are active tribal judges, and one respondent was a retired tribal judge. Larger conclusions cannot be drawn from the findings because the number of responses was very limited, but it was important to include this section to honor the role and authority of tribal courts and highlight the necessity for greater inclusion and collaboration.

³⁶ Governor’s Office of Indian Affairs, Washington State Tribal Courts, <https://goia.wa.gov/tribal-directory/washington-state-tribal-courts>.

ABILITY TO PAY

Seven (7) of the respondents reported that they consider an individual's ability to pay when setting costs and fees, and 6 of the respondents reported that they consider an individual's ability to pay when setting fines (Appendix E, Tribal Judges, Question 2 and 3).

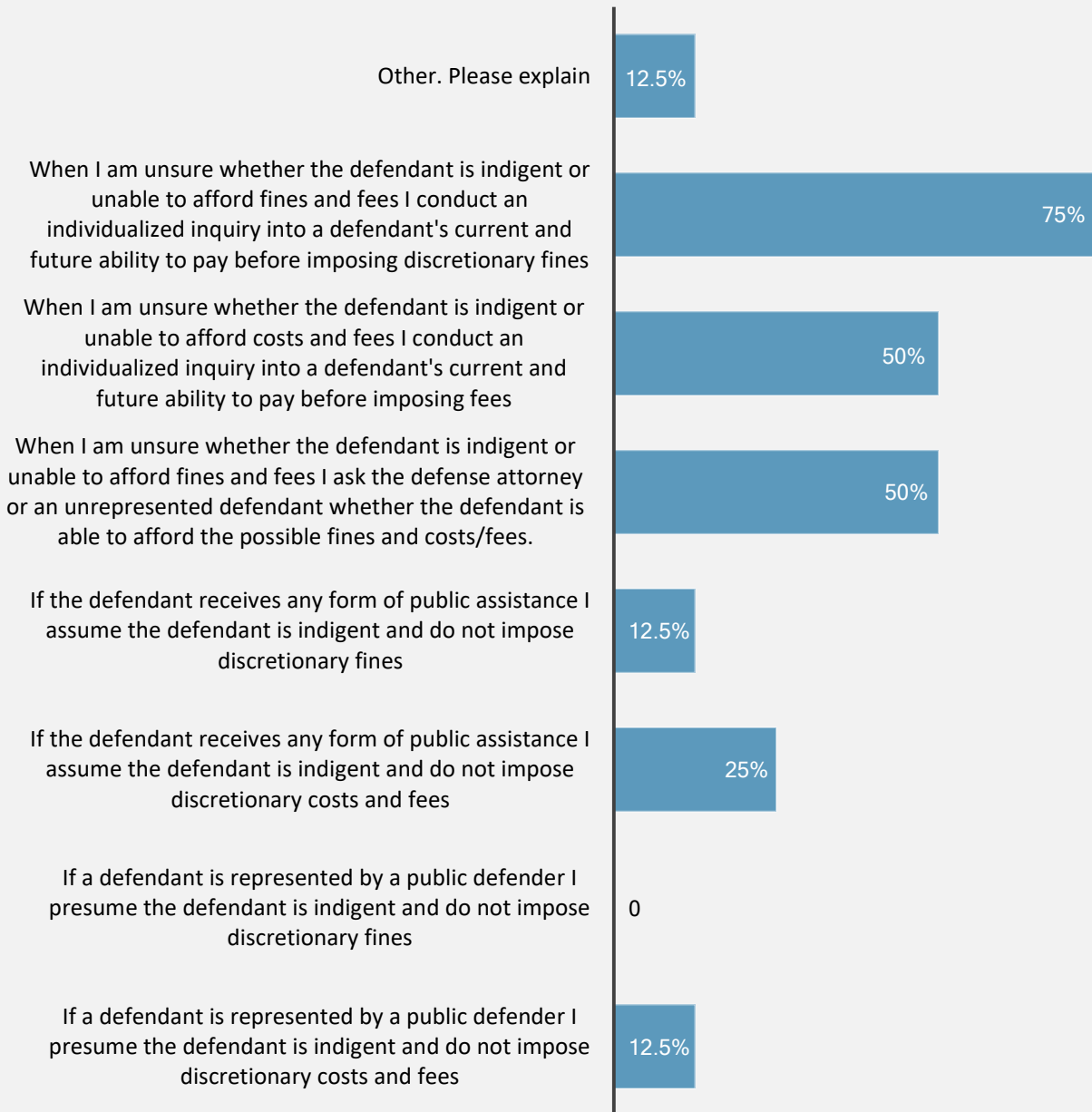
Six (6) respondents reported that they consider a defendant's future ability to pay and the remaining 2 respondents reported they do not. (Question 4).

When respondents were asked "When you consider ability to pay, which factors do you typically consider? Please list," 6 out of 8 respondents listed employment as a factor for consideration. Other responses included family support, obligations, transportation, and willingness as factors that are considered. (Question 5).

On average, respondents reported they believe that seventy-five percent (75%) of the defendants that appear before the court are indigent. (Question 7).

There was a slight difference in responses when asked about ability to pay as it relates to fines vs. fees. When asked whether they conduct an individualized inquiry into a defendant's current and future ability to pay before imposing discretionary fines, 6 out of 8 say that they do conduct an inquiry when they are unsure whether a defendant is indigent or unable to afford such fines. Whereas only 4 of the 8 respondents reported that they conduct an individualized inquiry when imposing discretionary fees. (Figure 1).

Figure 1. When you consider setting fines and fees, which factors do you typically consider? Check all that apply.



REASONING AND PHILOSOPHY

The 4 of the 8 respondents believe that the reason courts impose LFOs is to punish and/or deter the defendant from committing future criminal offenses. One respondent believes that the reason courts impose LFOs is to help fund the court system. (Question 8). In addition, 6 of the 8 respondents do not consider LFOs to be essential to the criminal justice process.³⁷ (Question 9).

³⁷ For purposes of this metric, “No not really” and “not necessarily” were categorized as a “no”.

REMISSIONS AND REDUCTIONS

Five (5) of the 8 respondents reported that they are rarely asked, post sentence, to reduce fines and fees. The remaining 3 respondents reported that they are sometimes asked to reduce fines and fees post sentence. (Question 10).

When asked “how often do you agree to reduce, post sentence, a fine or fee?” 4 of the 8 respondents reported that they “sometimes” make this reduction. Of the remaining 4 respondents, 2 reported that they “rarely” make this reduction and 2 reported that they “usually” make this reduction. (Question 11).

Four (4) of the 8 respondents categorize their remissions process as “informal” and explained that this process could be as simple as an oral motion in open court or discussed at a review hearing. The remaining respondents reported that their remissions process is formal. (Question 12).

Seven (7) of the 8 respondents reported that their court does not inform defendants at sentencing that they may later seek remission of costs or waiver of other LFOs, and the remaining respondent reported that they didn’t know whether defendants were informed at sentencing. (Question 13).

When asked what factors they consider when imposing restitution, 7 of the 8 respondents answered that they consider victim’s loss/damages. (Question 14). One respondent answered that they use a cultural standard which may or may not use money as the form of restitution.

When asked whether they had any other observations regarding the imposition or remission of fines and fees, one judge stated, “I think the remission of fines and fees is an important way to address the disparate impact LFOs have on poor people.” (Question 15)

COMMUNITY SERVICE

All 8 of the respondents reported that they offer community services in lieu of fines, fees, and restitution. (Question 16). When asked what the rate of pay is for community services, the answers included federal minimum wage, tribal minimum wage, and anywhere from \$7.50- \$12 an hour. (Question 17).

Five (5) respondents report that the court tracks community services hours by using time sheets signed by the community services supervisor. Five (5) respondents reported “other” and explained that probation tracks community services hours. (Question 18)

Prosecutors

RESPONDENT CHARACTERISTICS

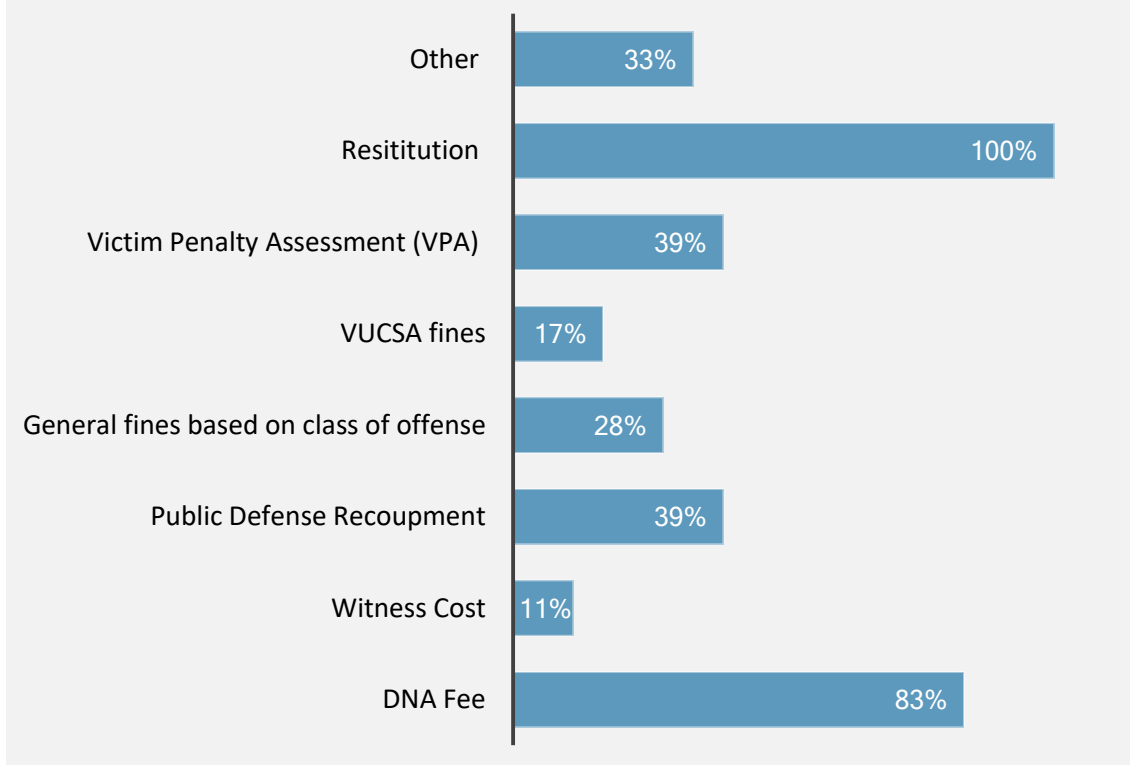
18 prosecutors representing various jurisdictions throughout Washington State responded to the LFO survey and provided feedback related to their respective LFO practices.

COMMON PRACTICES

Thirty-three percent (33%) of respondents answered that they require LFOs as part of plea bargaining and will withdraw the plea bargain if defense counsel asks to inquire about ability to pay, whereas sixty-six percent (66%) said that they do not. (Question 1). When respondents were asked “in your jurisdiction, what is your most common practice regarding LFOs?” the fifty percent (50%) responded that they actively request LFOs. Thirty-three percent (33%) responded that they default to the court for LFOs. Seventeen percent (17%) responded with “other” and explained that they default to the court regarding DNA fees, or only request imposition of mandatory LFOs. (Question 2).

When asked to select all the different LFOs that are regularly imposed in the court in which they practice, respondents gave a variety of answers. Every respondent said that their court regularly imposes restitution, and eighty-three percent (83%) said that their court imposes DNA fees. Thirty-nine percent (39%) responded that their court imposes public defense recoupment costs, and another thirty-nine percent (39%) responded that their court imposes the Victim Penalty Assessment (VPA). (Figure 1).

Figure 1. Please select the different LFOs that are regularly imposed in the court in which you practice. Check all that apply.



Of the respondents that answered “other,” respondents explained that they imposed other LFOs, including: probation fees, BAC fees, pretrial supervision costs, jail cost, DV assessments, and other LFOs as applicable. (Question 3).

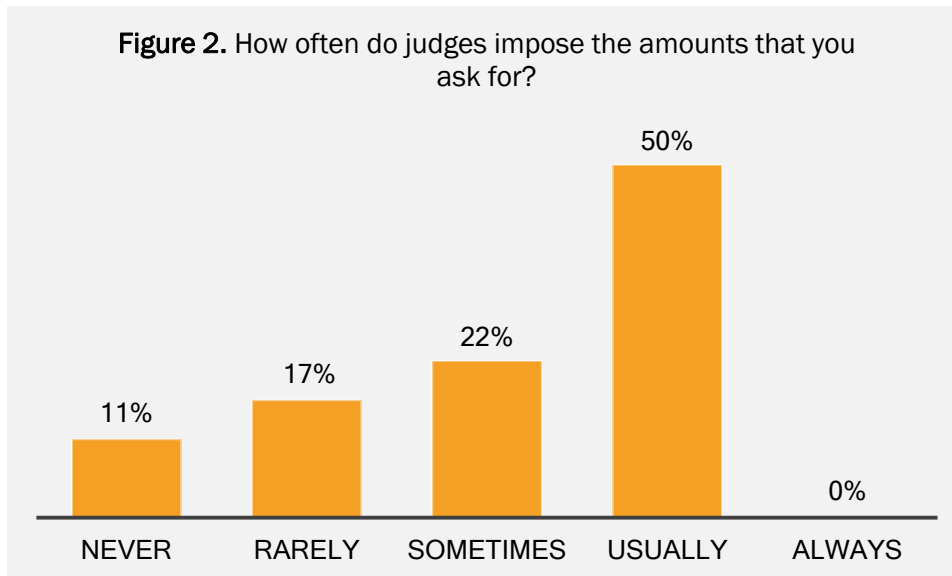
FEE SCHEDULE

Ninety-four percent (94%) of respondents answered that they do not have access to a fee schedule (a matrix of how much can be imposed based on a person’s ability to pay). Only six percent (6%) of respondents answered that they do have access to this fee schedule. (Question 4).

Of those that do have access to a fee schedule, eighty-two percent (82%) responded that they never use it and eighteen percent (18%) responded that they always use it. No one responded that they “rarely”, “sometimes”, or “usually” use it. (Question 5).

PROSECUTOR POSITION AND JUDICIAL DECISIONS

Fifty percent (50%) of respondents answered that judges “usually” impose the amounts of LFOs that the prosecutor asks for. Thirty-nine percent (39%) of respondents answered that judges “sometimes” or “rarely” impose the amounts of LFOs that the prosecutor asks for. (Figure 2).



When asked “In 2018, how often have you argued against whether LFOs should be imposed?” fifty-six percent (56%) reported that they rarely or never argue against the imposition of LFOs. Thirty-nine percent (39%) reported that they only sometimes make this argument. (Question 7).

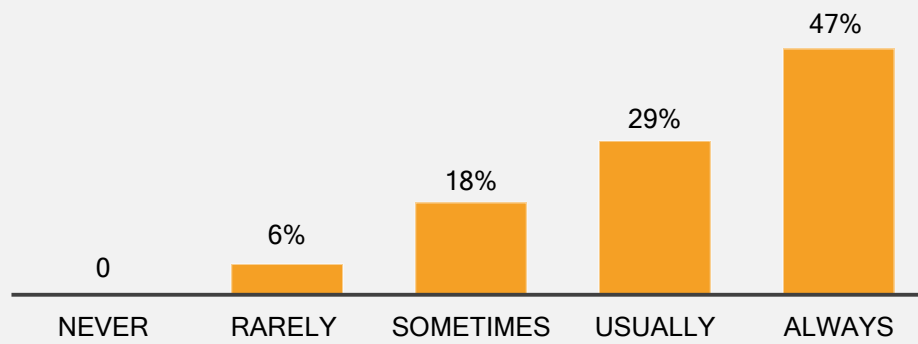
When asked “In 2018, how often have you argued against the LFO amount?” seventy-two percent (72%) reported that they rarely or never argue against the LFO amount imposed. Twenty-eight percent (28%) reported they only sometimes make this argument. (Question 8).

There was a notable split in responses when asked whether judges require legal justification for LFOs.

Forty-five percent (45%) of respondents reported that in their experience, judges always or usually require legal justification for LFO requests by the prosecutor. Whereas, another forty-five percent (45%) of respondents reported that in their experience, judges never or rarely require legal justification for LFO requests by the prosecutor. The remaining respondents reported that judges only sometimes require legal justification. (Question 9).

When asked about training or review of recent court opinions, statutory updates, and other legal developments around LFOs, Forty-seven percent (47%) of respondents answered that their office always provides and/or requires review of court opinions, statutory updates, and other sources of law to develop LFO policies and practices, and twenty-four percent (24%) of respondents answered that this rarely or sometimes occurs. (Figure 3).

Figure 3. Does your office provide and/or require review of court opinions, statutory updates, and other sources of law to develop LFO policies and practices?



ABILITY TO PAY

When asked whether there is an inquiry on the record into ability to pay, the majority (78%) of respondents answered “yes”, and seventeen percent (17%) of respondents answered “other” and provided an explanation. These explanations included that (1) the inquiry by the court is limited; or (2) they practice in multiple jurisdictions and some courts inquire about ability to pay while others do not.

Of the respondents that stated that there is an on the record inquiry by the court into ability to pay in their jurisdiction, Eighty-three percent (83%) reported that the inquiry complies with the *Ramirez* decision. The remaining seventeen percent (17%) of respondents reported that the inquiry by the court into ability to pay does not comply with *Ramirez*. (Question 12).

When asked whether their jurisdiction has any informal practices or agreements with defense counsel on the question of ability to pay, seventy-two percent (72%) of respondents said no. A few respondents explained that they have informal discussions with defense counsel and generally defer to their recommendations, unless restitution is involved. (Question 13).

Respondents were asked “In your jurisdiction, under what circumstances might you object to remission?” Many respondents answered that they object to remission when they can prove that the defendant has an ability to pay. Whereas, other respondents put the onus on the defendant to prove an inability to pay and will object if the defendant has not provided adequate proof. (Question 14).

WAIVER OF INTEREST

Thirty-seven percent (37%) of respondents reported that they object to requests for waivers of non-restitution interest. Twenty-five percent (25%) reported that they do normally accept waivers of interest. Six percent (6%) reported that they leave it up to the judge, and thirty-one percent (31%) of respondents responded with unknown, not applicable, or no response. (Question 16).

REMISSION

Seventy-three percent (73%) of respondents reported that their court typically grants motions for remission. The remaining twenty-seven percent (27%) of respondents reported that their court typically does not grant motions for remission. (Question 18). Of those that responded that their court typically grants motions for remission, thirty-one percent (31%) of respondents reported that the court considers the defendant's ability to pay—half of these respondents specified that the court considers current and future ability to pay. (Question 19).

Forty-four percent (44%) of respondents answered that they always or usually appear at the calendar that handles remission motions and other motions for relief from LFOs. Thirty one percent (31%) of respondents answered that they never or rarely appear on these calendars. (Question 20).

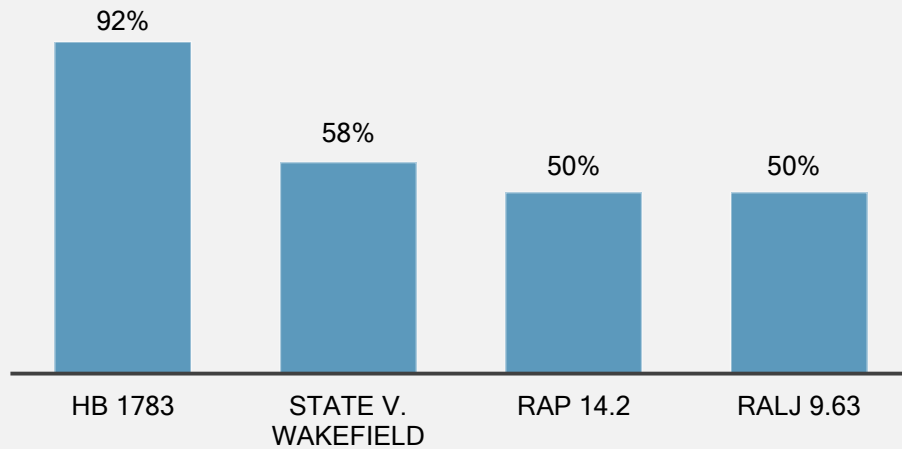
LFO LAWS AND PRACTICES

Generally, the majority of respondents are aware of House Bill (HB) 1783. However, only fifty percent (50%) of respondents were aware of Rules of Appellate Procedure (RAP) 14.2, which prohibits the award of costs against a party who the commissioner/clerk determines does not have the current or likely future ability to pay such costs. Sixty-four percent (64%) of respondents are aware of the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ) 9.3, which prohibits the award of costs when the court determines that the criminal defendant is “indigent.” Sixty-four percent (64%) of respondents are aware of *City of Richland v. Wakefield*.³⁸ (Question 21).

When asked whether HB 1783, *City of Richland v. Wakefield*, RAP 14.2, or RALJ 9.3 led to changes in their office related to LFO practices, a great majority (92%) of respondents reported that HB 1783 had changed their LFO practices. (Figure 4).

³⁸ 186 Wn.2d 596, 380 P.3d 459 (2016).

Figure 4. Have any of the following changes in the law led to changes in your office's LFO practices? Check all that apply.



To the question “Under what circumstances will you request that the court impose jail time for a defendant who has failed to pay their LFOs?” about forty-one percent (41%) of respondents answered that they make this request when the defendant repeatedly (or willfully) fails or refuses to pay. Twelve percent (12%) of respondents answered that they never make a request for jail time, and instead simply charge criminal contempt charges which may result in jail time. (Question 23).

Fifty-nine percent (59%) of respondents reported that they work with the clerk’s office regarding LFOs, and explained that the clerk’s office monitors and assesses payments and provides notification when defendants are delinquent on their payments. (Question 25).

RESTITUTION

Fifty percent (50%) of respondents answered that they seek restitution when restitution is to be paid to a person. The other fifty percent answered that they seek restitution whenever anyone (person, business, insurance company, agency, property, etc.) has suffered a loss or as required by statute. (Question 26).

Seventy-eight percent (78%) of respondents reported that their office has a policy regarding when to seek restitution. Many of those respondents explained that the policy is to seek restitution when there is loss to the victim or as statute requires. (Question 27).

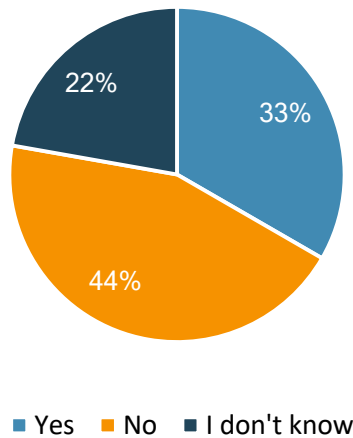
Fifty-six percent (56%) of respondents reported that their office has a policy regarding how to determine the amount of restitution. Many of those respondents provided an explanation related to the amount of loss to the victim, and further explained that the victim provides accounting or other information or documentation as to the amount of the loss. (Question 28).

ENFORCEMENT AND ALTERNATIVES

Thirty-three percent (33%) of respondents reported that their office has a policy or practice for enforcing LFO orders, whereas sixty-seven percent (67%) of respondents reported that their office does not have a policy or practice or they do not know if their office does or not. (Figure 5).

Generally, the policy or practices described by respondents related to coordinated efforts with the clerk's office to enforce LFO orders.

Figure 5. Does your office have a policy or practice in enforcing LFO orders?



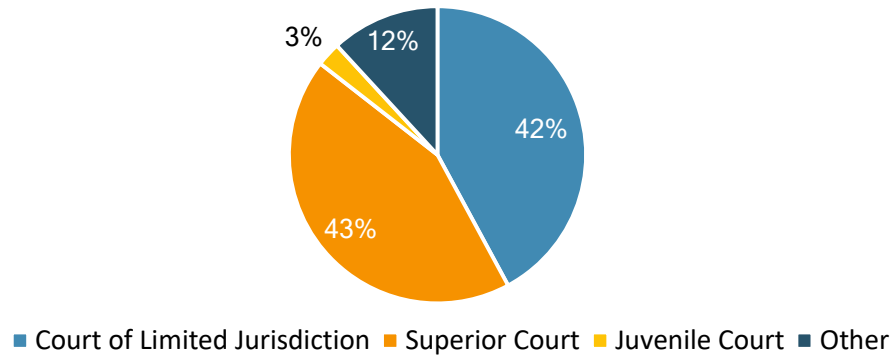
Forty-four percent (44%) of respondents reported that their office supports the use of community service as an alternative to LFOs. Eleven percent (11%) of respondents reported that their office does not support this alternative. The remaining forty-four (44%) of respondents reported “other” and explained that it is not an option in their jurisdiction or they are not sure if their office has taken a position. One respondent explained that community service in lieu of LFOs was only effective in juvenile cases, and that “most adults would rather work and get paid and pay their [LFOs], than do community service instead of getting paid.” (Appendix, Question 30).

Defense Attorneys and Civil Legal Aid Attorneys

RESPONDENT CHARACTERISTICS

There were 76 public defense respondents ranging across all courts from Municipal to Appellate Courts. (Figure 1).

Figure 1. In what court do you practice?



PERSPECTIVES ON PROSECUTOR PRACTICES

A majority of respondents said prosecutors require LFOs as part of plea offers. Only fifteen percent (15%) of respondents said that this never happens, and thirty-five percent (35%) said it always happens. The remaining respondents indicated this happens in some but not in all of their cases.

About one third (33%) of respondents said that prosecutors actively request LFOs, and another thirty-three percent (33%) said prosecutors default to the court regarding LFOs, whereas the last thirty-three percent answered “other” and gave an explanation. Of those who answered “other,” some indicated that prosecutors had a mixed approach, actively requesting LFOs but allowing defenders to argue against them. The majority of those answering “other” indicated that prosecutors actively sought only mandatory LFOs.

One defender noted a difference between a superior court, where prosecutors only sought mandatory LFOs, and a district court in the same jurisdiction, where prosecutors sought numerous discretionary costs and fees.

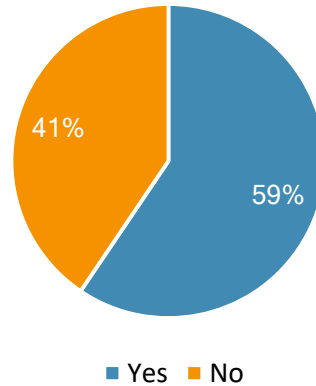
One defender noted that prosecutors will not ultimately dismiss cases settled by way of deferred prosecutions or stipulated orders of continuance unless the defendant has paid all LFOs.

PERSPECTIVES ON COURT PRACTICES

Fifty-nine percent (59%) of respondents said that judges in the courts where they practice conduct an adequate inquiry into their clients’ ability to pay costs as is legally required. (Figure 2.) Twenty-nine percent (29%) of respondents said that judges make findings individual to each defendant’s

current and future ability to pay, the standard the Washington Supreme Court set out in *State v. Blazina*.³⁹

Figure 2. Do judges conduct an adequate inquiry into the defendant's ability to pay costs at sentencing under *State v. Blazina*?



Only eight percent (8%) said that judges consider factors such as incarceration and other debts, a standard from a later Washington Supreme Court case, *State v. Ramirez*.⁴⁰ Twenty-one percent (21%) said that judges use the indigence standards in RCW 10.101.010 and GR 34 as required by HB 1783, which became effective June 7, 2018.

Forty percent (40%) of respondents answered that judges in courts where they practice do not conduct adequate inquiries into their clients' ability to pay costs. Some of those defenders clarified that their judges do not conduct the inquiry because they impose only mandatory LFOs, the amounts of which would not be impacted by the inquiry. The answers of several respondents made clear that defense counsel's advocacy impacted whether judges conducted an adequate inquiry. For example, one defender wrote:

"The [] District Court judicial officers will usually only conduct an inquiry into ability to pay if prompted by the defense."

Several defenders indicated that practices varied from judge to judge or from jurisdiction to jurisdiction. Finally, some said that judges conducted little to no inquiry and imposed costs anyway.

"We [public defense] request Blazina inquiry and court says it is doing it, but nevertheless imposes costs when clients are indigent and don't have future ability to pay."

"The court always takes Blazina information into account and often waives some or all of the LFOs (...)."

³⁹ 182 Wn.2d 827, 344 P.3d 680 (2015)

⁴⁰ 191 Wn.2d 732, 426 P.3d 714 (2018)

The survey asked in what percentage of cases judges imposed LFOs as part of defendants' sentences, and the answers varied widely. Some defenders noted that judges rarely or never imposed LFOs, and others said that judges imposed only mandatory LFOs. Some said courts often imposed fines but not costs. A few defenders wrote that the courts where they appear before impose community service in lieu of LFOs.

Several defenders said that courts always or almost always impose LFOs. A few defenders noted that the courts where they practice considered a range of DUI related costs and fines to be mandatory when, in fact, courts can waive all of those LFOs due to indigence.

Some defenders indicated that in all their cases judges imposed only mandatory LFOs, while others said that that was not true in any of their cases. Interestingly, when asked to describe the percentage of cases with only what were termed "mandatory" LFOs, defenders indicated everything from zero percent (0%) to one-hundred percent (100%), showing the vast variability between jurisdictions and judges.

RECOUPMENT OF PUBLIC DEFENSE COSTS

Approximately twenty percent (20%) of respondents said the judges they appear in front of typically imposed public defense recoupment costs on their clients. When judges did impose recoupment costs, the amount varied quite a bit, both among individual defendants in the same court and between different courts.

One defender said the amounts were "*usually between \$250 and \$750.*" A few defenders indicated amounts over \$500. Many defenders indicated amounts below \$200. At least one defender said that the court where they appear stopped imposing recoupment costs after recent statutory changes in HB 1783.

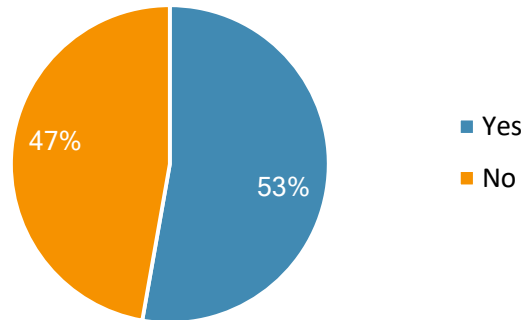
One defender said that the court imposed recoupment costs when it found the defendant was "*voluntarily indigent,*" a category that does not exist in Washington law.

Most of the defenders who said their courts imposed recoupment costs did not know how the court arrived at the amount it did. However, in at least one case, the amount was set by the county commissioners.

PROBATIONARY FEES

Almost half of the respondents did not know what the standard probation fees were in the court(s) where they practiced. (Figure 3.) Those that did know noted a variety of amounts, from \$20 to \$200 per month. Many noted a difference between fees for active probation and inactive probation, which involved only a periodic records check. Total amounts ranged from \$240 to \$3,000.

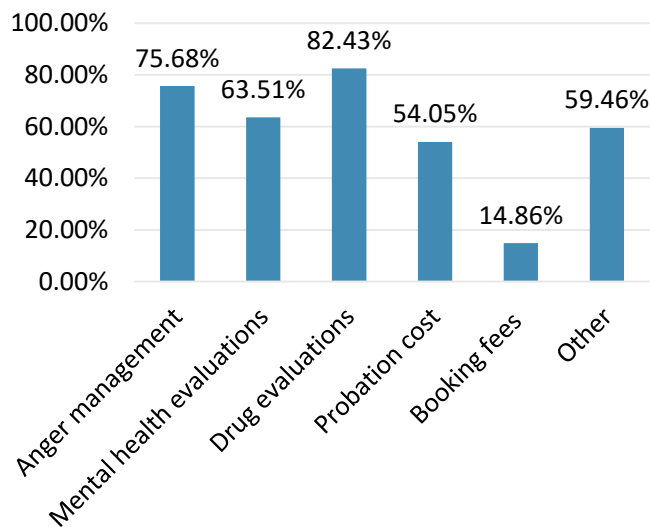
Figure 3. Do you know what the standard probationary fees are?



ADDITIONAL COURT-RELATED FEES (OUT OF POCKET EXPENSES)

When asked about other their client’s other court-related expenses owed to entities other than the court, eighty-two percent (82%) said their clients have to pay for out-of-pocket drug evaluations, followed by anger management (75%), and mental health evaluations (63%). Fifty-nine percent (59%) of the respondents indicated “other” and explained that included domestic violence evaluations and any follow up treatment, victim impact panels, alcohol and drug information school, alternatives to jail (electronic home monitoring, work release), alternative sentencing options (e.g. Special Sex Offender Sentencing Alternative), alternative resolutions to the case (diversion, deferred prosecution), ankle monitoring, urinalysis testing, interstate compact fees, ignition interlock devices, etc. (Figure 4).

Figure 4. Out of pocket expenses



Breakdown of out-of-pocket expenses:

- Anger management (75%)
- Mental health evaluations (63%)
- Drug evaluation (82%)

- Probation costs (54%)
- Booking fees (14%)
- Other (59%)

RESTITUTION

Defenders provided differing reports about whether courts that ordered restitution required defendants to pay restitution to individuals only or to individuals and insurance companies.

Some reported that the prosecutors in their jurisdictions did not ask courts to award restitution to insurance companies. A few defenders noted that the victims/complaining witnesses in many of their cases could not afford insurance, so there was no insurance company to reimburse. Others said that prosecutors in their jurisdictions always advocated for restitution to insurance companies and courts always ordered it. One defender said,

“[w]e frequently can’t get a plea offer unless our clients agree that restitution includes insurance companies – even for damages that aren’t directly related to the charged offense.”

Many defenders said courts ordered restitution to insurance companies in some of their cases but not all.

PERSPECTIVES ON PUBLIC DEFENSE PRACTICES

Sentencing

Eighty-nine percent (89%) of defenders advise their clients on sentencing. Many noted that this was part of their job and was a necessary part of providing effective assistance of counsel. Those who did advise clients on sentencing varied in how in-depth their assistance was, from advising on “[a]ll aspects [and] [a]ll possibilities” to primarily discussing how to handle allocution to giving a brief overview of the process of sentencing. Several defenders were confused by the question about sentencing and generally or found it too vague to answer.

Advising and working with clients before sentencing or imposition of LFOs

Defenders were asked if they advise their clients regarding the imposition of LFOs before sentencing and the vast majority said yes. They described working with their clients to gather the appropriate documentation regarding their ability to pay. The majority indicated that receipt of public benefits is the strongest evidence they can present to the court.

Restitution

Thirty-one percent (31%) of respondents said they handled cases with restitution payable to individuals differently than cases where restitution would be payable to an insurance company. The remaining sixty-eight percent (68%) did not. Some of those who handled the two types of cases differently said they argued more vigorously against restitution to insurance companies.

For example, one defender wrote:

“[g]enerally I argue that insurance companies have the ability to absorb losses or the ability to seek restitution without the sentencing court’s involvement.”

Others handled these cases differently because the courts where they appeared were reluctant to award restitution to insurance companies or because prosecutors did not seek restitution to insurance companies.

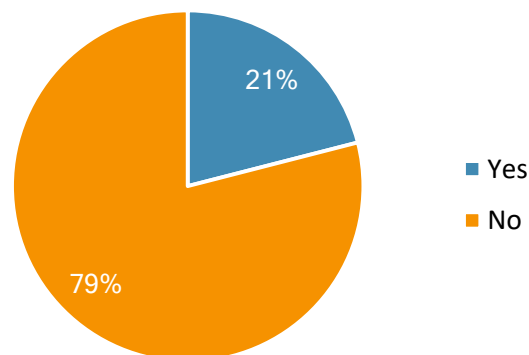
A third group noted that negotiations and documentation were different with insurance companies than with individuals.

Of the sixty-eight percent of defenders who did not handle cases where restitution might be payable to an insurance company differently than other cases where restitution was at issue, several mentioned that Washington law treats the two types of restitution the same or that “[from] the client’s point of view it is just one payment.”

Remission

- Eighty-four percent (84%) of the responding attorneys said there was no clear practice for remission in their courts. A few were unaware of what remission even was.
- Of the fifteen percent (15%) who said there was a clear process, the courts either allowed a client to simply write a letter to the court or provided forms that defendants could fill out.
- One defense attorney said that the court based its remission decisions on the defendant’s criminal history, not the defendant’s financial situation.
- Another defense attorney said that their office provides clients with a remission packet.
- The majority of the defense attorneys (79%) said they do not represent their clients on remission. (Figure 5).

Figure 5. Do you represent your clients on remission?



Many defense attorneys said they do not include remission arguments when representing clients on alleged probation violations. A few said that they argue for remission only if it is relevant to the alleged probation violation.

One defender sought remission of interest on LFOs only because *“that is easily waived by the court.”* Some defenders raise remission at probation violation hearings *“if the defendant expresses concern”* or *“[i]f a client is willing to put in the effort to get me the documentation that I need.”*

Collection of LFOs in Washington State

LFO Collection in Superior Courts

COUNTY CLERKS' SURVEY

In Washington State superior courts, after an individual has been sentenced by a judge to pay LFOs, it becomes the responsibility of the county clerk to collect the LFO payments and distribute them to the proper accounts (RCW 9.94A.760).

County clerks are allowed to collect a fee for their collection services. The Consortium members wanted to know more about the practice of the superior court clerks in assessing a standard \$100 collection fee and conducted a survey with the 39 county clerks. The complete survey can be found in **Appendix F**.

Summary of Findings

Of the 39 counties, 32 clerks responded to the survey:

- Twenty-one (21) clerks reported that they assess the collection fee and 10 reported they do not assess the fee (with one abstention).
- Of the clerks that assign a collection fee, each practice is different, and each places significant limitations on the amount that is assessed, the number of times the collection fee may be assessed, and the number of cases per person upon which the collection fee is assessed.
- No clerk assesses a full \$100 collection fee annually on every case with an outstanding balance.
- Of the twenty-two (22) clerks that assess or plan to start assessing the collection fee in some limited fashion, twenty-one (21) reported that elimination of the collection fee would cause them to cease or significantly reduce the scope of their collection efforts. One clerk commented, *"I'm not sure if we would continue our program if we lose the fee entirely. It would impact our ability to collect as we are operating now. This would also impact the victim and the state as the revenues would decrease."*

LFO Collection in Courts of Limited Jurisdiction

STUDY OF DEBT COLLECTION AGENCIES & CONTRACTS

Washington State Courts are authorized to contract with debt collection agencies (DCAs) to service and collect outstanding LFOs. While majority of the superior courts' clerks' offices run collections in-house, the majority of the district and municipal courts in Washington State contract with DCAs to collect outstanding LFOs. A list of courts and the DCAs that contract with the courts to perform collections can be found in **Appendix G**.

RCW Section 19.16.500 allows courts to transfer a non-incarcerated debtor's LFO obligations to a DCA if the debtor is at least 30 days delinquent in payment. The law authorizes a DCA to impose an additional "collection fee" in a sum of up to fifty percent (50%) of the outstanding LFO amount less than \$100,000, and thirty-five percent (35%) of the unpaid debt if it is over \$100,000. DCAs may also charge a twelve percent (12%) per annum charge on its collection fee.⁴¹ DCAs are not obligated by law to consider a debtor's ability to pay, so they can set required minimum payments which far exceed a debtor's economic capacity.

The Seattle University School of Law's LFO Clinic, led by Professor Bryan Adamson, reviewed 77 different DCA contracts with courts in Washington State. Professor Adamson's preliminary report can be found at **Appendix H**.

Some of the key findings from the review of DCA contracts with courts include:

- In nearly half of the DCA contracts, the statutory maximum fee is imposed (50% for debts less than \$100,000, and 35% for debt more than \$100,000). A list of each court, DCA, and collection fee percentage can be found in Professor Adamson's Report (**Appendix H**).
- Washington's 50%/35% "collection fee" is higher than many other states— for example: Florida (40%), Alabama (30%), Texas (30%), and Illinois (30%).
- The lowest collection fixed fee imposed was nineteen percent (19%) (in 6 different contracts).
- Of the 18 different DCA contractors in Washington, two—AllianceOne and Dynamic Collectors, Inc. account for 50 of the 77 LFO contracts.
 - AllianceOne's standard contract imposes a fixed nineteen percent (19%) collection fee and uses a sliding scale which starts at nineteen percent (19%) for new debts, twenty-four percent (24%) for older debts up to four years, and twenty-nine percent (29%) for debts that are older than four years or transferred from a different collection agency.
 - Dynamic assesses the statutory maximum from each LFO payment.

⁴¹ Per RCW § 19.16.500 (3) "Collection agencies assigned debts under this section shall have only those remedies and powers which would be available to them as assignees of private creditors [;]" Under RCW § 19.52.020(1), collection agencies can charge interest on collection accounts "so long as the rate of interest does not exceed...Twelve percent per annum[.]" *Id.*

- In addition to the collection fees, DCAs also charge additional fees to set up accounts or make payments, such as account set-up, servicing, payment plan, convenience fees.
 - AllianceOne assesses account set-up, servicing, and payment plan fees ranging from \$4.75-\$11.25 per month.
 - Others charge a convenience fee for payment by credit or debit card (\$5.00).
 - The DCAs impose these charges on a per-account, not per-person basis, if an LFO debtor has more than one account placed with the DCA, surcharges are added together.

The report by Seattle University School of Law’s LFO Clinic made some recommendations on DCAs working with courts, including:

- Legislators should re-examine the interest and fees allowed by RCW 19.16.500 in light of the requirement of an ability to pay assessment and other laws.
- Courts should regularly evaluate the content and impacts of contract terms with DCAs.
- Courts should consider doing an evaluation of the costs and benefits of shifting debt collection responsibilities from DCAs back to the courts.

LFO Imposition and Collection Amounts in Washington from 2014 - 2016

Members of the Consortium requested and received data from the Administrative Office of the Courts on several financial aspects of LFOs in Washington State. The Consortium wanted to know:

- How much LFOs are the courts imposing?
- How much is collected?
- How are the collected funds disbursed?

The data included in the following tables and charts includes the courts’ financial data of LFOs imposed from 2014 to 2016. It includes data from all 39 of the superior courts, and 148 of the courts of limited jurisdiction⁴². It is important to note that in 2015, five of the superior courts transitioned to a new case management system, so the data does not include amounts from those particular courts after they transitioned to Odyssey.⁴³

The full list of LFOs imposed and collected from 2014-2016, broken down by court level and by individual court, can be found in **Appendix I**. Below is a summary of the findings.

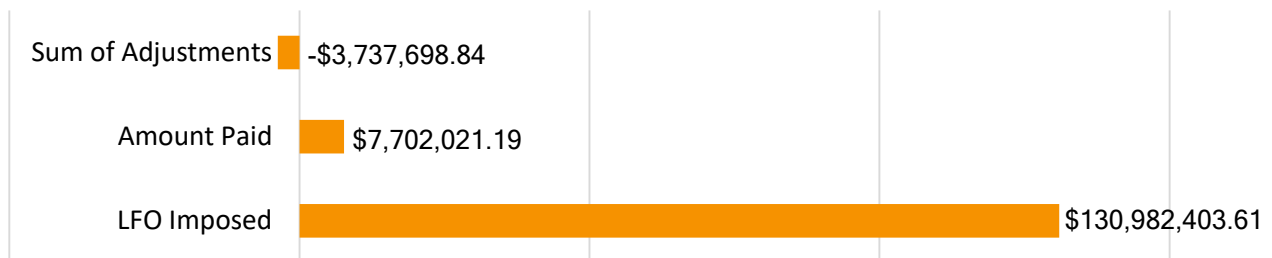
⁴² The data does not include information from Seattle Municipal Court as they use a separate case management system.

⁴³ Those courts include Lewis, Thurston, Yakima, Franklin, and Snohomish County.

SUPERIOR COURTS

In **Superior Courts** from 2014-2016, \$130 million in LFOs was imposed, \$7 million was collected, and there was \$3 million in adjustments to LFOs. Furthermore, especially at the Superior Court level, LFO payments are often spread over a significant amount of time on most cases. So while looking at amounts collected within a three-year time frame may suggest payments collected in a short time are small in comparison to the amounts ordered, when looking at a much longer span of time, the majority (65-70%) of LFOs are ultimately paid in full. (Figure 1).

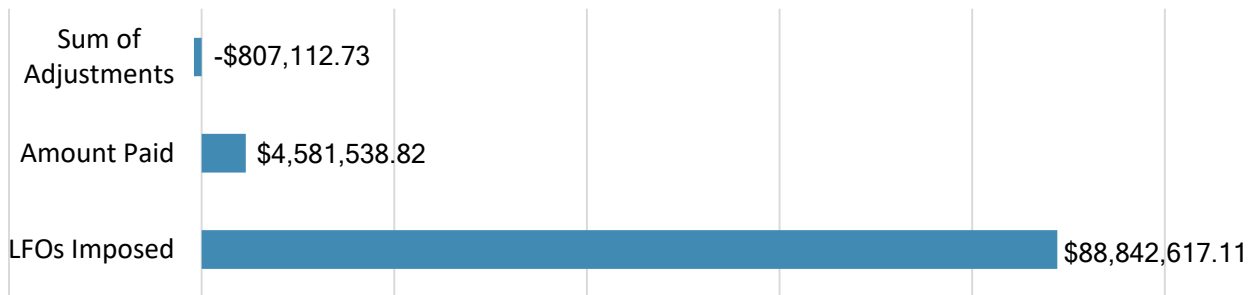
Figure 1. Superior Courts adult LFOs (2014-2016)



COURTS OF LIMITED JURISDICTION

In **Courts of Limited Jurisdiction** from 2014-2016, \$88 million in LFOs was imposed, \$4 million was collected, and there was \$807,112 in adjustments to LFOs. (Figure 2).

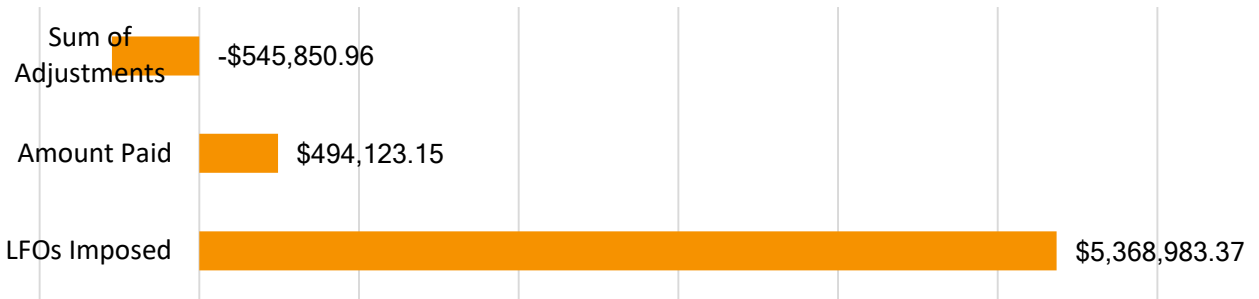
Figure 2. Courts of limited jurisdiction LFOs (2014-2016)



JUVENILE COURTS

In **Juvenile Courts** from 2014-2016, \$5.3 million in LFOs was imposed, \$494,123 was collected, and there was \$545,850 in adjustments. (Figure 3).

Figure 3. Juvenile Courts LFOs (2014-2016)

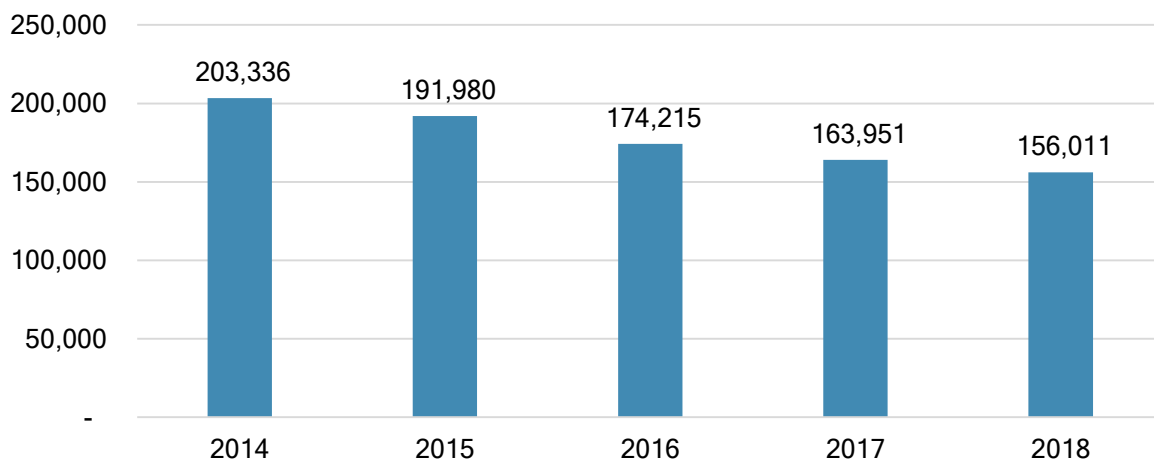


ADDITIONAL DATA FROM 2014-2018 FROM COURTS OF LIMITED JURISDICTION.

The Consortium requested and received additional data from the AOC on LFOs imposed in courts of limited jurisdiction. More recent data from Courts of Limited Jurisdiction was able to be obtained because they did not move to a new case management system as did the Superior Courts. The following is a summary of LFOs imposed in district and municipal courts in Washington State during the years 2014-2018.⁴⁴

Between 2014-2018 there was a twenty-three percent (23%) decline in the number of CLJ cases with LFOs imposed. The number of cases with LFOs imposed declined in each of the five years. On average, the rate of decline was nearly six percent (6%) per year. The largest decline in the number of cases was between 2015 and 2016, when cases declined by nine percent (9%). (Figure 4).

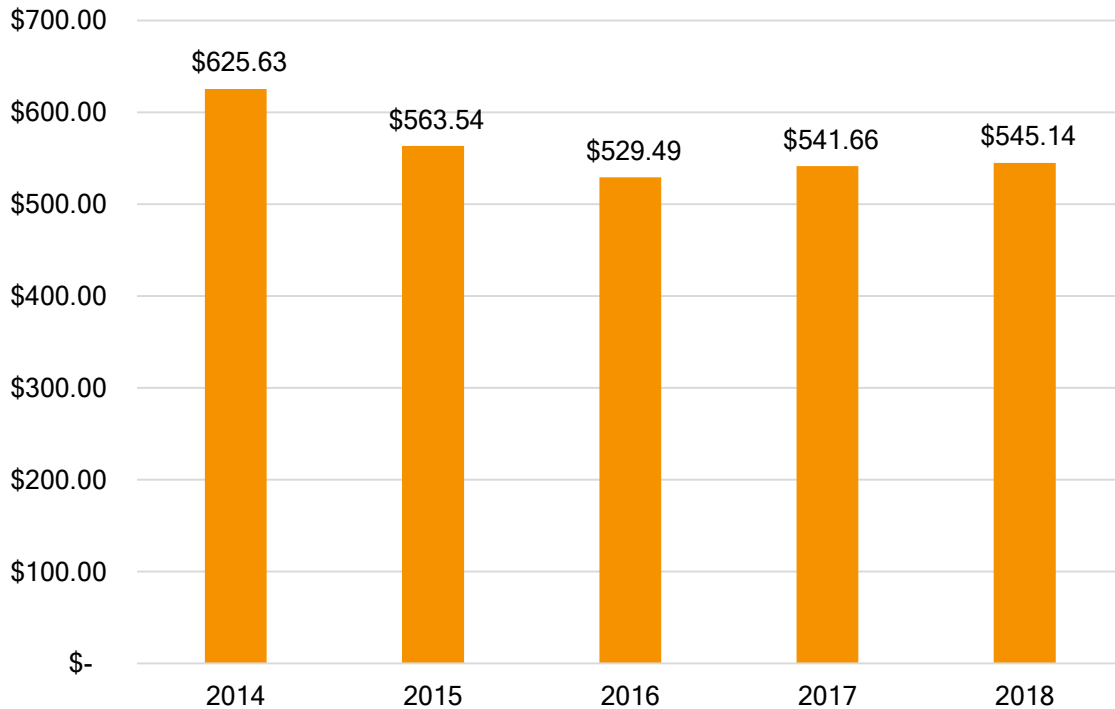
Figure 4. Number of Cases In CLJ Courts with LFOs Imposed



⁴⁴ Seattle Municipal Court is not included in the data because they have a separate case management system of which data cannot be gathered at the statewide level.

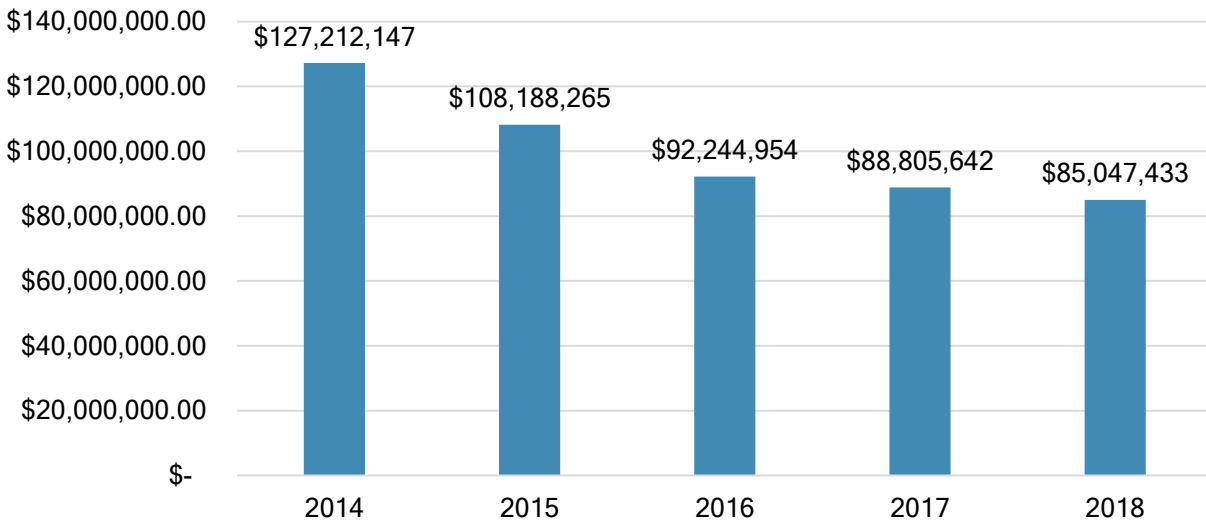
The average amount of LFOs imposed per case varied each year. Unlike the number of cases, the average amount imposed per case fluctuates both up and down between years. Over the five-year period from 2014 to 2018, there was a decline in the average amount of LFOs imposed of thirteen percent (13%). There were declines in the average amount imposed per case between 2014 and 2016, then slight increases from 2016-2018. The rate of decline between 2014 and 2015 was ten percent (10%). The decline from 2015-2016 was six percent (6%). There was an increase from 2016-2017 of 2%, and an increase from 2017-2018 of 0.6%. (Figure 5).

Figure 5. Average LFO Imposed in CLJ Courts/by Year



Similar to the number of cases with new LFOs imposed, the total dollar amount of LFO imposed declined in each of the five years covered. The total amount imposed per year declined by just over thirty-three percent (33%) during the five-year period. Annually, the rates of decline in total LFO amounts imposed was fifteen percent (15%) from 2014 to 2015; fifteen percent (15%) from 2015 to 2016; four percent (4%) from 2016 to 2017; and four percent (4%) from 2017 to 2018. (Figure 6).

Figure 6. Total Amount of LFOs Imposed in CLJ Courts/by Year



Disbursement of Collected LFOs

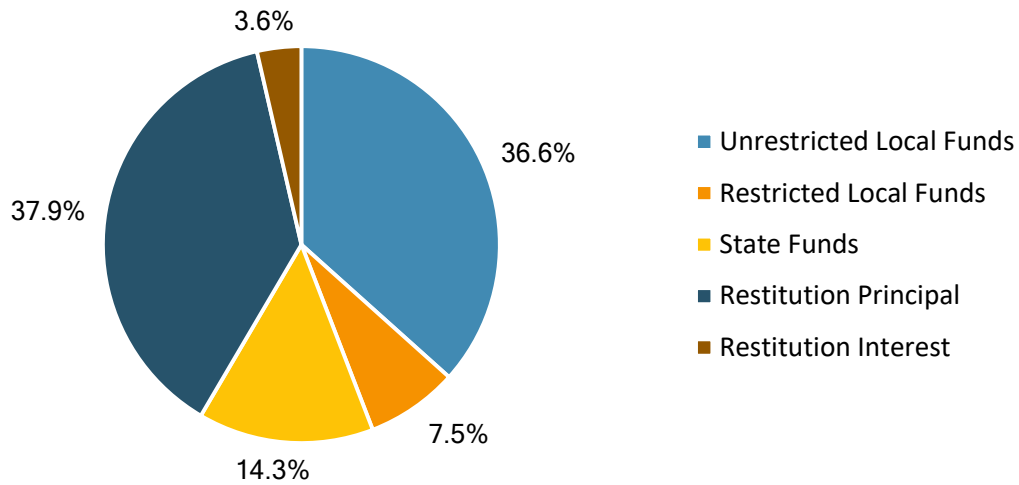
The LFO Consortium members were interested in knowing where LFO payments go once they are received by the court. Each LFO is assigned an Accounts Receivable (AR) code which is used by the courts' accounting system to allocate the statutorily mandated percentage of the received payments to the appropriate fund.

Below are graphs illustrating how the funds that were collected on LFOs between calendar years 2014-2016 were allocated. A more detailed breakdown by county can be found in **Appendix I**.

The Consortium had a lot of questions about how restitution is distributed. The general statute governing LFOs (RCW 9.94A.760) prioritizes payments starting with restitution to victims and crime victims' assessments. Additional information regarding restitution and funds supporting victims can be found below.

SUPERIOR COURTS

Figure 7. Breakdown of Funds Collected for Superior Court, Adult LFOs

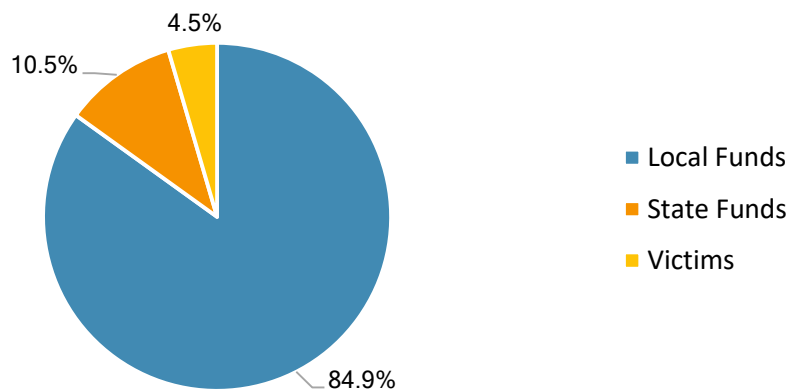


Collections on adult superior court LFOs was about forty-two percent (42%) restitution or restitution interest for crime victims, making it the largest percentage of the total LFOs that are collected in superior courts throughout the state. (Figure 7).

Additionally, in all superior courts the Crime Victim Penalty Assessment (CVPA), a mandatory LFO required in all felony cases, is retained locally, and falls within the Restricted Local Funds category. Further breakdown of the CVPA is 1/3 to the county CVP, 1/3 to the county general fund, and 1/3 for the Superior Court. During the years 2014-2016, \$577,612 was restricted to only being used for crime victim advocacy.

COURTS OF LIMITED JURISDICTION

Figure 8. Breakdown of Funds Collected in Courts of Limited Jurisdiction

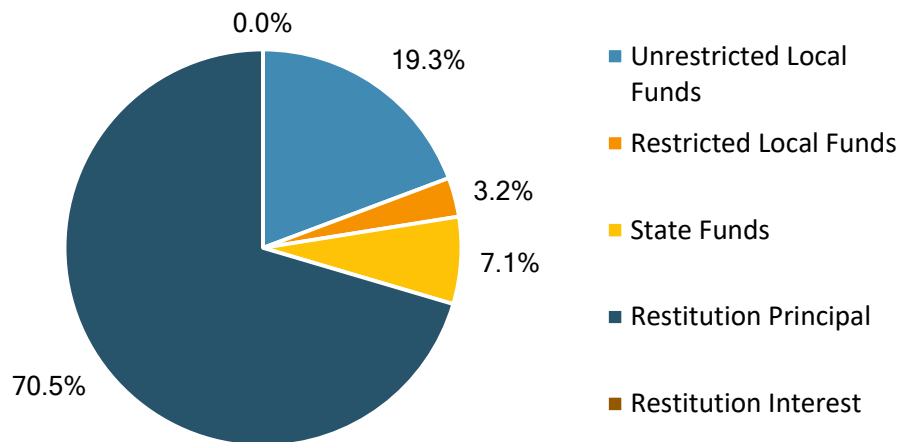


In courts of limited jurisdiction, LFOs that are collected are largely distributed to local funds (84.9%), followed by state funds (10.5%), and then to victims (4.5%). Due to limitations in the case management system and variance amongst courts, we could not obtain reliable data to show the collection and distribution of restitution in courts of limited jurisdiction. (Figure 8).

We found that a multitude of local ordinances require funds collected to be used for specific purposes. AOC data does not track all local restrictions on use of funds. For example, there are a number of jurisdictions that require defendants convicted of specified drug related offenses to pay a fee into a drug fund. Most of these ordinances require that proceeds from these fees can be used to support drug prevention or drug rehabilitation efforts in the local jurisdiction.

JUVENILE COURTS

Figure 9. Breakdown of Funds Collected from Juvenile LFOs



In Juvenile Courts, restitution made up the largest portion of collected and distributed LFOs (70.5%). Of the Unrestricted Local Funds (19.3%), fifteen percent (15%) were restricted to only being used for crime victim advocacy. (Figure 9).

It is worth noting that due to the passage of legislation, the YEAR Act, no new interest balances were added to juvenile LFOs during 2014-2016, either to restitution or to fines or fees.

The Cost to Collect – Survey Development

One of the questions that the LFO Consortium sought out to answer was “How much does it cost to collect LFOs?” and “Are we spending more trying to collect LFOs than what we are actually collecting?” These are two important questions that our Consortium was not able to answer during the grant period. We did however put together a framework in the form of a survey that could be used by future researchers looking to answer these questions.

Members of the Consortium drafted surveys specific for Superior Court Clerks and District and Municipal Court Administrators that would ask how much it costs to collect LFOs, looking at Courts/Clerk involvement in the process including staff time and related expenditures. The survey was divided into sections depending on what processes were used to collect LFOs whether in-house, or using a collection agency.

Ideally the committee would have been able to collect cost data from each of the many agencies involved with collection of LFOs. Time and band-width constraints did not permit this. In an attempt to provide some information about the cost to collect, the committee surveyed a very limited number of courts, in the hopes of receiving enough data to provide some idea of the costs involved. To this end the survey was distributed and results were received from one superior court and from one municipal court.

Responses to the surveys can be found in **Appendix J**. However, the results are not sufficiently complete to draw any solid conclusions. For example, the superior court collects LFOs using in-house efforts, whereas the municipal court refers all cases out to collections unless they are paid in full within 60 days. We did not receive any cost data about the fees the collection agency charges defendants.

FINDINGS

The municipal court that responded to the survey reports total collections of about \$150,000 annually, and of that about \$50,000 is collected by a collection agency. We have no collection fee data on what the collection agency charges defendants for its services. From the information provided, it appears that this court may spend about \$1,200 annually in support of the collections outlined above.

The superior court that responded to the survey reports total collections of about \$1.8 million. We have no data on related costs from other agencies such as prosecuting attorneys, defense counsel, or judicial officers. However, the court clerk reports the level of effort to achieve this level of collections as about 533 court clerk hours for collection related hearings, which would result in base salary costs of about \$8500 annually. We do not have cost data for the related 533 hours of defense, prosecution, judicial officer or other staff costs related to those hearings. Similarly, we did not receive cost information for any other collection efforts, such as billing, generation and distribution of notices, etc.

Key data points the committee hoped to collect would include all of the staffing and other direct costs of supporting the local collections efforts. Matching these costs with the total funds collected would get us closer to being able to answer the question: “Are we spending more to collect than we are actually collecting?” We encourage further research into this area, and hope that the surveys that were drafted in collaboration with court stakeholders could serve as a helpful start to further exploration.

LFO Calculator Pilot Project – An Innovative Tool to Address LFOs

1.2.2

LFO Calculator
(State of Washington)

1 2 3 4

Case Settings

[INSTRUCTIONS](#)

Hearing is for post-conviction relief

Select Court Level
Superior Court

Select your occupation
Other

Screenshot of the LFO Calculator Tool

The assessment of LFOs can be a complex process, and as a result, judges, prosecutors and defense attorneys often get the law wrong. Utilizing grant funds from the Department of Justice, as well as support from Microsoft, the LFO Calculator was created as a tool to help judges and other criminal justice stakeholders navigate the multitude of laws related to LFOs.⁴⁵

The LFO Calculator takes the user through the process of inquiry that a judge must go through when determining an appropriate amount of LFOs, usually during sentencing. The tool identifies all LFOs that apply to a certain type of criminal charge, and can distinguish what LFOs are discretionary, mandatory, and what can be waived or suspended. The tool walks the user through an ability to pay assessment to determine if a defendant is indigent based on statute, and reminds the user that imposing costs on anyone who is indigent is prohibited.

The tool also helps the user find an appropriate payment plan amount. In real time, the user can see the total minimum monthly payment and the time it would take a defendant to pay off the total amount.

⁴⁵ Microsoft's Corporate, External, and Legal Affairs (CELA) group helped in the development and creation of the LFO Calculator

THE LFO CALCULATOR PILOT PROJECT

In order to assess what kind of impact the LFO Calculator had on judges' practices, 10 judges and commissioners were recruited from around Washington State to use the LFO Calculator on a regular basis over the course of a year. The 10 pilot judges and commissioners participated in a series of interviews where we assessed the process and tracked progress. The pilots included judges and commissioners from five superior courts and five courts of limited jurisdiction, representing both municipal and district courts. The group members were diverse geographically and by the size of the jurisdiction in which they served.

With the change in legislation related to LFOs in 2018, it became apparent that everyone, not just judges, needed to be educated on the new laws related to LFOs. In order to meet this need, the LFO Calculator went live on June 7, 2018, and was made available to the entire public, including judges outside of the pilot. Prosecutors, defense attorneys, defendants, and advocates all had access to this tool in addition to the judges.

SUMMARY OF FINDINGS FROM PILOT COURTS

Five (5) judges from superior court, and four (4) judges and one (1) commissioner from courts of limited jurisdiction participated as pilots of LFO Calculator. The judicial officers reflected diversity of size and geography of courts across Washington State. They received training on how to use the calculator and agreed to participate in a series of interviews throughout the year.

The purpose and goal of the regular interviews with the pilot judges was to collect comments and feedback of the judges' experience using the LFO Calculator. The interview questions were focused on technical feedback and qualitative feedback measuring how the use of the tool impacted the judges' assessment of and understanding of LFOs.

The interviews were also used to evaluate the impact of the LFO Calculator in meeting its stated goals:

1. Helping judges make individualized ability to pay determinations;
2. Getting judges to understanding exactly how their decisions impact the minimum monthly payment required by the defendant, and
3. To understand the long-term impact of imposed LFOs on a defendant's life, particularly the amount and length of time an individual would be required to pay LFOs.

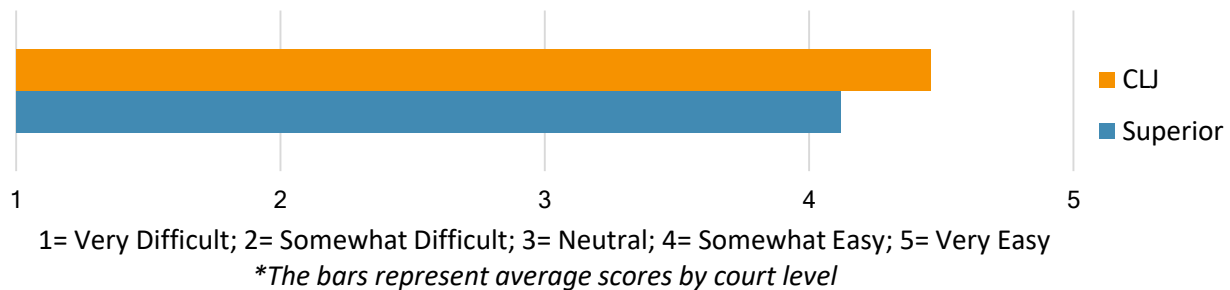
The full report of responses to the Pilot Site Surveys/Interviews can be found in **Appendix K**. Below are some of the key findings from the interviews with the pilot judges:

Ease of Use

On average, it took the judges less than 5 minutes to make a full LFO assessment on one case using the LFO Calculator. The pilot judges generally found the LFO Calculator easy to use, with the judges from courts of limited jurisdiction finding it slightly easier to use than superior court judges.

(Figure 1). One superior court judge commented, “Neutral, if I had time to use it. But there are too many questions when I know I am just going to impose the mandatory minimums.”

Figure 1. The ease of use of the LFO Tool



Where do you use the tool?

Majority of the pilot judges use the LFO Calculator in the courtroom when on the bench. Superior Court judges indicated that they sometimes use the LFO Calculator in chambers after the sentencing hearing has been concluded, for post-sentencing matters, post-conviction release, and for requests for waivers/reduction of LFOs.

What do you think is most useful about the tool?

The following are the most popular responses to what the pilot judges found most useful about the tool.

- **Immediate Access to all LFO Laws and Statutes** – “One-stop shopping on all authorities related to LFOs. Links about the laws, what’s mandatory, what’s not, all included in one place.”
- **Real-time Calculations** - “What it will take them to pay LFOs in a reasonable time;”
- **Transparency** - A judge from a court of limited jurisdiction stated “Printing out the total fine page, it helps me to articulate to the person exactly what it is that they are paying; it helps me to explain all the aspects of criminal justice accounts that the total fines are covering; and helps me to be transparent.”
- **Understanding of Real-Life Implications of LFOs** - “It allows one to quickly adjust the LFOs and understand what the real life impact will be on the defendant.”

What do you think is least useful about the tool?

There were two responses that stood out the most when the pilot judges were asked what was the least useful about the tool.

- **Time Payment Schedule** – Some courts have clerks or others in the court setting up time payments, so they don’t use the functions that calculate monthly payoff amounts.
- **Most Defendants Are Indigent** - Superior court judges in the pilot indicate that because most of the defendants in their court are indigent, they do not need the calculator to tell them what LFOs to impose, since they know to only impose the mandatory

minimums. However, this was only the case with Superior Court judges and not the CLJ judges.

Did you find the monthly payment payoff calculator helpful?

Majority of the pilot judges felt the monthly payment payoff function of the Calculator was helpful. Many of the judges who did not find it helpful are ones who have clerks or collection companies that set up the monthly payment schedule. More superior courts than courts of limited jurisdiction found the monthly payment payoff calculator helpful because the defendant is usually assigned very large amounts of LFOs. However, many of those superior court judges still find it helpful to the extent that it helps improve their understanding of how long it will take a defendant to pay off the LFOs.

Two judges provided the following feedback:

“(the payment payoff calculator) helps to have a big picture that includes all the financial information...it helps me do what I believe is reasonable,”

“this is good information for the defendant. It helps make the debt concrete and more understandable for the defendant.”

How has the ability to pay inquiry changed since using the calculator?

When asked about their prior LFO inquiries both before and after the LFO Calculator, a theme for both Superior Court and CLJ judges was that prior to the LFO Calculator, their inquiry was less consistent, and that the LFO Calculator helped make the questioning more formal and more consistent. Most judges indicated that they have always conducted an inquiry, but the LFO Calculator helped with making the inquiry more consistent.

Some comments that were offered include:

“I have always inquired (into ability to pay). It was not always as organized as it is now. The tool provides a list of questions that is very helpful in improving thoroughness and consistency”
– Superior Court Judge

“Blindly assessing fines that I thought were appropriate, I didn’t ask people what they could pay. I would only ask how much they can pay a month. It was horrific.”
– CLJ Judge

“Now I remember to ask some of the additional questions that I might have forgotten previously. Having the questions listed is helpful.”
– Superior Court Judge

How has the calculator impacted your understanding of the financial burden to the defendant?

The Superior Court pilot judges using the LFO Calculator saw less of an impact on their understanding of the financial burden to the defendant than CLJ judges. The reason given for the Calculator not having much impact was because most of the defendants that come before them are indigent, therefore they only can impose the LFOs that are mandatory.

Two Superior Court judges offered the following comments:

“It is depressing because we don’t impose much anymore. I am sad I cannot impose more.”

“the tool has not changed my perspective. Most defendants are indigent and even the mandatory LFOs are often difficult to justify imposing.”

Other Superior Court judges commented that it is the clerk’s office that sets the payment schedule, so they don’t really think about the length of punishment.

Majority of the CLJ pilot judges said that the LFO Calculator did have an impact on their understanding of the financial burden and the length of punishment imposed by LFOs. Most indicated that the LFO Calculator helped educate them on the realistic impact on a person over time. They now have a better understanding of the monthly payment amount that a defendant can actually pay, and that this was something they didn’t truly realize or understand until the LFO Calculator was able to break down the total amount to an amount that the defendant could realistically pay.

One CLJ judge commented:

“[The LFO Calculator] educates about the realistic impact on the person over the period of time. A fine is not just a fine, there are mandatory fees. How much time will this person need to pay this off? More realistic position what these dollars mean. Makes the court think about why am I truly imposing this? Is this punishment or something else? ...Should they really be fined on top of that?”

Another CLJ judge added:

“I was always very aware of fines and fees, but now, it really dawned on me in how many people in my courtroom can’t pay. This has been very eye opening how dire people’s financial situation is.”

In a similar vein, the judges were asked how the LFO Calculator impacted their understanding of how long it would take a defendant to pay off a particular LFO amount. Majority of the responses from both CLJ and Superior Court judges indicated that the LFO Calculator gives them a better understanding of the long-term impact of LFOs on a person’s life and ability to pay. However, again, the Superior Court judges and CLJ judges’ responses differed. For Superior Court judges,

the LFO Calculator did not have much of an impact because many of them do not deal with payment schedules, their clerks do. For example, one Superior Court judge commented, *“there has been no impact. I already know this. For a typical defendant it will never be paid.”*

CLJ judges had a very different outlook on the utility of the LFO Calculator on their understanding of how long it will take a defendant to pay it off. Most CLJ judges indicated that it had a “big impact, and that it gives a better understanding of the long-term impact of fines and fees.

How has the LFO calculator impacted the way you conduct ability to pay?

There was a noticeable difference in how the Superior Court pilot judges responded to this question in comparison to CLJ judges. For most of the Superior Court judges, the LFO Calculator did not impact their ability to pay assessment. One judge commented, *“I have no choice on the imposition of mandatory fees.”* While several Superior Court judges indicated that there was no impact, there were many judges who said that their inquiry into ability to pay is more formal and consistent now.

The CLJ judges had a very different response. Their inquiry was impacted because they can be much more hands-on with defendants in getting to an amount that is a reasonable payoff amount. Through the LFO Calculator, they can quickly see what a person’s ability to pay is, and the Calculator allows them to make adjustments, reductions, and to see in real time, how the adjustments and reductions would impact the total amount.

When the judges were asked to describe the LFO Calculator’s impact on their understanding of how long it will take the defendant to pay off their LFOs, most judges indicated that the Calculator gives them a better understanding of the long-term impact. However, more CLJ judges indicated a larger impact, whereas several Superior Court Judges indicated that the LFO Calculator had no impact, since many of the Superior Court judges rely on clerks to deal with payment schedules.

One CLJ judge commented:

“[The LFO Calculator] has a great impact! Without the tool I need a calculator to figure it out. The tool allows one to adjust the calculations quickly. The reality is that judges won’t take out a calculator to figure it out. The tool helps us to do what we should be doing already, but quickly and efficiently.”

How has the LFO calculator impacted the way you consider offering alternative solutions?

The LFO Calculator has a function that allows a judge to convert fines into community service hours. Overall, it seems that the LFO Calculator did not impact the way courts in the pilot consider offering alternative solutions other than payment of LFOs.

For all of the Superior Court judges the LFO Calculator did not impact the way they consider offering alternative services because the Superior Courts in the pilot don't include this particular practice. For example, one comment was, *"It doesn't affect me. Alternatives are seldom an option in superior court proceedings."*

On the other hand, CLJ pilot judges found it a little more useful. One judge commented, *"I always allowed it. I do it at the higher rate than the calculator and I don't calculate community service as an hourly rate."* Another judge commented *"It still didn't change my practices. I use community service as an alternative to jail, not fines. I don't want to add community service in lieu of jail only. For the fine, if they can't pay, I don't order it. I try not to overburden people, they already have a lot to deal with, just one thing at a time."*

Have you encouraged attorneys to use the calculator?

When asked whether they encourage attorneys in the court to use the calculator, majority of the judges participating in the pilot said yes, they are notifying the attorneys. However, they are unsure whether the attorneys are actually using it. More of the Superior Court judges than CLJ judges answered that they do not notify attorneys. Some of the judges answering "no" to whether they encourage attorneys to use the calculator, said that, *"most prosecutors are only asking for the mandatory LFOs and the defendant is typically arguing for nothing at all."*

Has the LFO calculator helped educate on what you can and cannot do when considering LFOs?

The LFO Calculator has helped all pilot judges, both Superior Court and CLJ judges, in reminding them about all relevant LFO laws. Those that answered yes indicate that the LFO Calculator is *"one stop shopping for LFO authority."* Others commented *"It is very helpful to have the law provided right there in the same space. Another judge said "it makes the mandatory LFOs clearer, and clearly identifies which I have discretion over. It saves me research time."*

How has the LFO calculator improved understanding of statutes and laws related to LFOs?

Almost every single judge who participated as a pilot judge said that the LFO Calculator has greatly improved their understanding of the applicable statutes and laws related to LFOs. Many of the judges commented how helpful it is to have a resource that has all of the LFO laws located in one place. The LFO Calculator has increased their understanding of LFOs because it sets out the laws and processes so clearly, and even includes links to the RCWs – the LFO Calculator is a one-stop-shop for LFOs.

Conclusion

Prior to the convening of the LFO Stakeholder Consortium in 2016-2019, data around LFOs in Washington and across the U.S. was few and far between. Attention towards LFO practices was not something that those working in the courts were looking at or critically examining.

Advocates, researchers, and judicial branch partners like the Minority and Justice Commission helped raise awareness to the inequitable and harmful practices around the imposition of LFOs. Now, because of the raised consciousness and awareness of justice system partners, legislators, and the public, major LFO reforms have been and continue to be implemented. There is a commitment and a willingness to move forward together, and we hope that we can continue along this path toward greater understanding and collaboration between those who work in the courts and those who are seeking justice through the courts.

We hope this report provided some insight into the policy and practices around LFOs in Washington State. We thank everyone who participated in the LFO Consortium for their transparency and accountability to seeking out data and information that help us better understand the LFO system and the practices of those who work within it. We thank the Department of Justice and the Office of Justice Programs for providing the grant that enabled us to do this work.

We've learned that centering the voices of those who live with the burden of LFOs is the best way to move our courts closer to aligning our practices towards justice. We encourage you to read the companion report "The Cost of Justice" that was put together by Living With Conviction. The report centers the voices of those living with LFOs and provides their recommendations for LFO reforms. Although the work of the LFO Consortium has come to an end, the Minority and Justice Commission remains committed to identifying and pursuing reforms around LFOs.

Appendix A

LFO Bench Cards

WA State Superior Courts: 2018 Reference Guide on Legal Financial Obligations (LFOs)

**Disclaimer: Check statutory and case law cites to confirm law is current*

Imposing LFOs at Sentencing

LFOs include restitution, fees, fines, assessments, and costs imposed as part of a criminal judgment upon conviction. In some cases, costs may be imposed for pretrial supervision. State law authorizes both mandatory and discretionary LFOs, and each statute may differ in setting standards for imposition and waiver:

- **Mandatory LFOs** shall be imposed in every case or for every conviction for a certain type of offense regardless of the defendant's ability to pay (although some mandatory LFOs can be partially waived);
- **Discretionary LFOs** may be imposed or waived at the court's discretion.

Mandatory LFOs Include:

- **Victim Penalty Assessment (VPA):** \$500 for each case that includes one or more felony or gross misdemeanor convictions; \$250 for each case that includes misdemeanor convictions. *RCW 7.68.035*.
- **DNA Collection Fee:** The first sentence imposed in a defendant's lifetime for a crime specified in *RCW 43.43.754* must include a fee of \$100. *RCW 43.43.7541*; but see *RCW 9.94A.777* (not mandatory for defendants with mental health conditions).
- **Restitution:** Shall be ordered whenever a felony offense results in injury to any person or damage to or loss of property, unless extraordinary circumstances make restitution inappropriate. *RCW 9.94A.753(5)*; but see *RCW 9.92.060(2)(b)* and *City of Seattle v. Fuller*, 177 Wn.2d 263 (2013) (restitution discretionary for misdemeanors).
- **Crime-Specific LFOs:** Some LFOs are mandatory based on the type of offense. See, e.g., *RCW 9.68A.105* (requiring court to impose fee assessments for convictions for commercial sex abuse of a minor related offenses, although 2/3 of assessment may be waived if court finds, on the record, that the defendant lacks the ability to pay); but see *RCW 9.94A.777* (court must determine person with mental health condition has means to pay even mandatory LFOs, except for VPA and restitution).

Discretionary Costs are expenses specially incurred by the state in prosecuting the defendant or in administering pretrial supervision. *RCW 10.01.160*. These include, but are not limited to jury fees and costs of incarceration.

Caps for Certain Costs: Pretrial supervision (other than alcohol and drug monitoring) (\$150); warrants for failure to appear (\$100); costs of incarceration (actual cost – no more than \$100 per day). *RCW 10.01.160(2)*.

Imposing Costs: The court shall not impose costs, including the cost of incarceration, if the defendant is indigent at the time of sentencing. *RCW 10.01.160(3)*; *9.94A.760(3)*. "Courts should also look to the comment

in . . . GR 34 for guidance" to determine a defendant's ability to pay costs. *State v. Blazina*, 182 Wn.2d 827, 839 (2015). A court should "seriously question the ability to pay LFOs" if a defendant meets the GR 34 standard for indigence. *Id.* In determining the amount and method of payment for costs for defendants who are not indigent, the court shall consider the financial resources of the defendant and the nature of the burden that payment of costs will impose. *RCW 10.01.160(3)*. This includes consideration of factors such as incarceration and a defendant's other debts. *Blazina*, 182 Wn.2d at 838.

Time Payments of LFOs are required if the defendant is indigent. *RCW 10.01.170(1)*.

Imposing LFOs on Defendants with Mental Health Conditions: Before imposing any LFOs other than restitution or the VPA, the court must find that a defendant with a "mental health condition" has the means to pay the additional sums. *RCW 9.94A.777*.

Imposing Fines: Fines are generally discretionary. Some fines are mandatory but can be waived in full or in part on a finding of indigence. See, e.g., *RCW 69.50.430(1)* (fines for VUCSA offenses mandatory unless court finds indigence); *RCW 69.50.401(2)(b)* (court may impose fines for convictions for manufacture, possession, or delivery of amphetamines, \$3000 of which may not be suspended). Trial judges are strongly urged to consider a defendant's ability to pay before imposing fines. *State v. Clark*, 191 Wn. App. 369, 376 (2015).

Collection of LFOs

Monthly Payment Schedules: A monthly payment towards LFOs is a condition of sentence. *RCW 9.94A.760(11)*. The schedule can be set by (1) the court at sentencing, (2) DOC (if the person is on active supervision with DOC), or (3) the county clerk's office. *RCW 9.94A.760(1)*.

Persons Receiving Social Security Disability: Federal law prohibits courts from ordering defendants to pay LFOs if the person's sole source of income is social security disability benefits. *City of Richland v. Wakefield*, 186 Wn.2d 596, 609 (2016); 42 U.S.C. § 407(a).

Sanctions for Non-Payment

Requirement to Pay: The court may issue a summons or a warrant to guarantee the appearance of a defendant who has failed to pay. *RCW 9.94A.6333(3)(a)*; *9.94B.040(4)(b)*. The better practice may be to issue a summons for non-payment and a warrant upon any failure to appear. If using contempt procedures, the court must find that a person is in *willful* default prior to the issuance of a warrant: "A defendant sentenced to pay any fine, penalty, assessment, fee

or costs who willfully defaults in the payment thereof or of any installment is in contempt of court as provided in chapter 7.21 RCW.” *RCW 10.01.180(1)*. “The court may issue a warrant of arrest for his or her appearance.” *Id.*

Right to Counsel: Whenever a modification of sentence may result in jail, an indigent defendant has a right to appointed counsel at public expense. *State v. Stone*, 165 Wn. App. 796, 814-15 (2012).

Factors Court Must Consider Before Jailing a Defendant for Failure to Pay: A defendant may not be sanctioned for non-payment unless the court finds that the failure to pay is willful. *Bearden v. Georgia*, 461 U.S. 660, 672-73 (1983). This applies to all LFO debt, whether mandatory or discretionary. Failure to pay is willful if the individual has the current ability to pay but refuses to do so. *RCW 9.94A.6333(3)(c)*. An individual who is indigent as defined by *RCW 10.101.010(3)(a)-(c)* is presumed to lack the current ability to pay. *Id.*; *9.94B.040(4)(c)*. If the court finds the defendant is homeless or mentally ill, it cannot sanction the defendant for willful noncompliance. *RCW 9.94A.6333(3)(d)*; *9.94B.040(4)(d)*.

Burden of Proof: The state must show noncompliance by a preponderance of the evidence. *RCW 9.94A.6333(3)(b)*; *9.94B.040(4)(c)*. The court must determine, after a hearing and on the record, whether the failure to pay is willful, considering the defendant’s income and assets, basic living costs, other liabilities including child support and other LFOs, and bona fide efforts to acquire additional resources. *RCW 9.94A.6333(3)(c)*; *9.94B.040(4)(c)*.

Incarceration for Failure to Pay: Persons incarcerated for contempt for willful non-payment of LFOs receive credit towards the LFOs for each day served at the rate specified by the court in the commitment order. *RCW 10.01.180(4)*. Persons incarcerated for willful non-payment of felony LFOs have violated a condition of sentence and do not receive credit toward LFOs. *State v. Nason*, 168 Wn.2d 936, 946-47 (2010). These individuals may be sanctioned by the court with up to 60 days’ confinement for each violation or by DOC with up to 30 days’ confinement as provided in *RCW 9.94A.737*. *RCW 9.94A.633(1)*. Alternatives to incarceration may also be ordered. *Id.*

Post-Sentencing Relief

Interest Relief: As of June 7, 2018, interest shall not accrue on non-restitution LFOs. *RCW 10.82.090(1)*. Upon release from total confinement, a defendant may petition for waiver of non-restitution interest that accrued before the effective date, and the court shall grant the motion. *RCW 10.82.090(2)(a)*. The statute only applies to adult offenders. *RCW 10.82.090(3)*.

Remission of Discretionary and Appellate Costs: After release from total confinement, a defendant who is not in contumacious default may petition for remission of costs. If the court is satisfied that payment would impose manifest hardship on the defendant or the defendant’s immediate

family, the court may remit all or part of the costs, modify the method of payment under *RCW 10.01.170*, or convert unpaid costs to community restitution hours (if the jurisdiction operates a community restitution program) at no less than the state minimum wage for each hour of community restitution. Manifest hardship exists where the defendant is indigent as defined in *RCW 10.101.010(3)(a)-(c)*. *RCW 10.01.160(4)*; *10.73.160(4)*. Courts can and should use GR 34 as a guide for determining whether someone can pay costs. *Wakefield*, 186 Wn.2d at 606. If a person has no present or future ability to pay amounts that will satisfy his or her LFOs, remission in accordance with *RCW 10.01.160(4)* is a more appropriate and just option. *Id.* at 607.

Other Options for Conversion, Modification, Waiver:

- If the court finds that a violation for failure to pay was not willful, it may (1) modify the terms of payment, (2) reduce or waive non-restitution LFOs, or (3) convert the non-restitution LFOs to community restitution at a rate of no less than the state minimum wage. *RCW 9.94A.6333(3)(f)*; *9.94B.040(4)(f)*. If the court finds that the violation was not willful and the defendant is indigent as defined in *RCW 10.101.010(3)(a)-(c)*, it shall address the LFOs through one of the above listed options. *Id.*
- The VPA shall not be waived, modified, or converted to community restitution hours. *Id.*

Determining Indigence

RCW 10.101.010(3)(a)-(c) is used to define indigence. Under that statute, a person is indigent if he or she:

- **Currently receives benefits from TANF**, aged, blind or disabled assistance, medical care services, pregnant woman assistance, SSI, federal poverty-related veterans’ benefits, refugee resettlement, Medicaid or food stamps; or
- **Is involuntarily committed** to a public mental health facility; or
- **Has income at or below 125% of the federal poverty level (FPL)**, which for 2018 is:
 - \$15,175 for individuals
 - \$20,575 for a family of 2
 - \$25,975 for a family of 3
 - \$31,375 for a family of 4
 - \$36,775 for a family of 5
 - \$42,175 for a family of 6

For updates to the FPL, visit:
opd.wa.gov/documents/00531-2018_PovertyRate.pdf



**Provided by the Washington State Supreme Court
Minority and Justice Commission
June 2018**

WA State Courts of Limited Jurisdiction (CLJs): 2018 Reference Guide on Legal Financial Obligations (LFOs) in Criminal Cases

**Disclaimer: Check statutory and case law cites to confirm law is current*

Imposing LFOs at Sentencing

LFOs include restitution, fees, fines, assessments, and costs imposed as part of a criminal judgment upon conviction. In some cases, costs may be imposed for pretrial supervision. *RCW 10.01.160*. State law authorizes both mandatory and discretionary LFOs, and statutes may differ in setting standards for imposition and waiver.

Mandatory LFOs in CLJs

- **DNA Collection Fee:** \$100, limited to specified crimes and imposed only once in a lifetime. *RCW 43.43.7541*.
- **Public Safety & Educational Assessments:** Two separate assessments, which together equal 105% of any fines, forfeitures, or penalties imposed. *RCW 3.62.090*. Note that, per statute, the PSEA is applied slightly differently for DUI/Physical control cases.
- **Offense-Specific Fines:** Some offenses carry additional mandatory penalties. *See, e.g., RCW 26.50.110* (\$15 mandatory fine for Violation of a DV Protection Order).

Discretionary LFOs in CLJs:

- **Fines** are generally discretionary. *See RCW 3.62.010; 35.20.255*. Courts have the discretion to waive or suspend some “offense-specific” fines on a finding of indigence. *See, e.g., RCW 46.64.055(1)*.
- **Restitution** is permitted but not mandatory for non-felony offenses. *See RCW 9.92.060(2)(b); Seattle v. Fuller*, 177 Wn.2d 263 (2013).
- **Criminal Conviction Fee** of \$43 may not be imposed on indigent defendants. *RCW 3.62.085*.
- **DUI Fines, Fees and Costs** are all discretionary. *RCW 46.61.5055* specifies minimum fines that a court must impose as part of a DUI sentence “unless the court finds the offender to be indigent.” *See, e.g., RCW 46.51.5055(1)(a)(ii)*. The PSEA 1 of 70% is applicable to that fine; but the PSEA 2 of 35% is not. *RCW 3.62.090(1), (2)*. A court must impose a \$250 fee on a person originally arrested for DUI or physical control, but “[u]pon a verified petition by the person assessed the fee, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay.” *RCW 46.61.5054(1)*.
- **Criminal Justice Funding Penalty** of \$50 must be imposed on Title 46 crimes, but the court can waive or reduce that amount if the defendant is indigent. *RCW 46.64.055(1)*. The PSEA is applicable to the criminal justice funding penalty. *RCW 3.62.090(1), (2)*.

Discretionary Costs in CLJs: Costs may not be imposed if a defendant is indigent. *RCW 10.01.160(3)*. Even in the absence of a statutory finding of indigency, courts are required to inquire into a defendant’s ability to pay costs. Courts should “look to the comment in...GR 34 for

guidance” to determine a defendant’s ability to pay costs, even in the criminal setting. *State v. Blazina*, 182 Wn.2d 827, 839 (2015). A court should “seriously question a person’s ability to pay LFOs” if that person meets the GR 34 standard for indigence. *Id.* In determining the amount and method of payment for costs for defendants who are not indigent, the court shall consider the financial resources of the defendant and the nature of the burden that the payment of costs will impose. *RCW 10.01.160(3)*. This includes consideration of factors such as incarceration and a defendant’s other debts. *Blazina*, 182 Wn.2d at 839.

Allowing Time to Pay: The court must allow an indigent defendant to pay LFOs within a certain time or in installments. *RCW 10.01.170(1)*.

Determining Indigence: *RCW 10.101.010(3)(a)-(c)* defines indigence. A defendant is indigent if he or she:

- Currently receives benefits from TANF, aged, blind or disabled assistance, medical care services, pregnant woman assistance, SSI, federal poverty-related veteran’s benefits, refugee resettlement, Medicaid or food stamps; or
- Is involuntarily committed to a public mental health facility; or
- Has a net (or take-home) income at or below 125% of the federal poverty level (FPL), which for 2018 is:
 - \$15,175 for individuals
 - \$20,575 for a family of 2
 - \$25,975 for a family of 3
 - \$31,375 for a family of 4
 - \$36,775 for a family of 5
 - \$42,175 for a family of 6

For latest updates to the FPL, visit:

opd.wa.gov/documents/00531-2018_PovertyRate.pdf

Collection of LFOs

Referral to Collection Agencies: CLJs may use collection agencies under Chapter 19.16 RCW to collect LFOs. *RCW 3.02.045(1)*. No debt may be assigned to a collection agency unless 30 days have passed since the debtor was notified that the debt may be assigned to a collection agency. *RCW 19.16.500(2)*. Once assigned, the court may add a reasonable fee, payable by the debtor, to the outstanding debt for the collection agency fee incurred. A contingent fee of up to 50% of the first \$100,000 of the unpaid debt per account is presumptively reasonable. *Id.* Costs, fees, fines, forfeitures, and penalties imposed in CLJs for criminal offenses do not accrue interest. *RCW 3.62.020; 3.62.040; 35.20.220; 3.50.100*.

Persons Receiving Social Security Disability: Federal law prohibits courts from ordering defendants to pay LFOs if the person’s sole source of income is social security

disability benefits. *City of Richland v. Wakefield*, 186 Wn.2d 596 (2016); 42 U.S.C. § 407(a).

Sanctions for Non-payment

Issuing or Warrant for Non-payment: A court must find that a defendant is willfully defaulting on required payments prior to issuing a warrant. “A defendant sentenced to pay any fine, penalty, assessment, fee, or costs who *willfully* defaults in the payment thereof or of any installment is in contempt of court as provided in chapter 7.21 RCW.” *RCW 10.01.180(1)* (emphasis added). The court may then issue a warrant of arrest for his or her appearance. *Id.*

Willful Failure to Pay: Before issuing sanctions, the court must find that a defendant “willfully refused to pay” LFOs. *Bearden v. Georgia*, 461 U.S. 660, 672 (1983). A failure to pay is willful if the defendant has the current ability to pay but refuses to do so. *RCW 10.01.180(3)(a)*. Mentally ill and homeless defendants cannot be held in willful contempt. *RCW 10.01.180(3)(c)*.

Assistance of Counsel: A defendant is entitled to assistance of counsel when facing a contempt proceeding that could result in incarceration, and counsel must be appointed if the defendant is indigent. *Smith v. Whatcom Cnty. Dist. Ct.*, 147 Wn.2d 98, 113 (2002).

Factors the Court Must Consider before Sanctioning a Defendant for Non-payment: A defendant may not be jailed for non-payment of a fine unless there is a finding, following a hearing on the record, that the failure to pay is willful. *RCW 10.01.180(3)(a)*. Any defendant who is indigent as defined by *RCW 10.101.010(3)(a)-(c)*, is presumed to be unable to pay. *RCW 10.01.180(3)(b)*. The court must inquire into a defendant’s ability to pay, and consider income, assets, basic living costs and other liabilities, including child support and other LFOs, as well as the defendant’s bona fide efforts to acquire additional resources (see sample questions). *Id.* The defendant may bear the burden of proving inability to pay, but the court still has a duty to inquire. *Smith*, 147 Wn.2d at 112.

Alternatives to Incarceration for Non-payment: Only if “no reasonable or effective alternatives are available,” should the court use its contempt power to incarcerate for non-payment. *Smith*, 147 Wn.2d at 113. *See also Bearden*, 461 U.S. at 672. As an alternative to incarceration, the court can reduce the amount of LFOs, modify its previous orders regarding payment of LFOs, or convert LFOs to community restitution at a rate of no less than the state minimum wage. *RCW 10.01.180(5)*.

Post-Sentencing LFO Relief

Interest Relief: As of June 7, 2018, interest does not accrue on non-restitution LFOs. *RCW 10.82.090*. To address interest that accrued on non-restitution LFOs prior to that date, the defendant, upon release from total confinement, may petition the court for waiver of the non-restitution interest. The court shall grant this motion. *RCW 10.82.090(2)(a)* (“[t]he court shall waive all interest on the

portions of the legal financial obligations that are not restitution that accrued prior to the effective date of this section”) (emphasis added). The court may reduce interest on the restitution portion only if the principal has been paid in full. *RCW 10.82.090(2)(b)*.

Remission of Discretionary Costs: A defendant, after release from total confinement, may petition the court for remission of costs. *RCW 10.01.160(4)*. The defendant must show that he/she is not in “contumacious default” in payment of the costs and that the costs will impose “manifest hardship” on the defendant or his/her immediate family. *Id.* If so, the court may 1) remit all or part of the amount due in costs; 2) modify the method of payment under *RCW 10.01.170*, or 3) convert the costs to community restitution hours (if the jurisdiction operates such a program) at a rate of no less than the state minimum wage. **Manifest hardship** exists where the defendant is indigent as defined in *RCW 10.101.010(a) – (c)*. *Id.*

Other Options for Conversion, Modification or Waiver: If the court finds that a defendant is not in willful contempt for failing to pay LFOs, it may enter an order 1) allowing the defendant more time for payment; 2) reducing the amount of each installment; 3) revoking the LFOs in whole or in part; or 4) converting the LFOs to community restitution hours at a rate of no less than the state minimum wage. *RCW 10.01.180(5)*. If the defendant is indigent as defined in *RCW 10.101.010(3)(a) – (c)*, the court shall enter an order addressing the LFOs through one of the above-listed options. *Id.*

Sample Questions: Determining Ability to Pay

- **Income:** What is your monthly take-home income before taxes? Do you receive any government benefits (SSI, disability benefits, TANF, food stamps, or veteran’s benefits)?
- **Employment History:** Are you working? When did you last work? What have you done to find work? Do you have any medical or other conditions that limit your ability to work? Have previous periods of incarceration limited your ability to work?
- **Monthly Expenses:** How much does your household spend on basic living costs, including housing and utilities, food, health care or medical costs, transportation, clothing, payment of LFOs/fines to other courts, child support, and other necessities?
- **Assets and Other Financial Resources:** Do you own property that you could use to pay LFOs? Do you have any credit or ability to borrow money?
- **Other Debts:** Do you have other debts, including other LFOs, healthcare/medical care/hospital costs, education loans?

Provided by the Washington State Supreme Court
Minority and Justice Commission
June 2018

Reference Guide: Legal Financial Obligations (LFOs)

DISPOSITIONAL ORDERS

Most LFOs associated with juvenile offenses, including any LFOs, fees, fines, or costs imposed at the city, town or county level, have been abolished by the Youth Equality and Reintegration Act of 2015. Exceptions include the DNA Collection Fee, the Crime Victims Penalty Assessment, and Restitution. *Laws of 2015, ch. 265*. This Reference Guide gives information about imposing LFOs as well as collecting LFOs and granting relief from LFOs.

Ability to Pay Factors					
Employment	Monthly Income	Detention	Other Debts (including Restitution)	GR 34 Status	Government Assistance

What monetary sanctions are mandatory after the YEAR Act?

- ⇒ **DNA Collection Fee:** may only be imposed if the state has not previously collected DNA as a result of a prior offense. *RCW 43.43.7541*.
- ⇒ **Crime Victim’s Compensation Fee:** The court must order respondent to pay the crime victims penalty assessment when the offense committed by respondent is defined as a most serious offense (RCW 9.94A.030) or a sex offense (Chapter RCW 9A.44.128). The court must order up to seven hours of community restitution when any persons have suffered bodily injury or death as a result of the offense committed by respondent, unless community restitution would not be practicable for respondent. Community restitution is imposed consecutively to any other community restitution the court imposes for the offense. *RCW 7.68.020, RCW 7.68.035*.

In ordering restitution, what must the sentencing court consider?

- ⇒ In its dispositional order, the court must order respondent to make restitution to any persons who have suffered loss or damage as a result of the offense committed by the respondent. In so doing, the court must consider respondent’s ability to pay and is afforded the discretion to determine (1) the conditions of payment, (2) whether to impose joint and several liability, (3) the practicability of community restitution, and (4) whether to relieve respondent of the requirement to pay restitution to an insurance company. *RCW 13.40.190*.
- ⇒ **(1) Conditions of Payment:** The court must consider and set the appropriate payment amount, including establishing a payment schedule that may extend up to ten years. The court must consider respondent’s individualized financial circumstances and make an inquiry into ability to pay. *RCW 13.40.190, State v. Blazina, 182 Wn.2d 827 (2015)*.
- ⇒ **(2) Joint and Several Liability:** The court must consider and decide whether to impose joint and several liability for the payment of restitution or divide restitution equally among the respondents. The court must consider (a) interest and circumstances of victims, (b) circumstances of respondents, and (c) interest of justice. *RCW 13.40.190*.
- ⇒ **(3) Community Restitution:** The court must consider whether respondent is able to pay the restitution amount and, with input from the victim, may order performance of a number of hours of community restitution in lieu of monetary penalty, at the rate of the state minimum wage per hour. *RCW 13.40.190*.
- ⇒ **(4) Insurance Companies:** The court must consider respondent’s ability to pay and may relieve respondent of the requirement to pay, full or partial restitution to any insurance provider authorized under Title 48 RCW if the court is satisfied respondent cannot make full or partial payment to the insurance provider. *RCW 13.40.190*.

What must the court consider before punishing respondent for nonpayment of restitution?

- ⇒ The respondent is entitled to the same due process of law as an adult probationer. *RCW 13.40.200*. Before punishment, the court must inquire into ability to pay and find respondent “willfully violated” the terms of the order. *RCW 13.40.200*. The court may place the burden on respondent to prove inability to pay, but the court still has a duty to inquire into ability to pay. *Smith v. Whatcom Cnty. Dist. Ct., 147 Wn.2d 98(2002)*.
- ⇒ If the court finds youth cannot pay, the court may convert certain debts to community service. *RCW 13.40.200*.

Reference Guide: Legal Financial Obligations (LFOs)

RELIEF AND COLLECTIONS

When may the sentencing court modify restitution orders?

- ⇒ **Insurance Companies:** The court may relieve respondent of the requirement to pay, full or partial restitution to any insurance provider authorized under Title 48 RCW. *RCW 13.40.190.*
- ⇒ **Others:** The court may modify the restitution order for good cause shown, including inability to pay. *RCW 13.40.190.*

When may the sentencing court relieve respondent from LFOs?

- ⇒ **LFOs:** Except for the DNA Collection Fee and the Crime Victims Penalty Assessment, the court may relieve respondent of the requirement to pay LFOs for good cause shown, including inability to pay. *RCW 13.40.192.*
- ⇒ **DNA Collection Fee:** The court may relieve respondent of the requirement to pay the fee, provided respondent would not have been required to pay the fee under current law. *RCW 13.40.192, State v. Blazina, 182 Wn.2d 827 (2015), GR 34.*
- ⇒ **Crime Victims Penalty Assessment:** Assuming that no inquiry was made by the trial court at the time of disposition regarding the eligibility of the underlying offense or the practicability of community service, in keeping with *State v. Blazina, 182 Wn.2d 827 (2015)*, the court may relieve respondent of the requirement to pay, full or partial, the Crime Victims Penalty Assessment. *RCW 13.40.192, State v. Blazina, 182 Wn.2d 827 (2015), GR 34.*

What happens when juvenile LFOs are referred to the Superior Court Clerk?

- ⇒ Since the YEAR Act abolished most LFOs, the number of referrals should drop and the court may relieve youth from LFOs as described above. Clerks may not add a fee for collection efforts on juvenile LFOs. *Chapter 13.40 RCW.*

Most Serious Offenses (RCW 9.94A.030)

- | | |
|---|--|
| <ul style="list-style-type: none"> • Any class A felony or criminal solicitation of, or criminal conspiracy to commit a class A felony; • Assault in the second degree; • Assault of a child in the second degree; • Child molestation in the second degree; • Controlled substance homicide; • Extortion in the first degree; • Incest when committed against a child under age 14; • Indecent liberties; • Kidnapping in the second degree; • Leading organized crime; • Manslaughter in the first degree; • Promoting prostitution in the first degree; • Rape in the third degree; • Robbery in the second degree; • Sexual exploitation; • Vehicular assault, when caused by the operation or driving of a | <ul style="list-style-type: none"> vehicle by a person while under the influence of liquor or any drug or by the operation of a vehicle in a reckless manner; • Vehicular homicide, when proximately caused by the driving of a vehicle by a person while under the influence of liquor or any drug, or by operation of any vehicle in a reckless manner; • Any class B felony offense with a finding of sexual motivation; • Any other felony with a deadly weapon finding; • Any felony offense in effect before December 2, 1983, that is comparable to a most serious offense defined here or any federal or out-of-state conviction for an offense under the laws of this state would be a felony classified as a most serious offense here; certain prior convictions for Indecent Liberties; • Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence was 10 years or more. |
|---|--|

Sex Offenses (Chapter 9A.44 RCW)

- | | |
|---|--|
| <ul style="list-style-type: none"> • Rape • Rape of a child • Child molestation • Sexual misconduct • Indecent liberties | <ul style="list-style-type: none"> • Sexually violating human remains • Voyeurism • Custodial sexual misconduct • Criminal trespass against children |
|---|--|



Provided by the
Washington State Supreme Court
Minority and Justice Commission
September 2015

Appendix B

Key Changes to LFO Law in Washington Pursuant to Passage of HB 1783 (2018)

Key Changes to LFO Law in Washington Pursuant to Passage of HB 1783 (2018)

Interest Accrual:

- As of June 2018, interest no longer accrues on non-restitution (fees, fines, costs) legal financial obligations (LFOs) at 12% per year from the date of judgment. Interest that accrued prior to that date on non-restitution remains in place; however, a defendant, after release from total confinement on the conviction for which the LFOs were ordered, may file a motion with the sentencing court to request a waiver of that interest. If the defendant shows that interest has accrued on his or her non-restitution LFOs, the court must grant the motion. *RCWs 10.82.090, 3.50.100, 3.62.020, 3.62.040, and 35.20.220*
- 1783 made no changes to interest on restitution. Therefore, interest continues to accrue on those obligations from the date of judgment at 12% per year. *RCW 10.82.090*

Discretionary Costs:

- The trial court, prior to imposing costs, still is required to make an individualized inquiry on the record, into the defendant's ability to pay before imposing costs. However, 1783 makes it so that a court cannot impose costs on a person who is indigent at the time of sentencing. Prior law allowed a court to order an indigent defendant to pay costs if he or she had the current *or* future ability to pay. The new law only looks at an indigent defendant's current ability to pay. *RCW 10.01.160*.
- The law creates a standard to determine whether an individual is indigent. A person is indigent if they meet the definition of indigence under RCW 10.101.010(3)(a) – (c). Under RCW 10.101.010(3)(a) – (c) "indigent" means a person who is (a) receiving one of the following types of public assistance: Temporary assistance for needy families, aged, blind, or disabled assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans' benefits, food stamp benefits transferred electronically, refugee resettlement benefits, Medicaid or supplemental security income; or (b) Involuntarily committed to a public mental health facility; or (c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the current federally established poverty level.

Remission of Discretionary Costs:

- The law prior to passage of HB 1783 allowed an individual who was ordered to pay discretionary or appellate costs to at any time after imposition of those costs petition the court for waiver of the costs. If the defendant in his or her motion could show that he or she was not in "contumacious default" in payment of LFOs and that the costs create a "manifest hardship" for the defendant or the defendant's immediate family, the court had the discretion to waive the costs. However, the term "manifest hardship" was not defined. *RCW 10.01.160, RCW 10.73.160*
- Under HB 1783, the term "manifest hardship" exists when an individual is indigent as defined under RCW 10.101.010(3)(a) – (c) (see above). *RCW 10.01.160, RCW 10.73.160*.
- Under HB 1783, in addition to waiving the costs, the court may also convert the costs to community restitution if the jurisdiction operates a community restitution program. *RCW 10.01.160, RCW 10.73.160*.
- Finally, a person may no longer file a remission motion at any time. Instead, they can only do so after having been released from total confinement on the conviction for which the LFOs were imposed. *RCW 10.01.160, RCW 10.73.160*.

Mandatory LFOs:

- Under prior law, there were several mandatory LFOs the court was required to impose at sentencing regardless of an individual's ability to pay. In superior courts, these consisted generally of the victim penalty assessment (*RCW 7.68.035*), the DNA collection fee (*RCW 43.43.7541*), and the criminal filing fee (*RCW 36.18.020(h)*). The Jury Demand Fee was also interpreted in some courts as a mandatory LFO (*RCW 10.46.190*). In courts of limited jurisdiction, the Conviction/Guilty Plea Fee (*RCW 3.62.085*) and the DNA Fee were mandatory.
- After passage of HB 1783, the VPA remains a mandatory LFO. However, the criminal filing fee, jury fee, and conviction/guilty plea fee can no longer be imposed on defendant's who are indigent at the time of sentencing as defined by *RCW 10.101.010(3)(a) – (c)* (see above for definition of indigence under that statute). Furthermore, the DNA collection fee may no longer be imposed in every sentence; it must be imposed unless the state has previously collected the person's DNA as the result of a prior conviction. In other words, the DNA fee may only be imposed one time.

Sanctions for Failure to Pay LFOs:

- Under the old law, a person who failed to pay LFOs imposed for felony offenses could be sanctioned if the failure to pay was willful. However, no definition of willful was provided for in statute. Similarly, no standards existed for determining whether a person lacked the ability to pay or was indigent. Furthermore, limited options existed for addressing non-willful failure to pay. *See RCWs 9.94A.6333, RCW 9.94B.040*
- After passage of HB 1783, several changes were adopted:
 - **What may the court do if the Defendant fails to pay?** Upon motion, shall require person to show cause for why he/she should not be punished for failure to pay. The court may issue a summons or warrant for appearance.
 - **Who has the burden of proving failure to pay?** State has burden of proving noncompliance by preponderance of evidence.
 - **When may the court sanction a person for failure to pay?** Cannot sanction unless hearing on record that FTP is willful.
 - **What is willful?** Willful is having current ability to pay but refuses to do so.*
 - **How does the court determine ability to pay?** Court shall inquire and consider 1) income and assets; 2) basic living costs (including child support and other LFOs); 3) bona fide efforts to acquire the resources to make payment.*
 - **How is indigence defined?** *RCW 10.101.010(3)(a) – (c)*. If indigent under this definition, the person is presumed to lack the current ability to pay.*
 - **What about people who are homeless or mentally ill?** Cannot be found in willful noncompliance and are not subject to penalties.*
 - **What can the court do if the failure to pay is not willful?** If person not indigent, may a) modify terms of payment; or b) reduce, waive non-restitution (except VPA); or c) convert to community restitution. If person is indigent, shall do one of the above.*ⁱ
- Similar changes were made to the law related to non-felony LFO failure to pay. *See RCW 10.01.180*

Restitution Priority:

- Under old law, collection of payments for LFOs imposed for felony offenses required allocation first to restitution, then to non-restitution. *See RCW 9.94A.760(1)*. The law for non-felony LFO collection was silent on this issue.

- After passage of HB 1783, payments for LFOs imposed for felonies and non-felonies must be allocated in the following order: First, proportionally to victims not fully compensated from other sources; second, proportionally to insurance and other sources of restitution; third proportionally to crime victim assessments; and finally, proportionally to other costs, fines, assessments. *See RCWs 9.94A.760(2), 10.01.170(2)*

ⁱ * denotes changes pursuant to HB 1783 in this section. The three prior areas were already in statute, but are provided to give context to the law changes.

Appendix C

Cost Fee Code Review

LFO Subcommittee #1 Workgroups – Cost Fee Codes (finalized Dec. 2017)

COST FEE CODES

APPENDIX C

From Kevin March, Magda Baker, Claire Carden

Alternative Community Service	CrRLJ 7.3		The court may order that its sentence include special conditions or requirements, including a specified schedule for the payment of a fine, restitution, or other costs, or the performance of community service
Active Probation Fee	RCW 10.64.120	\$100 max monthly assessment	<ul style="list-style-type: none"> • (4) Revenues raised under this section shall be used to fund programs for probation services and shall be in addition to those funds provided in RCW 3.62.050.
Arson Investigation Assessment	RCW 9.94A.753	Investigation fees	<ul style="list-style-type: none"> • <i>State v. Kinneman</i>, 155 Wn.2d 272, 287, 119 P.3d 350 (2005) includes investigation costs as a part of restitution if they are “reasonably and rationally related to the crime and consequential in the sense that but for the [crime], the victim would not have incurred them.” <i>Kinneman</i>, quoting <i>State v. Wilson</i>, 100 Wn. App. 44, 995 P.2d 1260 (2000).
Appellate Filing Fee: Criminal Cases	RCW 10.10.160	Cost of prosecution of appeal	<ul style="list-style-type: none"> • If convicted in the appellate court, or if sentenced for failing to prosecute his or her appeal, he or she may be required as a part of the sentence to pay the costs of the prosecution. •
Administrative Costs	RCW 9A.88.120	<p>\$50 diversion agreement</p> <p>\$1500-5000 for violation of 9A.88.090 or 9A.88.110</p> <p>\$3000-10k for violation of 9A.88.070 or .080</p>	<ul style="list-style-type: none"> • (b) A district or municipal court may enter into a payment plan with the defendant, in which the fee assessed in this section is paid through scheduled periodic payments. The court may assess the defendant a reasonable fee for administrative services related to the operation of the payment plan. • The court shall not reduce, waive, or suspend payment of all or part of the assessed fee in this section unless it finds, on the record, that the offender does not have the ability to pay the fee in which case it may reduce the fee by an amount up to two-thirds of the maximum allowable fee. • "Statutory or nonstatutory diversion agreement" means an agreement under RCW 13.40.080 or any written agreement between a person accused of an offense listed in subsection (1) of this section and a court, county, or city prosecutor, or designee thereof, whereby the person agrees to fulfill certain conditions in lieu of prosecution

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Collection Agency/Credit Card Fee	RCW 3.02.045	Varies	<ul style="list-style-type: none"> • Courts of limited jurisdiction may use collection agencies • For purposes of this section, the term <u>debt shall include penalties, fines, costs, assessments, or forfeitures imposed by the courts.</u> • (5) The court may assess as court costs the moneys paid for remuneration for services or charges paid to collecting attorneys, to collection agencies, or, in the case of credit cards, to financial institutions.
Crim Conviction Filing Fee (DUI/CN/CT)	RCW 3.62.085	\$43	<ul style="list-style-type: none"> • Upon conviction or a plea of guilty, defendant “is liable” for this fee.
Booking Fee	RCW 70.48.390	\$0 - \$100	<ul style="list-style-type: none"> • <i>May</i> be required to pay actual booking costs or \$100, whichever is less. • If the person has no funds at the time of booking or during the period of incarceration, the sheriff or police chief may notify the court in the county or city where the charges related to the booking are pending, and may request the assessment of the fee
Crime Lab Analysis Fee (Local and State)	RCW 43.43.690	\$100 Analysis fee	<ul style="list-style-type: none"> • When an adult offender has been adjudged guilty of any criminal statute of this state and a crime laboratory analysis was performed by a state crime laboratory . . . the court shall levy a crime laboratory analysis fee of one hundred dollars for each offense for which the person was convicted • The court may suspend payment of all or part of the fee if it finds the person does not have the ability to pay the fee.

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Court Cost Recoupments: <input type="checkbox"/> Prosecution <input checked="" type="checkbox"/> Pretrial Supervision <input type="checkbox"/> FTA Warrants <input type="checkbox"/> Jail <input type="checkbox"/> Jury	RCW 10.01.160	\$250 max for deferred prosecution \$150 max pretrial observation \$100 max for warrant \$100/day max for incarceration	<ul style="list-style-type: none"> • (1)The court MAY require a defendant to pay costs. • The court <i>shall</i> not order a defendant to pay costs unless the defendant is or will be able to pay them. The court <i>shall</i> take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose. RCW 10.01.160(3) • “Costs cannot include expenses inherent in providing a constitutionally guaranteed jury trial or expenditures in connection with the maintenance and operation of government agencies.” RCW 10.01.160(2) • *As of Oct. 1, 2015, the court <i>may</i> impose fees upon conviction for electronic monitoring or alcohol abstinence monitoring which is not subject to the \$150 limit to pretrial supervision costs. • Jury costs established in RCW 36.18.016(3)(b). • (5) Except for direct costs relating to evaluating and reporting to the court, prosecutor, or defense counsel regarding a defendant's competency to stand trial as provided in RCW 10.77.060, this section shall not apply to costs related to medical or mental health treatment or services a defendant receives while in custody of the secretary of the department of social and health services or other governmental units.
DNA Collection Fee	RCW 43.43.754 1	\$100	<ul style="list-style-type: none"> • While DNA testing is not required if the WA State Patrol crime lab already has the defendant’s sample, 43.43.754(2) all defendants are still required to pay this fee upon each eligible conviction. <i>State v. Thornton</i>, no. 32478-8-III (Wn. Ct. App., June 16, 2015). • Applies to: Assault 4 with Sexual Motivation, Communication w/ Minor for Immoral Purposes, Custodial Sexual Misconduct 2, Harassment, Patronizing a Prostitute, Stalking, Violation of Sexual Assault Protection Order, or any crime that requires Sex/Kidnaping Registration. RCW 43.43.754
Crime Lab Fee	RCW 43.43.690	\$0 - \$100	<ul style="list-style-type: none"> • Crime laboratory analysis must be performed by a <i>state</i> crime laboratory. • “Upon verified petition by the person assessed the fee, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay the fee.” RCW 43.43.690

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Animal Cruelty Fine	RCW 16.52.200(6)-(7)	\$1000 civil penalty + reasonable costs	<ul style="list-style-type: none"> ● shall be liable for reasonable costs incurred pursuant to this chapter by law enforcement agencies, animal care and control agencies, or authorized private or public entities involved with the care of the animals ● If convicted, the defendant shall also pay a civil penalty of one thousand dollars to the county to prevent cruelty to animals
Court Interpreter Fee	RCW 2.43.040(4)	\$0-“a reasonable fee”	<ul style="list-style-type: none"> ● In legal proceedings, including criminal proceedings, the cost of providing the interpreter shall be borne by the governmental body initiating the legal proceedings ● The cost of providing the interpreter is a taxable cost of any proceeding in which costs are ordinarily taxed. ● <i>State v. Diaz-Farias</i>, 191 Wn. App. 512, 527, 362 P.3d 322 (2015)(Since neither chapter 2.42 nor 2.43 of the RCW has been amended in response to <i>Marintorres</i>, we rule that in resentencing Mr. Dias-Farias as to legal financial obligations, the court may not impose any expense of any interpreter.).

AR CODE	DESCRIPTION	CROSS-REFERENCE/COMMENTS
FF	Shared Court Costs	<p>Under RCW 3.62.070, this is the city’s filing fee for most criminal actions filed for violation of a municipal ordinance. Such fees are determined pursuant to agreement between the city and the county providing the court service. “In such criminal or traffic infraction actions the cost of providing services necessary for the preparation and presentation of a defense at public expense are not within the filing fee and shall be paid by the city.”</p> <p>Given that it is a filing fee that only applies in specific circumstances, it seems like it could be given its own “filing fee” category on the misdemeanor chart, like the RCW 3.62.085 conviction fee. Alternatively, is arguably a court cost under RCW 10.01.160 that the municipal court may or may not impose.</p> <p>However, I could not tell whether municipal courts pass the city’s filing fee along to convicted persons. I’m not sure if this is an LFO or if it just an AR code for the filing fee that the city pays.</p>
FIN	Non-Traffic Infraction FTA/FTR Fee	Not an LFO; applies to noncriminal, nontraffic infractions only.
FIT	Traffic Infraction FTA/FTR Fee	Not an LFO; applies to noncriminal traffic infractions only.
FPR	Parking Infraction FTA/FTR Fee	Not an LFO; applies to parking infractions only.
ICH	Investment Account Charges	Financial institution service fees on investment account: “When investment account principal or interest is transferred to a depository account, charges are also transferred and deducted from the remittance payable.”

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		Unsure how this should be treated. This is not an LFO imposed by the court, but appears to consist of service fees charged for accounts used to assist in collecting and enforcing LFOs and LFO interest by county and city clerks. Not sure this one would need to be on the chart, but we might want to keep track of it in addressing additional charges/fees/costs that get assessed against criminal defendants as part of LFO collection.
IFA	Investigative Fund Assessment	Assessed convicted defendant to reimburse county sheriff or local law enforcement for investigating misdemeanors and gross misdemeanors. This should be added to the misdemeanor chart in the RCW 10.01.160 costs section. Add own bullet point under Costs for “Law Enforcement Investigation”
IFC	Investigative Fund Confiscation	Not an LFO. Amounts received from selling off personal and real property seized/civilly forfeited after drug-related arrest.
II	Impound Interest Payable	Not an LFO; applies to interest earned on impound fees in civil vehicle impound cases.
IND	Criminal Investigative Fund (Skamania County)	Assessment that pays for cost of investigation and prosecution for nondrug criminal cases in Skamania County. This should be included on both superior court and misdemeanor LFO chart as a specific assessment that applies only to Skamania County.
INI	Depository Account Earnings	Not an LFO, but used to record interest earned on court’s depository account.
IRN	Investment Account Earnings	Not an LFO, but used to record interest earned on a court’s investment account.
ISF	Depository Account Charges	Financial institution service fees charged on a depository account. As with the ICH code above, we might want to keep track of it in addressing additional charges/fees/costs that get assessed against criminal defendants as part of the LFO collection process.
ITP	IT Time Pay Fee	Not an LFO; applies to payment plans for monetary penalties assessed for traffic infractions.
JCV	Jury Demand - Civil	Not an LFO; applies to \$125 jury demand fee in civil cases
JIS	Local Judicial Information System Account	Provides \$35 fee for nontraffic infraction penalties to support JIS. This does not appear to be an LFO, but I’m not entirely sure. RCW 2.68.040 permits fines, penalties, and assessments set by the supreme court to support JIS. According to RCW 2.68.040, these fines, penalties, and assessments may be imposed pursuant to RCW 46.63.110(2) (monetary penalties for traffic infractions) and RCW 3.62.060 (filing fees/surcharges in civil cases). Because RCW 2.68.040 only references other statutes that pertain to civil filing fees and penalties for traffic infractions, I don’t think it qualifies as an LFO. However, this is confusing because the JIS AR stated, “A \$35 fee (\$17 + PSEA1 and PSEA2) added to each non-traffic infraction penalty on or after April 30, 2007.”
JSC	Judicial Stabil Surcharge-CLJ	This does not appear to be an LFO. This AR appears to apply to money collected from clerk’s surcharges when other filing fees are waived in courts of limited jurisdiction.
JTR	JIS - Trauma Care Account	Not an LFO because is a \$50 fee added to each traffic infraction penalty. This is the counterpart to the JIS AR Code, above, which applies to nontraffic infractions.

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JTX	JIS - Trauma Care Less Legislative Assessment	Not an LFO because it adds a \$50 fee to a traffic infraction penalty that is otherwise exempt from legislative assessment. Thus, it appears that this only applies to certain traffic infractions, not criminal matters.
JYF	Jury Demand Fee -Criminal	This is an LFO already contained in the superior court LFO chart under Costs: Jury Fees imposed pursuant to RCW 10.46.190. This applies only to superior court cases. There is no statutory authority for imposing this fee in courts of limited jurisdiction. Instead, jury costs associated with CLJs are imposed as RCW 10.01.160 costs.
LCA	Limousine Carriers Account	Not an LFO. RCW 46.72A.160 provides that this account is created from receipts from civil infractions and violations only.
LCF	Litter Clean Up Fee	LFO that should be added to misdemeanor LFO chart under charge-specific LFOs. Per RCW 70.93.060(2)(b) it is a misdemeanor to litter in an amount greater than one cubic foot but less than one cubic yard. An offender should “pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or fifty dollars per cubic foot of litter, whichever is greater.” Half of the payment goes to the land owner and half of it goes to the investigating law enforcement agency. Per RCW 70.93.060(2)(c) it is a gross misdemeanor to litter in an amount of one cubic yard or more. “The person shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or one hundred dollars per cubic foot of litter, whichever is great.” Half of the payment goes to the landowner and half to the investigating law enforcement agency.
LGA	Legislative Assessment	Not an LFO. Authority for this assessment is derived from RCW 46.63.110(8)(a) which allows an additional \$20 penalty for traffic infractions.
MCM	Miscellaneous Adjustment - Criminal Non-Traffic	AR code for “check register adjustment for criminal non-traffic violations.” I don’t know the circumstances under which a “check register adjustment” is warranted. Although a check register adjustment does not appear to be an LFO, it still might be relevant to the collection and enforcement of LFOs.
MCT	Miscellaneous Adjustment - Criminal Traffic	AR code for “check register adjustment for criminal traffic violations.” Again, a check register adjustment does not appear to be an LFO in and of itself, but it still might be relevant to issues pertaining to how LFOs are enforced and collected.
MCV	Miscellaneous Adjustment - Civil Filings	Not an LFO given that this adjustment applies to civil filings.
MDW	Miscellaneous Adjustment - DUI Cases	AR code for “check register adjustment for DUI violations.” See comments to MCM and MCT.
MHC	Mental Health Court Fee	Does not appear to be an LFO. This is used to receipt administrative fees for mental health courts under former RCW 2.28.180 (2013), which was recently repealed. However, without additional research I am unable to confirm this. If an offender qualifies for mental health court, it is possible s/he pays administrative fees to participate. Unsure whether this qualifies as an LFO or not.
MIC	Mandatory Insurance Administrative Costs	Not an LFO. Applies to traffic infractions where a person cited can establish proof of liability insurance. Even when such infractions are dismissed because a person meets the liability insurance requirements, a \$25 administrative cost may be imposed.
MIN	Miscellaneous Adjustment - Non-Traffic Infractions	Not an LFO given that this adjustment applies to nontraffic civil infractions.
MIS	Miscellaneous Revenue	Appears to be the catchall AR for revenue received that is not included in other ARs. Does not appear to qualify as an LFO.

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MIT	Miscellaneous Adjustment - Traffic Infractions	Not an LFO given that this adjustment applies to traffic infractions.
MJF	Municipal Court Judgment Filing Fee	\$43 fee for filing an abstract of judgment or transcript of judgment under RCW 3.62.060(1)(k). Given that this statute only applies to filing fees for civil cases in municipal courts, this does not appear to be an LFO.
MON	Sentence Compliance Monitoring Fee	This provides courts of limited jurisdiction or superior courts involving misdemeanor or gross misdemeanor matters with authority to levy a monthly assessment not to exceed \$100 whenever a person is referred to the misdemeanant probation department for evaluation or services. See RCW 10.64.120(1). This qualifies as an LFO and should be included on both the superior court and misdemeanor LFO chart as an evaluation/supervision assessment.
MPR	Miscellaneous Adjustment - Parking Infractions	Not an LFO given that this adjustment applies to parking infraction violations.
NAR	Narrows Toll Reduced	Not an LFO. Pertains to enforcement/infractions for Tacoma Narrows Bridge Toll
NCA	Name Change Auditor's Fee	Not an LFO because this pertains to a district court's fee for filing, recording, and transmitting a name change order with a county auditor.

AR and authority	Is this a LFO?	If it is an LFO, is it in pre-existing chart?	Does this AR group together several LFOs?
JTR; JIS – Trauma Care Account	No—applies only to infractions		No
JTX	No- applies only to infractions		no
JYF; Jury demand fee RCW 10.46.190; superior court only	YES	yes	no
LCA- Limousine Carriers Account RCW 46.72A.160	No – infractions only		no
LCF Litter clean up fee RCW 70.93.060(2)	Yes- for misdemeanor of littering in amount >one cubic foot or < on cubic yard or gross misdemeanor of littering in amount of one cubic yard or more	No- should be added	no
LGA – Legislative assessment RCW 46.63.110(8)(a)	NO- infraction only		no
MCM- miscellaneous adjustment- criminal non traffic			

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MCT- miscellaneous Adjustment- Criminal Traffic			
MCV	No		no
MDW Miscellaneous Adjustment- DUI cases			
MHC- Mental Health Court Fee RCW 2.28.180	Would be, but this statute has been repealed	No	no
MIC RCW 46.30.020(2)	No – infraction only		no
MIN	No- infraction only		no
MIS- miscellaneous revenue	no		no
MIT	No- infraction only		no
MJF- Municipal Court Judgement Filing Fee RCW 3.62.060; RCW 3.66.020	No- civil cases only		no
MON- Sentence Compliance Monitoring Fee RCW 10.64.120	Yes	No- should be added	no
MPR	No- infractions only		no
NAR – Narrows Toll Reduced	No		no
NCA RCW 4.24.130(4)	no		no
NCC	No		no
NOT	no		no
NSF	No		no
OC –interest income RCW 3.50.100; RCW 3.62.020	includes interest received from collection agency	No- may need to be added	
OCD- Other costs DUI			
OCO- other costs-vehicle impound			
OCP- other costs- felony probable cause cases			
OC1	No		no
OC2	No		no
OC3- other costs –criminal traffic			
OC4- other costs- criminal non- traffic			
OC5- other costs- felony cases			
OC6- other costs civil	no		no
OC7	no		no

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OC9	No		no
OFF	No		no
OS	no		no
PAR- appeal record preparation RCW 3.62.060	\$40 YES	No- needs to be added	no
PBR Prisoner room and board RCW 10.01.160(2); RCW 9.94A.760	Up to \$100/day YES	yes	no
PC	no		no
PCI	no		no
PCO	no		no
PDA- Public Defender Application Fee RCW 10.101.020(5)	yes	Yes	no
PDF	No- infraction		no
PDR- public defender recoupment RCW 10.01.160	yes	Yes	no
PPC RCW 9.68a._____ (CLJ Prostitution intervention fee	Yes \$5,000; sexual exploitation of minor; promoting commercial sexual abuse of a minor; or promoting travel for commercial sexual abuse of minor where internet advertisement was instrumental	No- needs to be added	no
PRO- general adult probation service fees RCW 10.64.120	Yes	No – needs to be added	no
PRP-Prostitution prevention and intervention fee; RCW 9A.88.120(1); RCW 9.68A.105	Yes	yes	yes
PSC- Pre-trial supervision CLJ RCW 10.01.160	Yes	Yes	no
PTR	no		no

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RCO- record check only fee 10.64.120	Yes	No – needs to be added	no
RL1	no		no
RL2	no		no
RTN- restitution	restitution	yes	No
RPF- relicensing diversion Programs fee 46.20.342(1)(c)(iv) (this authority is not for an LFO but discusses relicensing).			
SCF	no		no
SCW	no		no
SGF 3.62.060	no		no
SOP	no		no
SSW- sheriff warrant fee recoupment 36.18.140(1)	Yes	No- should be added	no
SUP	no		no
SWF- court administrative warrant cost 10.01.160(2)	Yes- can be an LFO; up to \$100	yes	no

I have highlighted AR codes if I am not sure whether they constitute LFOs.

Appendix D

Local Court Rules that Create LFOs

Local Court Rules that Create LFOs

Klickitat and Skamania Counties Superior Court

Persons Responsible

Pursuant to the intent and standard set forth in RCW 13.16.085 in any Juvenile Court proceeding regarding the detention of a juvenile offender, the Court may order the parent or parents, guardian or other person or persons having custody of the juvenile offender to pay or contribute to the payment of the cost of such detention.

Time of Payment

The maximum payment of per diem costs charged to the county and/or ordered by the Court shall be paid in a reasonable time unless a sworn financial statement is presented to the Court at said proceeding which could reduce or eliminate any such assessment or due to other circumstances recognized by the Court. Transportation and medical costs may also be assessed under this rule.

Rule 12. Financial Responsibility for Cost of Juvenile Detention, WA R KCLICKITAT AND SKAMANIA SUPER CT Rule 12

Klickitat County West District Court

NONE

Lewis County Superior Court

NONE

Lewis County District Court

Imposition of Jury Costs

In order to efficiently schedule the calling of jurors, to avoid unnecessary disruptions of the jurors lives, and to further avoid the waste of public funds, the court will not, unless good cause is shown, permit the waiver of a jury trial nor the entry of a plea of guilty in a matter scheduled for jury trial after the date of the trial confirmation hearing unless the jury costs are imposed against the moving party.

LLCrRLJ 4.5.1. Pretrial Procedures, WA R LEWIS DIST CT LLCrRLJ 4.5.1

When a case docketed for trial or other hearing is settled, or for any reason will not proceed to hearing at the set time, the parties shall give notice of that fact immediately to the Court. It shall be the duty of each party to notify its own witnesses, not only of the date and time of the trial, but also of continuances, pre-trial hearings, motions, and other proceedings. The Court will not pay witness fees to witnesses who appear for a trial or hearing which has been continued or settled. Such costs shall be borne by the party or attorney who called or subpoenaed the witness.

LLCrRLJ 4.12. Duty to Notify Court and Witnesses, WA R LEWIS DIST CT LLCrRLJ 4.12

After confirmation, the failure of a criminal plaintiff or defendant to appear at trial, or upon appearance, to be unable proceed with the trial, shall be treated as a motion for continuance, resulting in the dismissal of the jury panel, where applicable, and of the trial date. It may also constitute grounds for the issuance of a warrant of arrest, for the dismissal of the charges or for the imposition of sanctions and terms, including jury fees, against litigants and counsel.

LLCrRLJ 6.1.1(d). Criminal Trial Confirmation, WA R LEWIS DIST CT LLCrRLJ 6.1.1(d)

In every case where the defendant has been found guilty by the trier of fact after trial or by virtue of a guilty plea, of the crimes of DUI, Physical Control, DWLS 1st, or Assault in the Fourth Degree, a pre-sentence report shall be automatically be ordered by the Court. There shall be included in this report the results of any alcohol, drug, or domestic violence evaluations which has been ordered. The costs of the preparation of the report shall be assessed against the convicted person as part of the judgment and sentence. Failure of the defendant to cooperate in the preparation of the report including ordered evaluations shall result in the issuance of a bench warrant requiring the defendant to be held in custody until sentencing is completed.

LLCrRLJ 7.2(f). Pre-Sentence Reports, WA R LEWIS DIST CT LLCrRLJ 7.2(f)

Lincoln County Superior Court

Assignment of Lawyer

(5) Defendants who request assignment of counsel will be required to execute and file a financial disclosure under oath, which shall substantially comply with the form set forth in Exhibit “D” attached hereto, (or any successor form¹ approved by the State or Supreme Court) or the defendant may be required to provide the information orally to the court.

(6) All appointments of counsel by reason of indigency are expressly contingent upon proven indigency and full disclosure of assets. Where income or assets are discovered or indigency status changes subsequent to appointment which enable the defendant to afford counsel, or if the defendant can afford partial payment, fees may be ordered to be reimbursed to the court.

LCrR 3.1. Right to and Assignment of Lawyer, WA R LINCOLN SUPER CT LCrR 3.1

Lincoln County District Court

A party demanding or entitled to a jury trial shall, before 1:30 p.m. five working days prior to the scheduled trial date, contact the Lincoln County District Court Clerk and confirm that the jury is still required. When a cause assigned a date for trial as a jury case is settled, or will not be tried by a jury for any reason, notice of that fact shall be given immediately to the Court Clerk. In the event the notice is given to the Court Clerk less than five working days prior to the scheduled trial date, the party electing not to have their case heard by a jury (Criminal Cases: Defendant who waives jury, elects to enter a plea of guilty; or State if jury waiver follows Jury Demand by State; Civil Cases: jury waiver by party after demand) shall pay a jury administrative reimbursement fee equal to the actual costs incurred by the

Court for jury fee payments and mileage reimbursements and all postage costs to summons the jury, unless the Judge determines that those costs and fees shall not be paid.

LARLJ 1. Jury Administrative Reimbursement Fee, WA R LINCOLN DIST CT LARLJ 1

Miscellaneous Fees

The following shall be the schedule of fees charged for certain official services provided by the Lincoln District Court Clerk. These amounts are consistent with RCW 3.62.060.

Duplication of Electronic Records - \$10.00

Photocopy Expenses - \$0.50 / page

Certified Copy - \$6.00

Appeals (Preparation of Tapes) - \$40.00

Return of Check Fee (NSF od Account Closed Checks) - \$35.00

Non-Traffic Civil Infraction – Violation of City or Town Ordinance Filing Fee - \$12.00

Additional Fee if Court Hearing Held - \$13.00

Misdemeanor – Violation of City or Town Ordinance Filing Fee - \$25.00

These fees may be changed by general court order without amending these rules.

LARLJ 4. Miscellaneous Fees, WA R LINCOLN DIST CT LARLJ 4

In order to efficiently schedule the calling of jurors, to avoid unnecessary disruptions of jurors' lives, and to avoid the waste of public funds the following readiness hearing procedures have been adopted:

Not less than 14 days prior to an assigned jury trial date, there shall be held a readiness hearing. At the readiness hearing it shall be mandatory that the prosecuting attorney, the defense counsel, and the defendant be present. The requirements of this rule can be waived only by the Judge appointed to the case. In the event the defendant fails to appear, the jury trial setting shall be canceled, a bench warrant may be issued, bail or bond may be forfeited, and costs may be imposed at the discretion of the court. In the event the defendant waives the jury trial subsequent to the readiness hearing, costs may be imposed pursuant to LARLJ 1.

...

At the conclusion of the readiness hearing, the court will no longer grant any further motions to amend or motions to dismiss the charge(s) unless good cause is shown (involving unique and unexpected events/factors). Therefore, the case will be tried by jury, unless waived by the defendant, or concluded by a guilty plea to the original charge(s). See LARLJ 1 regarding administrative reimbursement of jury fees for those who do not give at least 14 days notice of settlement to the clerk of the court.

LCrRLJ 5.2. Readiness Hearing, WA R LINCOLN DIST CT LCrRLJ 5.2

Mason County Superior Court

NONE

Mason County District Court

All cases set for a jury trial will also be set for a Confirmation Hearing prior to the jury trial date. The prosecutor, defense counsel and the defendant shall attend the confirmation hearing. If the defendant fails to appear for the confirmation hearing, a warrant for the arrest of the defendant may issue, and the court may continue or strike any scheduled hearing or trial date. If the prosecutor or defense counsel fails to appear at the pre-trial hearing, the court may impose terms and any other sanctions authorized by law, and the court may continue or strike any scheduled hearing or trial date. At the Confirmation Hearing all parties are expected to verify readiness to proceed to trial, or to propose an alternate disposition. When a case assigned for jury trial is settled or will not be tried by the jury for any reason, notice of that fact shall be given immediately to the court. The court may impose terms including requiring payment of the actual costs of the jury in the event a case settles after the Confirmation Hearing.

LCrRLJ 4.11. Jury Trial Confirmation--Notification of Court, WA R MASON DIST CT LCrRLJ 4.11

Okanogan County Superior Court

(8) *Sanctions*. Where a party has failed to comply with any of the provisions of this rule the court shall make such orders as are just, which shall include the award of reasonable expenses, including attorney's fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust. These sanctions may also include a court services assessment up to a sum of one thousand dollars (\$1,000.000) to cover judicial and court staff.

LR 16. Pretrial Procedure and Formulating Issues, WA R OKANOGAN SUPER CT LR 16(d)(8) (Unclear to me if this applies to criminal cases or just to civil cases).

(c) Settlement Confirmation. In the event parties and or their counsel reach a resolution and/ or settlement of their action, then the counsel and/or pro se party shall immediately, but not more than two (2) judicial days after executing a settlement document (ie decree, order or stipulation), shall notify and provide a copy to the Judicial Assistant by either email or in hand. Failure to provide this notification to the Judicial Assistants may result in sanctions against the parties and/ or counsel.

LR 40. Trial Setting and Pre-Trial Procedures, WA R OKANOGAN SUPER CT LR 40

(f) Sanctions. Where a party has failed to comply with any of the provisions of this rule the court shall make such orders as are just, which shall include the award of reasonable expenses, including attorney's fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust. These sanctions may also include a court services assessment up to a sum of one thousand dollars (\$1,000.000) to cover judicial and court staff.

LR 40. Trial Setting and Pre-Trial Procedures, WA R OKANOGAN SUPER CT LR 40

Pacific and Wakhiakum Counties Superior Court

A. Hearings Requiring An Interpreter. The Court Administrator's Office shall be responsible for arranging for an interpreter for indigent defendants in criminal proceedings, **only upon the request of court appointed counsel or the Prosecutor's Office.** It shall be the responsibility of the indigent party's counsel to notify the Court Administrator's Office of any hearings scheduled that require an interpreter or any hearings **stricken** that require an interpreter. **Failure to do so may result in sanctions,** including, but not limited to, imposition of monetary penalties against the party not in compliance with this rule.

Rule 2. Procedures Prior to Trial, WA R PACIFIC AND WAHAKIYAKUM SUPER CT LCR 2

Pacific County South District Court

An amendment to the citation/complaint, waiver of jury trial and a change of plea to a lesser charge may be allowed upon a showing of exigent circumstances and the payment of terms in the amount of \$180.00.

Rule 1. Amendment to Citation/Complaint, Waiver of Jury Trial, and Change of Plea, WA R SOUTH PACIFIC DIST CT Rule 1

Pierce County Superior Court

NONE

Pierce County District Court

Cancellation notification in writing or telephonically must be given to the Pierce County District Court No. One Civil Section at least 48 hours prior to the date and time the hearing is scheduled to take place.

If cancellation notification is not received at least 48 hours prior to the date and time of the hearing, the following sanctions may be imposed:

1. Jury Trial, Visiting Judge Case or Court Trial in Excess of One Day--Terms of up to \$50.00 may be assessed against each party.

2. Summary Judgment Motion--Terms of up to \$25.00 may be assessed against each party.

Trial and/or motion dates will not be rescheduled until sanction payments are received by the Court.

LARLJ 4. Cancellation Notification of Summary Judgment Motions, Jury Trials, Visiting Judge Cases and Civil Trials Requiring in Excess of One Court Day to Complete, WA R PIERCE DIST CT LARLJ 4

San Juan County Superior Court

(a) Financial Obligation. Pursuant to the intent and standards set forth in RCW 13.16.085 and RCW 13.40.145, in any juvenile court proceeding regarding the detention, disposition or modification regarding a juvenile offender, or in any at risk youth, CHINS, truancy or dependency proceeding, the court may order the parent or parents, guardian, or other person legally obligated to support the juvenile, to pay a reasonable sum for the cost of detention and/or legal services provided by publicly funded counsel.

(b) Assessment of Costs. The assessment for the cost of detention and publicly funded counsel should not exceed actual costs to the county. The costs shall be assessed and ordered paid in a reasonable time unless a sworn financial statement is presented to the court at said proceeding justifying reduction or elimination of any such assessment, or there are other circumstances recognized by the court for reducing or not imposing the assessment.

LJuCR 11.5. Financial Responsibility, WA R SAN JUAN SUPER CT LJuCR 11.5

San Juan County District Court

When a cause assigned for jury trial is settled, or will not be tried by a jury for any reason, notice of that fact shall be given immediately to the Court Clerk. In the event the notice is given after the readiness hearing, the party electing not to have it's case heard by a jury shall pay a jury administrative reimbursement fee equal to the actual costs incurred by the Court for the jury trial, unless the Judge determines that those costs and fees shall not be paid.

LCrRLJ 6.1. Jury Trial Readiness Hearing, WA R SAN JUAN DIST CT LCrRLJ 6.1

Skagit County Superior Court

NONE

Skagit County District Court

When a case docketed for trial or other hearing is settled, or for any reason will not proceed to hearing at the set time, the parties shall give notice of that fact immediately to the Court. Notice to the court should be in written form, however, telephonic notice is acceptable where appropriate due to time constraints provided that said notice is confirmed in writing. It shall be the duty of each party to notify their own witnesses, not only of the date and time of the trial, but also of continuances, pre-trial hearings, motions, and other proceedings. The Court will not pay witness fees to witnesses who appear for a case which has been continued or settled without trial or hearing. Such costs shall be borne by the party or attorney who called or subpoenaed the witness.

SLCrRLJ 4.12. Duty to Notify Court and Witnesses, WA R SKAGIT DIST CT SLCrRLJ 4.12

Snohomish County Superior Court

NONE

Snohomish County District Court

Any case confirmed for jury under this subsection and not proceeding to jury trial shall be subject to such sanctions, including but not limited to jury costs, witness fees and terms, as deemed appropriate by the trial judge.

SCLCrRLJ 6.1.1. Trial by Jury, WA R SNOHOMISH DIST CT SCLCrRLJ 6.1.1

Local Rules of the Superior Court for Spokane County

NONE

Local Rules of the Spokane County District Court

(b) Filing Fee. Appellant(s) shall pay the Superior Court filing fee as defined by law, unless specifically excused by law, or upon obtaining an Order to Proceed in Forma Pauperis. Appellant shall file any Motion and Affidavit for Order to Proceed in Forma Pauperis with the Judge or Commissioner who heard the case, or in his or her absence, by the Presiding Judge. In Forma Pauperis Petitions shall be filed on forms approved by the Court.

LRALJ 2.4. Filing Notice of Appeal, WA R SPOKANE DIST CT LRALJ 2.4

Stevens, Pend Oreille, and Ferry Counties Superior Court

NONE

Stevens County District Court

NONE

Thurston County Superior Court

See separate PDF of fee schedule- appeals and miscellaneous sections.

Thurston County District Court

(b) Confirmation of Trial. The calendar coordinator shall set a confirmation hearing prior to the trial date in all cases where a trial has been requested. At the confirmation hearing, all parties are expected to verify readiness to proceed to trial, or to propose an alternate disposition. If a case settles after the confirmation hearing, the court may, in its discretion, order a party to pay any costs incurred as a result.

(c) Witness, Subpoenas, Costs. Where prospective witnesses, who will be compelled to appear by subpoena, reside outside the boundaries of Thurston County, leave of the court to issue a subpoena shall be obtained by written motion. The party requesting the subpoena, shall file the motion no later than fourteen (14) days prior to the date set for trial. If leave is not obtained or the request is not timely made, then the party requesting the subpoena, shall be responsible for all costs associated with the appearance of the person subject to the subpoena, unless good cause is shown.

LCrRLJ 6.1.1. Criminal Trial, WA R THURSTON DIST CT LCrRLJ 6.1.1

Walla Walla County Superior Court

4. *Failure to Attend.*

a. Sanctions. Failure to comply with the provisions of paragraphs 1 and 2 above may result in the imposition of terms and sanctions as the court may deem appropriate.

b. Default. Failure to appear at the settlement conference, without prior approval of the court, may constitute an act of default. Any party appearing at the settlement conference may move for default pursuant to CR 55. Costs and terms may be assessed at the discretion of the court.

WWCSCLR 16. Pre-trial Procedure, WA R WALLA WALLA SUPER CT WWCSCLR 16 (not sure if this applies to criminal cases or just to civil cases)

Walla Walla District Court

(a) Warrant Costs. The maximum warrant preparation fee permitted under RCW 10.01.160 shall be assessed whenever the court orders a warrant based upon a defendant's failure to appear for any mandatory court appearance on aailable offense. The fee shall include any costs for service of the WWDIR 2.5. Procedure on Failure to Obey Citation and Notice, WA R WALLA WALLA DIST CT WWDIR 2.5

Whatcom County Superior Court

(b) Recovery of County Expense for Appointed Counsel. Nothing in this rule shall prevent the court from ordering, as a condition of community supervision, that a juvenile offender pay court costs and fees for court-appointed counsel.

WCJCrR 6.2. Right to Counsel, WA R WHATCOM SUPER CT WCJCrR 6.2

Whatcom County District Court

When a case docketed for trial or other hearing is settled or will not otherwise proceed to hearing, the parties shall immediately give written notice of that fact to the court. The court will not pay witness fees to witnesses who appear for a case that has been continued or settled without trial or hearing. Such costs shall be borne by the party or attorney, who called, subpoenaed, or requested a subpoena for the witness.

In the event that a party fails to provide written notice to the court by 9:00 a.m. on the last business day prior to trial that a case will not be tried to a jury on the date set, the court may impose terms, including payment of the actual costs of the jury. Any party requesting a continuance or other delay of a case confirmed as ready for trial at the omnibus hearing must make proper application to the court with proper notice to all parties.

WDCrRLJ 5. Notice, Costs, Witness and Jury Costs, and Witness Fees, WA R WHATCOM DIST CT WDCrRLJ 5

Whitman County Superior Court

Cost of Telephone Hearings

Unless otherwise agreed, each attorney or party appearing by telephone shall bear the cost of the conference call. The court's charge to each attorney or party appearing by telephone shall be \$20.00 for

each half hour or part thereof of the duration of the call. In appropriate cases, this charge may be waived by the court.

WCLAR 9. Telephone Hearings, WA R WHITMAN SUPER CT WCLAR 9

Cost of Telephone Testimony

The attorney or party calling a witness by telephone shall pay the court's charge for such service at the rate of \$20.00 for each half hour or part thereof of the duration of the call. In appropriate cases, this charge may be waived by the court. The cost of presenting witness from another location in a manner other than by telephone shall be paid by the party calling the person as a witness.

WCLAR 10. Witness Testimony by Telephone or Other Contemporaneous Transmission from Another Location, WA R WHITMAN SUPER CT WCLAR 10

Whitman County District Court

The court may permit the disposition of any case or class of cases by forfeiture of bail by the entry of a written order showing the reasons. If the court allows forfeiture of bail, it may accept the bail as full payment including all statutory assessments.

Rule 3.2. Disposition by Forfeiture of Bail, WA R WHITMAN DIST CT Ch. 2, Rule 3.2

Notice of Witnesses

It shall be the duty of each party to notify it's own witnesses, not only of the date and time of trial, but also of continuances, pretrial hearings, motions and other proceedings. The court will not pay witness fees to witnesses who appear for a case which has been continued or settled without trial or hearing. Such costs shall be borne by the party or attorney who called or subpoenaed the witness.

Rule 6.01. Resolution Without Trial, WA R WHITMAN DIST CT Ch. 2, Rule 6.01

Yakima County Superior Court

NONE

Yakima County District Court

Requests for duplicates of recordings shall be in writing on a form prescribed by the Court. Duplicates of recordings and of the log for the record shall be delivered only after payment of the actual costs as determined by statute, unless the party is excused by statute or by the Constitution.

L-RALJ 6.3. Copy of Recording for Parties, WA R YAKIMA DIST CT L-RALJ 6.3

(2) Any case confirmed for jury trial not proceeding to jury trial shall be subject to such sanctions as deemed appropriate by the judge including but not limited to jury costs, witness fees and terms.

L-CrRLJ 5.1.1. Trial by Jury, WA R YAKIMA DIST CT L-CrRLJ 5.1.1

Appendix E

All Surveys

**Price of Justice:
Rethinking the Consequences of
Justice Fines and Fees**

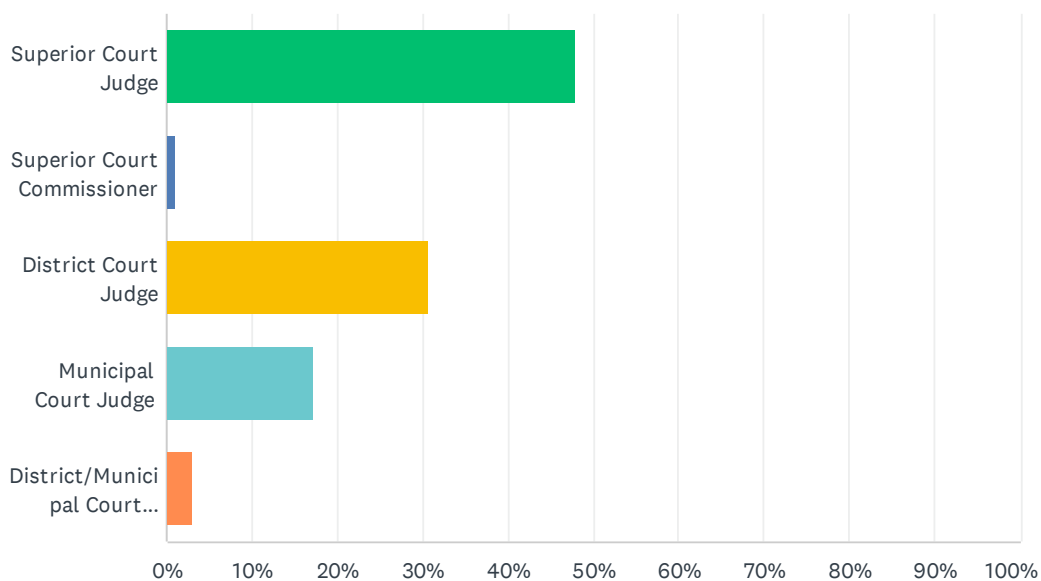
**Legal Financial Obligations Practices Survey
Study Subcommittee 1
2019**

This project was supported by Grant No. 2016-ZB-BX-0005

State Judges

Q1 What position do you currently hold?

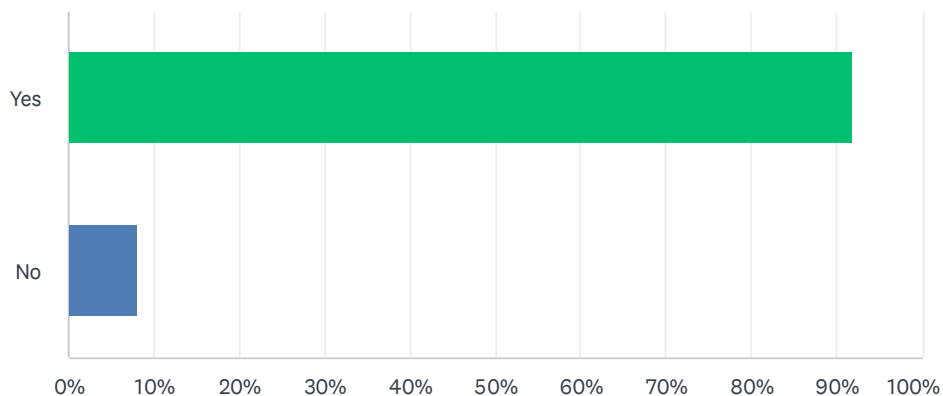
Answered: 98 Skipped: 0



ANSWER CHOICES	RESPONSES	
Superior Court Judge	47.96%	47
Superior Court Commissioner	1.02%	1
District Court Judge	30.61%	30
Municipal Court Judge	17.35%	17
District/Municipal Court Commissioner or Magistrate	3.06%	3
TOTAL		98

Q2 Are you aware that an LFO Calculator exists that assists Washington State judges with setting appropriate levels of LFOs based on a defendant's ability to pay?

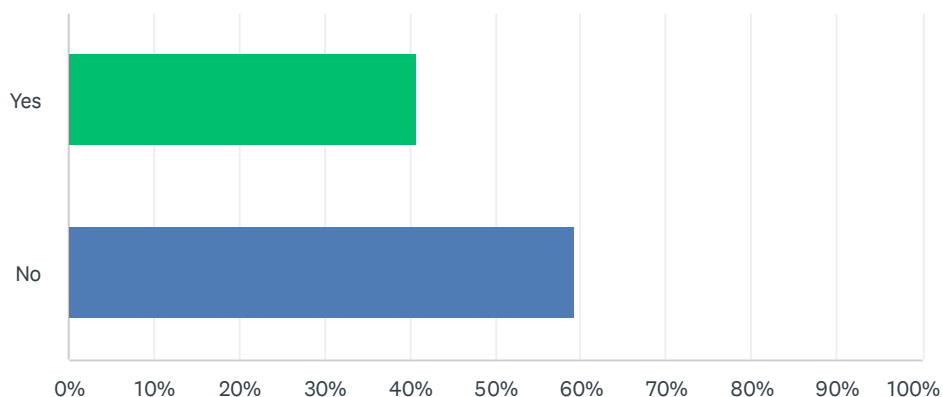
Answered: 98 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	91.84%	90
No	8.16%	8
TOTAL		98

Q3 Have you ever used the LFO Calculator?

Answered: 98 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	40.82%	40
No	59.18%	58
TOTAL		98

#	IF NO, WHY NOT? PLEASE EXPLAIN.	DATE
1	I have used the LFO calculator online for my personal interest in order to become familiar with it. However, I do not use it in court proceedings. If a person has been appointed an attorney at public expense due to indigency, I only order the mandatory costs, i.e. crime victim and DNA (when applicable).	5/22/2019 10:17 AM
2	I have practiced with it, and it is too time consuming and cumbersome.	5/22/2019 9:57 AM
3	It's easier to not use it.	5/21/2019 4:13 PM
4	I did not know this tool exists. Other than mandatory LFOs (CVF and DNA fee), I do not normally order other LFOs.	5/21/2019 12:55 PM
5	I never impose LFOs without a privately retained attorney and an explicit concession from the defendant that they can pay the LFOs. If there is any doubt, I don't impose them, and thus I don't need to utilize the calculator.	5/21/2019 9:49 AM
6	I did not know about it.	5/20/2019 4:50 PM
7	I have tried. I find it very time consuming. I have a very good grasp on LFO's and don't feel I need it for most of the cases I handle. Additionally, last time I attempted to use it I'm not sure it was supported by the browser my city has installed on my courtroom computer.	5/20/2019 4:07 PM
8	I have not had the opportunity.	5/20/2019 3:54 PM
9	I am not currently sitting in court with LFO assessments	5/20/2019 3:49 PM
10	I only impose mandatory LFOs and restitution because virtually none of the Defendants sentenced have an ability to pay non-mandatory LFOs.	5/20/2019 3:46 PM
11	Always impose only mandatory fines and fees.	5/20/2019 3:41 PM
12	Unless I know that the defendant has significant financial means, I never impose more than the legally mandated financial obligations.	5/20/2019 3:36 PM

2019 Survey Legal Financial Obligations (LFOs) Practices - Judges

13	I have never imposed an LFO that is not mandatory.	5/20/2019 3:30 PM
14	Make my own determination either by questioning Counsel/Defendant or lately Counsel files income/expense declaration asking for relief. I had made my own determination for years before the Blazina case came out on theory court has inherent authority to waive/adjust even "mandatory" fines, costs or assessments. If I have appointed a public defender because I have found someone indigent seems logically problematic to then impose LFO's without inquiry.	5/20/2019 3:22 PM
15	I can calculate the LFO without its assistance, and I can do so faster than using the calculator.	5/15/2019 2:01 PM
16	Currently assigned to civil, small claims and infraction dockets - so no criminal pleas taken.	5/14/2019 10:17 AM
17	I am newly appointed and learning about things like this LFO tool. Sounds like something I need to use. BH	5/7/2019 11:32 AM
18	I just use the federal poverty guidelines and information in JABS as to other fines owing	5/7/2019 10:42 AM
19	Just started hearing about it.	5/6/2019 4:48 PM
20	I have practiced with it but not used it yet	5/6/2019 12:07 PM
21	Handled by the judicial clerk	5/6/2019 12:05 PM
22	I rarely impose LFOs, as most of the defendants in my court are clearly indigent.	5/6/2019 11:58 AM
23	We have our own internal calculator	5/6/2019 11:39 AM
24	98% of the Court's defendants are either homeless, mentally ill, receiving needs based assistance, on SSI, or SSD and payment of fines is a moot issue.	5/6/2019 11:24 AM
25	Our Judgment and Sentence forms divide LFOs into two categories -- mandatory and discretionary. Each category lists the specific LFO and statutory authority. The forms provide an easy checklist for the court to conduct its Blazina analysis.	5/6/2019 11:20 AM
26	Not on the bench; however I have 'played' with the calculator. At our court, we have identified the mandatory/discretionary costs independently on our 'interactive' court forms. The inquiry is done on the record with the defendant and allows the calendar to move smoothly.	5/6/2019 11:13 AM
27	Haven't thought to look it up to use.	5/6/2019 10:56 AM
28	We have a good grasp on LFOs without need for the calculator.	5/6/2019 10:55 AM
29	We are familiar with the calculator. We have a well-developed indigency screening process including verification that we believe better meets the legal requirements for determining indigency while maintaining privacy for indigent defendants.	5/6/2019 10:51 AM
30	Because the tool does not take into account the Supreme Court decision in State v. Hecht, 173 Wn.2d 92 (2011) when a person is presumptively indigent but able to contribute.	5/6/2019 10:50 AM
31	I am currently assigned to Juvenile Court and only impose mandatory LFO's	5/6/2019 9:59 AM
32	Indigent defendants.	5/6/2019 9:10 AM
33	Generally, the defendants are unemployed with no income or sources to pay.	5/3/2019 11:56 AM
34	Our county prosecutor's office has modified its practice and only seeks mandatory fees and no fines in cases in which the defendant has assigned counsel (an most other cases as well).	5/3/2019 11:43 AM
35	Rarely needed for decisions	5/3/2019 9:44 AM
36	I do not find the current rules related to LFO calculation to be so complex that I cannot figure out LFO questions without utilizing the calculator.	5/2/2019 4:15 PM
37	I have not been assigned to the criminal calendar since the LFO calculator went live.	5/2/2019 2:25 PM
38	I always waive non-mandatory court costs and court fines for indigent defendants. I haven't needed the calculator to do this.	5/2/2019 1:56 PM
39	Most (perhaps 95 percent) defendants in this County are indigent. In such cases I impose only the mandatory LFOs, usually the crime victim assessment and the DNA fee if applicable. I	5/2/2019 1:55 PM

2019 Survey Legal Financial Obligations (LFOs) Practices - Judges

would also impose the principal restitution amount if applicable. So I have not felt the need to use the LFO calculator.

40	I have not yet encountered a dispute over LFOs. Where a defendant has qualified for a public defense, I typically waive all non-mandatory fees and expenses.	5/2/2019 1:51 PM
41	Don't need it. All defendants are indigent (based on public defender representation) or minimal "discretionary" fines and costs for private pay attorneys.	5/2/2019 1:46 PM
42	99% of the defendants who appear before me for sentencing hearings have appointed counsel. That means they have already been found indigent. Their financial circumstances have not improved by the time they appear before me. As a result, I ALWAYS waive all waivable fines, fees, and interest, i.e., I only impose the \$500 VPA and, if they have no prior felonies, the \$100 DNA fee. Because I impose only the statutory minimum, there is no need to use the LFO Calculator.	5/2/2019 1:40 PM
43	Because the defendants have all been indigent.	5/2/2019 1:40 PM
44	Most of the defendants that I sentence are clearly indigent and I am waiving all non-mandatory LFOs.	5/2/2019 1:37 PM
45	didn't feel it was necessary	5/2/2019 1:21 PM
46	assignments over the last two years have not been criminal.	5/2/2019 1:10 PM
47	No need. I conduct a Blazina analysis and it's a rare case where a defendant is not indigent - I rarely order anything more than the mandatory LFOs.	5/2/2019 12:57 PM
48	If a defendant is represented by a public defender, I simply do not impose non-mandatory LFOs. Even for those with private counsel, I ask the State to provide evidence concerning a defendant's ability to pay LFOs. In practice, in virtually all cases, I impose non-mandatory LFOs only in cases where the parties have specifically agreed that the defendant will, and can afford to pay them.	5/2/2019 12:32 PM
49	Don't need it - only impose nondiscretionary fees and fines.	5/2/2019 12:25 PM
50	Didn't know about it and don't know how to access	5/2/2019 12:22 PM
51	have not seen it	5/2/2019 12:06 PM
52	clerks calculate for me.	5/2/2019 11:46 AM

Q4 If you use the LFO Calculator, do you use it as a regular practice? Please explain.

Answered: 67 Skipped: 31

#	RESPONSES	DATE
1	Yes	5/23/2019 10:34 PM
2	n/a	5/22/2019 10:17 AM
3	n/a	5/22/2019 9:57 AM
4	No. I find it awkward and difficult to use.	5/21/2019 4:18 PM
5	No first it wasn't compatible with our computer system and got block by the county. Generally with a high volume court it just takes too long. But a good resource guide for sure.	5/21/2019 3:19 PM
6	N/A	5/21/2019 12:55 PM
7	No due to time and erring on the side of no LFOs where the offender's ability to pay is limited.	5/21/2019 10:34 AM
8	N/a	5/21/2019 9:49 AM
9	No	5/21/2019 7:51 AM
10	No. Only use occasionally.	5/20/2019 8:23 PM
11	No since most of the defendants are indigent that I see or appear before me.	5/20/2019 5:06 PM
12	I don't use it because I was not aware of it.	5/20/2019 4:50 PM
13	Yes, when there is a need. I typically only impose the mandatory LFOs so there is not a need.	5/20/2019 4:16 PM
14	only if there is doubt as to ability to pay. Most of the time, there is clearly no ability to pay	5/20/2019 4:12 PM
15	No. Most defendants are clearly indigent so I impose only mandatory LFOs	5/20/2019 4:04 PM
16	na	5/20/2019 3:46 PM
17	No	5/20/2019 3:36 PM
18	N/A	5/20/2019 3:30 PM
19	I do not use it on a regular basis.	5/20/2019 2:38 PM
20	My court is small and infrequent and for the most part I can sentence without a need for it.	5/20/2019 2:10 PM
21	no, it is simpler to calculate on my own, as the majority of defendants in our jurisdiction are indigent	5/20/2019 12:56 PM
22	No.	5/20/2019 12:38 PM
23	I do not use it regularly as it was too difficult to access with my browser and took too much time.	5/19/2019 8:35 AM
24	N/A	5/15/2019 2:01 PM
25	No - Many defendants are indigent.	5/15/2019 10:35 AM
26	N/A	5/14/2019 10:17 AM
27	Yes. All the time for both sentencing and post conviction relief.	5/10/2019 10:43 PM
28	NA	5/10/2019 4:30 PM
29	Sometimes	5/10/2019 4:22 PM
30	No, I don't always have time to use it.	5/10/2019 3:58 PM

2019 Survey Legal Financial Obligations (LFOs) Practices - Judges

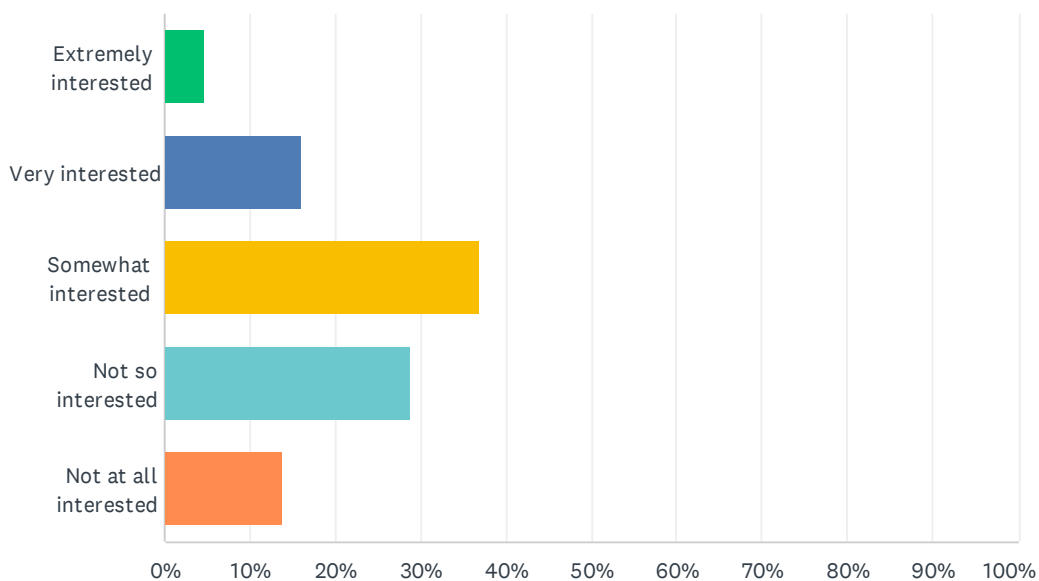
31	No. Until my court can at least link to the DSHS database to verify benefits, I won't. We are working on that. The key problem is time: if we take the time to verify that claims of indigency appear to be true, it would be a substantial additional time burden. And if we don't, we continue to take everyone's word in an arena where there is a huge disincentive to be truthful. Plus, as much as I agree we shouldn't bury people forever in debt, I struggle with what to do with people who are indigent during a proceeding simply because they are unwilling to meaningfully look for work. I also struggle with using community service hours as an alternative to money when people are more likely to do jail time for failing to do community service than be found in contempt for failure to pay. We need to come up with a "widow's mite" system where LFOs assessed meaningfully correlate to true ability to pay.	5/10/2019 1:58 PM
32	No, our defendants are nearly all represented by the public defender. Fines are typically all that are imposed.	5/7/2019 1:16 PM
33	I do not use on a regular basis, but I am aware it is available if needed.	5/7/2019 12:19 PM
34	Yes.	5/7/2019 11:24 AM
35	no. just as a reference when needed.	5/7/2019 8:00 AM
36	Yes, I use it almost every time. If I impose any fines, costs or assessments, I print a copy for the file and the defendant.	5/6/2019 3:51 PM
37	No	5/6/2019 1:03 PM
38	Not yet	5/6/2019 12:07 PM
39	Not yet but I will make more of an effort to use it.	5/6/2019 11:58 AM
40	Yes.	5/6/2019 11:46 AM
41	Not regularly. It takes too long to use during a busy docket. When I use it, it's off the docket or when the docket is slow.	5/6/2019 11:44 AM
42	n/a	5/6/2019 11:24 AM
43	n/a	5/6/2019 11:13 AM
44	No I don't. I initially used it to compare my practices with the calculator to make sure they corresponded or where there may have been differences. However, it is too slow to use on a regular basis. I'm able to do my calculations without the use of the calculator. I do use cheat sheets I have created on a regular basis as I'm able to use these much quicker than the calculator.	5/6/2019 11:04 AM
45	NA	5/6/2019 10:56 AM
46	n/a	5/6/2019 10:55 AM
47	Not applicable.	5/6/2019 10:51 AM
48	No. I do not find it useful.	5/6/2019 10:50 AM
49	No, as I don't see the need for it and it is cumbersome to use during criminal dockets	5/6/2019 10:46 AM
50	No...I ask a number of questions instead and either find that the person is indigent or give them appropriate time to pay if they have the ability to do so.	5/6/2019 10:36 AM
51	No. I understand the ideas underlying the calculator, and don't impose any LFOs that are not mandatory on indigent defendants.	5/6/2019 9:33 AM
52	every case is different and we usually set a minimum amount of 25 to 50 per month. Unusual if any higher. No LFO's if on SSI, including no restitution per the latest SCT decision	5/3/2019 10:15 AM
53	NA	5/2/2019 4:15 PM
54	N/A	5/2/2019 2:25 PM
55	Don't use regularly	5/2/2019 2:16 PM
56	Not applicable	5/2/2019 1:55 PM
57	n/a	5/2/2019 1:46 PM

2019 Survey Legal Financial Obligations (LFOs) Practices - Judges

58	I don't use it because I always waive all waivable fines, fees, and interest when the defendant is indigent (and they pretty much always are).	5/2/2019 1:40 PM
59	NA	5/2/2019 1:40 PM
60	N/A	5/2/2019 1:37 PM
61	N/A	5/2/2019 12:57 PM
62	No. I used an early spreadsheet version of the LFO calculator when I was a judge pro tempore in a municipal court. Since I became a superior court judge in 2018, I have not yet needed the LFO calculator.	5/2/2019 12:50 PM
63	n/a	5/2/2019 12:22 PM
64	No. It does not help me make any decisions, but only slows me down. I do not need an online calculator that takes time for inputting and box-checking to assist me in calculating monthly payments. Our Clerk's office works with convicted persons to set appropriate payments, and no case has been referred for my review questioning their ability to accurately and fairly do so.	5/2/2019 12:17 PM
65	No. Recent legislation has streamlined the LFO statutes for superior court and has essentially eliminated interest on non-restitution LFOs.	5/2/2019 12:05 PM
66	No. I normally waive all but mandatory LFOs, including waiving the DNA fee whenever possible.	5/2/2019 11:53 AM
67	Not regularly. In Superior Court (at least in King County), most cases have \$500 or \$600 in mandatory LFOs. Thus, in the majority of cases, it's not necessary (and too time consuming on a sentencing calendar) to use the calculator. However, where there is a question about whether certain other fees are mandatory, the calculator is helpful.	5/2/2019 11:53 AM

Q5 If you have not used the LFO Calculator, are you interested in using it?

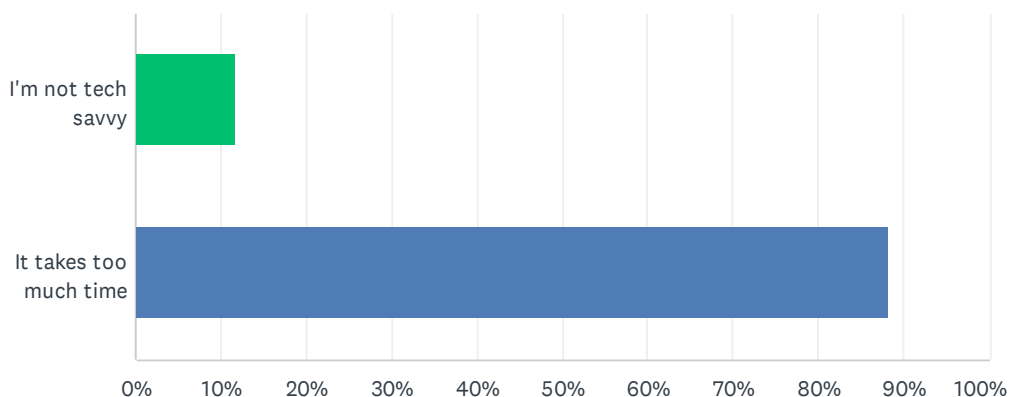
Answered: 87 Skipped: 11



ANSWER CHOICES	RESPONSES	
Extremely interested	4.60%	4
Very interested	16.09%	14
Somewhat interested	36.78%	32
Not so interested	28.74%	25
Not at all interested	13.79%	12
TOTAL		87

Q6 If you are not using the LFO Calculator, why?

Answered: 34 Skipped: 64



ANSWER CHOICES	RESPONSES	
I'm not tech savvy	11.76%	4
It takes too much time	88.24%	30
TOTAL		34

#	OTHER. PLEASE EXPLAIN.	DATE
1	It is a matter of my personal approach to LFOs - I impose only those fines, fees, costs that are mandatory.	5/22/2019 10:17 AM
2	Awkward to use.	5/21/2019 4:18 PM
3	Tried using it once, it took too much time.	5/21/2019 4:13 PM
4	See answer to # 4 above.	5/21/2019 3:19 PM
5	N/A	5/21/2019 12:55 PM
6	Combination of factors, including time and that where ability to pay is questionable, LFOs are seldom imposed.	5/21/2019 10:34 AM
7	See statement above. I don't impose non-mandatory LFOs without a concession regarding ability to pay.	5/21/2019 9:49 AM
8	No	5/21/2019 7:51 AM
9	I generally do not receive the sentencing documents until in the courtroom and charges may have been amended or dropped so it is difficult to prepare to a plea and sentencing.	5/20/2019 5:06 PM
10	As mentioned in the answers to several previous questions, I was not aware of the LFO Calculator. Additionally, I typically impose only the mandatory LFOs.	5/20/2019 4:50 PM
11	n/a. I use the calculator.	5/20/2019 4:16 PM
12	Unnecessary as mandatory LFOs can be calculated easily and I rarely impose discretionary LFOs.	5/20/2019 4:04 PM
13	I have not had the opportunity.	5/20/2019 3:54 PM
14	It would be helpful if it could integrate with our sentencing form calculations otherwise, I expect that I can make reasonable determinations with our sentencing form that identifies all "costs	5/20/2019 3:49 PM

2019 Survey Legal Financial Obligations (LFOs) Practices - Judges

and assessments" based upon the fine and the crime involved.

15	My LFO practices are consistent already	5/20/2019 3:41 PM
16	Explained above	5/20/2019 3:36 PM
17	See above	5/20/2019 3:30 PM
18	See answer above and I trust my own determination rather than a calculator.	5/20/2019 3:22 PM
19	See above	5/20/2019 2:10 PM
20	see above #4	5/20/2019 12:56 PM
21	Takes too long to use when I have a large calendar with many guilty pleas to get through in a limited amount of time.	5/20/2019 12:38 PM
22	Doesn't really help in Superior Court -- more toward the lower courts.	5/15/2019 10:35 AM
23	I'm assigned to civil, small claims and infraction dockets.	5/14/2019 10:17 AM
24	See response to #4.	5/10/2019 1:58 PM
25	I don't find it helpful or necessary to pull up another item on the computer	5/7/2019 10:43 AM
26	Just started hearing about it.	5/6/2019 4:48 PM
27	It fails to account for the quality of proof necessary to make these judgements.	5/6/2019 1:03 PM
28	Only recently learned of it	5/6/2019 12:07 PM
29	My clerk handles the order and follows my order on imposition of LFO'S	5/6/2019 12:05 PM
30	I am a new judge and just haven't worked it into my courtroom routine.	5/6/2019 11:58 AM
31	We have our own internal tool.	5/6/2019 11:39 AM
32	Usually not needed	5/6/2019 11:24 AM
33	See three above. The calculator is unnecessary.	5/6/2019 11:20 AM
34	See prior answer	5/6/2019 11:13 AM
35	Haven't thought to look it up to use it.	5/6/2019 10:56 AM
36	See above.	5/6/2019 10:56 AM
37	See above.	5/6/2019 10:51 AM
38	Please see above.	5/6/2019 10:50 AM
39	See previous comment	5/6/2019 10:46 AM
40	See answer #3	5/6/2019 9:59 AM
41	See 4 above.	5/6/2019 9:33 AM
42	Have not had occasion to use it yet.	5/6/2019 9:10 AM
43	I'm not sure that it is worth the time to fill it out.	5/3/2019 11:56 AM
44	See answer to #3 above. Prosecutor only asks for mandatory fees and no fines in cases in which the defendant has assigned counsel -- and most other cases as well.	5/3/2019 11:43 AM
45	very few people have income and lack proof of what they actually earn	5/3/2019 10:15 AM
46	See #3	5/2/2019 4:15 PM
47	I have not been assigned to the criminal calendar since the LFO calculator went live.	5/2/2019 2:25 PM
48	See above.	5/2/2019 1:56 PM
49	Most (perhaps 95 percent) defendants in this County are indigent. In such cases I impose only the mandatory LFOs, usually the crime victim assessment and the DNA fee if applicable. I	5/2/2019 1:55 PM

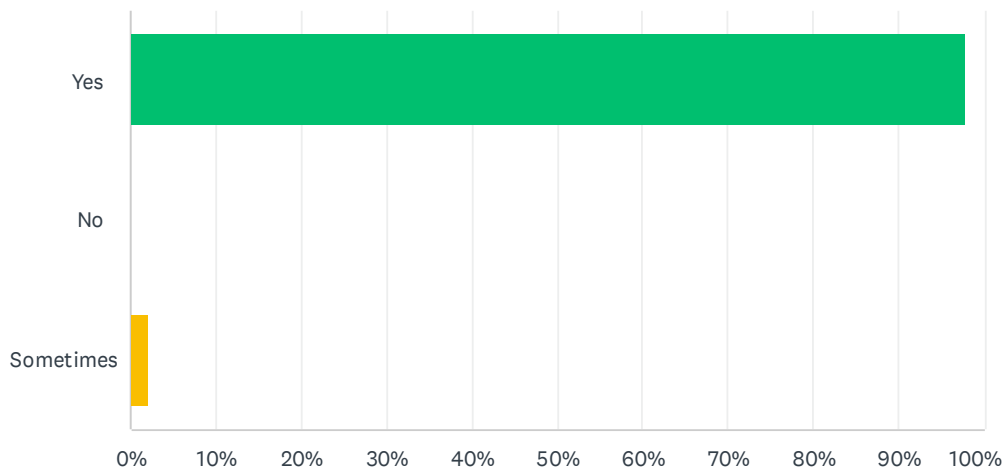
2019 Survey Legal Financial Obligations (LFOs) Practices - Judges

would also impose the principal restitution amount if applicable. So I have not felt the need to use the LFO calculator.

50	See above.	5/2/2019 1:51 PM
51	I don't need it (as explained above)	5/2/2019 1:46 PM
52	I don't use it because I always waive all waivable fines, fees, and interest when the defendant is indigent (and they pretty much always are).	5/2/2019 1:40 PM
53	Haven't had a case where it is necessary.	5/2/2019 1:40 PM
54	Not sure it would add much. I only assess non-mandatory LFOs in situations where the defendant is clearly not indigent.	5/2/2019 1:37 PM
55	I understand what the statutes say. I don't need the calculator.	5/2/2019 12:57 PM
56	I used an early spreadsheet version of the LFO calculator when I was a judge pro tempore in a municipal court. Since I became a superior court judge in 2018, I have not yet needed the LFO calculator. In most cases before me now, all LFOs are waived for indigency except for those that are statutorily mandatory (e.g., VPA). In the very few cases where non-mandatory LFOs are imposed, the amounts are either agreed by the parties or are straightforward.	5/2/2019 12:50 PM
57	See answer to Qn 3.	5/2/2019 12:32 PM
58	See answer 3	5/2/2019 12:26 PM
59	Didn't know about it and don't know how to access	5/2/2019 12:23 PM
60	See above narrative response.	5/2/2019 12:17 PM
61	don't need it	5/2/2019 12:06 PM
62	With recent legislation, calculation of LFOs in superior court has become very simple. A calculator is no longer needed.	5/2/2019 12:05 PM
63	Because I am already waiving all but the required LFOs. I agree that the calculator reveals how huge these obligations really are, but I'm sold on the concept.	5/2/2019 11:53 AM

Q7 Do you consider an individual's ability to pay when setting costs and fees?

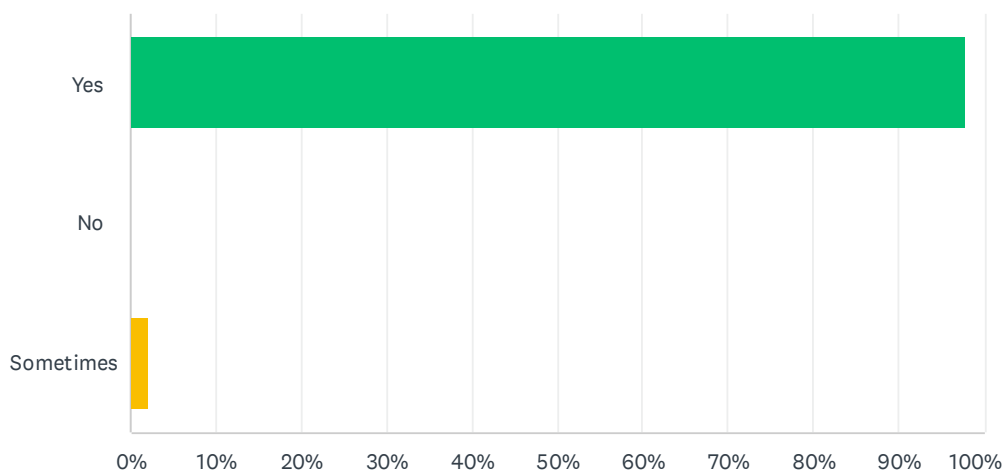
Answered: 98 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	97.96%	96
No	0.00%	0
Sometimes	2.04%	2
TOTAL		98

Q8 Do you consider an individual's ability to pay when setting fines?

Answered: 98 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	97.96%	96
No	0.00%	0
Sometimes	2.04%	2
TOTAL		98

Q9 What factors, if any, do you consider in imposing restitution? Please explain.

Answered: 90 Skipped: 8

#	RESPONSES	DATE
1	The victim's interest is paramount. Secondary to that interest is the total dollar amount at issue. If the sum is extraordinarily large and a criminal defendant has limited education and experience, I consider those factors. I also look at the overall physical health of the defendant. I also look the intent of the defendant in causing the damage.	5/22/2019 10:17 AM
2	Restitution is only imposed when the State sets a hearing and has an amount they are requesting.	5/22/2019 9:57 AM
3	Ability to pay vs Amount required to be placed in status quo ante.	5/21/2019 4:18 PM
4	I always order it if asked. Whether the defendant has the ability to pay is a different issue.	5/21/2019 4:13 PM
5	Generally I always impose restitution even though not mandatory on misdemeanors. The issue is collecting it or finding a willful failure to pay.	5/21/2019 3:19 PM
6	What the amount of restitution is proven to be. I do not consider the defendant's financial situation.	5/21/2019 12:55 PM
7	Nature of the offense/loss and that we do not penalize non-willful failure to pay.	5/21/2019 10:34 AM
8	I have never had a contested restitution hearing. It is always agreed.	5/21/2019 9:49 AM
9	Other than making sure the amount is accurate, nothing.	5/21/2019 9:16 AM
10	You impose restitution regardless	5/21/2019 7:51 AM
11	Amount owed and defendants ability to pay.	5/20/2019 8:23 PM
12	Work history; future and near future work ability or prospects; income sources; family needs and size; assets and liabilities or net worth. I will inquire as to what they might feel they could pay	5/20/2019 5:06 PM
13	I look to actual damages incurred.	5/20/2019 4:50 PM
14	I have always imposed restitution. It is generally mandatory. However, I am a newer judge and cannot think of a situation where either the defendant has asked for restitution to be waived because of an inability to pay or it appears from my own observations and reading of the case that the defendant had no ability to pay.	5/20/2019 4:16 PM
15	Victim impact, reasonableness of amount requested, relation to crime.	5/20/2019 4:12 PM
16	Other than a causal connection - the reasonableness	5/20/2019 4:07 PM
17	Statutory factors to determine amount.	5/20/2019 4:04 PM
18	The requisite proof.	5/20/2019 3:54 PM
19	I consider ability to make monthly payments of the restitution and the period of time it will take to complete restitution and then adjust fines/fees/assessments/costs in light of the restitution amount.	5/20/2019 3:49 PM
20	the amount of restitution.	5/20/2019 3:46 PM
21	Do not waive interest on restitution.	5/20/2019 3:41 PM
22	I always order payment of all restitution established. I leave it up to our clerk's office to establish a payment schedule with the defendant.	5/20/2019 3:36 PM
23	Usually the amount is agreed to, or to be determined at a later date. And that later date never comes...	5/20/2019 3:30 PM

2019 Survey Legal Financial Obligations (LFOs) Practices - Judges

24	Statutory and income as well as future potential income.	5/20/2019 3:22 PM
25	If a defendant is indigent, I may permit the defendant to make low monthly payments over time but I do not reduce or waive any of the restitution amount.	5/20/2019 2:38 PM
26	Both of the above	5/20/2019 2:10 PM
27	Case dependent	5/20/2019 12:38 PM
28	The prosecutor in our jurisdiction does not usually pursue restitution.	5/19/2019 8:35 AM
29	If it's requested, It's ordered. The victim should be made whole whenever possible.	5/15/2019 2:01 PM
30	IF it's applicable for the crime and the defendant owes it.	5/15/2019 10:35 AM
31	N/A as civil, small claims and infractions.	5/14/2019 10:17 AM
32	Legal authority, facts of case, reasonableness of restitution.	5/10/2019 10:43 PM
33	Current household income.	5/10/2019 4:30 PM
34	Ability to pay	5/10/2019 4:22 PM
35	NA	5/10/2019 3:58 PM
36	Per the pre-July 2018 method for other LFOs of considering current and likely future ability to pay, and setting an appropriate monthly payment schedule.	5/10/2019 1:58 PM
37	The amount that may be due and the third party's ability to seek their own judgement.	5/7/2019 1:16 PM
38	If restitution is appropriate, I will order it. However, if the defendant does not have the current ability to pay, I will not enforce payment no will I penalize the defendant for failure to pay.	5/7/2019 12:19 PM
39	If the defendant doesn't have much money I would usually rather order restitution to a crime victim than order a defendant to pay fines etc.	5/7/2019 11:32 AM
40	Order restitution and determine amount to be paid based on present and future ability to pay.	5/7/2019 11:24 AM
41	I do consider ability to pay by looking at income and members of family the defendant is supporting. If ability to pay is low I will order restitution before any other financial obligations are imposed.	5/7/2019 10:43 AM
42	I believe that restitution should almost always be ordered, even if the Defendant is indigent. More fair that Defendant pays	5/7/2019 8:00 AM
43	Depends on each case. Ability to pay is a major factor.	5/6/2019 4:48 PM
44	I impose restitution in every case. If the person is indigent, I believe I still have to impose restitution. They can pay at \$25 a month.	5/6/2019 3:51 PM
45	evidence supporting amount claimed	5/6/2019 2:04 PM
46	I give this a high priority.	5/6/2019 1:03 PM
47	Proof of claim, not based on convicted person's ability to pay	5/6/2019 12:07 PM
48	THE PROOF OF DAMAGES AND TIME GIVEN TO PAY.	5/6/2019 12:05 PM
49	The evidence presented of the amount of damage, and facts supporting the connection between the damage and the crime of conviction.	5/6/2019 11:58 AM
50	Nature of restitution.	5/6/2019 11:46 AM
51	Ability to pay only with regard to what payments to set for restitution.	5/6/2019 11:44 AM
52	Employment, assets, and reasonable amount to pay per month.	5/6/2019 11:39 AM
53	ability to pay, ability to collect	5/6/2019 11:24 AM
54	One's ability to pay is not a statutory factor a court may consider concerning restitution. Restitution is ordered when the prosecution proves the crime was a "but for" cause of the victim's loss. State v. Harris, 181 Wn.App. 969 (2014); State v. Ring, 134 Wn.App. 716 (2006).	5/6/2019 11:20 AM

2019 Survey Legal Financial Obligations (LFOs) Practices - Judges

55	Claimed amount and basis for the claim.	5/6/2019 11:13 AM
56	Causal connection between crime & victim's damages. Evidence sufficient to afford a reasonable basis for estimating loss. Ability to pay.	5/6/2019 11:04 AM
57	What the amount of restitution is. After that, I consider a person's ability to pay in setting monthly payment amounts.	5/6/2019 10:56 AM
58	Keep it to what can be proven, but the victim must be made whole if possible.	5/6/2019 10:56 AM
59	Cost to victim, out-of-pocket v. compensated costs.	5/6/2019 10:51 AM
60	I always impose restitution	5/6/2019 10:50 AM
61	Present and future ability to pay	5/6/2019 10:50 AM
62	Whether there is an agreement between the parties and the defendant's ability to pay	5/6/2019 10:46 AM
63	I will order restitution if it is part of a case. However, we set a payment schedule in court signed by the DEF. If there is a motion from the PA's office later for failure to pay, I will not sanction a person unless it is a willful failure to pay. I ask a number of questions to determine that.	5/6/2019 10:36 AM
64	Alternatives available under the statute	5/6/2019 9:59 AM
65	Need of victim for recompense and ability of defendant to pay.	5/6/2019 9:33 AM
66	When the defendants are indigent, that is the primary factor. Prosecutors are not asking for LFO's when the defendants are indigent.	5/6/2019 9:10 AM
67	Primarily, I consider the loss suffered by the victim	5/3/2019 3:54 PM
68	testimony of the victims and exhibits showing expenses, repairs, replacements, etc.	5/3/2019 11:56 AM
69	the amount proven owed	5/3/2019 10:15 AM
70	Generally restitution amounts are presented by way of agreed order. In those few cases where restitution is contested, I review the documentation and evidence submitted by the parties and decide what amount of restitution, if any, is to be ordered.	5/2/2019 4:15 PM
71	Provable loses to the victim.	5/2/2019 2:25 PM
72	I impose restitution	5/2/2019 2:16 PM
73	Regarding restitution (as opposed to fines and costs), I consider the victim's costs/expenses.	5/2/2019 1:56 PM
74	If not agreed, I impose only the actual monetary loss. Financial considerations would go into the payment amount and interest.	5/2/2019 1:55 PM
75	Only actual amount of restitution--don't look at ability to pay.	5/2/2019 1:46 PM
76	Whether the state has proven a connection (proximate cause) between the damages and the crime.	5/2/2019 1:40 PM
77	Whether there is credible evidence of financial loss that is casually connected to the crime.	5/2/2019 1:40 PM
78	The reasonable amount actually required for reimbursement. In setting a monthly payment, I try to set one that the defendant would be able to pay given his/her financial resources, wages.	5/2/2019 1:37 PM
79	information presented	5/2/2019 1:21 PM
80	amount of restitution proved to be related to criminal conduct.	5/2/2019 1:10 PM
81	Whether the restitution sought is directly connected with the offense and the amount is properly supported.	5/2/2019 12:57 PM
82	Like kind and quality; market value versus replacement value; whether insurance is involved; reasonableness; necessity.	5/2/2019 12:50 PM
83	Restitution is based on proof by a preponderance of the evidence of economic losses sustained by a crime victim as a result of the crime(s) in question.	5/2/2019 12:32 PM
84	Are the damages a direct result of the crime	5/2/2019 12:26 PM

2019 Survey Legal Financial Obligations (LFOs) Practices - Judges

85	The parties usually agree to the restitution amount and it's included in the J&S; or, restitution is set as TBD in the J&S and the State sets a hearing w/in 180 days.	5/2/2019 12:23 PM
86	Earning capacity (present, past, future employment); debts; dependents; receipt of state assistance; disabilities; lack of opportunities for finding work, etc.	5/2/2019 12:17 PM
87	whether the amount is supported by some evidence	5/2/2019 12:06 PM
88	The nature of the charges, the basis for the restitution request, nature of the restitution (medical bills, lost property, etc.), wishes of the victim, strengths and/or weaknesses in both parties' cases.	5/2/2019 12:05 PM
89	Whether the state has proved it by the requisite burden of proof within the requisite time period. I try to set a maximum monthly payment for defendants who are appropriate.	5/2/2019 11:53 AM
90	amount owed	5/2/2019 11:46 AM

Q10 When you consider ability to pay, which factors do you typically consider? Please list.

Answered: 90 Skipped: 8

#	RESPONSES	DATE
1	Past and current work history. Physical health and ability. Family size/dependents.	5/22/2019 10:17 AM
2	Employment, family size, and other LFOs	5/22/2019 9:57 AM
3	Receipt of Public Assistance. Amount of liquid assets, # of dependents. \$/hr income. Hrs worked per week. Skill sets to earn income (under employment), health, expenses.	5/21/2019 4:18 PM
4	We use a Declaration of Indigency in our court, which has several check boxes, including whether receiving government assistance, etc.	5/21/2019 4:13 PM
5	Everyone that I should. Many are intentionally not working like taking the summers off from college.	5/21/2019 3:19 PM
6	Amount of income and financial obligations; future incarceration; past ability to earn income; whether the person qualifies for any state or federal benefits	5/21/2019 12:55 PM
7	Income, sources, household factors, and other appropriate expenses, including outstanding fines and LFOs.	5/21/2019 10:34 AM
8	See above. It's all about a concession from the defendant from me. And I do not press for such a concession whatsoever.	5/21/2019 9:49 AM
9	Past work history, current situation and future potential for employment.	5/20/2019 8:23 PM
10	see my response to 9	5/20/2019 5:06 PM
11	Income is the main factor.	5/20/2019 4:50 PM
12	if a public defender, length of incarceration, mental illness, job history, ability to obtain a job, housing	5/20/2019 4:16 PM
13	Current income, determination of indigency, mental health, ability to get employment if currently unemployed, length of incarceration at time of sentencing, receipt of public benefits, possession/lack of liquid assets	5/20/2019 4:12 PM
14	Income, qualification for government assistance, number of dependents, extraordinary expenses	5/20/2019 4:07 PM
15	Income; expenses; assets; any other. factor pertinent to the issue	5/20/2019 4:04 PM
16	It is so very rare that any defendant has any ability to pay.	5/20/2019 3:54 PM
17	Current resources, current work history, past work history, current debt load and reasons for the debt load.	5/20/2019 3:49 PM
18	income, source of income, physical or mental barriers to earning income	5/20/2019 3:46 PM
19	Finding of indigency	5/20/2019 3:41 PM
20	Income Assets Education	5/20/2019 3:36 PM
21	Economic level	5/20/2019 3:30 PM
22	Income, expenses, ability to earn, past employment, student status, dependents.	5/20/2019 3:22 PM
23	- current and past employment/income - whether the defendant receives any state or federal benefits (SSI, TANFF, food stamps, etc.) - any assets the defendant may own - current expenses (child support, LFOs/restitution owed in other courts, medical bills, etc.) - health issues (inasmuch as it relates to defendant's ability to secure or continue employment)	5/20/2019 2:38 PM

2019 Survey Legal Financial Obligations (LFOs) Practices - Judges

24	income, whether on state assistance, food stamps, working, how many people are supporting, other lfo's in cases as shown on jabs, future ability to work, how long since last employment	5/20/2019 12:56 PM
25	age, work history, any mental health concerns, receiving disability payments...	5/20/2019 12:38 PM
26	A defendant 's income Source of income Size of family Other legal financial obligations Temporary or permanent employment Extraordinary expenses at the time	5/19/2019 8:35 AM
27	The factors required by law.	5/15/2019 2:01 PM
28	education, employment, state aid such as TANF, SSI, SSD and past employment	5/15/2019 10:35 AM
29	N/A as to civil, small claims and infractions.	5/14/2019 10:17 AM
30	Every time LFOs are discussed. Incarceration, outstanding debt, state assistance, homelessness, employment/income, disability	5/10/2019 10:43 PM
31	Current household income.	5/10/2019 4:30 PM
32	Current financial situation.	5/10/2019 4:22 PM
33	NA	5/10/2019 3:58 PM
34	If the Defendant was indigent at ANY point in the proceeding, we can impose only non-waivable mandatory fees. This leaves little to consider for a substantial portion of our court customers. For others, current income from all sources, and essential household expenses, medical debt, LFOs, and child support.	5/10/2019 1:58 PM
35	All income sources	5/7/2019 1:16 PM
36	Employment status, job history, mental health issues, housing stability, government assistance received by defendant, amount of other outstanding fines owed	5/7/2019 12:19 PM
37	Employment, monthly income, assets	5/7/2019 11:32 AM
38	On public assistance, wage, fulltime or part-time, pay per hour, monthly take home pay, other financial obligations, other bills.	5/7/2019 11:24 AM
39	Income, number of people the defendant is supporting, and other financial obligations the defendant has.	5/7/2019 10:43 AM
40	govt benefits, income, assets	5/7/2019 8:00 AM
41	Income. Poverty guidelines. Expenses.	5/6/2019 4:48 PM
42	If they are on government assistance they are statutorily indigent. My court staff checks on their status using the BVS verification system. If the person is on SSDI or SSI they are statutorily indigent. Where a person is statutorily indigent I impose NO costs, fees or assessment whatsoever (except restitution). The problem with imposing a fine is the mandatory PSEA! Criminal defendants expect to pay a fine, if they are able. The PSEA more than doubles that fine and the PSEA funds the "general fund"! The legislature should not use court fines, which are part of traditional sentencing, to raise money. The PSEA is a problem in my view because it is not tied to the criminal justice system, like certain assessments.	5/6/2019 3:51 PM
43	employment, monthly income, size of household, assets, pending LFOs, living expenses	5/6/2019 2:04 PM
44	I invite the parties to present whatever evidence they think relevant to the issue and then consider it.	5/6/2019 1:03 PM
45	Employment, household size & income, whether individual receives public assistance	5/6/2019 12:07 PM
46	INCOME, DISABILITY, PUBLIC ASSISTANCE, WORK HISTORY, EDUCATION, HOME OWNERSHIP	5/6/2019 12:05 PM
47	Current income, size of household, whether the defendant is represented by a public defender, whether they are on any needs-based benefits.	5/6/2019 11:58 AM
48	Job status-income-assets-children.	5/6/2019 11:46 AM
49	Public assistance if any, work hours and pay, dependents, extraordinary debt or expenses.	5/6/2019 11:44 AM
50	income, benefits received, dependents, liabilities, ability to obtain future employment	5/6/2019 11:39 AM

2019 Survey Legal Financial Obligations (LFOs) Practices - Judges

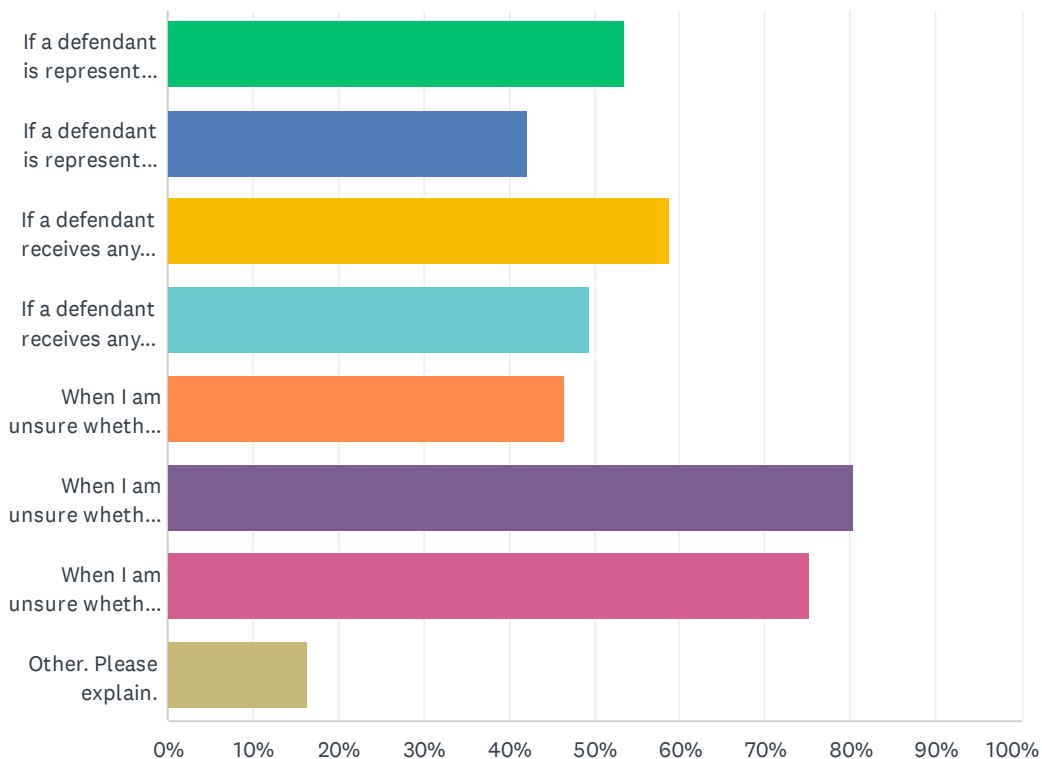
51	lack of income source of income amount of income number of people in household pre-existing debts ability to perform community service	5/6/2019 11:24 AM
52	Those listed by Blazina and its progeny, plus statutory language where it exists.	5/6/2019 11:20 AM
53	All as discussed by the WA Supreme Court: income, expenses, particular circumstances (incarceration or reentry, health of def or dependents for example), any means-tested or poverty based assistance (SSI, GAU, food stamps, State health care for example), appointment of public defender, the amount of mandatory costs or restitution, costs of treatment ordered by the court, other LFO's issued by other courts or cases, and/or any other factors that bear on the defendant's present ability to pay discretionary costs.	5/6/2019 11:13 AM
54	Ability to work; incarceration; needs based benefits; monthly income; monthly expenses; assets; debts; other lfo obligations; monthly discretionary spending on luxury items	5/6/2019 11:04 AM
55	Income, expenses, dependents. Also look at employment and efforts to find employment.	5/6/2019 10:56 AM
56	Good Lord, everything we've been told to consider for years.	5/6/2019 10:56 AM
57	Monthly income, dependents, source of income, defendant's statement as to how much they can pay per month.	5/6/2019 10:51 AM
58	Ability to work	5/6/2019 10:50 AM
59	Public Assistance and income; allowed expenses.	5/6/2019 10:50 AM
60	Income, assets, physical or mental ability to work, criminal history (to a lesser extent than the other factors)	5/6/2019 10:46 AM
61	employment, are they receiving any kind of benefits, how many children they have, prior LFO's already owed, etc.	5/6/2019 10:36 AM
62	Employment, expenses, living situation	5/6/2019 9:59 AM
63	All relevant data.	5/6/2019 9:33 AM
64	I would consider employment, income, savings, and assets, and competing debts and obligations like child support.	5/6/2019 9:10 AM
65	If the person is indigent, I am not interested in assessing fines or fees. Restitution is different. I will assess what I believe to be full restitution as a matter of course/	5/3/2019 3:54 PM
66	work history, current employment and the ability to become employed once released from jail/prison.	5/3/2019 11:56 AM
67	see #11 below	5/3/2019 11:43 AM
68	how much they earn, how much they owe, what their other expenses are, and anything else they want me to know	5/3/2019 10:15 AM
69	Disability, property (real and personal) ownership, employment, whether a prior order of indigence has been entered, any outstanding LFOs from prior cases, any collection of public benefits, number of dependants and any other information the parties want me to consider.	5/2/2019 4:15 PM
70	Rarely find any ability to pay with felony case load. Only find ability to pay if clear and obvious - which, again, is rare.	5/2/2019 3:24 PM
71	Work and earnings history, experience, education, disability, age, child care responsibility, and anything else that affects ability to work or find work	5/2/2019 2:25 PM
72	work history, current income, future employment, number of children and spouse or partner, other lfo's	5/2/2019 2:16 PM
73	I don't consider ability to pay when setting restitution for the victim's out-of-pocket expenses.	5/2/2019 1:56 PM
74	Disability, employment or lack thereof, job history, education, other prospects.	5/2/2019 1:55 PM
75	All financial circumstances.	5/2/2019 1:51 PM
76	Indigent--per public defender representation or colloquy with the defendant (ie. do you have a job? doing what? how much do you make? who do you live with/responsible for?)	5/2/2019 1:46 PM

2019 Survey Legal Financial Obligations (LFOs) Practices - Judges

77	I consider whether the defendant has appointed counsel - if they do, they're indigent and do not have the means to pay non-mandatory fines and fees or interest on the same.	5/2/2019 1:40 PM
78	Employment, expenses, support obligations, and financial resources such as savings, is there income, is it regular.	5/2/2019 1:40 PM
79	Income, assets, dependents, financial obligations, including other fines, costs, fees and restitution.	5/2/2019 1:37 PM
80	net pay, government benefits, number of people in household, disability, etc.	5/2/2019 1:21 PM
81	criminal history, employment history, current employment, ability to secure employment, number dependents, education, length of sentence.	5/2/2019 1:10 PM
82	Current income, if any. Finding of indigency earlier in the case. Any savings or investments. Ownership of any real estate. Any future, firm employment prospects. Is government assistance currently being provided.	5/2/2019 12:57 PM
83	Income sources (SSA? L&I? Unemployment? TANF?); gross income; monthly expenses; dependents/child support; employment status and employability; LFOs from other courts/cases; housing status.	5/2/2019 12:50 PM
84	Earnings history, employment history, education, physical or developmental/intellectual disability if any, among others.	5/2/2019 12:32 PM
85	Present ability to pay -- based on the information from the financial screening form for appointment of public defender and colloquy at sentencing. Most of our criminal defendants are indigent (income below 125% of fed guidelines and without any assets).	5/2/2019 12:23 PM
86	Same as response to #9.	5/2/2019 12:17 PM
87	benefits, income, expenses, number in household	5/2/2019 12:06 PM
88	Past and current employment, mental health issues, medical issues, child support obligations, other cases where LFOs are owed, ability to meet basic living expenses, receipt of public benefits, homelessness, length of time in custody.	5/2/2019 12:05 PM
89	Disability, mental health issues, unemployment, lack of housing.	5/2/2019 11:53 AM
90	monthly dollar amount	5/2/2019 11:46 AM

Q11 When you consider setting fines and fees, which factors do you typically consider? Check all that apply.

Answered: 97 Skipped: 1



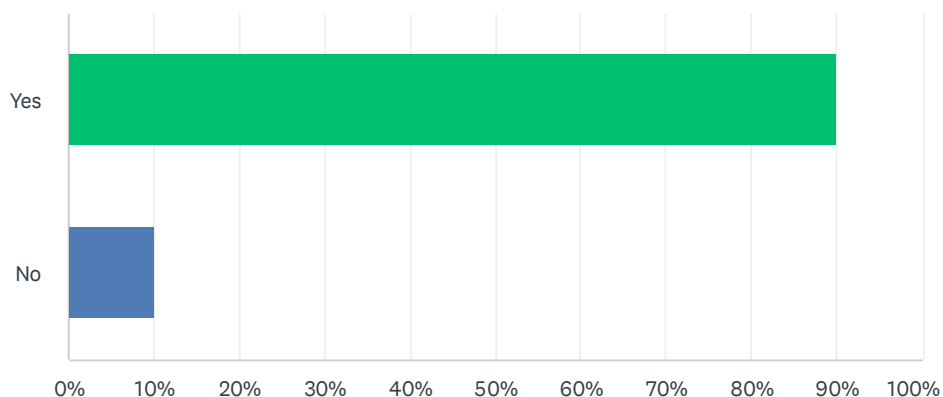
ANSWER CHOICES	RESPONSES	
If a defendant is represented by a public defender I presume the defendant is indigent and do not impose discretionary costs and fees.	53.61%	52
If a defendant is represented by a public defender I presume the defendant is indigent and do not impose discretionary fines.	42.27%	41
If a defendant receives any form of public assistance I assume the defendant is indigent and do not impose discretionary costs and fees.	58.76%	57
If a defendant receives any form of public assistance I assume the defendant is indigent and do not impose discretionary fines.	49.48%	48
When I am unsure whether a defendant is indigent or unable to afford fines and fees I ask the defense attorney or an unrepresented defendant whether the defendant is able to afford the possible fines and costs/fees.	46.39%	45
When I am unsure whether a defendant is indigent or unable to afford costs and fees I conduct an individualized inquiry into a defendant's current and future ability to pay before imposing discretionary fees.	80.41%	78
When I am unsure whether a defendant is indigent or unable to afford fines and fees I conduct an individualized inquiry into a defendant's current and future ability to pay before imposing discretionary fines.	75.26%	73
Other. Please explain.	16.49%	16
Total Respondents: 97		

2019 Survey Legal Financial Obligations (LFOs) Practices - Judges

#	OTHER. PLEASE EXPLAIN.	DATE
1	Under Title 35, we have the ability to "suspend" financial obligations. See 35.20.255	5/21/2019 4:13 PM
2	If a defendant says they cannot pay, I do not impose.	5/21/2019 9:49 AM
3	Often the defendant is employed seasonally and may have an expectation of returning to work in the near future; but at the time of arrest and first appearance may have been unemployed. So I do inquire at almost every plea sentencing about financial situation.	5/20/2019 5:06 PM
4	I generally impose only mandatory LFOs.	5/20/2019 4:50 PM
5	I always conduct an individualized inquiry and sometimes dont impose fines and sometimes dont impose costs	5/20/2019 4:07 PM
6	I do presume that a defendant represented by a public defender is indigent, but the attorney always makes that representation as well and requests that I now impose non-mandatory fees or costs. Based on the representation, I typically do not impose discretionary costs or fees.	5/20/2019 3:54 PM
7	If the defendant has agreed to sentencing recommendation including discretionary fines, I assume the ability to pay the agreed fine, but consider ability to pay before imposing assessments, costs and fees, so as not to impose jail as sanction.	5/20/2019 3:49 PM
8	I seldom if ever impose discretionary fees and have not imposed discretionary fines.	5/20/2019 3:46 PM
9	First, determine whether indigent at any point in the proceeding. Then impose discretionary fines/fees/costs only if not indigent. Figure out alternative community service options that are likely to work. Inform everyone of community service options for anything other than restitution (or mandatory assessments in Superior Court).	5/10/2019 1:58 PM
10	I do expect the attorneys to alert me of indigency of their clients.	5/6/2019 4:48 PM
11	When neither party addresses LFOs, I ask whether any party wants to address the defendant's ability to pay LFOs. If neithyer party responds, discretionary LFOs are not ordered because the prosecution failed to meet its burden of proving the defendant had the ability to pay. Specific questioning of the prosecution or defense is inappropriate.	5/6/2019 11:20 AM
12	I practice in a small jurisdiction. Many of the defendants I am familiar with.	5/6/2019 10:56 AM
13	Defendants are screened for indigency after arraignment, we ask if their financial situation has changed by sentencing.	5/6/2019 10:51 AM
14	other financial obligations, ability to pay over time, assets, etc.	5/3/2019 11:43 AM
15	I most often do a individualized inquiry with factors set out in #10 being inquired into. A defendant who is represented by a public defender or is collecting some form of disability benefits is an individual I generally presume indigent, but will inquire to verify.	5/2/2019 4:15 PM
16	In our jurisdiction, the bench always reviews the financial screening form and engages in a colloquy regarding the defendant's present ability to pay.	5/2/2019 12:23 PM

Q12 Do you consider a defendant's future ability to pay?

Answered: 90 Skipped: 8



ANSWER CHOICES	RESPONSES	
Yes	90.00%	81
No	10.00%	9
TOTAL		90

#	OTHER. PLEASE EXPLAIN.	DATE
1	If they are in between jobs I have a hard time with this one. I don't impose discretionary cost and fees but I don't feel right about it	5/21/2019 9:16 AM
2	If a person is temporarily unemployed or voluntarily underemployed but capable of working, I consider that in assessing a fine	5/20/2019 4:07 PM
3	Occasionally. Usually it's not a factor	5/20/2019 4:04 PM
4	Yes, If it is clear there is a temporary lack of income. IE steady employments for years and recent unemployment but skills and abilities likely to result in new employment in a reasonable time period.	5/20/2019 3:49 PM
5	I consider a defendant's future ability to pay if: - If the defendant indicates that they have been unemployed but have secured employment upon release from custody. - if the defendant works in a seasonal trade (i.e., perhaps not currently working but defendant accrues earnings (beyond poverty level) for work completed during a few months of the year)	5/20/2019 2:38 PM
6	Depends on what LFOs we are talking about.	5/10/2019 10:43 PM
7	Only if not indigent at any point in the proceeding, for restitution, or for setting payment schedules.	5/10/2019 1:58 PM
8	but not if they are indigent	5/7/2019 8:00 AM
9	I do not consider future ability to pay for expenses other than fines.	5/6/2019 4:48 PM
10	I only consider this if the person tells me they are just about to get a job or they have one and it just started.	5/6/2019 3:51 PM
11	I consider a criminal defendant's then-present ability to pay at time of sentencing	5/6/2019 12:07 PM
12	PAST WORK HISTORY AND INCOME	5/6/2019 12:05 PM
13	To some degree and in certain cases. I have had defendants say that due to their	5/6/2019 11:58 AM

2019 Survey Legal Financial Obligations (LFOs) Practices - Judges

incarceration, they have been out of work for a significant amount of time, but expect to return to profitable work in the near future. In those cases I may impose some LFOs, but probably a smaller amount than if they currently had the income they expect to have in the future.

14	Seasonal work.	5/6/2019 11:46 AM
15	Only when setting restitution payments.	5/6/2019 11:44 AM
16	In a few statutes, future ability to pay is a factor (DUI deferred prosecution costs). Most LFO's however are now limited by the Supreme Court, in my opinion, to "present ability to pay",	5/6/2019 11:13 AM
17	Immediate future - not long future.	5/6/2019 10:56 AM
18	Yes if they indicate that they are now working or plan to start working in the near future.	5/6/2019 10:50 AM
19	When a defendant is indigent and involved in the criminal justice system, I take this as an indicator that the defendant is not likely to develop a future ability to pay. If there were something that stood out about an indigent defendant, such as a high level of education or prior economic success torpedoed by a substance abuse issue, I might consider future ability to pay more seriously but future ability to pay is not a factor that occupies me in the majority of cases.	5/6/2019 9:10 AM
20	I consider a defendant's future ability to pay in the near future, as opposed to , for example, after release from a lengthy prison term.	5/2/2019 4:15 PM
21	I assume it's "near" future and try to determine the trajectory for the defendant (I know their age and highest level of education achieved and criminal history). Usually future ability to pay is not a big factor given all the barriers/struggles in the individual's life. I would rather they support their family than have a fee or fine hanging over their head.	5/2/2019 1:46 PM
22	Consider whether he is employable when he gets out of custody and what his earnings might be. This is usually based on self report.	5/2/2019 1:37 PM
23	Usually not. There may be exceptions if I have a younger defendant who has a good education or job skills.	5/2/2019 12:32 PM
24	If the Defendant indicates that he has or will have in the very near future a job upon release from custody, I will conduct a further inquiry as to the nature of the job, rate of pay, etc. If it appears that the Defendant will be able to meet basic living expenses with enough of a "cushion" to afford a monthly payment plan, I will find that the Defendant has the ability to pay.	5/2/2019 12:05 PM

Q13 Approximately what percentage of defendants that appear before your court do you believe are indigent?

Answered: 97 Skipped: 1

#	RESPONSES	DATE
1	85	5/23/2019 10:34 PM
2	90%	5/22/2019 10:17 AM
3	80%	5/22/2019 9:57 AM
4	30%	5/21/2019 4:18 PM
5	90%	5/21/2019 4:13 PM
6	In custody probably 90% out of custody 50%	5/21/2019 3:19 PM
7	90%+	5/21/2019 12:55 PM
8	80.	5/21/2019 10:34 AM
9	95%	5/21/2019 9:49 AM
10	90	5/21/2019 7:51 AM
11	80%	5/20/2019 8:23 PM
12	92% and higher...were a poor county with generally high unemployment. Very few can employ private attorneys.	5/20/2019 5:06 PM
13	I estimate the percentage is about 80%	5/20/2019 4:50 PM
14	90%	5/20/2019 4:16 PM
15	85-90%	5/20/2019 4:12 PM
16	85%	5/20/2019 4:07 PM
17	95%	5/20/2019 4:04 PM
18	95%	5/20/2019 3:54 PM
19	criminal defendants 50%, civil infraction defendants 25%	5/20/2019 3:49 PM
20	90%+	5/20/2019 3:46 PM
21	80%	5/20/2019 3:41 PM
22	95%	5/20/2019 3:36 PM
23	95%	5/20/2019 3:30 PM
24	85-90	5/20/2019 3:22 PM
25	90%	5/20/2019 2:38 PM
26	80%	5/20/2019 2:10 PM
27	90%	5/20/2019 2:06 PM
28	95	5/20/2019 12:56 PM
29	99% say they are indigent. I believe the number is actually much lower	5/20/2019 12:38 PM
30	54% or more	5/19/2019 8:35 AM
31	99 percent	5/15/2019 2:01 PM

2019 Survey Legal Financial Obligations (LFOs) Practices - Judges

32	60%	5/15/2019 10:35 AM
33	80%	5/14/2019 10:17 AM
34	90%	5/10/2019 10:43 PM
35	50	5/10/2019 4:30 PM
36	70	5/10/2019 4:22 PM
37	80	5/10/2019 3:58 PM
38	About 50%.	5/10/2019 1:58 PM
39	65%	5/7/2019 1:16 PM
40	85%	5/7/2019 12:19 PM
41	75	5/7/2019 11:32 AM
42	80	5/7/2019 11:24 AM
43	80%	5/7/2019 10:43 AM
44	85	5/7/2019 8:00 AM
45	90%.	5/6/2019 4:48 PM
46	80 percent	5/6/2019 3:51 PM
47	70-75%	5/6/2019 2:04 PM
48	Well over half.	5/6/2019 1:03 PM
49	75%	5/6/2019 12:07 PM
50	75%	5/6/2019 12:05 PM
51	90	5/6/2019 11:58 AM
52	75% or more are filling out sworn affidavits requesting Public Defender and are under poverty guidelines.	5/6/2019 11:46 AM
53	About 75%	5/6/2019 11:44 AM
54	95%	5/6/2019 11:39 AM
55	98%	5/6/2019 11:24 AM
56	Most, due to third degree driving while license suspended charges.	5/6/2019 11:20 AM
57	Anecdotally (not statistically), perhaps 80-90%	5/6/2019 11:13 AM
58	I don't have exact figures. A high percentage.	5/6/2019 11:04 AM
59	70% or more.	5/6/2019 10:56 AM
60	75-80%	5/6/2019 10:56 AM
61	67.	5/6/2019 10:51 AM
62	60%	5/6/2019 10:50 AM
63	85%	5/6/2019 10:50 AM
64	90%	5/6/2019 10:46 AM
65	80% (that is a guess)	5/6/2019 10:36 AM
66	95%	5/6/2019 9:59 AM
67	90.	5/6/2019 9:33 AM
68	98%	5/6/2019 9:10 AM
69	At least ninety percent. Probably closer to ninety five	5/3/2019 3:54 PM

2019 Survey Legal Financial Obligations (LFOs) Practices - Judges

70	90%	5/3/2019 11:56 AM
71	90%?	5/3/2019 11:43 AM
72	50%	5/3/2019 10:15 AM
73	95	5/3/2019 9:44 AM
74	90+%	5/2/2019 4:15 PM
75	90+%	5/2/2019 3:24 PM
76	90	5/2/2019 2:25 PM
77	95	5/2/2019 2:16 PM
78	Unsure.	5/2/2019 1:56 PM
79	95%	5/2/2019 1:55 PM
80	95%	5/2/2019 1:51 PM
81	Well over 95%	5/2/2019 1:46 PM
82	99%	5/2/2019 1:40 PM
83	99%	5/2/2019 1:40 PM
84	90% or higher	5/2/2019 1:37 PM
85	99%	5/2/2019 1:21 PM
86	vast majority. 90%.	5/2/2019 1:10 PM
87	95%	5/2/2019 12:57 PM
88	98 percent.	5/2/2019 12:50 PM
89	98%+	5/2/2019 12:32 PM
90	95	5/2/2019 12:26 PM
91	98%+	5/2/2019 12:23 PM
92	85	5/2/2019 12:17 PM
93	90	5/2/2019 12:06 PM
94	99%	5/2/2019 12:05 PM
95	90	5/2/2019 11:53 AM
96	At least 90%.	5/2/2019 11:53 AM
97	90	5/2/2019 11:46 AM

Q14 What do you think is the reason courts impose LFOs? Please explain.

Answered: 93 Skipped: 5

#	RESPONSES	DATE
1	Punishment Recoup costs Restitution	5/23/2019 10:34 PM
2	Impose a small percentage of the cost to the community occasioned by the wrong doing as a means of creating a sense of accountability. Other times, the imposition of LFO can be properly punitive.	5/22/2019 10:17 AM
3	It is a sanction.	5/22/2019 9:57 AM
4	Punish, reimburse, restitution.	5/21/2019 4:18 PM
5	Mandatory in some cases.	5/21/2019 4:13 PM
6	Punishment as well as sort of a user fee	5/21/2019 3:19 PM
7	We are required by law to impose CVF and DNA (when appropriate), as well as restitution.	5/21/2019 12:55 PM
8	Most of those imposed are mandatory (where the defendant is not indigent and is able to pay).	5/21/2019 10:34 AM
9	To ensure the costs of crimes are born by those who commit the crimes and not society at large.	5/21/2019 9:49 AM
10	Legislature has told us to as a way to fund the criminal justice system	5/21/2019 9:16 AM
11	To fund the court and statutory programs	5/21/2019 7:51 AM
12	Recover costs and possibly as a penalty.	5/20/2019 8:23 PM
13	to compensate victims of crimes who often are in low income situation and cannot afford high medical bills; recoup some departmental costs (ie clerks, jail, or related services)	5/20/2019 5:06 PM
14	I impose only mandatory LFOs.	5/20/2019 4:50 PM
15	Since it is not part of my practice, I am not sure.	5/20/2019 4:16 PM
16	Historical precedent, legislation authorizing such, system that came to depend on them and some measure of accountability to the victim and the public at large	5/20/2019 4:12 PM
17	Sometimes as a penalty other than confinement, sometimes to remedy a wrong (restitution) sometimes to recoup expenses (public defense recoupment)	5/20/2019 4:07 PM
18	Statute.	5/20/2019 4:04 PM
19	To make victims whole, to punish the defendant, and to defray the costs of the criminal justice system.	5/20/2019 3:54 PM
20	Only penalty for infractions; agreed recommendation by defendant in plea deal with prosecution. Lack of judge alternatives - ie jail or fines and jail is unhelpful but fines allow the party to perform community service or work crew in lieu of the fines.	5/20/2019 3:49 PM
21	revenue	5/20/2019 3:46 PM
22	TO pay the costs of litigation	5/20/2019 3:41 PM
23	Restitution to repay a victim. Other fees and costs to partially repay the government for the costs of running a criminal justice system.	5/20/2019 3:36 PM
24	Statutorily mandated, to recoup costs	5/20/2019 3:30 PM
25	Mostly because the legislature sets forth amounts and Byzantine formulas for determining fines/costs/assessments.	5/20/2019 3:22 PM
26	- Accountability - Deterrence	5/20/2019 2:38 PM

2019 Survey Legal Financial Obligations (LFOs) Practices - Judges

27	To punish and provide for the victim	5/20/2019 2:10 PM
28	to fund mandated programs/costs as set by the legislative body	5/20/2019 12:56 PM
29	It costs money to run a court system. Some of the cost should be borne by those convicted of offenses.	5/20/2019 12:38 PM
30	Primarily punishment and to a small degree recoup costs if a person is able to pay	5/19/2019 8:35 AM
31	Restitution most times is required depending on the crime and most courts impose this. DNA required one time and Crime victim's fee mandatory.	5/15/2019 10:35 AM
32	Defendant is accountable for some of the costs associated with the conviction.	5/14/2019 10:17 AM
33	Generate revenues to fund government programs, including courts. Also, punishment, but less so.	5/10/2019 10:43 PM
34	Mandatory fines and fees.	5/10/2019 4:30 PM
35	Punishment	5/10/2019 4:22 PM
36	NA	5/10/2019 3:58 PM
37	To defray the cost of upholding the law by having those who violate it help pay for the system. We are struggling for our fiscal lives in District Court. The state share contribution is miniscule. Rural counties with small populations have almost zero property tax base. Timber revenue, which is the largest portion of current expense funding in my county, is unpredictable at best and declining due to increasing foreign competition and environmental regulations which prohibit harvesting increasingly large portions of county timber trust. Most local residents are on fixed incomes, need to be protected by the criminal justice system, but can't afford to support levies for supplemental funding. I worry about how much longer we can afford to provide any meaningful measure of community protection.	5/10/2019 1:58 PM
38	Accountability	5/7/2019 1:16 PM
39	For those able to pay, the idea is that imposing LFO's is both a punishment in the current case as well as a deterrent going forward.	5/7/2019 12:19 PM
40	Not sure but they are not my biggest priority	5/7/2019 11:32 AM
41	Statutory	5/7/2019 11:24 AM
42	It is a penalty (fines) and a reimbursement for the costs of the court system. and restitution reimburses victims for the loss they suffered.	5/7/2019 10:43 AM
43	statute and to hold defendant accountable, also, funds towards expenses	5/7/2019 8:00 AM
44	Part of the sanctions and reimburses victims and the public for the convicted defendant's crimes.	5/6/2019 4:48 PM
45	Sometimes courts will not impose a fine but courts will impose mandatory assessments, such as the \$15 DV protection violation fee or the toxicology fee or criminal filing fee of \$43 dollars because these fees fund particular criminal justice programs. Also, where a person does not receive any jail, the fine is considered the "punishment" or consequence and is in some cases the only way the person gives back to the community for committing the crime. Also, where a person will be supervised on probation when they are engaged in a treatment program, there is no state funding for probation. If there are not fees collected then 100 percent of probation is funded by the local city or county legislative branches. If courts got state funding for therapeutic court supervision that would help.	5/6/2019 3:51 PM
46	punishment, recoupment of court costs	5/6/2019 2:04 PM
47	A person should take responsibility for the costs their behavior creates.	5/6/2019 1:03 PM
48	To recoup case-related expenses; to deter future criminal activity; restitution for injured victims	5/6/2019 12:07 PM
49	In part to fund criminal justice system and law enforcement	5/6/2019 12:05 PM
50	Recoupment of costs, generally. To a lesser degree, punishment.	5/6/2019 11:58 AM
51	A form of accountability.	5/6/2019 11:46 AM

2019 Survey Legal Financial Obligations (LFOs) Practices - Judges

52	Courts impose them because they are required by law. The law requires them in most instances to recoup the cost associated with charging and resolving a criminal matter.	5/6/2019 11:44 AM
53	Statutory	5/6/2019 11:39 AM
54	Funds various State and local criminal justice functions. Works as a deterrent for defendants that have ability to pay	5/6/2019 11:24 AM
55	Not for punishment. They are imposed when the legislature commands courts to do so.	5/6/2019 11:20 AM
56	State statutes. (Some courts may still use LFO's as a fine).	5/6/2019 11:13 AM
57	There can be aspects of punishment and rehabilitation. It can also act as a punishment that avoids unnecessary jail time. It can also act to recoup costs that would not otherwise have occurred. Foremost, restitution compensates victims for harm done to them by the defendant.	5/6/2019 11:04 AM
58	Primary reason should be as a penalty for criminal conduct.	5/6/2019 10:56 AM
59	To fund various programs but it looks to the common person like another form of taxation.	5/6/2019 10:56 AM
60	To pay for some of the costs and services caused by a defendant's criminal behavior.	5/6/2019 10:51 AM
61	Funds are needed to keep the court system running	5/6/2019 10:50 AM
62	Accountability; cover costs	5/6/2019 10:50 AM
63	To deter future conduct and because certain fees and costs are required, if not mandatory	5/6/2019 10:46 AM
64	I am a younger judge and I do not believe that fines/costs (other than restitution and a few other costs) should be imposed at sentencing. Poor people disproportionately harmed by imposing LFO's, they do not deter crime, and I think this is a long-standing practice that needs to be examined. I think that LFO's have been imposed to fund courts, and I do not agree with this.	5/6/2019 10:36 AM
65	Required by law to impose mandatory LFO's	5/6/2019 9:59 AM
66	I do not understand this question.	5/6/2019 9:33 AM
67	A belief that the law requires it and a belief that financial repercussions for criminal behavior are just.	5/6/2019 9:10 AM
68	punishment, I imagine	5/3/2019 3:54 PM
69	I can not speak to what the legislature thinks; and what I think would be irrelevant.	5/3/2019 11:56 AM
70	Because courts must follow the law as decided by policy makers and interpreted by the courts	5/3/2019 11:43 AM
71	required by law	5/3/2019 10:15 AM
72	Legislature said so.	5/2/2019 4:15 PM
73	Old school thinking/legal requirements.	5/2/2019 3:24 PM
74	Government is always looking for sources of revenue	5/2/2019 2:25 PM
75	hold Defendant accountable, and recovery costs	5/2/2019 2:16 PM
76	To recoup court costs.	5/2/2019 1:56 PM
77	We are legally required to impose the mandatory ones. I am reluctant to impose the discretionary ones.	5/2/2019 1:55 PM
78	to pay for court. Income for the County.	5/2/2019 1:46 PM
79	Revenue generator, especially for municipal courts.	5/2/2019 1:40 PM
80	Court revenue.	5/2/2019 1:40 PM
81	Because they are mandatory or because the defendant has the ability to pay---even when the defendant has the ability to pay, I usually only impose attorneys fees in addition to restitution and mandatory costs and fees. I have very rarely, if ever, imposed a fine.	5/2/2019 1:37 PM
82	not sure since almost all of our defendants are indigent	5/2/2019 1:21 PM

2019 Survey Legal Financial Obligations (LFOs) Practices - Judges

83	apparently the cost of criminal behavior is one the majority of society considers incidental to living in the Pacific Northwest.	5/2/2019 1:10 PM
84	Because the legislature commands it.	5/2/2019 12:57 PM
85	(1) To defray the monetary costs incurred by the community in addressing and/or remedying the defendant's criminal conduct and the impacts that the conduct has upon victims; (2) for some crimes, to offset any financial gain that the defendant might have obtained by committing the crime, especially gains that might not be easily quantifiable or detectable.	5/2/2019 12:50 PM
86	As a penalty, and/or to provide revenue for the State, the jail, or their local jurisdiction.	5/2/2019 12:32 PM
87	Recoup costs associated with the crime	5/2/2019 12:26 PM
88	Statutorily mandated -- we always impose the mandatory LFO's that we have no discretion to waive (\$500 Crime Victims Fund Assessment and the \$100 DNA Collection fee is imposed only if it has not been imposed in a prior case)	5/2/2019 12:23 PM
89	Accountability to victims; funding of the court system was premised on convicted persons paying fees and costs. There is no other obvious funding source.	5/2/2019 12:17 PM
90	history	5/2/2019 12:06 PM
91	To support the court's programs and cover expenses; with respect to restitution, to try and recover victims' losses	5/2/2019 12:05 PM
92	Because the law requires the VPA and restitution. Beyond that, I suspect anger and that judges sometimes do not appreciate how overwhelming and disabling these obligations can be.	5/2/2019 11:53 AM
93	its statute	5/2/2019 11:46 AM

Q15 Do you consider LFOs to be essential to the criminal justice process? Please explain.

Answered: 97 Skipped: 1

#	RESPONSES	DATE
1	No	5/23/2019 10:34 PM
2	Yes, in order to support victims of crime and to promote accountability in those convicted of criminal activity.	5/22/2019 10:17 AM
3	Yes. I do not believe there is anything wrong with the defendant being required to pay up to their ability to support the criminal justice system. That person has created the necessity for the work being done on their behalf.	5/22/2019 9:57 AM
4	No	5/21/2019 4:18 PM
5	No	5/21/2019 4:13 PM
6	Yes they need more than just a thank you and don't come back and jail time is not always appropriate	5/21/2019 3:19 PM
7	Restitution is essential.	5/21/2019 12:55 PM
8	Depends on circumstances.	5/21/2019 10:34 AM
9	No.	5/21/2019 9:49 AM
10	Yes	5/21/2019 7:51 AM
11	Somewhat	5/20/2019 8:23 PM
12	Yes. Accountability for one's actions and the consequences that have resulted from those actions. Responsibility for the behaviors includes not only damages, but severe emotional trauma and long lasting effects that may require counseling or treatment.	5/20/2019 5:06 PM
13	If the LFOs are mandatory, I impose them. Otherwise, I don't.	5/20/2019 4:50 PM
14	No--other than restitution, which I do believe is essential to providing some relief to victims and part of the process of holding defendants accountable.	5/20/2019 4:16 PM
15	Other than crime victim penalty, no.	5/20/2019 4:12 PM
16	If a crime is punishable by jail or a fine or both, I think there are times where jail is not imposed but there should be some accountability	5/20/2019 4:07 PM
17	No	5/20/2019 4:04 PM
18	Yes, insofar as they are the natural consequence of the underlying criminal behavior.	5/20/2019 3:54 PM
19	I consider them to be more fair than putting people in jail for most misdemeanor cases. All of the additional costs are totally unnecessary and the funding for these programs should come from somewhere else.	5/20/2019 3:49 PM
20	some may be	5/20/2019 3:46 PM
21	Only to cover the costs of litigation, not court funding	5/20/2019 3:41 PM
22	No	5/20/2019 3:36 PM
23	Yes.	5/20/2019 3:30 PM
24	No. They are useful to some degree. if someone is wealthy I may use high LFO's to make a point because they can afford it and they feel the pain in their pocketbook. Otherwise I feel it is largely a waste of time and money to attempt to collect blood from a rock.	5/20/2019 3:22 PM

2019 Survey Legal Financial Obligations (LFOs) Practices - Judges

25	Inasmuch as the law provides the court discretion to impose or not impose fines, fees, and costs, LFOs may be used to hold a defendant accountable for their actions while, at the same time, potentially deterring future repeat behavior. I sentence every defendant according to his or her individualized circumstances, and that includes consideration of whether to impose jail as a sanction and/or LFOs. An indigent defendant may be held accountable through conversion of LFOs to community service hours. (Though, where a defendant may be physically unable to complete those hours, I simply waive the LFOs altogether.)	5/20/2019 2:38 PM
26	Only restitution	5/20/2019 2:10 PM
27	no	5/20/2019 2:06 PM
28	yes- in part they should go toward funding or assist in funding portions of our criminal justice system	5/20/2019 12:56 PM
29	Yes. Especially for minor offenses where jail time is minimal	5/20/2019 12:38 PM
30	It is important that defendants, when able, be responsible for their criminal conduct and pay some penalty; not all defendants need to be jailed as a punishment.	5/19/2019 8:35 AM
31	Yes	5/15/2019 2:01 PM
32	Not really. There are some defendants that LFO's are appropriate - as hitting them financially might be more impactful than jail. - Such as defendants who want to keep their Dr. License and can pay a fine.	5/15/2019 10:35 AM
33	Yes, because the legislature doesn't adequately fund the courts.	5/14/2019 10:17 AM
34	Depends on case, crime, defendant. So one convicted of a financial crime should be punished by incarceration and monetary payment. However LFOs have little positive impact on restorative justice for most other crimes.	5/10/2019 10:43 PM
35	Yes	5/10/2019 4:30 PM
36	No comment	5/10/2019 4:22 PM
37	NA	5/10/2019 3:58 PM
38	See response to #14 above (yes)--unless the state is willing to fund an equitable statewide solution.	5/10/2019 1:58 PM
39	No	5/7/2019 1:16 PM
40	For some cases I think they are an essential component with DUI as a notable example. For other types of crimes, such as Theft, Assault, I would rather defendant's utilize resources to pay for treatment than pay LFO's.	5/7/2019 12:19 PM
41	Not particularly	5/7/2019 11:32 AM
42	Yes, for defendant's financial responsibility, restitution, and recoupment for government entities.	5/7/2019 11:24 AM
43	No. the fact is our court has significantly reduced the imposition of LFOs since Blazina.	5/7/2019 10:43 AM
44	not really. if the State paid enough for the County to function, would not be needed.	5/7/2019 8:00 AM
45	Yes, I do. The criminal justice system is predicated, in part, on punishment when people break the criminal law. The only other punishment is jail which is not always appropriate. All the probation programs are predicated on the idea that punishment will be withheld as long as the defendant does what is expected, as stated in the J&S. If you have no fines and you have no jail, exactly what is the point?	5/6/2019 4:48 PM
46	I think persons who are able to pay should help defray the cost of prosecution and probation. Their contribution is relatively small, but it is part of taking responsibility for committing an offense. While it is not "essential" for prosecution or supervision following conviction, it is traditionally seen as part of the criminal justice system. Certainly restitution to a victim is important.	5/6/2019 3:51 PM
47	yes	5/6/2019 2:04 PM
48	Yes. To do otherwise is to allow people to rack up huge social costs without taking responsibility for them.	5/6/2019 1:03 PM

2019 Survey Legal Financial Obligations (LFOs) Practices - Judges

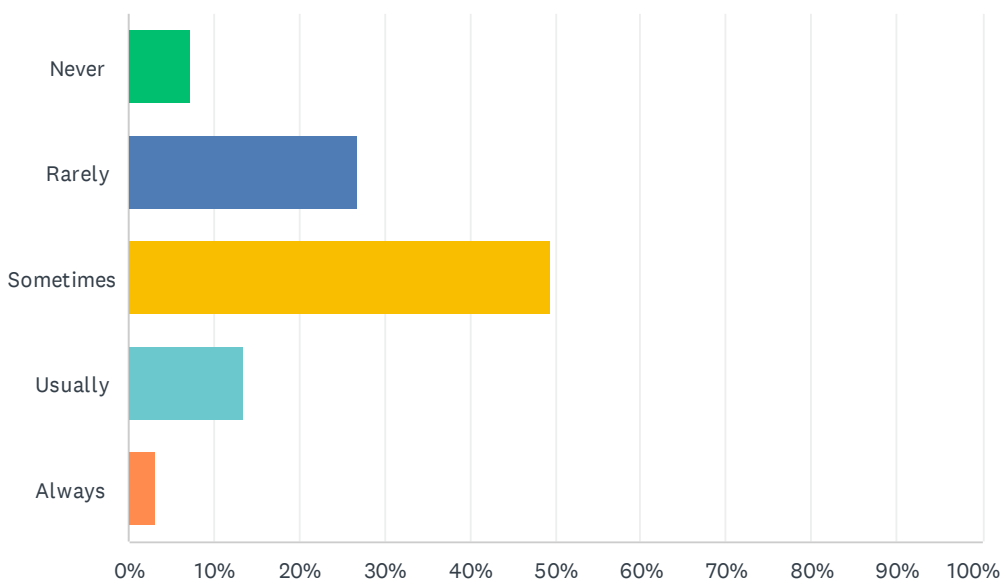
49	I believe restitution is essential.	5/6/2019 12:07 PM
50	Yes	5/6/2019 12:05 PM
51	No. We ought to fund our courts properly and assess fines only in financial crimes, or restitution in appropriate cases, like federal courts usually do.	5/6/2019 11:58 AM
52	Not in cases for DWLS etc. where defendants have been unable to pay fines and costs then consequence is FTA and license suspension. Subsequently lose jobs and any future ability to pay. My solution is time payments lift fta unless don't keep current on payments.	5/6/2019 11:46 AM
53	They are, but shouldn't be. The alternative though is finding another funding source for courts, and that's difficult politically for local/county government.	5/6/2019 11:44 AM
54	Not essential but sometimes necessary	5/6/2019 11:39 AM
55	not sure	5/6/2019 11:24 AM
56	No, except restitution.	5/6/2019 11:20 AM
57	Compliance with state statutes that define mandatory v. discretionary costs will always be essential to a judicial role.	5/6/2019 11:13 AM
58	I'm not sure I would use the term essential. It is definitely a part of the criminal justice process. A system completely without any LFOs would likely be more unfair to defendants and also more unfair to victims of crimes.	5/6/2019 11:04 AM
59	Yes. It is a penalty for criminal conduct.	5/6/2019 10:56 AM
60	At some level it may be, if our courts are dependent on LFOs to fund our own programs, courts, law enforcement etc. It should not be.	5/6/2019 10:56 AM
61	Yes. Without LFOs, law-abiding citizens, including the indigent, pay the entire cost of criminal behavior, which is not only unjust but also deprives underfunded court systems of the ability to pay for essential services such as probation and assigned counsel.	5/6/2019 10:51 AM
62	Yes. There is a cost for criminal activity	5/6/2019 10:50 AM
63	No.	5/6/2019 10:50 AM
64	No, especially since the enactment of the recent LFO legislation	5/6/2019 10:46 AM
65	No. See above.	5/6/2019 10:36 AM
66	No opinion	5/6/2019 9:59 AM
67	Yes. Restitution especially.	5/6/2019 9:33 AM
68	No. If the cases before me were white collar crime, I might consider LFOs a useful tool and just. Thus, perhaps they are useful for a narrow swath of cases. As it is, the crimes are an extension of poverty and substance abuse issues and I consider LFOs to be a huge yoke around the neck of those that will serve their sentences and then try to rehabilitate. In other words, they undermine the rehabilitative goals of the criminal justice system in the majority of cases.	5/6/2019 9:10 AM
69	They are a part of it but are not essential to each case.	5/3/2019 3:54 PM
70	Yes. The defendants should be responsible for all restitution and it is not unreasonable that they contribute to the costs incurred by the county in prosecuting and securing a conviction.	5/3/2019 11:56 AM
71	"Essential" -- no	5/3/2019 11:43 AM
72	no	5/3/2019 10:15 AM
73	No	5/3/2019 9:44 AM
74	No. More often, LFOs are an impediment to rehabilitation and re entry into the community, or otherwise act as a unhelpful inhibitor to those attempting to modify their behavior for the better.	5/2/2019 4:15 PM
75	Not in felony court. Maybe in lower level courts with different defendant demographics.	5/2/2019 3:24 PM
76	No. I think they do nothing to encourage people not to re-offend	5/2/2019 2:25 PM

2019 Survey Legal Financial Obligations (LFOs) Practices - Judges

77	no, partially	5/2/2019 2:16 PM
78	No. I don't think fines are essential for a just and fair sentence.	5/2/2019 1:56 PM
79	Yes, in the right circumstances. For example, DUI finds can be a great deterrent. And restitution is important to help make the victim whole. But imposing court costs and LFOs on people who can't pay anyway is a waste of time and is counterproductive to the people involved.	5/2/2019 1:55 PM
80	No.	5/2/2019 1:51 PM
81	no	5/2/2019 1:46 PM
82	No. There are so many collateral impacts of a guilty plea or verdict that imposing LFOs is not necessary.	5/2/2019 1:40 PM
83	No.	5/2/2019 1:40 PM
84	No--except for restitution.	5/2/2019 1:37 PM
85	no	5/2/2019 1:21 PM
86	there appears to no longer be an acceptable argument for imposing fees.	5/2/2019 1:10 PM
87	No. They are rarely collected when ordered. The system continues to run without them. It pales in comparison to other forms of punishment.	5/2/2019 12:57 PM
88	If by "essential" you mean so vital that our system of justice could not function without them, then no, I do not consider LFOs to be essential. In certain instances, especially involving certain financial crimes or crimes by high net worth defendants, LFOs could be a very useful tool, however.	5/2/2019 12:50 PM
89	No.	5/2/2019 12:32 PM
90	No - it is not self funding and most cannot afford the costs.	5/2/2019 12:26 PM
91	No. We spend too much time and money trying to collect from folks who fall of the map and/or lack the ability to ever pay. Some monthly payments are as low as \$5 -- when not paid, the defendant is ordered to appear and show cause -- fails to appear in court and a warrant issues -- defendant is ultimately arrested and booked into jail -- released at first appearance on promise to pay -- subsequently fails to pay and the process repeats. It's a waste of our very limited resources and an unnecessary burden on our extremely overcrowded jail. However, we view collection efforts for unpaid restitution differently.	5/2/2019 12:23 PM
92	Yes. See response to #14 above.	5/2/2019 12:17 PM
93	no	5/2/2019 12:06 PM
94	Some funding for the Crime Victims Penalty Assessment is needed. However, LFOs are not necessary for purposes of punishment, retribution, or coverage of court expenses.	5/2/2019 12:05 PM
95	No. I'd much prefer to see the VPA funded adequately and separately from sentencing. Regarding restitution, it's a nice idea but it isn't realistic. I'd prefer a criminal finding on causation and amount that would allow for collection, where feasible, through the civil justice system.	5/2/2019 11:53 AM
96	No. LFOs have no deterrent effect, most LFOs are not collected, the administrative infrastructure required to track and collect LFOs is not worth the return, and because LFOs keep defendants needlessly tied to the criminal justice system, they ultimately costs the community more money by making harder for defendants to access housing, employment, and credit and reentry from a period of incarceration.	5/2/2019 11:53 AM
97	no	5/2/2019 11:46 AM

Q16 How often are you asked, post sentence, to reduce fines or fees?

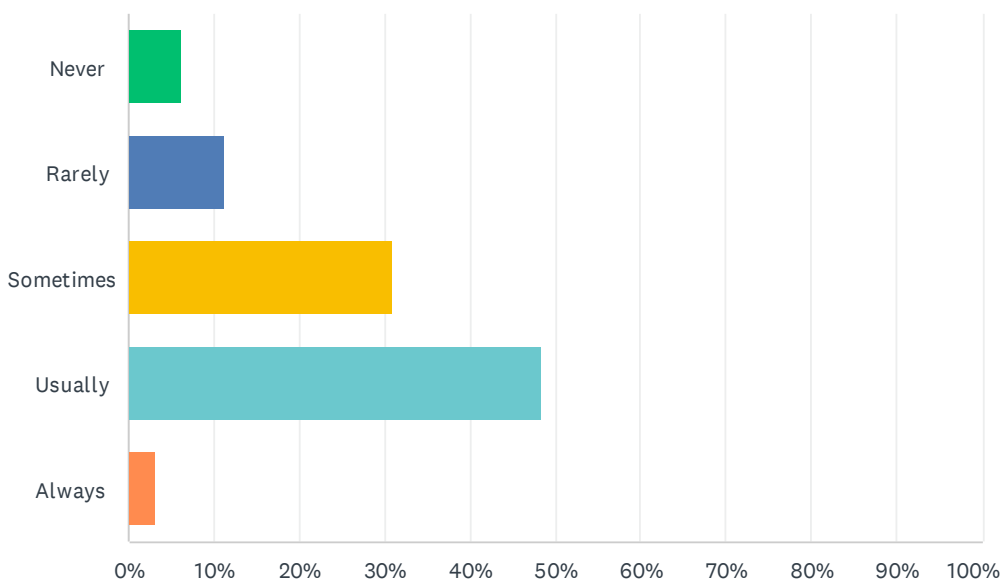
Answered: 97 Skipped: 1



ANSWER CHOICES	RESPONSES	
Never	7.22%	7
Rarely	26.80%	26
Sometimes	49.48%	48
Usually	13.40%	13
Always	3.09%	3
TOTAL		97

Q17 How often do you agree to reduce, post sentence, a fine or fee?

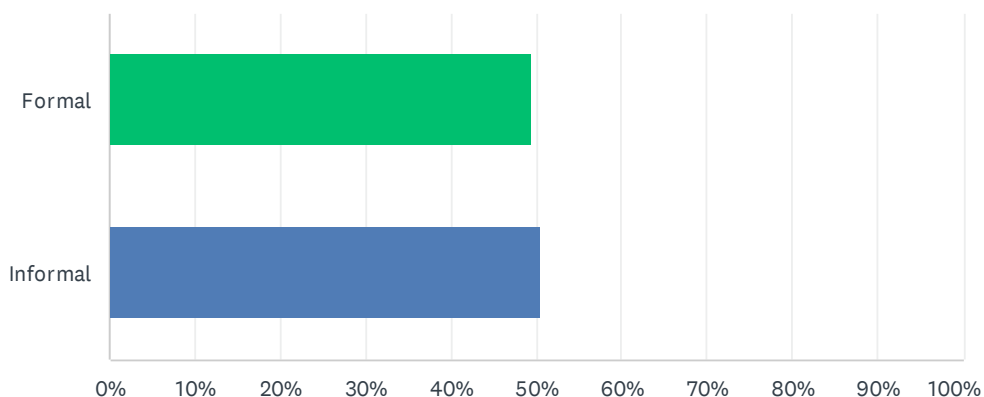
Answered: 97 Skipped: 1



ANSWER CHOICES	RESPONSES	
Never	6.19%	6
Rarely	11.34%	11
Sometimes	30.93%	30
Usually	48.45%	47
Always	3.09%	3
TOTAL		97

Q18 How would you classify your remission process?

Answered: 95 Skipped: 3



ANSWER CHOICES	RESPONSES
Formal	49.47% 47
Informal	50.53% 48
TOTAL	95

#	PLEASE EXPLAIN.	DATE
1	Some type of pleading explaining the request needs to be filed. Later, a hearing is held.	5/22/2019 10:17 AM
2	Defendant is required to file a motion	5/22/2019 9:57 AM
3	I try to use the same criteria for all, but a case usually does not have the proof I require.	5/21/2019 4:18 PM
4	We have it on our web page as to how they can do it and have dockets for them to appear on if they wish or can be decided by email if that is there choice	5/21/2019 3:19 PM
5	There is an out-of-court screening which may result in remission. Occasionally, the court will schedule a hearing.	5/21/2019 10:34 AM
6	Both formal and informal. An individual can file a motion and have it heard in court. Also, if an individual is in front of me on a case and brings up the fines and fees when it hasn't been formally cited in I will still address the issue.	5/21/2019 9:16 AM
7	No	5/21/2019 7:51 AM
8	Really a combination of both (Formal and Informal). The request is generally in a letter or simple hand-written request. Rarely see anything from an attorney. We forward to the Prosecuting Attorney and note on our criminal docket for review/court's consideration. Also have clerk print payment history and if warranted then strike interest.	5/20/2019 5:06 PM
9	motion required.	5/20/2019 4:12 PM
10	Requires a written motion for show cause. Usually reviewed ex parte.	5/20/2019 4:07 PM
11	I don't understand the question	5/20/2019 3:54 PM
12	they have to file a motion and schedule a hearing in court.	5/20/2019 3:46 PM
13	Since I have generally waived all non-mandatory fines and fees, I usually deny all the pro se requests I get to reduce fees. I can't reduce them any further than I already have.	5/20/2019 3:36 PM

2019 Survey Legal Financial Obligations (LFOs) Practices - Judges

14	Only upon written application or in hearing on the record	5/20/2019 3:22 PM
15	I have a weekly administrative calendar where I review letters in chambers from defendants asking for their LFOs to be pulled from collections and either stricken or reduced. If the case is still active or defendant is currently on probation in my court, I forward the request to the attorneys (who rarely, if ever, object to a reduction or waiver). I never waive or reduce restitution obligations but I do pull it from collections and allow defendants to make payments to the court.	5/20/2019 2:38 PM
16	The individual is required to file a motion, but it can be done without setting an actual hearing.	5/19/2019 8:35 AM
17	Many defendants can write a letter and the LFO judge will review and reduce if possible. They can also set a formal motion on the LFO docket - and request to reduce. Many times will reduce if here on a FTP or respond notice.	5/15/2019 10:35 AM
18	Sorry, don't understand the question.	5/14/2019 10:17 AM
19	Defendant can simply write the Court. Motions often heard stew e times review hearings without defendant having to have previously noted it.	5/10/2019 10:43 PM
20	It is typically done by correspondence, or very occasionally be in-person court appearance. I ask the Defendant for proof of finances, and to explain his or her total situation.	5/10/2019 1:58 PM
21	May do so ex parte.	5/7/2019 11:24 AM
22	This is almost never requested in our court.	5/7/2019 10:43 AM
23	I expect the procedures to be followed	5/7/2019 8:00 AM
24	Depends on the facts of each case.	5/6/2019 4:48 PM
25	I have a calendar every month where a person can come into court and discuss extending time pay, reducing fines or removing LFOs. There is a public defender on this calendar for anyone who comes in. If a person on time pay misses a payment, they get a letter explaining the options at this calendar and setting a date. They also are told in the letter they can call the court and choose another date. If they don't appear for any calendar then in 30 days the case is selected for collections. They are told this in the letter too.	5/6/2019 3:51 PM
26	I require written documentation to support a motion.	5/6/2019 1:03 PM
27	As a form of post-conviction relief, the request should be made by written motion with supporting declaration.	5/6/2019 12:07 PM
28	In cases where someone appears and asks for remission, I conduct an analysis of their current ability to pay LFOs, just as I would if they were being sentenced today.	5/6/2019 11:58 AM
29	Defendants must file a motion. We have a form they can use.	5/6/2019 11:44 AM
30	use forms	5/6/2019 11:24 AM
31	We have a weekly "I Can't Afford to Pay" post-sentence calendar Monday afternoons. We are beginning to handle remission motions ex parte if the defendant prefers. The prosecution generally takes no position concerning remission, and does not appear at our Monday afternoon remission calendar.	5/6/2019 11:20 AM
32	See Kitsap County District Court website for "I Can't Afford to Pay" Motion and procedure. We have offered this regularly available in-court calendar for several years. In addition, recently we have coordinated with Superior Court to offer a multi-jurisdictional LFO-day long event. One of the side benefits to that, is District Court is now considering routine consideration of written motions to reduce LFOS without requiring the defendant personally appear.	5/6/2019 11:13 AM
33	We have a once a month calendar where such requests are addressed.	5/6/2019 10:56 AM
34	Depending on the size or amount the defendant is asking to have remitted, it can be more formal, to the extent of using Judge Jahns' LFO remission guide (out of Kitsap Co.), having defendants fill out a motion for remission, provide proof of income, debts, etc.	5/6/2019 10:56 AM
35	Requests are processed according to statute. The Court requires an indigency review to determine if the defendant is indigent, a statutory requirement. Most qualified individuals are given the opportunity to perform community service under a community restitution program.	5/6/2019 10:51 AM

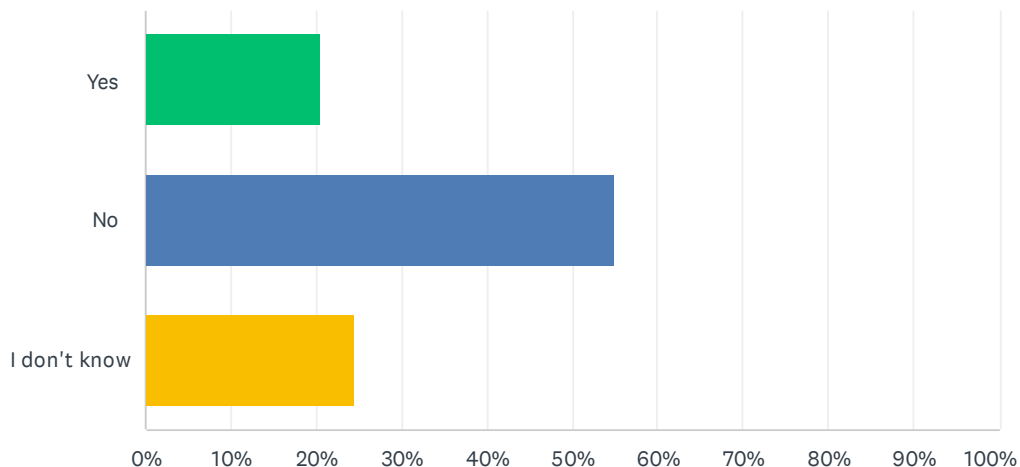
2019 Survey Legal Financial Obligations (LFOs) Practices - Judges

Once sufficient hours are served, the debt is withdrawn from collections and a manageable time payment is allowed.

36	I require a motion and that it be noted for hearing, with an opportunity for the prosecutor to respond	5/6/2019 10:46 AM
37	Defendant requests it through motion with notice given to the State	5/6/2019 9:59 AM
38	Notice and an opportunity to be heard.	5/6/2019 9:33 AM
39	people are always free to request a change	5/3/2019 10:15 AM
40	I don't know anything about our remission process.	5/2/2019 2:25 PM
41	we have a collection unit	5/2/2019 2:16 PM
42	I'm unclear what you mean by "remission process."	5/2/2019 1:56 PM
43	In our jurisdiction, we would insist on a formal motion, then the matter is placed on the LFO review docket for consideration and for entry of an order.	5/2/2019 1:55 PM
44	I will conduct a colloquy of defendant but not a formal evidentiary hearing.	5/2/2019 1:51 PM
45	I'm guessing. I have no idea as I have not been involved in that process during my six years on the bench.	5/2/2019 1:40 PM
46	Receive a letter from the defendant with supporting documentation and decide based on that information.	5/2/2019 1:40 PM
47	We have a calendar for this purpose and a simple process for filing form motions.	5/2/2019 1:37 PM
48	Formal in the sense that there is a process. but informal in the sense that there is virtually nothing in terms of an explanation that doesn't suffice to get some sort of relief.	5/2/2019 1:10 PM
49	I'll read what's submitted - typically very informal - and allow the defendant to simply tell me in their own words what their financial situation is. I certainly don't expect or require a financial declaration or detailed supporting documentation.	5/2/2019 12:57 PM
50	A request is made by motion and the court conducts a hearing.	5/2/2019 12:50 PM
51	I don't understand the question.	5/2/2019 12:32 PM
52	What is remission? I see by 19 remission is waiver or reduction of LFO and interest. We have a formal process and forms to fill out.	5/2/2019 12:26 PM
53	The forms are presented ex parte with the supporting documentation from the clerk's office.	5/2/2019 12:23 PM
54	Pierce County judges have developed and adopted a process by which motions are heard; they also use a "template" for responding to motions so that all court orders are uniform.	5/2/2019 12:05 PM
55	I never reduce because I've only been asked to remit mandatory LFOs. Which I cannot do as a matter of law. These requests are via prison mail, almost always, which my court treats as formal motions which we file and to which we require a prosecutor response.	5/2/2019 11:53 AM

Q19 Does your court inform defendants at sentencing that they may later seek remission of costs or wavier of LFOs?

Answered: 98 Skipped: 0



ANSWER CHOICES	RESPONSES
Yes	20.41% 20
No	55.10% 54
I don't know	24.49% 24
TOTAL	98

#	IF YES, WHEN IS THIS INFORMATION PROVIDED? PLEASE EXPLAIN.	DATE
1	There is a notice on the Judgment and Sentence.	5/21/2019 10:34 AM
2	I tell them they have until the due date to pay. If the fine is not paid in full they can set up a payment plan or bring the matter back to court by filing a motion before the due date.	5/21/2019 9:16 AM
3	Very rarely though.	5/20/2019 8:23 PM
4	Only if imposing discretionary LFOs, which is rarely.	5/20/2019 4:04 PM
5	Sometimes. If a person does not have the required information, they are advised they can file for remission and the court will reconsider the imposition of LFOs.	5/19/2019 8:35 AM
6	I do---- many times indicate if trouble paying - they can contact the clerks office and reset their payments to lower amounts or write the court a letter.	5/15/2019 10:35 AM
7	After imposing sentencing, Always let defendants know if their financial circumstances change they may contact/write the court to explain and ask for reconsideration.	5/10/2019 10:43 PM
8	Where I make a finding a person is not indigent and I impose fines, costs or assessments I tell them if their financial circumstances change they may appear back in court to let the court know and I will consider removing or reducing payments. Also, the public defenders know this policy and they get the letter described above if they miss a time payment.	5/6/2019 3:51 PM
9	At sentencing.	5/6/2019 1:03 PM
10	I rarely do, since I usually waive LFOs for most defendants.	5/6/2019 11:58 AM

2019 Survey Legal Financial Obligations (LFOs) Practices - Judges

11	Usually when request made to suspend or convert part or all of fines and costs.	5/6/2019 11:46 AM
12	Our court so rarely orders LFOs that when we do, a clear record has been made about future ability to pay.	5/6/2019 11:20 AM
13	We do let defendants know at sentencing (and in the clerk's office) that they may file a written request to reconsider LFO's on older cases.	5/6/2019 11:13 AM
14	It is contained on the judgment and sentence.	5/6/2019 9:59 AM
15	Again, since I am not imposing them I am not addressing this. If I were to impose one, I should like to think I would inform the defendants of their right to seek remission or waiver in the future.	5/6/2019 9:10 AM
16	Sometimes	5/2/2019 2:25 PM
17	I try to get it right the first time. Remission usually applies in older cases where judges imposed both mandatory and discretionary LFOs in every case regardless of financial condition.	5/2/2019 1:55 PM
18	After LFOs imposed, I inform them of statutory provisions about waiving/reducing interest.	5/2/2019 1:37 PM
19	I am assuming the lawyers so advice their clients, but I have not made a practice of doing it, or of inquiring about it.	5/2/2019 12:32 PM
20	I don't because what I am imposing is mandatory LFOs.	5/2/2019 11:53 AM

Q20 Do you have any other observations regarding the imposition of fines and fees or the remission of fines and fees? Please share.

Answered: 75 Skipped: 23

#	RESPONSES	DATE
1	I seek more definition from the appellate courts.	5/21/2019 4:18 PM
2	Nearly everyone has the ability to do some community restitution except for the disabled so that is what I give them and most everyone appreciates that approach too. If the amt is too high I usually cut the amt in half also	5/21/2019 3:19 PM
3	No.	5/21/2019 12:55 PM
4	No	5/21/2019 7:51 AM
5	Not really	5/20/2019 5:06 PM
6	I almost never impose discretionary fees or costs. I have only once had a defendant ask for a reduction post-sentencing (I do not include those in custody who submit formulaic requests that are not ripe).	5/20/2019 3:54 PM
7	I try not to make LFOs an unreasonable burden for Defendants who already have to deal with other facets of their sentence, a felony record and are normally indigent anyway.	5/20/2019 3:46 PM
8	I do not consider the Court to be a revenue collector for the state/city/county.	5/20/2019 3:22 PM
9	Given the volume of cases we hear in courts of limited jurisdiction, judges have little choice but to make decisions re: LFOs based on the defendant's statement. Rarely, if ever, is actual documentation provided. This, obviously, permits some defendants to game the system to avoid paying any LFOs. In a perfect world, I would simply refer the defendant to a financial screener who could verify employment and benefits status prior to sentencing.	5/20/2019 2:38 PM
10	The structure for imposing fines and all other financial penalties is ridiculously complicated and often times illogical and unfair. Why is one fee mandatory regardless of indigency and another fee not? Why does the defendant who's making just enough to scrape by have to pay LFOs when a defendant who is unemployed due to drug addiction and receives food stamps get a pass on LFOs? All things being the same, if they commit the same crime, the punishment should feel equal.	5/15/2019 2:01 PM
11	I believe it has to be individualized as all defendant are definitely not equal financially.	5/15/2019 10:35 AM
12	Until Courts have dedicated funding, the inherent conflict the system creates will not go away. Pressure on judges, either explicitly or implicitly, to generate revenue will remain.	5/10/2019 10:43 PM
13	No, thank you.	5/10/2019 4:30 PM
14	None	5/10/2019 4:22 PM
15	none	5/10/2019 3:58 PM
16	Our local practice has been to leave the old outstanding LFOs on the books in Superior Court, and attempt collection via show cause docket, but rarely remitting (though we set very low payments, or determine no current ability to pay and then do not show cause for a period of time based on individual circumstances). In District Court, we send unpaid fees, costs and restitution to collections after an interval of nonpayment--and then pull them back from collections only if it impedes driving privileges.	5/10/2019 1:58 PM
17	No	5/7/2019 1:16 PM
18	Thank you for your work on this important issue.	5/7/2019 12:19 PM
19	In my county there are so many indigent people that it often seems like unnecessary "piling on" for the court to impose hefty fines and assessments. I realize that others might not share	5/7/2019 11:32 AM

2019 Survey Legal Financial Obligations (LFOs) Practices - Judges

	this view.	
20	I believe that not enough judges are doing individual inquiry as to defendant's ability to pay, thus setting too high of costs, fees, and fines.	5/7/2019 11:24 AM
21	Post Blazina there has been a very significant reduction in the imposition of fees and fines.	5/7/2019 10:43 AM
22	no	5/7/2019 8:00 AM
23	No.	5/6/2019 4:48 PM
24	I hope there will be a review of the PSEA! and I love the calculator! I like that it helps me organize the decisions for each assessment and cost option and by printing it, that helps my staff enter the LFOs correctly on the judgement and sentence and helps the defendant see what was imposed in more detail.	5/6/2019 3:51 PM
25	I find the process to be tedious, time consuming, and ineffective. Additionally, the inconsistencies amongst the courts are concerning.	5/6/2019 2:04 PM
26	This issue has been horribly politicized.	5/6/2019 1:03 PM
27	LFOs, for the most part, seem to be a thing of the past as far as indigent defendants (except for restitution). Previous practice of allowing LFOs to be satisfied via community service was effective.	5/6/2019 12:07 PM
28	We cannot waive all LFO"S	5/6/2019 12:05 PM
29	We ought to fund our courts properly through taxes. They are a public service for the community as a whole, just like roads and sewers. We shouldn't have to fund the courts on the backs of defendants who are already being punished in other ways.	5/6/2019 11:58 AM
30	Individualized inquiry is of paramount importance - especially when changes in circumstance have not been addressed. This inquiry should be under oath.	5/6/2019 11:46 AM
31	None.	5/6/2019 11:44 AM
32	no	5/6/2019 11:39 AM
33	no	5/6/2019 11:24 AM
34	The legislature's decision to suspend driver's licenses for failure to pay infractions has resulted in the DWLS 3 criminalization of the impoverished. While Blazina is a fantastic step for criminal matters, the legislature's failure to authorize the court to consider an offender's ability to pay infractions will continue this cycle. As a public policy, it is inexplicable why a felon's driver's license is not suspended for failure to pay LFOs, but one \$550 no proof of insurance infraction places the civil defendant in the criminal system upon non-payment and driving to work. We should do everything we can to assist individuals in getting a license. Infraction fines, as well as criminal LFOs, can always be sent to collection for up to 20 years. Suspension of a driver's license for non-payment has created an unintended and unnecessary consequence of criminalizing the impoverished. A driver's license is a fundamental need.	5/6/2019 11:20 AM
35	Thank you to the early work of the ACLU and the Minority & Justice Commission on these issues. Continuing attention to the issue will help inform us all.	5/6/2019 11:13 AM
36	NO	5/6/2019 11:04 AM
37	None	5/6/2019 10:56 AM
38	Most of the defendants I see are already broke, poor, and deeply in debt, stuck in the system and hopeless. Piling on, if even what seems a small amount to us, adds to their hopelessness.	5/6/2019 10:56 AM
39	Washington already has the worst funding for its local courts in the nation. Between the recent appellate decisions and statutes, the state has massively shifted additional burdens for providing valuable services from criminal defendants to local governments and taxpayers. This unfunded mandate undermines local courts' ability to provide services that benefit defendants and the public.	5/6/2019 10:51 AM
40	Most of the indigent defendants I see are able to work and pay fines. However, chemical dependency and untreated mental health issues result in refusal to work.	5/6/2019 10:50 AM
41	No.	5/6/2019 10:50 AM

2019 Survey Legal Financial Obligations (LFOs) Practices - Judges

42	The vast majority of defendants appearing before me are not assessed any fees or costs, and almost always they receive a lesser fine than the prosecutor is recommending. Also, I've found myself imposing less fees and costs on defendants who are not indigent, as it seems unfair that they should have to pay full bore when others are not required to pay anything.	5/6/2019 10:46 AM
43	Nothing further to share	5/6/2019 10:36 AM
44	No	5/6/2019 9:59 AM
45	no.	5/6/2019 9:33 AM
46	In my county prosecutors are not asking for fines or fees and are conceding that fees or fines would not be warranted against the indigent defendants represented by public defenders.	5/6/2019 9:10 AM
47	Heaping immense financial burdens on the backs of people who are already barely getting by does nothing to improve society. It only insures that those defendants will never dig out of the hole.	5/3/2019 3:54 PM
48	Since I rarely impose fines, the only discretionary fees are the filing fees and perhaps some fees to reimburse the county for a portion of their defense.	5/3/2019 11:56 AM
49	I almost always impose only mandatory fees and never issue fines. I wish there was more uniformity across the state. I also would like to see a systematic way of addressing LFOs that are still being collected under prior practices.	5/3/2019 11:43 AM
50	our clerk has a great process and I bet she would share her forms with you	5/3/2019 10:15 AM
51	No	5/3/2019 9:44 AM
52	We have made positive changes in the LFO process over the last 5 years or so.	5/2/2019 4:15 PM
53	I have much dislike of fines and fees.	5/2/2019 3:24 PM
54	No	5/2/2019 2:25 PM
55	none	5/2/2019 2:16 PM
56	Not at this time.	5/2/2019 1:56 PM
57	I am proud to be a judge in the State of Washington, where I think our views on LFOs seem to be more enlightened than in other jurisdictions.	5/2/2019 1:55 PM
58	I applaud the movement to reform LFOs.	5/2/2019 1:51 PM
59	no	5/2/2019 1:46 PM
60	Question No. 17 assumes that we have received a request to reduce - post-sentence - a fine or fee. I never have so I answered "never" but that's misleading because I probably would if anyone ever asked.	5/2/2019 1:40 PM
61	LFO reform is a critical piece of justice reform and is a huge advance. The next area to tackle is restitution and the mandatory VPA in all cases no matter the crime.	5/2/2019 1:40 PM
62	I think it would be nice if the amount of mandatory LFOs was reduced and the interest rate on LFOs (including restitution) was much lower. 12% is ridiculously high.	5/2/2019 1:37 PM
63	most of this seems moot since we have such a large indigent population	5/2/2019 1:21 PM
64	no.	5/2/2019 1:10 PM
65	No	5/2/2019 12:57 PM
66	No.	5/2/2019 12:50 PM
67	The Supreme Court has made it abundantly clear that discretionary LFOs can be imposed only on those defendants who have the financial means to pay them. Given that the vast majority of those who are convicted of felonies are indigent, I believe consideration should be given to doing away with LFOs altogether, including the "mandatory" ones, other than restitution. Restitution should still be mandated for financial harms suffered by victims of crimes.	5/2/2019 12:32 PM
68	Do away with all fines and fees - except restitution.	5/2/2019 12:26 PM
69	The court should have discretion to waive all LFO's. The \$500 to \$600 in statutory LFO's that	5/2/2019 12:23 PM

2019 Survey Legal Financial Obligations (LFOs) Practices - Judges

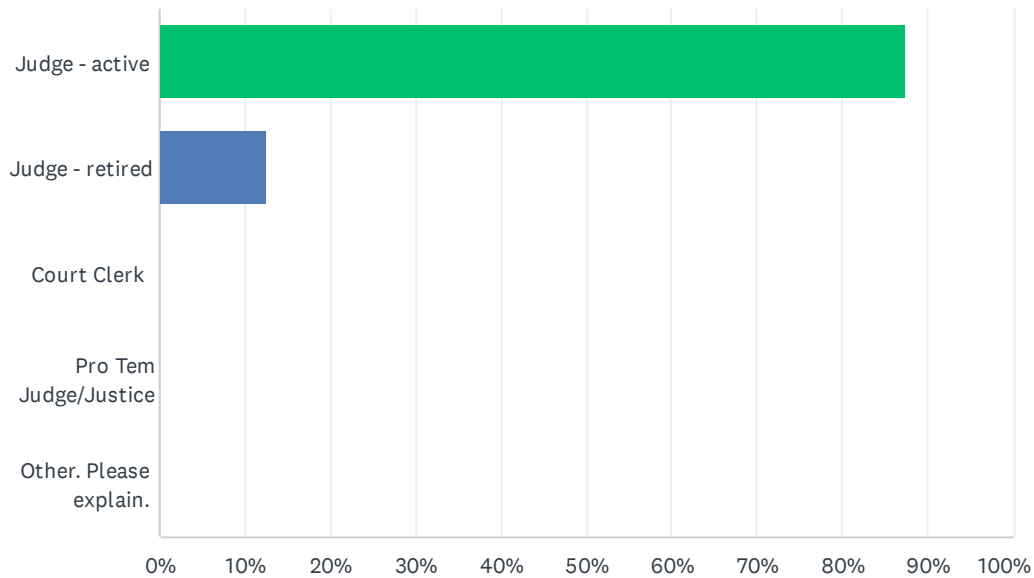
the court is mandated to impose, regardless of the defendant's financial status, just keeps the poorest of the poor in perpetual bondage. There is no way out for us either -- continuous waste and needless burden on a strained criminal justice system. Stop the insanity.

70	Yes. As one involved in the criminal justice system for the past 25 years, I have seen a shift away from having the "users" or convicted persons support the system financially. In recent years, judges have been required to stop assessing much of the assessments that traditionally have funded this system, both by caselaw and by statute. My concern and the concern of many of my colleagues is that either: 1. No alternative source to fund the criminal justice system has been identified; or 2. If there have been alternative funding sources secured, it has not been communicated to us just how the system will be funded in the absence of "user" contributions. It would go a long way if judges were informed in concrete terms that there is no need for this concern.	5/2/2019 12:17 PM
71	I rarely impose any costs beyond restitution, cvpa and dna cost	5/2/2019 12:06 PM
72	The vast majority of criminal defendants who come before me are indigent, have mental health issues, have drug issues, or have some combination of the above. The effect of LFOs being imposed on this population has extremely disproportionate effects and collateral consequences.	5/2/2019 12:05 PM
73	Let's find another way to deal with a victim assistance fund and restitution than imposing on indigent defendants.	5/2/2019 11:53 AM
74	We should work on making mandatory fees, e.g., the victim penalty assessment, discretionary for indigent defendants. We should also start the difficult conversation about whether, in most cases, restitution should be imposed, particularly where the restitution is to an insurance company.	5/2/2019 11:53 AM
75	no	5/2/2019 11:46 AM

Tribal Judges

Q1 What position do you currently hold?

Answered: 8 Skipped: 0

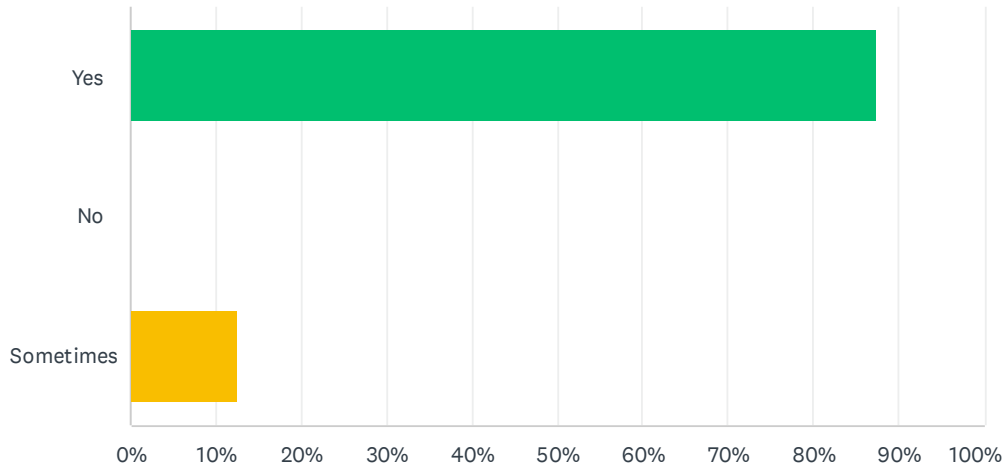


ANSWER CHOICES	RESPONSES
Judge - active	87.50% 7
Judge - retired	12.50% 1
Court Clerk	0.00% 0
Pro Tem Judge/Justice	0.00% 0
Other. Please explain.	0.00% 0
TOTAL	8

#	OTHER. PLEASE EXPLAIN.	DATE
	There are no responses.	

Q2 Do you consider an individual's ability to pay when setting costs and fees?

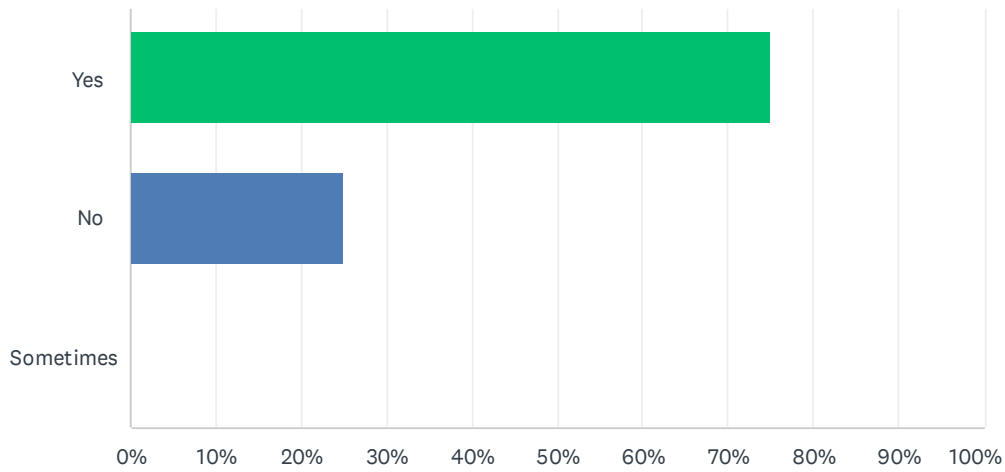
Answered: 8 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	87.50%	7
No	0.00%	0
Sometimes	12.50%	1
TOTAL		8

Q3 Do you consider an individual's ability to pay when setting fines?

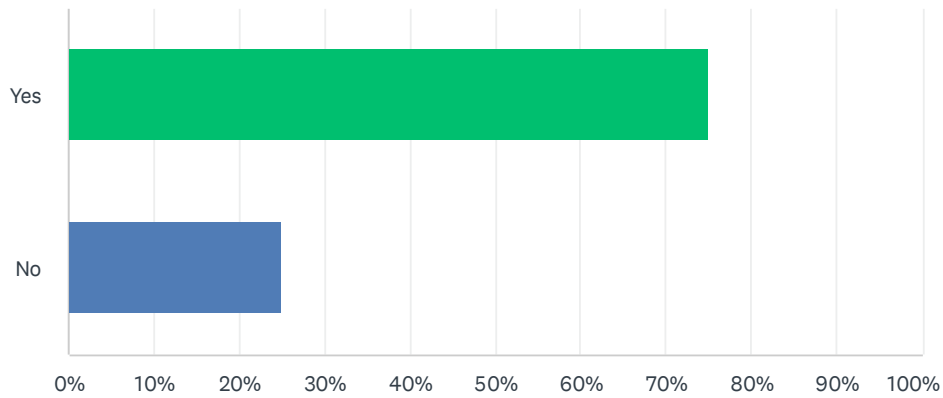
Answered: 8 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	75.00%	6
No	25.00%	2
Sometimes	0.00%	0
TOTAL		8

Q4 Do you consider a defendant's future ability to pay?

Answered: 8 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	75.00%	6
No	25.00%	2
TOTAL		8

#	OTHER. PLEASE EXPLAIN.	DATE
1	We typically do not impose fines	6/6/2019 12:26 PM

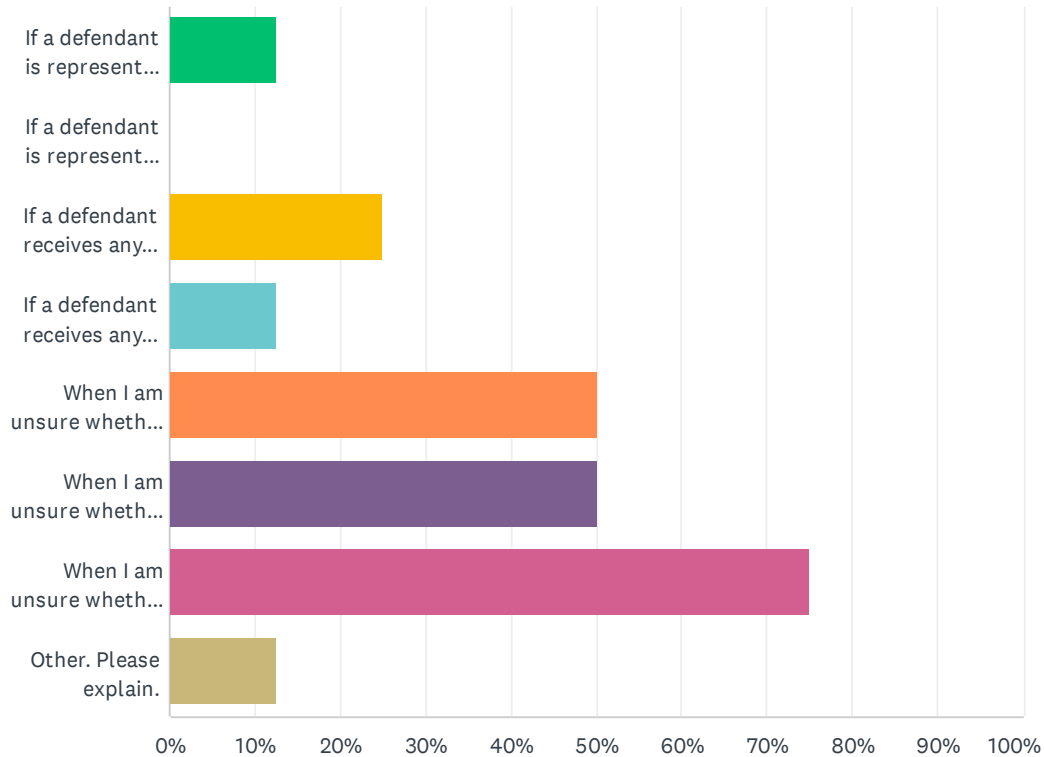
Q5 When you consider ability to pay, which factors do you typically consider? Please list.

Answered: 8 Skipped: 0

#	RESPONSES	DATE
1	Employment	6/6/2019 12:26 PM
2	likely future income	6/6/2019 5:43 AM
3	The court allows people to ask for reduced or no filing fee if they meet financial criteria. We generally waive fees if there is little or no ability to pay. this is for civil filings. there are no fees charged for requests for dv protection orders	6/3/2019 10:01 AM
4	Job status, family members and support obligations, transportation, willingness.	5/29/2019 9:26 AM
5	current employment/wages or employability; other sources of income; financial contributions to household by other parties; number of dependent members of household; history of complying with court orders and meeting financial obligations to court	5/28/2019 10:17 AM
6	Salary if any. Per caps if any Alternative ways of paying off the fie, e.g. creating art work, doing community service, etc.	5/24/2019 11:04 AM
7	Employment and expences	5/24/2019 10:01 AM
8	Employment, employability, job availability/unemployment rates, education, current wages if any, past history of ability to pay.	5/23/2019 11:07 PM

Q6 When you consider setting fines and fees, which factors do you typically consider? Check all that apply.

Answered: 8 Skipped: 0



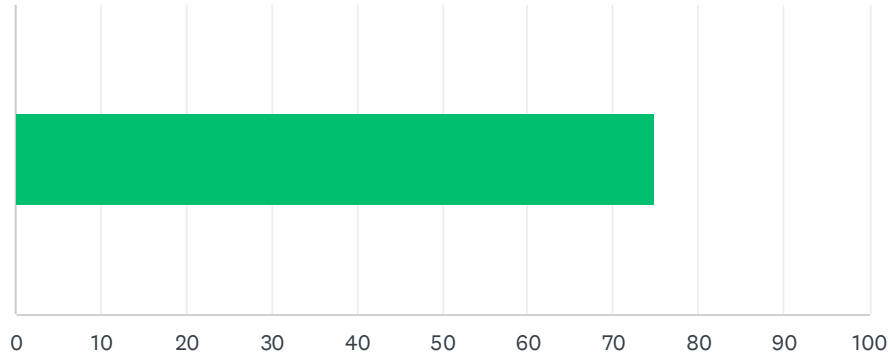
ANSWER CHOICES	RESPONSES	
If a defendant is represented by a public defender I presume the defendant is indigent and do not impose discretionary costs and fees.	12.50%	1
If a defendant is represented by a public defender I presume the defendant is indigent and do not impose discretionary fines.	0.00%	0
If a defendant receives any form of public assistance I assume the defendant is indigent and do not impose discretionary costs and fees.	25.00%	2
If a defendant receives any form of public assistance I assume the defendant is indigent and do not impose discretionary fines.	12.50%	1
When I am unsure whether a defendant is indigent or unable to afford fines and fees I ask the defense attorney or an unrepresented defendant whether the defendant is able to afford the possible fines and costs/fees.	50.00%	4
When I am unsure whether a defendant is indigent or unable to afford costs and fees I conduct an individualized inquiry into a defendant's current and future ability to pay before imposing discretionary fees.	50.00%	4
When I am unsure whether a defendant is indigent or unable to afford fines and fees I conduct an individualized inquiry into a defendant's current and future ability to pay before imposing discretionary fines.	75.00%	6
Other. Please explain.	12.50%	1
Total Respondents: 8		

2019 Survey Legal Financial Obligations (LFOs) Practices - Tribal Judges

#	OTHER. PLEASE EXPLAIN.	DATE
1	We typically do not impose fines	6/6/2019 12:26 PM

Q7 Approximately what percentage of defendants that appear before your court do you believe are indigent?

Answered: 8 Skipped: 0



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
	75	598	8
Total Respondents: 8			

#		DATE
1	85	6/6/2019 12:26 PM
2	84	6/6/2019 5:43 AM
3	85	6/3/2019 10:01 AM
4	24	5/29/2019 9:26 AM
5	75	5/28/2019 10:17 AM
6	74	5/24/2019 11:04 AM
7	81	5/24/2019 10:01 AM
8	90	5/23/2019 11:07 PM

Q8 What do you think is the reason courts impose LFOs? Please explain.

Answered: 8 Skipped: 0

#	RESPONSES	DATE
1	We typically do not impose LFOs	6/6/2019 12:26 PM
2	punishment and deterrence	6/6/2019 5:43 AM
3	.	6/3/2019 10:01 AM
4	To use as part of a sentence instead of Jail time.	5/29/2019 9:26 AM
5	as punishment; as deterrent; as incentive to obtain employment; as a basis for ongoing, close supervision of defendant	5/28/2019 10:17 AM
6	To help fund the court system	5/24/2019 11:04 AM
7	Punitive	5/24/2019 10:01 AM
8	Punishment and accountability	5/23/2019 11:07 PM

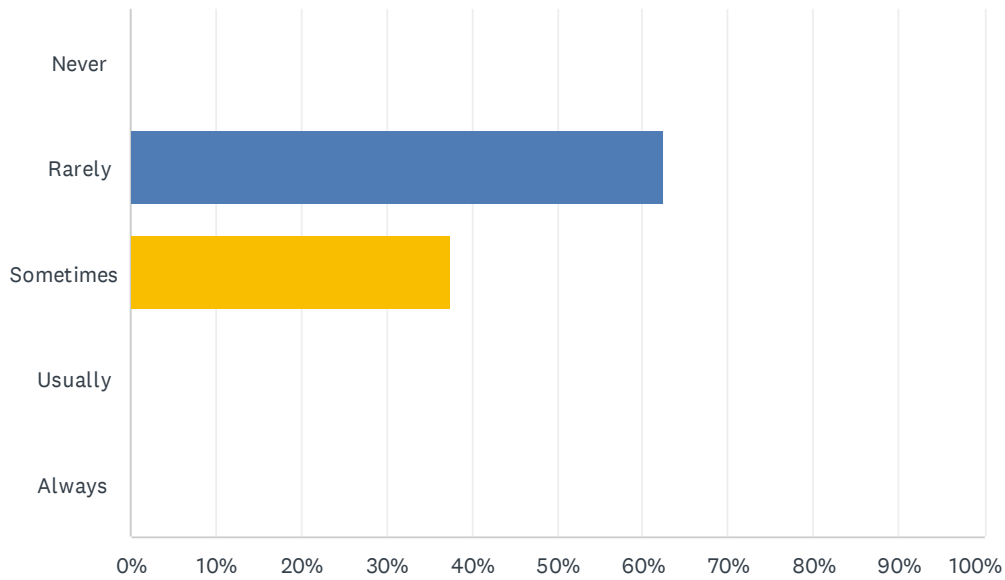
Q9 Do you consider LFOs to be essential to the criminal justice process? Please explain.

Answered: 8 Skipped: 0

#	RESPONSES	DATE
1	Not really. Certainly, there is alot of research regarding the disparate impact of LFO's on poor people. LFO's become yet another barrier to developing financial stability	6/6/2019 12:26 PM
2	in some cases	6/6/2019 5:43 AM
3	.	6/3/2019 10:01 AM
4	No not really.	5/29/2019 9:26 AM
5	Not necessarily, but I think they can be helpful in some cases. Some defendants are motivated by the need to pay (or perform community service work in lieu of payment). Payment plans can add structure to a defendant's life and serve as a source of pride when the obligation is met.	5/28/2019 10:17 AM
6	no	5/24/2019 11:04 AM
7	No	5/24/2019 10:01 AM
8	No. While they may make some defendants sit up and listen, for most, it's just one more burden added to their life that they can't deal with.	5/23/2019 11:07 PM

Q10 How often are you asked, post sentence, to reduce fines or fees?

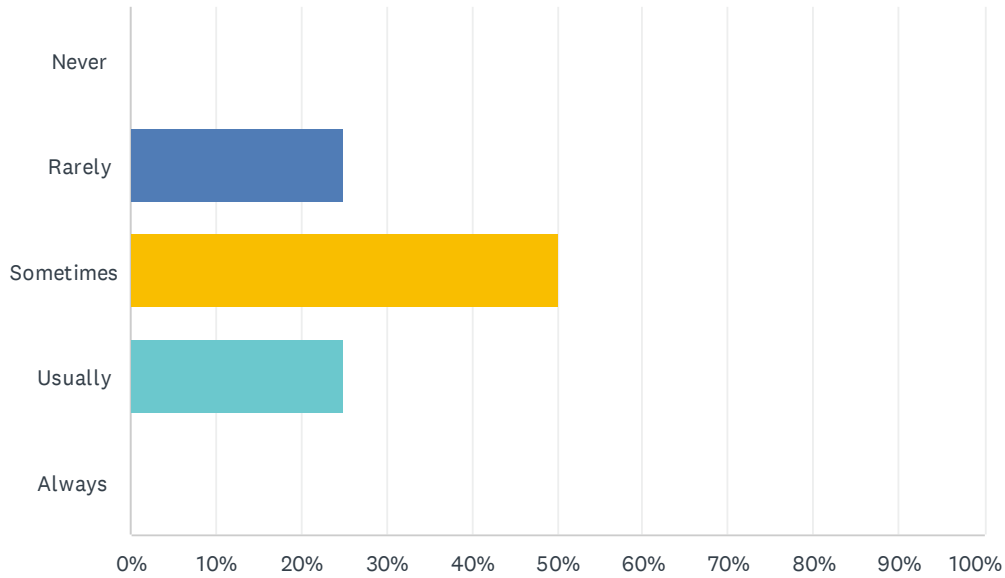
Answered: 8 Skipped: 0



ANSWER CHOICES	RESPONSES	
Never	0.00%	0
Rarely	62.50%	5
Sometimes	37.50%	3
Usually	0.00%	0
Always	0.00%	0
TOTAL		8

Q11 How often do you agree to reduce, post sentence, a fine or fee?

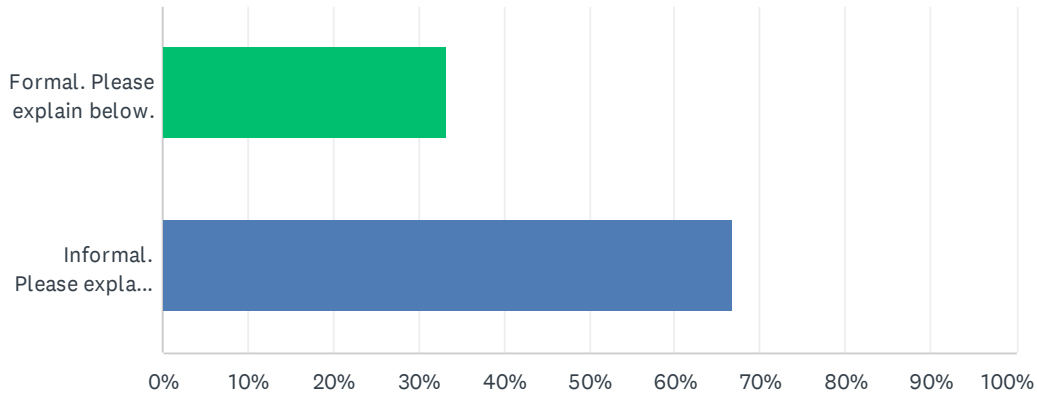
Answered: 8 Skipped: 0



ANSWER CHOICES	RESPONSES	
Never	0.00%	0
Rarely	25.00%	2
Sometimes	50.00%	4
Usually	25.00%	2
Always	0.00%	0
TOTAL		8

Q12 How would you classify your remission process?

Answered: 6 Skipped: 2

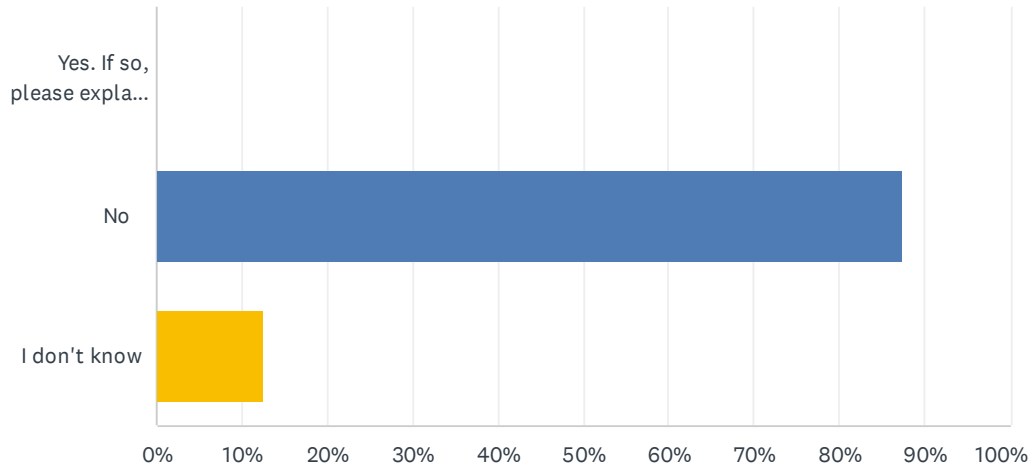


ANSWER CHOICES	RESPONSES
Formal. Please explain below.	33.33% 2
Informal. Please explain below.	66.67% 4
TOTAL	6

#	PLEASE EXPLAIN YOUR REMISSION PROCESS HERE.	DATE
1	If, in the rare case a fine were imposed, people have asked to have the fine converted to community service. I typically grant that request.	6/6/2019 12:26 PM
2	case by case	6/6/2019 5:43 AM
3	.	6/3/2019 10:01 AM
4	The defendant continues with Court reviews until the fines and costs are paid.	5/29/2019 9:26 AM
5	It would simply be a motion (often oral in open court) by defense counsel or by defendant.	5/28/2019 10:17 AM
6	unsure what you mean by a remission process	5/24/2019 11:04 AM
7	We discuss the feasibility of payment, what is realistic, and likely impose some community service as a set off.	5/23/2019 11:07 PM

Q13 Does your court inform defendants at sentencing that they may later seek remission of costs or wavier of LFOs?

Answered: 8 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes. If so, please explain when is this information provided.	0.00%	0
No	87.50%	7
I don't know	12.50%	1
TOTAL		8

#	PLEASE EXPLAIN HERE.	DATE
1	Again, fines are rarely imposed	6/6/2019 12:26 PM

Q14 What factors, if any, do you consider in imposing restitution? Please explain.

Answered: 8 Skipped: 0

#	RESPONSES	DATE
1	Making the victim whole	6/6/2019 12:26 PM
2	victim loss	6/6/2019 5:43 AM
3	if requested by the prosecutor and the necessity of redressing the victims loss	6/3/2019 10:01 AM
4	The factors are whether or not property of another was destroyed or harmed in some way by the defendant's criminal actions.	5/29/2019 9:26 AM
5	actual out-of-pocket monetary damages to the victim; consideration of defendant's ability to pay only in terms of a payment plan and not with respect to the amount of restitution; creative ways an indigent defendant might make restitution, other than through cash (e.g., delivering firewood or fish)	5/28/2019 10:17 AM
6	I use a cultural standard which may or may not use money as the form for restitution.	5/24/2019 11:04 AM
7	Damages	5/24/2019 10:01 AM
8	Ability to pay, damage estimates.	5/23/2019 11:07 PM

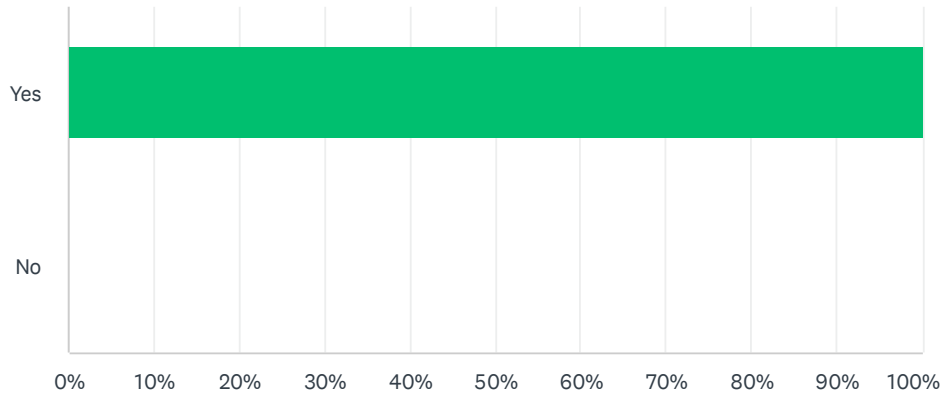
Q15 Do you have any other observations regarding the imposition of fines and fees or the remission of fines and fees? Please share.

Answered: 5 Skipped: 3

#	RESPONSES	DATE
1	I think the remission of fines and fees is an important way to address the disparate impact LFOs have on poor people.	6/6/2019 12:26 PM
2	nope	6/6/2019 5:43 AM
3	No	5/29/2019 9:26 AM
4	No	5/24/2019 10:01 AM
5	Most defendants have little to no ability to pay. The court should not view itself as a money making institution. Courts should spend more time figuring out what may help the defendant to stay out of trouble and less time chasing dollars.	5/23/2019 11:07 PM

Q16 Do you offer community service in lieu of fines, fees, and restitution? Example, providing game, fish, chopping wood, etc.

Answered: 8 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	100.00%	8
No	0.00%	0
TOTAL		8

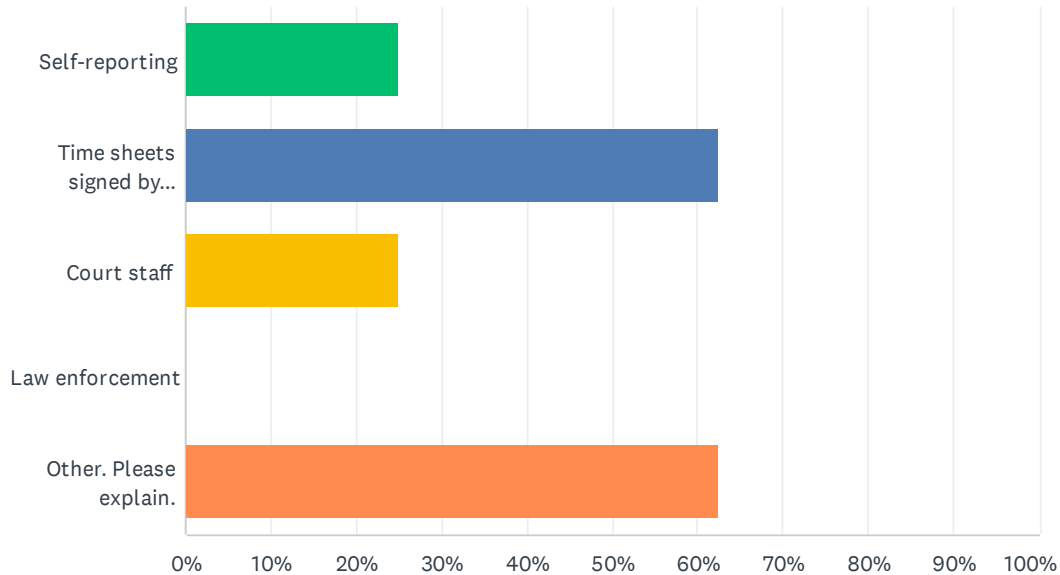
Q17 What is the rate of pay calculated for community service?

Answered: 8 Skipped: 0

#	RESPONSES	DATE
1	Tribe's minimum wage	6/6/2019 12:28 PM
2	15	6/6/2019 5:43 AM
3	12/hour	6/3/2019 10:02 AM
4	The Federal minimum wage standard	5/29/2019 9:27 AM
5	\$12.00 per hour	5/28/2019 10:19 AM
6	\$7.50 per hour	5/24/2019 11:05 AM
7	Min wage	5/24/2019 10:02 AM
8	\$10/hr	5/23/2019 11:08 PM

Q18 How does the court track community service hours? Check all that apply.

Answered: 8 Skipped: 0

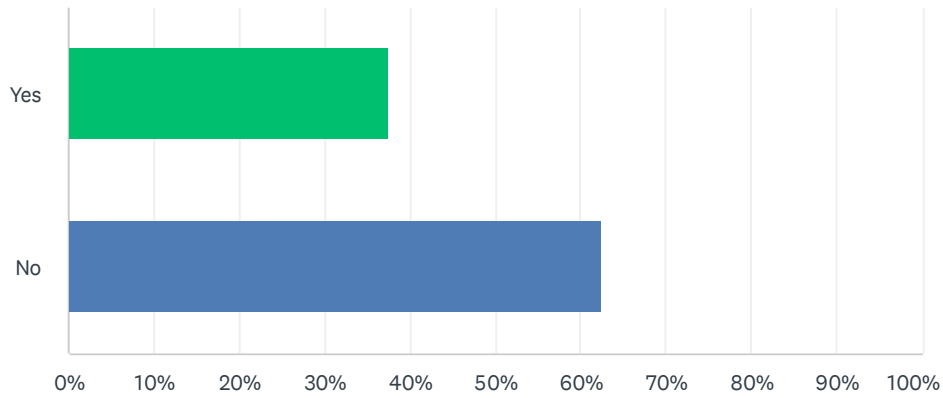


ANSWER CHOICES	RESPONSES
Self-reporting	25.00% 2
Time sheets signed by community service supervisor	62.50% 5
Court staff	25.00% 2
Law enforcement	0.00% 0
Other. Please explain.	62.50% 5
Total Respondents: 8	

#	OTHER. PLEASE EXPLAIN.	DATE
1	Probation officer verifies community service	6/6/2019 12:28 PM
2	CSW is arranged by the probation officer. A time sheet is signed by the CSW supervisor and submitted to the probation officer, who then verifies and files with the court.	5/28/2019 10:19 AM
3	and probation	5/24/2019 11:05 AM
4	Probation	5/24/2019 10:02 AM
5	Reports by the person/office/organization being helped.	5/23/2019 11:08 PM

Q19 Are you aware that an LFO Calculator exists that assists Washington State judges with setting appropriate levels of LFOs based on a defendant's ability to pay?

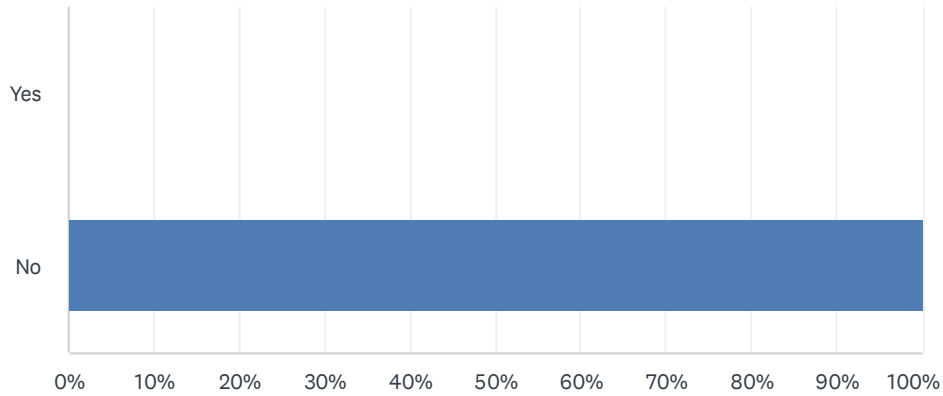
Answered: 8 Skipped: 0



ANSWER CHOICES	RESPONSES
Yes	37.50% 3
No	62.50% 5
TOTAL	8

Q20 Have you ever used the LFO Calculator?

Answered: 8 Skipped: 0



ANSWER CHOICES	RESPONSES
Yes	0.00% 0
No	100.00% 8
TOTAL	8

#	IF NO, WHY NOT? PLEASE EXPLAIN.	DATE
1	I haven't had the need to use it.	6/6/2019 12:28 PM
2	I feel I reach same result	6/6/2019 5:44 AM
3	We are a tribal nation and have different statues and codes as well as policies.	5/29/2019 9:28 AM
4	Unaware	5/28/2019 10:20 AM
5	Did not know about it.	5/24/2019 11:05 AM
6	Didn't know about it.	5/23/2019 11:08 PM

Q21 If you use the LFO Calculator, do you use it as a regular practice?

Answered: 0 Skipped: 8

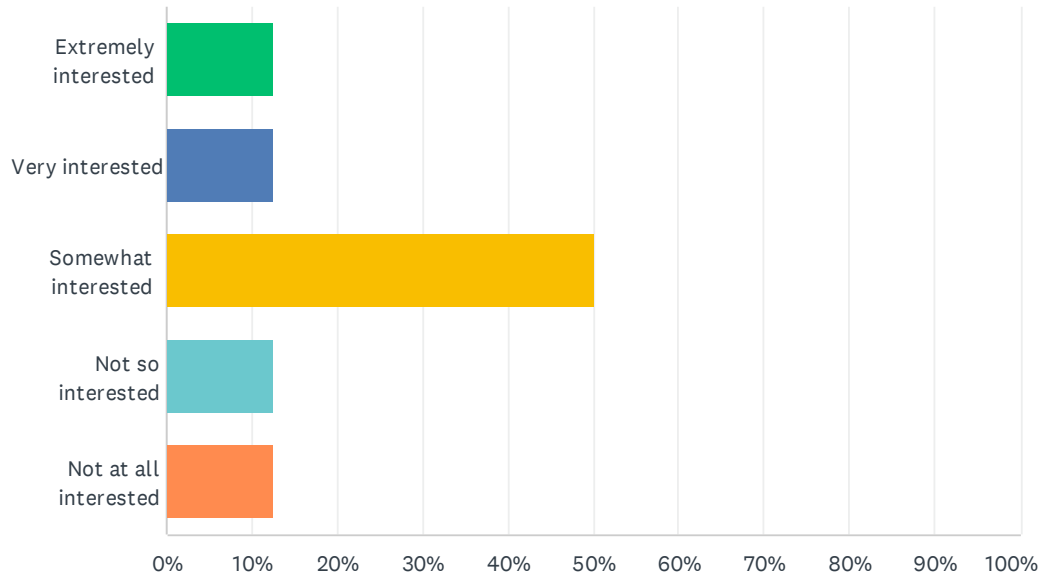
 No matching responses.

ANSWER CHOICES	RESPONSES	
Yes. If so, please explain below.	0.00%	0
No	0.00%	0
TOTAL		0

#	PLEASE EXPLAIN HERE.	DATE
	There are no responses.	

Q22 If you have not used the LFO Calculator, are you interested in using it?

Answered: 8 Skipped: 0



ANSWER CHOICES	RESPONSES	
Extremely interested	12.50%	1
Very interested	12.50%	1
Somewhat interested	50.00%	4
Not so interested	12.50%	1
Not at all interested	12.50%	1
TOTAL		8

Q23 If you are not using the LFO Calculator, why?

Answered: 0 Skipped: 8

 No matching responses.

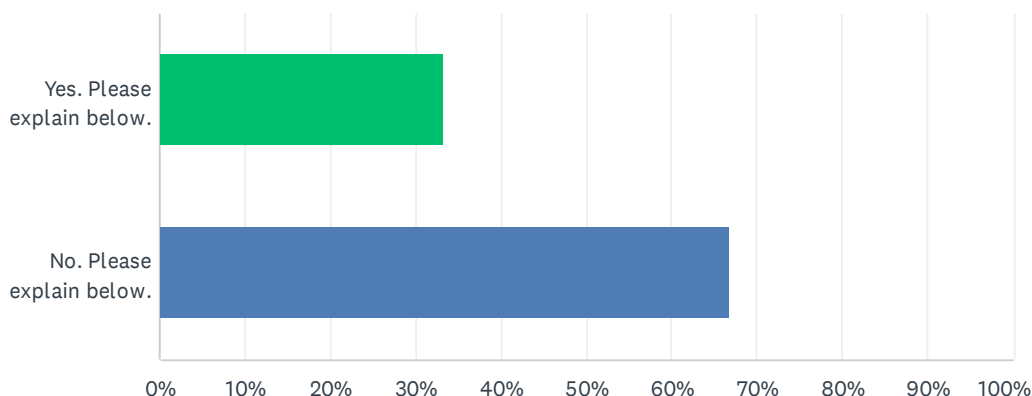
ANSWER CHOICES	RESPONSES
I'm not tech savvy	0.00% 0
It takes too much time	0.00% 0
TOTAL	0

#	OTHER. PLEASE EXPLAIN.	DATE
1	I haven't had the need to use it.	6/6/2019 12:29 PM
2	same result as current practice	6/6/2019 5:44 AM
3	I didn't know it was available.	6/3/2019 10:58 AM
4	Tribal Jurisdiction with different statues and codes as well as policies and population.	5/29/2019 9:29 AM
5	Unaware. Not sure if it would fit well in our jurisdiction, but certainly willing to give it a try.	5/28/2019 10:21 AM
6	Didn't know about it.	5/24/2019 11:06 AM
7	Didn't know about it	5/24/2019 10:03 AM
8	Retired.	5/23/2019 11:09 PM

Prosecutors

Q1 In your jurisdiction, do you require LFOs as part of a plea bargain? If so, do you withdraw your plea bargain if defense counsel asks to inquire about the ability to pay?

Answered: 18 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes. Please explain below.	33.33%	6
No. Please explain below.	66.67%	12
TOTAL		18

#	PLEASE EXPLAIN HERE.	DATE
1	I deal primarily with fraud cases. Upon sentencing, we typically request: (1) \$500 or \$250 crime victim compensation fee (pursuant to RCW 7.68.035) depending on whether it is a felony or misdemeanor (2) DNA fee, if it is a felony conviction (3) restitution, if applicable	6/28/2019 3:30 PM
2	Yes LFOs are requested and negotiated/discussed about ability to pay.	6/25/2019 9:31 AM
3	We do not withdraw our recommendation if the defense wants to inquire about ability to pay.	6/21/2019 8:17 AM
4	Ability to pay is generally discussed.	6/17/2019 10:24 AM
5	Our practice is to request mandatory LFOs only. If the court imposes more/less we do not seek review.	6/15/2019 9:25 AM
6	The inquiry into ability to pay does not impact a plea offer unless the defendant is seeking to avoid restitution payments.	6/14/2019 3:52 PM
7	The only exception is that we sometimes make an agreement about restitution as part of a plea agreement. Incidentally, I think use of the term "plea bargain" cheapens the work we do that so strongly impacts victims of crime as well as defendants	6/13/2019 10:00 AM
8	In early days, I attempted to include LFOs as part of the plea bargain. Regardless of whether the Defense Attorney asked about the inability to pay, the judges consistently refused to order any LFOs except the CVC and DNA collection fee. Given that, it seemed pretty futile to use it as a bargaining chip.	6/13/2019 9:52 AM
9	We do require mandatory fees, but the call of this question presumably refers to discretionary. It should be noted that I work within multiple jurisdictions.	6/12/2019 11:28 PM
10	The only money I am concerned about in a plea bargain is restitution to a civilian victim. I	6/12/2019 6:43 PM

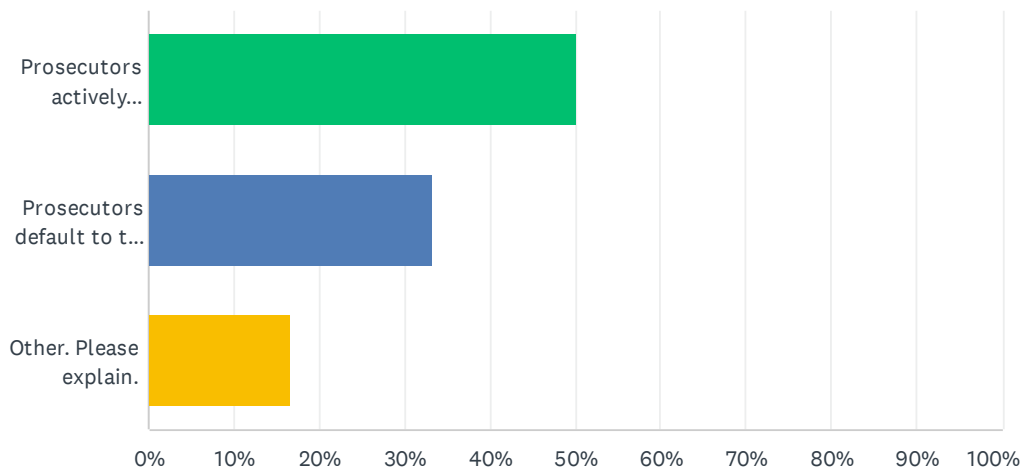
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make recommendations for LFOs, but defer to the court and would never withdraw a plea because a defendant could not pay for probation or a fine.

11	We require LFO's in some cases, if the defendant has the ability to pay. If not, we don't require them. Generally, from prior court rulings and conversations with defense counsel, we know whether the defendant has the ability to pay prior to making an offer.	6/12/2019 6:30 PM
12	Ability to pay factors into negotiations. Typically we stick with mandatory LFOs as our judges tend to be gun shy about awarding any LFOs absent a stipulation by parties on ability to pay. They don't require much to find an inability to pay.	6/12/2019 5:18 PM
13	We recommend LFOs and the defense usually asks the court to undertake a Blazina analysis and LFOs are imposed accordingly.	6/12/2019 5:10 PM
14	Any time restitution is warranted, restitution is always required. Also standard court costs. On DFW cases we require criminal wildlife penalties when appropriate.	6/12/2019 5:06 PM
15	We have not done this, but may in the future; it's something we're considering. We do ask for them as a plea bargain, but don't withdraw when defense asks to inquire.	6/12/2019 5:05 PM
16	The only one we "require" is restitution. We do not withdraw the offer because we know from experience that the court will not impose the non-mandatory fee(s) anyway.	6/12/2019 4:48 PM
17	First, that's two questions. Yes, we require LFO's as part of a plea bargain. Some are mandatory. No, we don't withdraw the bargain based on ability to pay.	6/12/2019 3:32 PM

Q2 In your jurisdiction, what is your most common practice regarding LFOs?

Answered: 18 Skipped: 0

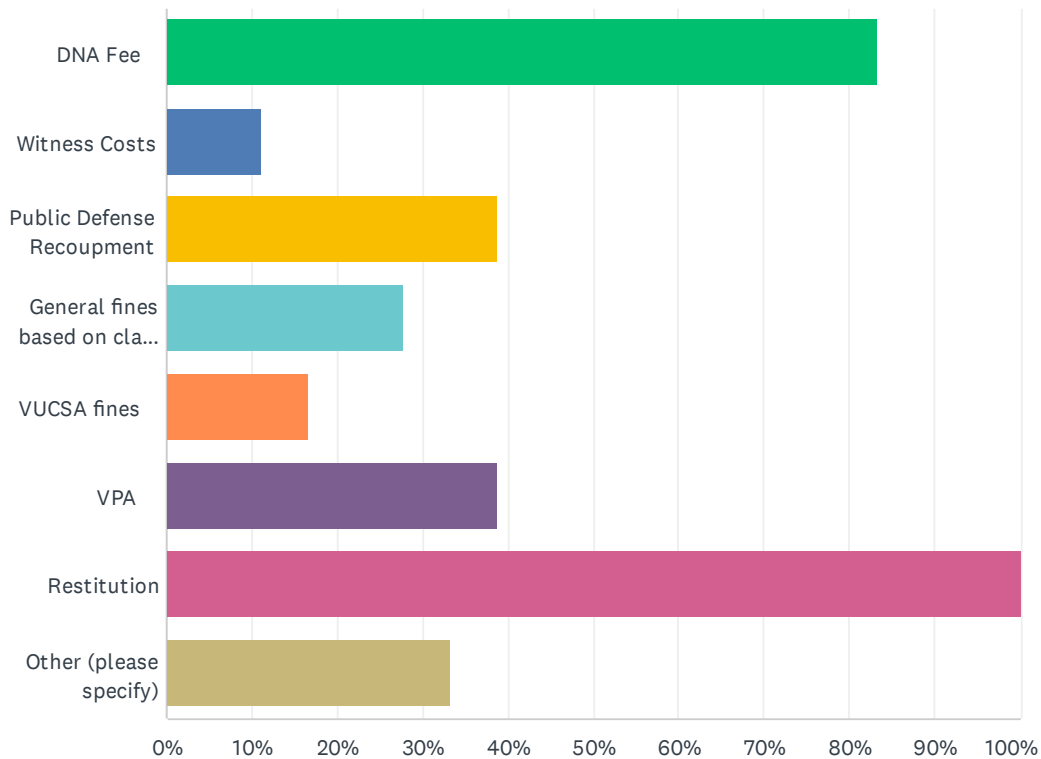


ANSWER CHOICES	RESPONSES
Prosecutors actively request LFOs	50.00% 9
Prosecutors default to the court for LFOs	33.33% 6
Other. Please explain.	16.67% 3
TOTAL	18

#	OTHER. PLEASE EXPLAIN.	DATE
1	We default to the court regarding the DNA fee.	6/28/2019 3:30 PM
2	We only impose mandatory LFO's on indigent defendants. We impose limited discretionary LFO's on non-indigent defendants.	6/12/2019 6:30 PM
3	We ask for the mandatory minimum LFOs.	6/12/2019 3:32 PM

Q3 Please select the different LFOs that are regularly imposed in the court in which you practice. Check all that apply.

Answered: 18 Skipped: 0



ANSWER CHOICES	RESPONSES	
DNA Fee	83.33%	15
Witness Costs	11.11%	2
Public Defense Recoupment	38.89%	7
General fines based on class of offense	27.78%	5
VUCSA fines	16.67%	3
VPA	38.89%	7
Restitution	100.00%	18
Other (please specify)	33.33%	6
Total Respondents: 18		

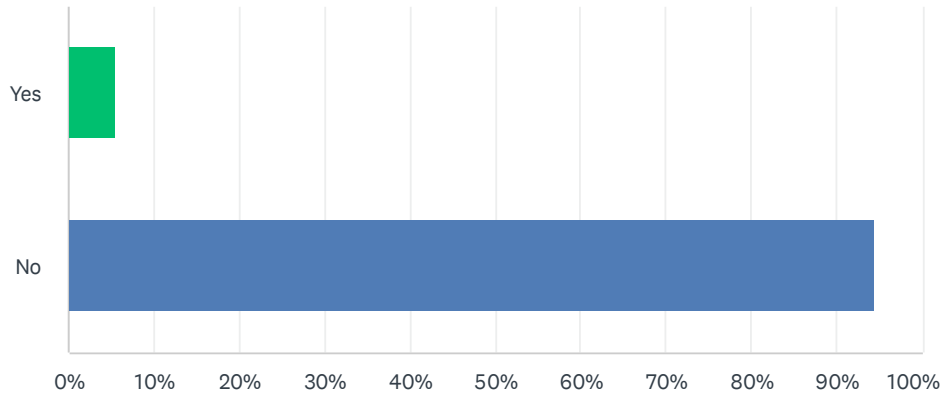
#	OTHER (PLEASE SPECIFY)	DATE
1	This is dependent upon the county standards.	6/25/2019 9:31 AM
2	Our Courts will NEVER impose any fines, any VUCSA, any PD recoupment, any lab analysis fees, any witness costs, or any booking/bench warrant fees. The court RARELY imposes the \$200 filing fee.	6/13/2019 9:52 AM

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3	Public defense recoupment is not something I requestet. That position is not uniform	6/12/2019 11:28 PM
4	Probation fees, BAC fee if a DUI charge is amended down, pre-trial supervision, jail costs.	6/12/2019 6:43 PM
5	DV Assessment, Emergency Response Cost (for DUIs), Filing fees.	6/12/2019 5:10 PM
6	Stays of proceedings/stipulated orders of continuances, the State requires a donation to the local drug fund for those regarding drug crimes. Wildlife fines when appropriate. BAC breath tests.	6/12/2019 5:06 PM

Q4 Do you have access to a fee schedule (a matrix of how much can be imposed based on person's ability to pay)?

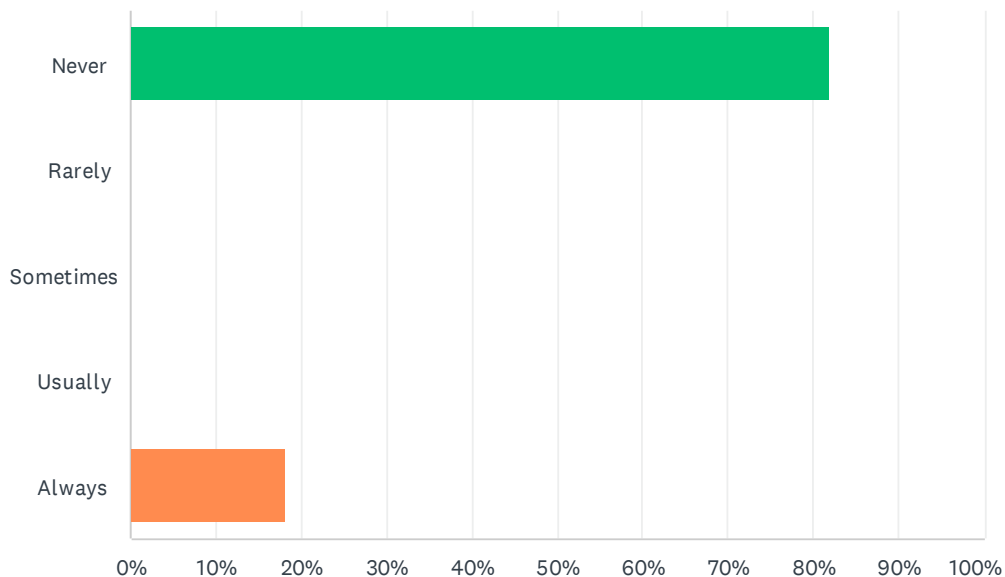
Answered: 18 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	5.56%	1
No	94.44%	17
TOTAL		18

Q5 If you have access to a fee schedule (a matrix of how much can be imposed based on person's ability to pay), how often do you use it?

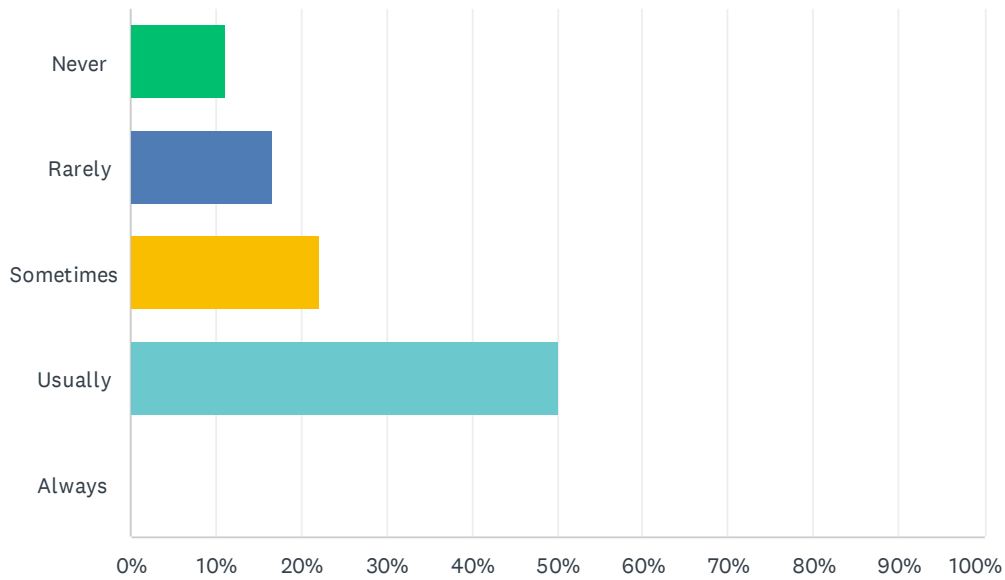
Answered: 11 Skipped: 7



ANSWER CHOICES	RESPONSES	
Never	81.82%	9
Rarely	0.00%	0
Sometimes	0.00%	0
Usually	0.00%	0
Always	18.18%	2
TOTAL		11

Q6 How often do judges impose the amounts that you ask for?

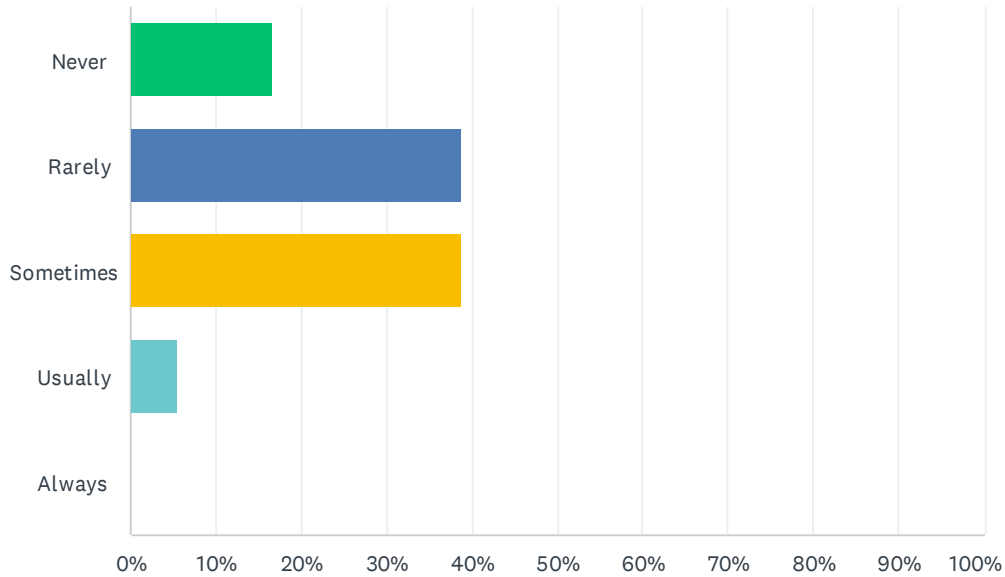
Answered: 18 Skipped: 0



ANSWER CHOICES	RESPONSES	
Never	11.11%	2
Rarely	16.67%	3
Sometimes	22.22%	4
Usually	50.00%	9
Always	0.00%	0
TOTAL		18

Q7 In 2018, how often have you argued against which or whether LFOs should be imposed?

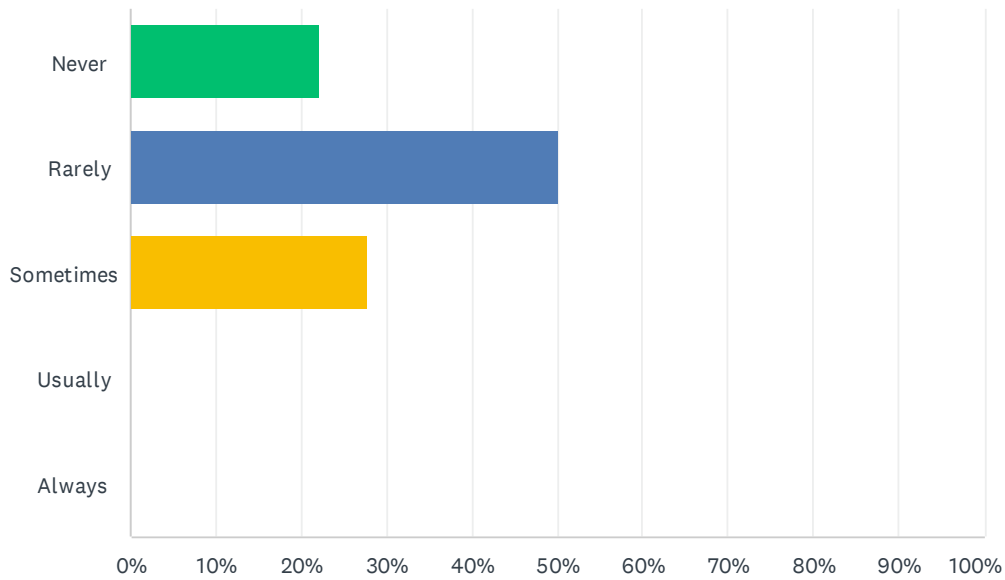
Answered: 18 Skipped: 0



ANSWER CHOICES	RESPONSES	
Never	16.67%	3
Rarely	38.89%	7
Sometimes	38.89%	7
Usually	5.56%	1
Always	0.00%	0
TOTAL		18

Q8 In 2018, how often have you argued against the LFO amount?

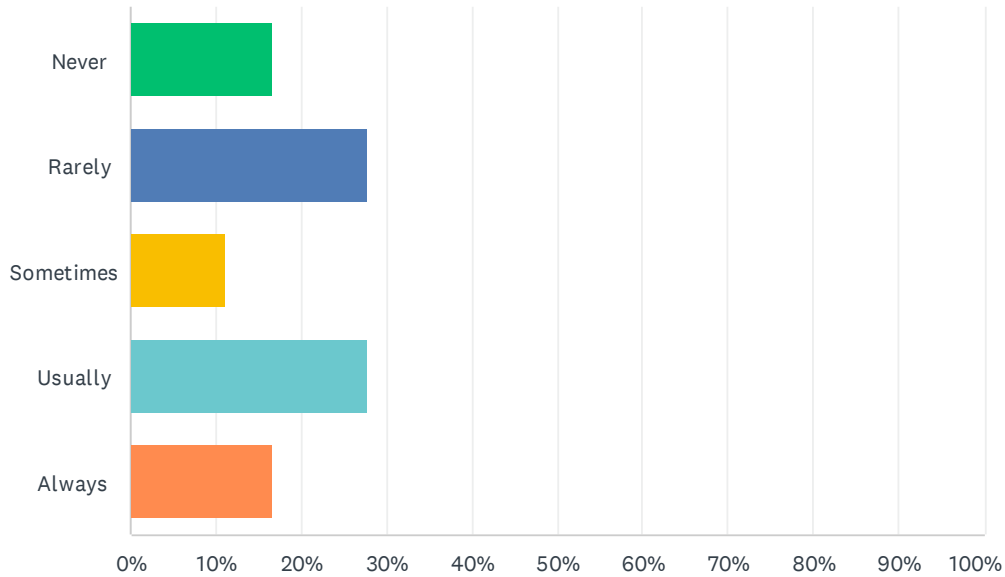
Answered: 18 Skipped: 0



ANSWER CHOICES	RESPONSES	
Never	22.22%	4
Rarely	50.00%	9
Sometimes	27.78%	5
Usually	0.00%	0
Always	0.00%	0
TOTAL		18

Q9 In your experience, do judges require legal justification for your LFO request?

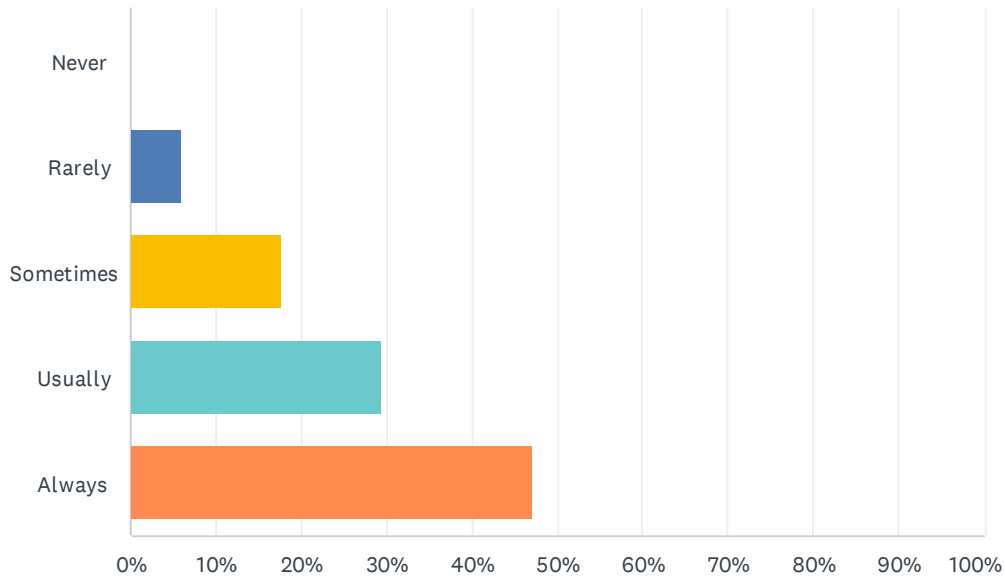
Answered: 18 Skipped: 0



ANSWER CHOICES	RESPONSES	
Never	16.67%	3
Rarely	27.78%	5
Sometimes	11.11%	2
Usually	27.78%	5
Always	16.67%	3
TOTAL		18

Q10 Does your office provide and/or require review of court opinions, statutory updates, and other sources of law to develop LFO policies and practices?

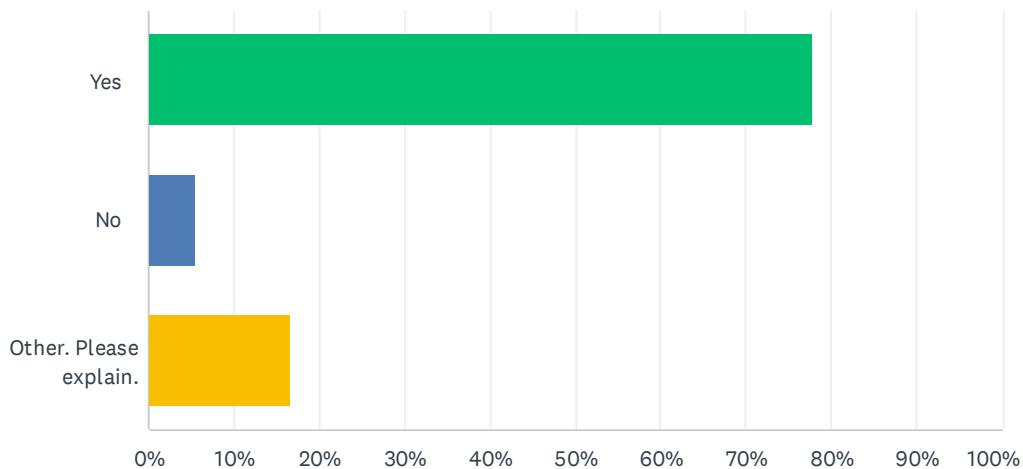
Answered: 17 Skipped: 1



ANSWER CHOICES	RESPONSES	
Never	0.00%	0
Rarely	5.88%	1
Sometimes	17.65%	3
Usually	29.41%	5
Always	47.06%	8
TOTAL		17

Q11 In your jurisdiction, is there on the record inquiry by the court into ability to pay?

Answered: 18 Skipped: 0

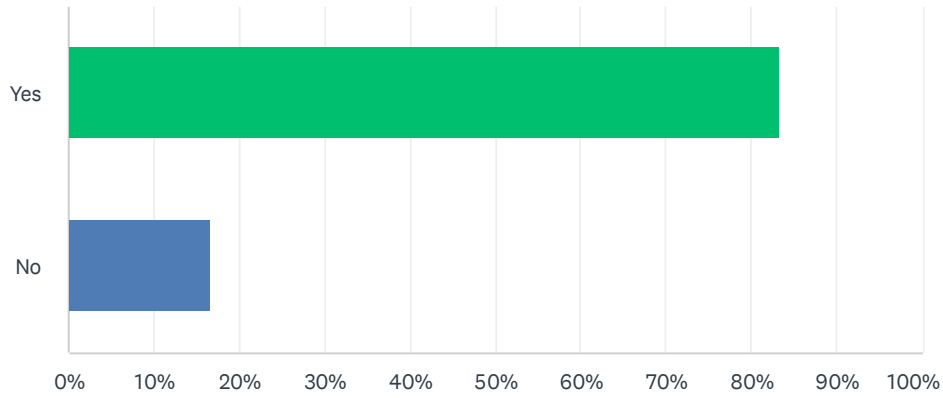


ANSWER CHOICES	RESPONSES	
Yes	77.78%	14
No	5.56%	1
Other. Please explain.	16.67%	3
TOTAL		18

#	OTHER. PLEASE EXPLAIN.	DATE
1	Because it really doesn't matter. People can commit crimes, and even if they have future ability to pay, they won't have to. The whole system will be imploding on itself. But that's alright, we can all follow King County's lead in eradicating crime, don't charge anything, and it all goes away. BTW, I agree that the mentally ill should not be jailed in lieu of hospitalization. Can you please tell me where the magic unicorn mental health facilities are?	6/25/2019 2:33 PM
2	We practice in many jurisdictions. Some do, some don't.	6/21/2019 8:17 AM
3	Limited. Basically the Court inquires whether the person qualified for indigent counsel and then determines that they are indigent for purposes of LFOs.	6/13/2019 9:52 AM

Q12 In your jurisdiction, if there is on the record inquiry by the court into ability to pay, does it comply with Ramirez?

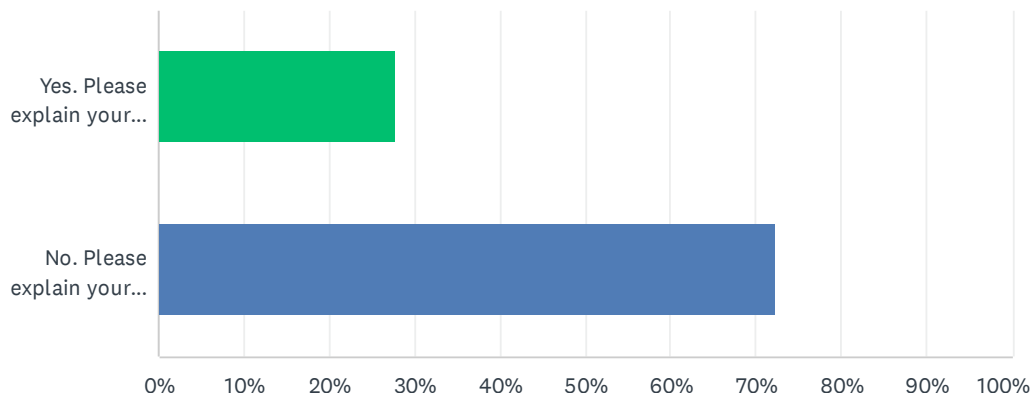
Answered: 18 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	83.33%	15
No	16.67%	3
TOTAL		18

Q13 In your jurisdiction, are there any informal practices or agreements with defense counsel on the question of ability to pay?

Answered: 18 Skipped: 0



ANSWER CHOICES	RESPONSES
Yes. Please explain your answer below.	27.78% 5
No. Please explain your answer below.	72.22% 13
TOTAL	18

#	PLEASE EXPLAIN HERE.	DATE
1	I defer to defense to submit an affidavit to the court re: the defendant's ability to pay. The only time I argue for an LFO is if it involves restitution.	6/28/2019 3:30 PM
2	We typically discuss LFOs with defense attorneys and ability to pay.	6/25/2019 9:31 AM
3	Discussions	6/21/2019 8:17 AM
4	Still developing. While many persons are indigent for purposes of court appointed counsel, many people also are less than truthful on their true income. Although substantial LFO's are not the answer, a person convicted of an offense should carry at least part of the burden of paying for the resource they are using.	6/17/2019 10:24 AM
5	We usually defer to defense counsel and do not actively negotiate except on restitution issues. We are mindful of offender's ability to pay on restitution and try to work that out	6/13/2019 10:00 AM
6	There's a bit of autonomy with this	6/12/2019 11:28 PM
7	There is an understanding that we will only request and the court will only impose mandatory LFO's when sentencing indigent defendants.	6/12/2019 6:30 PM
8	We ask, they explain why not appropriate, we agree or do not. Most LFOs sought are mandatory and only occasionally will we seek discretionary LFOs	6/12/2019 5:18 PM
9	All agreements are on the record. There's rarely negotiation regarding LFOs as both parties know that the Court has a standard practice with imposing LFOs and no one tends to object.	6/12/2019 5:06 PM
10	We presume there's an inability to pay and only request the mandatory LFOs and restitution.	6/12/2019 3:32 PM

Q14 In your jurisdiction, under what circumstances might you object to remission?

Answered: 17 Skipped: 1

#	RESPONSES	DATE
1	Jurisdiction does not apply, as we file cases in various jurisdictions around the state.	6/28/2019 3:30 PM
2	define your term	6/25/2019 2:33 PM
3	When the facts do not support defendant's assertions.	6/25/2019 9:31 AM
4	N/A	6/21/2019 8:17 AM
5	Fail to prove eligibility. Voluntary underemployment. New criminal behavior.	6/17/2019 10:24 AM
6	We have only argued against remission in regards to restitution.	6/15/2019 9:25 AM
7	N/A	6/14/2019 3:52 PM
8	The Judges are much more likely to oppose that than prosecutors, especially District Court Judges	6/13/2019 10:00 AM
9	If the Defendant has not shown a good faith effort to make payments and/or has not kept in contact with Clerk's Office re: payments. Would also object if they do not provide adequate financial information showing their financial circumstances and hardship.	6/13/2019 9:52 AM
10	N/a	6/12/2019 11:28 PM
11	I do not know what you mean by "remission."	6/12/2019 6:43 PM
12	If the defendant has the ability to pay or if the remission is restitution.	6/12/2019 6:30 PM
13	If we actually can show the person has the ability to pay, but there is not to my knowledge a good tool, or time, or resources to uncover this information.	6/12/2019 5:18 PM
14	Defendant has money, chooses to spend on drugs and new tattoos.	6/12/2019 5:10 PM
15	I trust the Court. Both the State and the defense bar considers my courtroom fair. I can't think of a situation in which I would object to remission if the Court considered it in the interest of judgment.	6/12/2019 5:06 PM
16	??	6/12/2019 5:05 PM
17	When we have proof of income that shows defendant can pay LFOs. We recent objected when defendant asked for relief because it was hurting the interest rate on his new home purchase.	6/12/2019 3:32 PM

Q15 In your jurisdiction, what is your practice on waiver of non-restitution interest?

Answered: 17 Skipped: 1

#	RESPONSES	DATE
1	N/A	6/28/2019 3:30 PM
2	If it's paid off, an individual can approach the court to request that it be waived	6/25/2019 2:33 PM
3	Many jurisdiction I practice in waive all fees/fines without discussion.	6/25/2019 9:31 AM
4	No objection.	6/21/2019 8:17 AM
5	If defendant makes regular payments, we will seek to have interest paused. If defendant is able to make regular payments and can pay the principal in full, we often seek to have interest obligation waived.	6/17/2019 10:24 AM
6	We routinely agree to this waiver.	6/15/2019 9:25 AM
7	I would not object to waiving non-restitution interest.	6/14/2019 3:52 PM
8	We support the waiver in almost all cases; sometimes the court is resistant	6/13/2019 10:00 AM
9	We usually agree with it, as long as the Defendant has made a good faith effort to pay on the principal and has made consistent payments or kept in contact with Clerk's Office regarding their LFO's.	6/13/2019 9:52 AM
10	Restitution is generally considered mandatory	6/12/2019 11:28 PM
11	Always granted, in my experience.	6/12/2019 6:43 PM
12	We always encourage the court to waive non-restitution interest.	6/12/2019 6:30 PM
13	If they pay judge waives.	6/12/2019 5:18 PM
14	agree nearly always	6/12/2019 5:10 PM
15	We waive non-restitution interest.	6/12/2019 5:06 PM
16	It is always waived by the court upon request of the defendant, the state is never present and never weighs in on the matter	6/12/2019 5:05 PM
17	Almost always waive	6/12/2019 3:32 PM

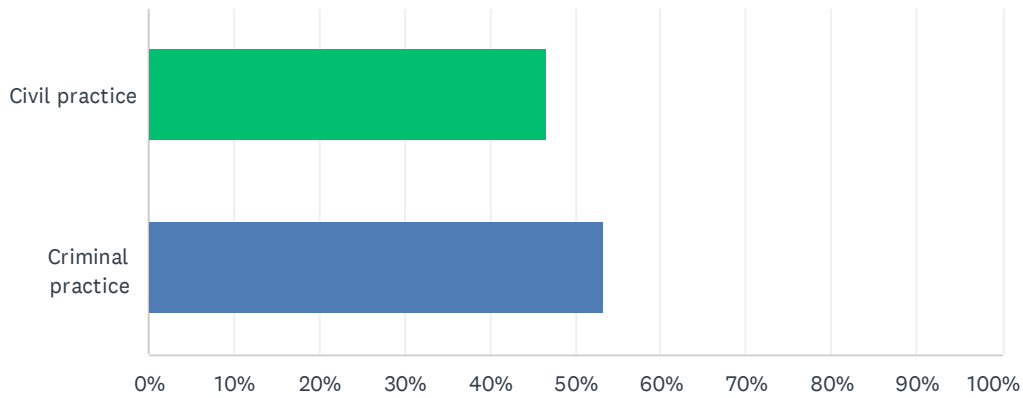
Q16 In your jurisdiction, what is your practice on waiver of interest on restitution?

Answered: 16 Skipped: 2

#	RESPONSES	DATE
1	N/A	6/28/2019 3:30 PM
2	if it's paid off, an individual can approach the court to request that it be waived	6/25/2019 2:33 PM
3	As requested by defense or routinely reviewed by the clerk	6/25/2019 9:31 AM
4	Oppose.	6/21/2019 8:17 AM
5	Not waivable.	6/17/2019 10:24 AM
6	We routinely agree to this waiver.	6/15/2019 9:25 AM
7	unknown	6/14/2019 3:52 PM
8	Support it,	6/13/2019 10:00 AM
9	Leave it to the discretion of the judge.	6/13/2019 9:52 AM
10	I'm not sure & will find out if there is a policy	6/12/2019 11:28 PM
11	Always granted, in my experience.	6/12/2019 6:43 PM
12	We generally oppose waiver of interest on restitution.	6/12/2019 6:30 PM
13	Judge's do not waive interest on restitution.	6/12/2019 5:18 PM
14	usually oppose	6/12/2019 5:10 PM
15	My office does not have a standard practice on this. It's rare that I request interest, but I do mostly district court, so interest doesn't accrue much.	6/12/2019 5:06 PM
16	It is never waived pursuant to statute	6/12/2019 5:05 PM

Q17 In your jurisdiction, do you view post-conviction remission as:

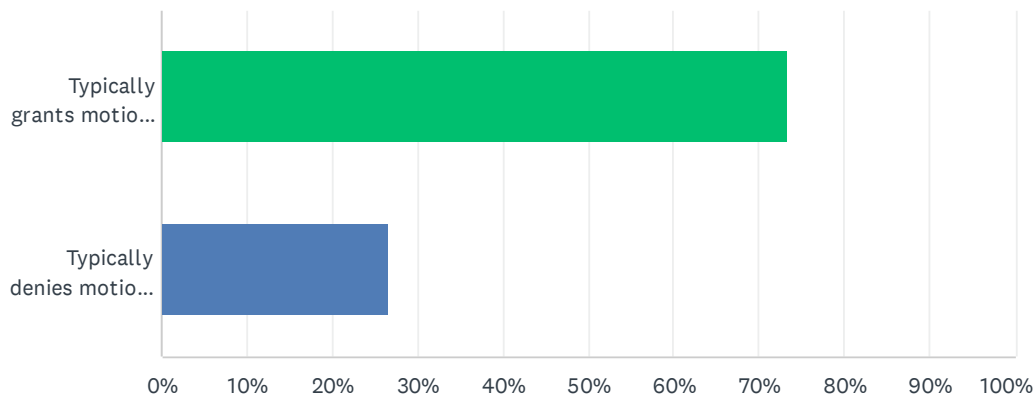
Answered: 15 Skipped: 3



ANSWER CHOICES	RESPONSES
Civil practice	46.67% 7
Criminal practice	53.33% 8
TOTAL	15

Q18 In your jurisdiction, do you know the court practices responding to remission motions, do you know whether the court:

Answered: 15 Skipped: 3



ANSWER CHOICES	RESPONSES	
Typically grants motions for remission	73.33%	11
Typically denies motions for remission	26.67%	4
TOTAL		15

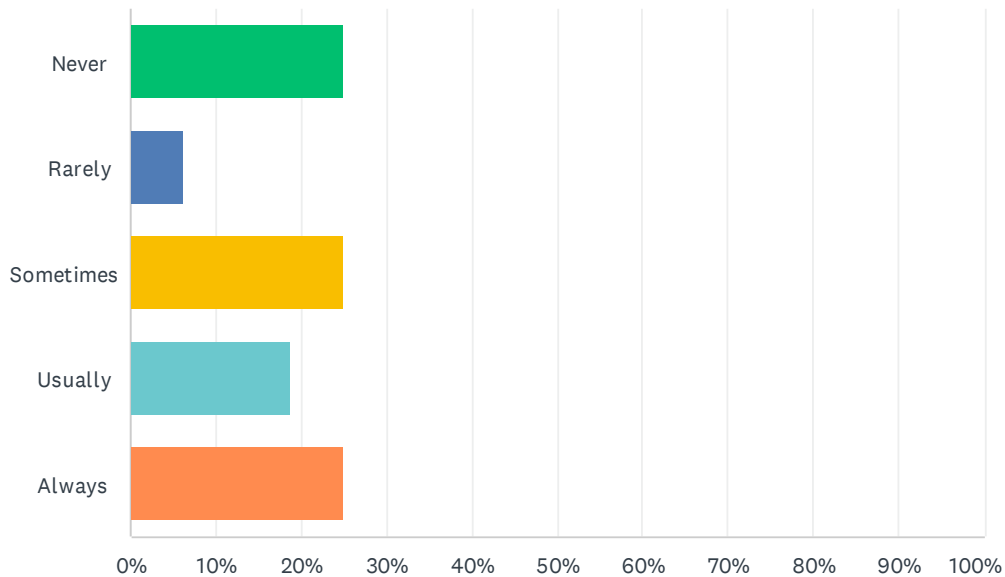
Q19 In your jurisdiction, if the court's practice is to regularly grant motions for remission, do you know what factors it uses to make the determination? Please explain.

Answered: 13 Skipped: 5

#	RESPONSES	DATE
1	I don't know	6/25/2019 2:33 PM
2	Current and future ability to pay.	6/25/2019 9:31 AM
3	No.	6/21/2019 8:17 AM
4	Seems to be fairly low burden.	6/17/2019 10:24 AM
5	Unknown	6/15/2019 9:25 AM
6	unknown	6/14/2019 3:52 PM
7	I dare not presume to know what mental gymnastics go on inside the minds of judges.	6/13/2019 9:52 AM
8	N/a	6/12/2019 11:28 PM
9	It looks at the defendant's present and future ability to pay.	6/12/2019 6:30 PM
10	Trend is to grant more given case law. Discussion on ability to pay leads to almost everyone having a reason they cannot pay.	6/12/2019 5:18 PM
11	We rarely see these motions	6/12/2019 5:10 PM
12	no clue	6/12/2019 5:05 PM
13	The court assumes the defendant is unable to pay. Very little proof, if any, is typically required.	6/12/2019 3:32 PM

Q20 Does your office appear at the calendar that handles remission motions and other motions for relief from LFOs?

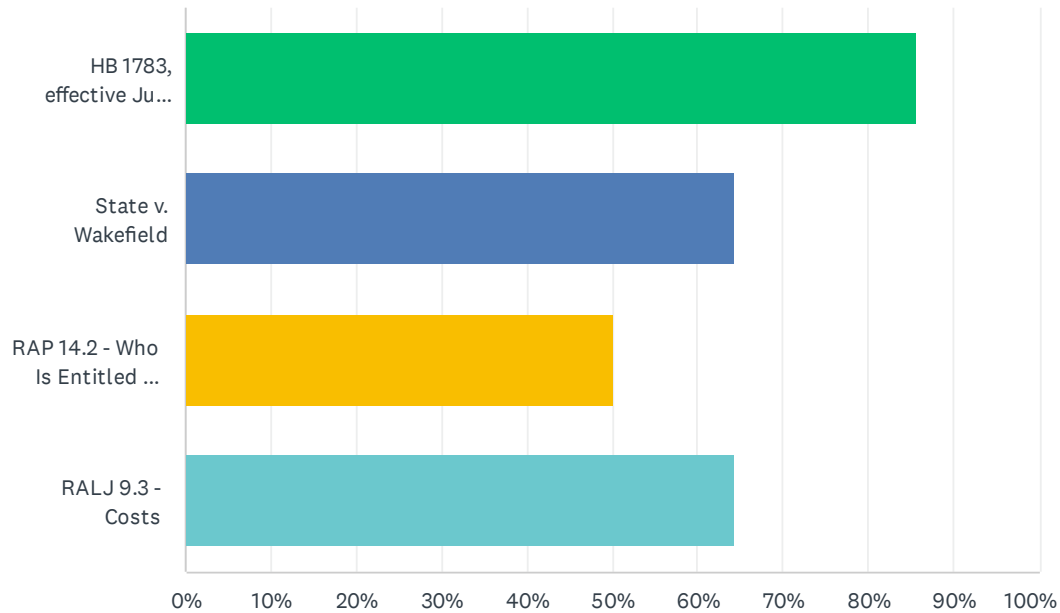
Answered: 16 Skipped: 2



ANSWER CHOICES	RESPONSES	
Never	25.00%	4
Rarely	6.25%	1
Sometimes	25.00%	4
Usually	18.75%	3
Always	25.00%	4
TOTAL		16

Q21 With which of the following cases or legislation or court rules that have created changes in the laws concerning LFOs and relief from LFOs are you familiar? Check all that apply.

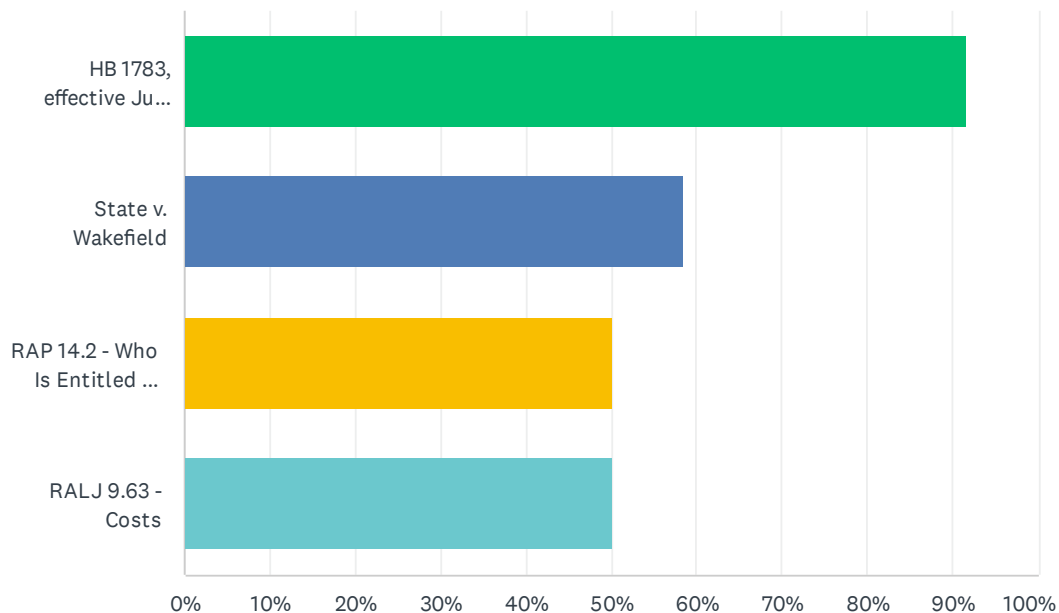
Answered: 14 Skipped: 4



ANSWER CHOICES	RESPONSES	
HB 1783, effective June 7, 2018	85.71%	12
State v. Wakefield	64.29%	9
RAP 14.2 - Who Is Entitled To Costs	50.00%	7
RALJ 9.3 - Costs	64.29%	9
Total Respondents: 14		

Q22 Have any of the following changes in the law led to changes in your office LFO practices? Check all that apply.

Answered: 12 Skipped: 6



ANSWER CHOICES	RESPONSES	
HB 1783, effective June 7, 2018	91.67%	11
State v. Wakefield	58.33%	7
RAP 14.2 - Who Is Entitled To Costs	50.00%	6
RALJ 9.63 - Costs	50.00%	6
Total Respondents: 12		

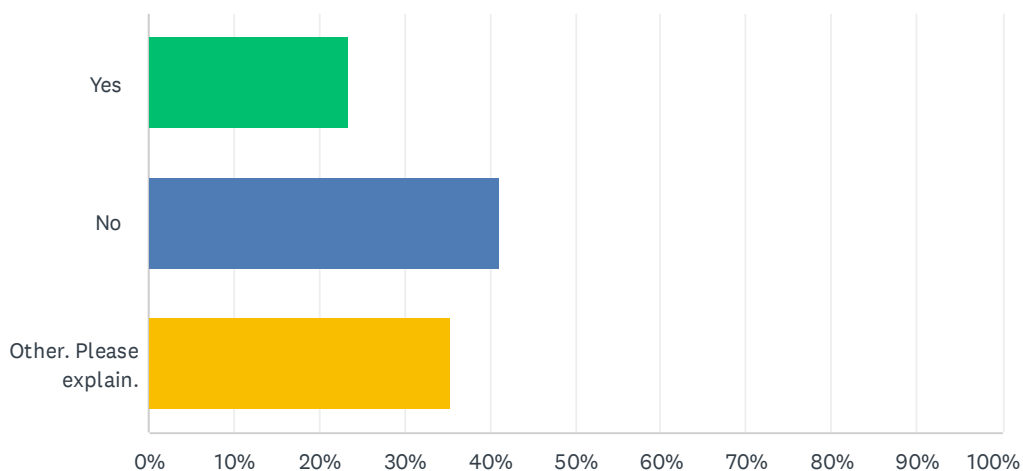
Q23 Under what circumstances will you request that the court impose jail time for a defendant who has failed to pay their LFOs? Please explain.

Answered: 17 Skipped: 1

#	RESPONSES	DATE
1	None that I can think of.	6/28/2019 3:30 PM
2	N/A in Superior Court	6/25/2019 2:33 PM
3	When they have the ability to pay and demonstrate they simply are refusing to comply.	6/25/2019 9:31 AM
4	Repeat failure and no effort.	6/21/2019 8:17 AM
5	Repeated willful failure to pay.	6/17/2019 10:24 AM
6	I don't recall ever asking for jail time based on LFOs, it would have to be a defendant that had an obvious ability to pay.	6/15/2019 9:25 AM
7	N/A	6/14/2019 3:52 PM
8	When defendant has ability to pay and simply refuses More aggressive on restitution cases	6/13/2019 10:00 AM
9	If the defendant refuses to come in to court to explain why no payments have been made.	6/13/2019 9:52 AM
10	Never jail time as the question asks. We will request revocation of agreements (ie a pre trial diversion agreement) if restitution costs are required and no good faith efforts are demonstrated to pay.	6/12/2019 11:28 PM
11	I will give defendants as much time as they need to pay, if they are making an effort. I have a defendant now who is refusing to pay court fees that were part of a stay of proceedings, allowing him to get a dismissal of a marijuana possession charge. He now states to the probation officer that he never agreed to pay these fees, and the court cannot require him to pay them. I will give him one more chance to pay for the remaining \$294 he owes, and if he does not, I will revoke the SOP and ask for jail time. He is behaving like an entitled teenager (21 years old), who is throwing a tantrum.	6/12/2019 6:43 PM
12	when the defendant has the ability to pay but has consistently failed to pay.	6/12/2019 6:30 PM
13	If we prove knowing contempt of court or if we charge criminal contempt of court.	6/12/2019 5:18 PM
14	When they have repeatedly failed to make good faith efforts to pay restitution	6/12/2019 5:10 PM
15	Very rare. There was one occasion in which, during an elocution, the defendant lied to the Court, and there have been a couple of times in which I have had seller's remorse in a plea offer that I thought was WAY too lenient. But it has only occurred three times in my career.	6/12/2019 5:06 PM
16	never - if appropriate, we file criminal contempt charges and hold them on those charges	6/12/2019 5:05 PM
17	Never	6/12/2019 3:32 PM

Q24 Does your office have a practice of seeking appellate costs?

Answered: 17 Skipped: 1

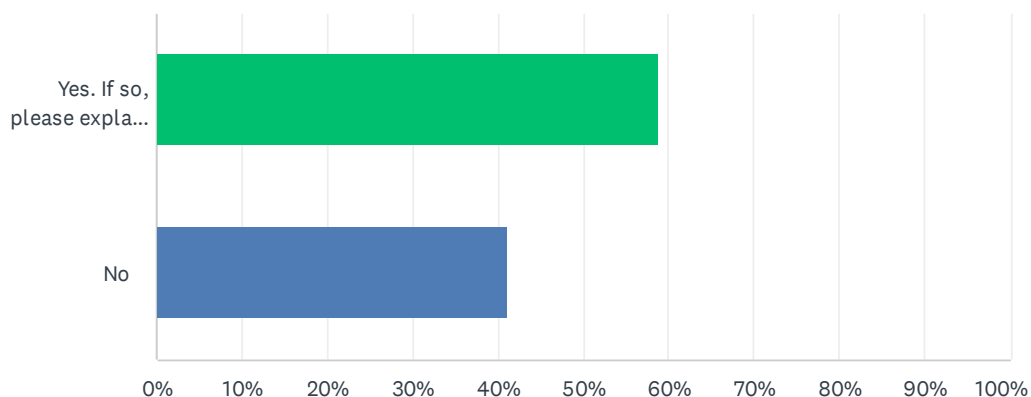


ANSWER CHOICES	RESPONSES
Yes	23.53% 4
No	41.18% 7
Other. Please explain.	35.29% 6
TOTAL	17

#	OTHER. PLEASE EXPLAIN.	DATE
1	I do not know.	6/28/2019 3:30 PM
2	There's not a lot of point to that, is there?	6/25/2019 2:33 PM
3	We don't ask for appellate costs except in unique situations where defendant has retained an attorney and appeal borders on frivolous	6/13/2019 10:00 AM
4	Case dependent	6/12/2019 11:28 PM
5	I do not know.	6/12/2019 6:43 PM
6	I'm not sure.	6/12/2019 5:06 PM

Q25 When it relates to LFOs, do you work with the clerk's office?

Answered: 17 Skipped: 1

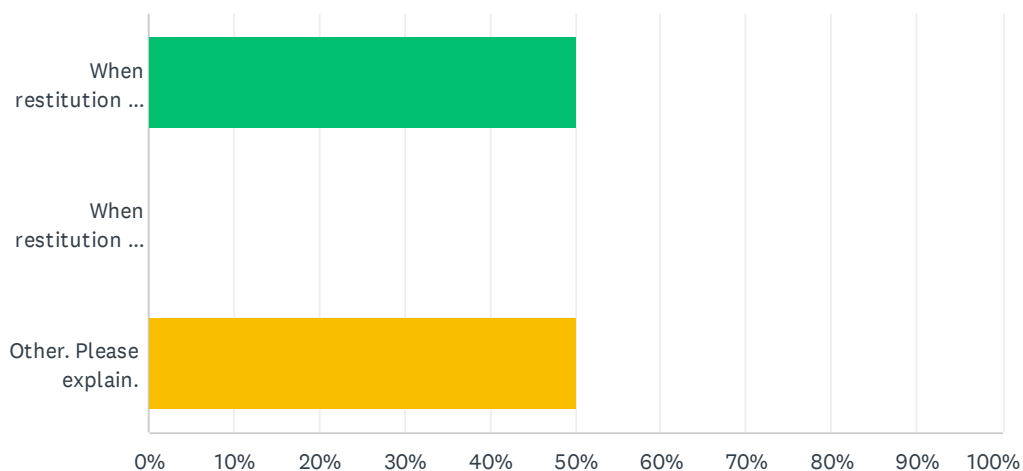


ANSWER CHOICES	RESPONSES	
Yes. If so, please explain below.	58.82%	10
No	41.18%	7
TOTAL		17

#	PLEASE EXPLAIN HERE.	DATE
1	Depending on the jurisdiction and current issue.	6/25/2019 9:31 AM
2	Our clerk's office has not sought collection of LFOs in some time; however, we have a new clerk so this may change.	6/15/2019 9:25 AM
3	We don't always see eye to eye and our position is that we have the ability to exercise discretion as opposed to them being our client	6/13/2019 10:00 AM
4	When the Clerk's office lets us know that a person is delinquent and provides documentation of failure to comply, we will bring it before the Court for review. For the last 1.5-2 years, our clerk's office has stopped providing documentation or pursuing collections.	6/13/2019 9:52 AM
5	With the caveat that we defer payment scheduling to the clerks office and leave that then to their discretion	6/12/2019 11:28 PM
6	We help implement the Clerk's collection program.	6/12/2019 6:30 PM
7	They monitor and assess. They schedule status conferences and they prepare affidavits for hearings when necessary to bring a person in for a show cause, which only happens after someone ignores their letters and phone call. We then present and argue at the hearings based upon judicial record and any affidavit submitted by clerk's office.	6/12/2019 5:18 PM
8	They do the collection, we help monitor warrants, etc.	6/12/2019 5:05 PM
9	Clerk will occasionally tell us when they have proof of income for the defendant.	6/12/2019 3:32 PM

Q26 When do you seek restitution?

Answered: 18 Skipped: 0

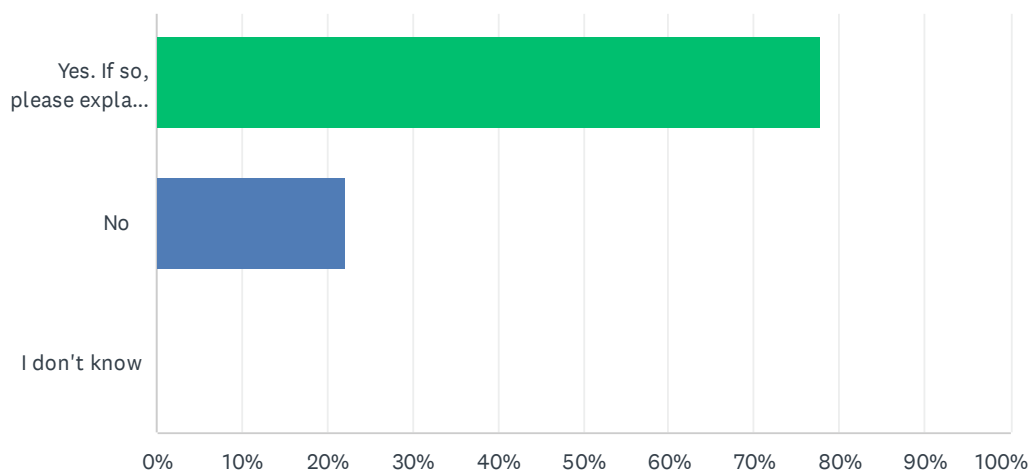


ANSWER CHOICES	RESPONSES	
When restitution is being paid to a person	50.00%	9
When restitution is being paid to an insurance company	0.00%	0
Other. Please explain.	50.00%	9
TOTAL		18

#	OTHER. PLEASE EXPLAIN.	DATE
1	When restitution is being paid to a person, business, or to an insurance company.	6/28/2019 3:30 PM
2	whenever anyone has suffered a loss	6/25/2019 2:33 PM
3	As required by the RCW	6/25/2019 9:31 AM
4	I seek all restitution.	6/17/2019 10:24 AM
5	Both	6/13/2019 10:00 AM
6	Both of the above.	6/13/2019 9:52 AM
7	If a victim is owed restitution we seek it, regardless of person or corporation because we all pay ultimately. Because the exemption exists, we will occasionally discuss that and assess defendants financial circumstances. We take a similar position when folks argue that crime victim covered or L & I covered some portion and that should not be assessed. We think that accountability for actual damage caused is important. Willing to discuss interest on non-person restitution, even though we are not certain on firm footing in that regard.	6/12/2019 5:18 PM
8	When restitution is being paid to a person, to an agency, to a corporation. Any destruction of actual property or physical damage and we seek restitution.	6/12/2019 5:06 PM
9	In every case that it applies regardless of the nature of the victim.	6/12/2019 4:48 PM

Q27 Does your office have a policy regarding when to seek restitution?

Answered: 18 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes. If so, please explain the policy below.	77.78%	14
No	22.22%	4
I don't know	0.00%	0
TOTAL		18

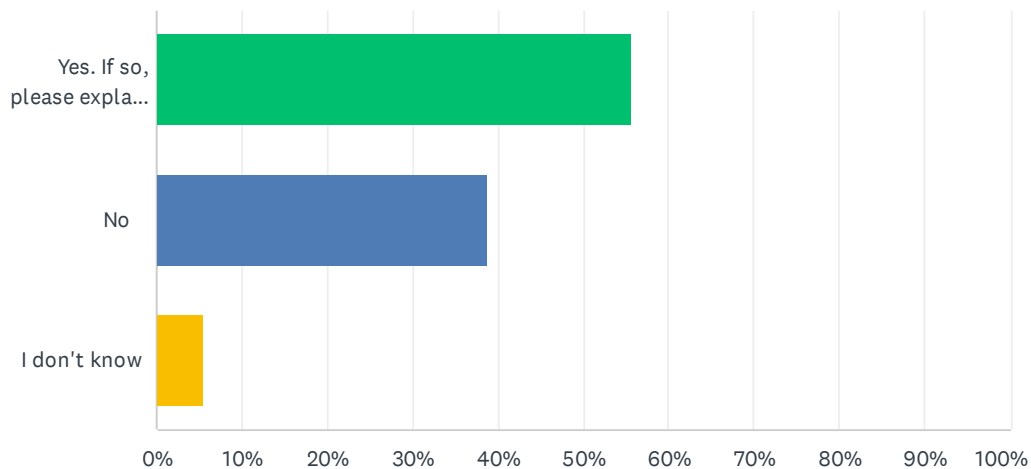
#	PLEASE EXPLAIN THE POLICY HERE.	DATE
1	We seek restitution if the victim of fraud can document a loss to person or property. The financial loss must be documented as part of an investigation.	6/28/2019 3:30 PM
2	Whenever there is a victim of a crime	6/25/2019 2:33 PM
3	As required by the RCW	6/25/2019 9:31 AM
4	We seek restitution on all matters where there is monetary loss to victim.	6/17/2019 10:24 AM
5	When there is a direct financial harm caused by the defendant's criminal action.	6/15/2019 9:25 AM
6	if it can legally be requested and the victim can provide support for the amount requested it should be requested.	6/14/2019 3:52 PM
7	If the victim suffered economic loss as a result of the crime as provided in statute	6/13/2019 10:00 AM
8	We have no official policy, but we attempt to collect restitution any time a victim incurs financial damage of any kind.	6/13/2019 9:52 AM
9	In most cases when there is financial harm to a victim or when it is statutory	6/12/2019 11:28 PM
10	When there are damages done to property or theft, etc., that impact an individual.	6/12/2019 6:43 PM
11	We seek restitution to victims in all cases where the victims request restitution. We sometimes limit restitution to insurance companies if imposing it would present a hardship.	6/12/2019 6:30 PM
12	Always seek for victims unless they do not want it or want an alternative.	6/12/2019 5:18 PM
13	As seen above	6/12/2019 5:06 PM

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14	In every case that it applies regardless of the nature of the victim.	6/12/2019 4:48 PM
15	We generally always seek restitution, regardless of the entity seeking restitution.	6/12/2019 3:32 PM

Q28 Does your office have a policy regarding how to determine the amount of restitution?

Answered: 18 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes. If so, please explain the policy below.	55.56%	10
No	38.89%	7
I don't know	5.56%	1
TOTAL		18

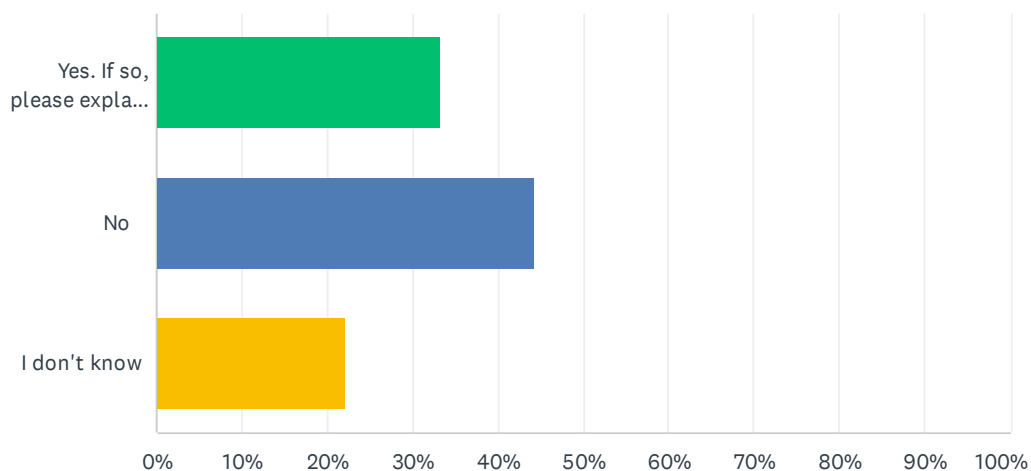
#	PLEASE EXPLAIN THE POLICY HERE.	DATE
1	I am unaware of a specific policy. Generally, we rely on the financial loss documented in an investigation. With insurance fraud cases, we only request restitution for proceeds that the defendant unlawfully obtained and received. We do not request restitution for any income loss to the insurance company, which may be caused by the fraudulent conduct of an insurance agent.	6/28/2019 3:30 PM
2	The amount of loss to the victim	6/25/2019 2:33 PM
3	By the RCW	6/25/2019 9:31 AM
4	We look at the provable financial harm done by the defendant's criminal actions.	6/15/2019 9:25 AM
5	We review the victim's request to make sure it is supported by evidence and is based on actual loss and if it qualifies under the statute	6/13/2019 10:00 AM
6	No official policy, but we generally rely on information/documentation provided by the victim and/or internet research regarding current market value if the item is an item of property. We try to get an agreed order if possible.	6/13/2019 9:52 AM
7	That is almost always determined by outside sources. When coming from victim accounting we request the documentation they are able to provide.	6/12/2019 11:28 PM
8	We request proof of loss from the individual/company, etc., by way of a receipt or quote for damages.	6/12/2019 6:43 PM
9	We attempt to make the victim whole and negotiate restitution as part of case resolution when	6/12/2019 6:30 PM

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	possible.	
10	Office personnel start with the smell test - if what is claimed seems reasonable and backed up by documentation of some sort, we don't push much. If restitution seems out of line, then we push for the documentation including confirming crime related and not an add on. If we do not think that they can get restitution for the crime (legal precedent, we might negotiate that, or we simply tell victims that we cannot ask for what they are seeking - fact specific as to what seeking.	6/12/2019 5:18 PM
11	Give it to the victim advocate. Have her accrue the documentation that our victims can provide.	6/12/2019 5:06 PM
12	Victim provides a statement with receipts/bills. Its reviewed by staff to determine if it is consistent with the restitution RCW. Ultimately, it is reviewed by a prosecutor if the defense attorney raises an issue about the calculation.	6/12/2019 3:32 PM

Q29 Does your office have a policy or practice in enforcing LFO orders?

Answered: 18 Skipped: 0

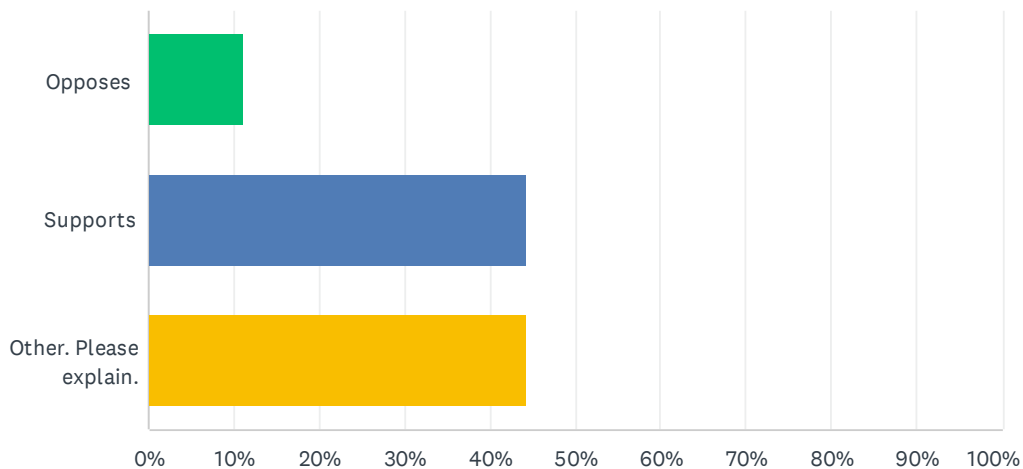


ANSWER CHOICES	RESPONSES	
Yes. If so, please explain the policy or practice below.	33.33%	6
No	44.44%	8
I don't know	22.22%	4
TOTAL		18

#	PLEASE EXPLAIN THE POLICY OR PRACTICE HERE.	DATE
1	We do not get involved unless requested to do so by the court clerk	6/25/2019 9:31 AM
2	We seek to enforce LFO orders. Typically just staying in contact with defendants, and revising payment plans to get forward movement.	6/17/2019 10:24 AM
3	We expect the clerk's office to enforce these orders (they do not). We do not typically file motions to show cause based on LFOs alone.	6/15/2019 9:25 AM
4	No official policy - we only enforce if notified by Clerk of noncompliance. Does not happen often.	6/13/2019 9:52 AM
5	We generally are involved only when it comes back before the court, we don't independently monitor unless an agreement calls for that	6/12/2019 11:28 PM
6	We impose LFO orders when the defendant has the ability to pay.	6/12/2019 6:30 PM
7	If Clerk brings us action and facts to move forward, we do.	6/12/2019 5:18 PM

Q30 When it comes to community service as an alternative to LFOs, your office:

Answered: 18 Skipped: 0



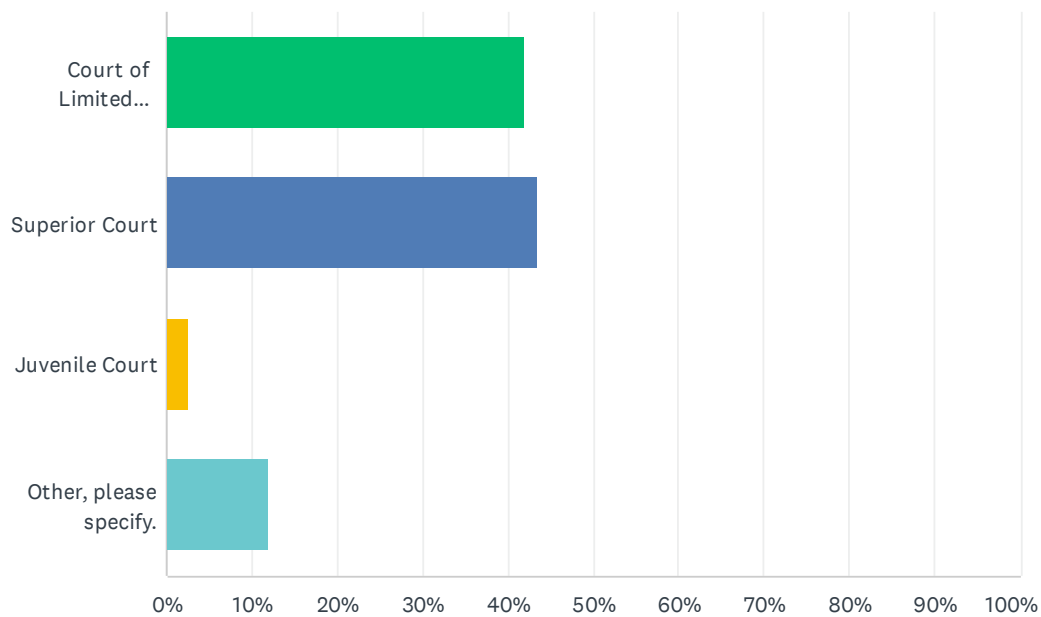
ANSWER CHOICES	RESPONSES	
Opposes	11.11%	2
Supports	44.44%	8
Other. Please explain.	44.44%	8
TOTAL		18

#	OTHER. PLEASE EXPLAIN.	DATE
1	I do not know whether our office has taken a position on this.	6/28/2019 3:30 PM
2	Really? This is coerced political correctness. I choose not to answer, but since you demand one, you might want to realize that people have free will. Defendants have free will. They commit crime(s). Yes, some of the underlying causes of their behavior need to be addressed by society. You might also remember that victims aren't choosing to be victims. Maybe listen to their voices and hold perpetrators accountable.	6/25/2019 2:33 PM
3	unknown	6/14/2019 3:52 PM
4	The courts do not provide that as an option	6/13/2019 10:00 AM
5	Depends on circumstances of defendant.	6/13/2019 9:52 AM
6	In my county there are 2 District Courts. One court offers community service hours in lieu of LFOs; the other does not.	6/12/2019 6:43 PM
7	Do more of this in juvenile arena. As general rule do not see much trade off in adult courts, as most adults would rather work and get paid and pay their obligations, than do community service instead of getting paid. We have tried this a couple times in adult world and typically they have had to be converted back because CS does not get done.	6/12/2019 5:18 PM
8	Not an option in our jurisdiction.	6/12/2019 3:32 PM

Public Defense

Q1 In what court(s) do you practice?

Answered: 76 Skipped: 1

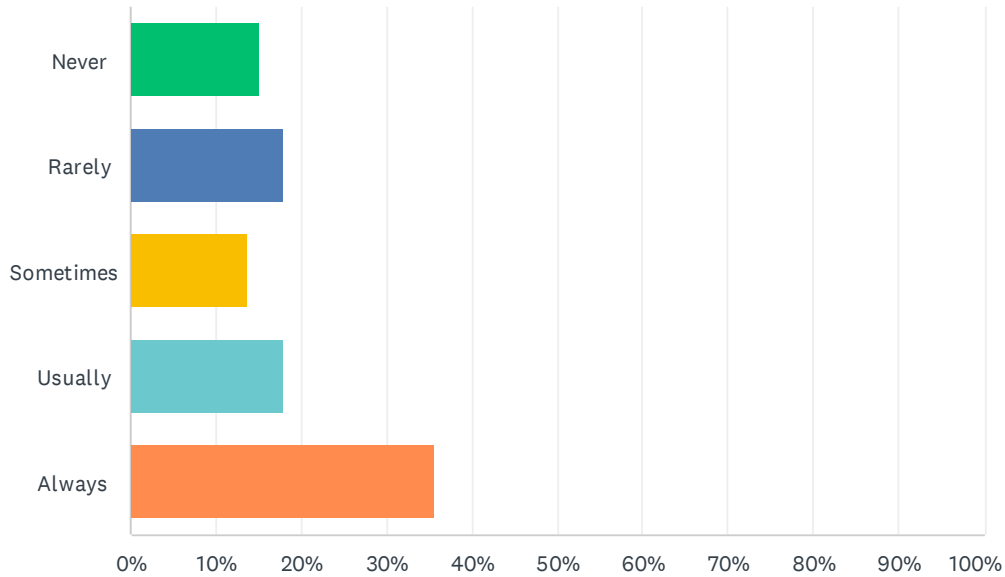


ANSWER CHOICES	RESPONSES
Court of Limited Jurisdiction	42.11% 32
Superior Court	43.42% 33
Juvenile Court	2.63% 2
Other, please specify.	11.84% 9
TOTAL	76

#	OTHER, PLEASE SPECIFY.	DATE
1	Superior Court Courts of Limited Jurisdiction	5/14/2019 7:13 PM
2	Appellate courts	5/14/2019 1:14 PM
3	Court of Appeals, Division III	5/13/2019 2:36 PM
4	All of the above	5/12/2019 4:28 PM
5	I practiced in Superior Court the past 8+ years, but recently began working in mental health court which is in a court of limited jurisdiction.	5/12/2019 2:09 PM
6	Courts of appeal Supreme court	5/12/2019 11:34 AM
7	Juvenile court- but I represent parents in Dependency cases. I'm what's called a PRP (parents represent program) attorney thru OPD	5/12/2019 11:17 AM
8	Juvenile court- but I represent parents in Dependency cases. I'm what's called a PRP (parents represent program) attorney thru OPD	5/12/2019 6:41 AM
9	All three of the above	5/11/2019 11:13 PM

Q2 In the court where you practice, how often does the prosecutor require repayment of LFOs as part of plea deals?

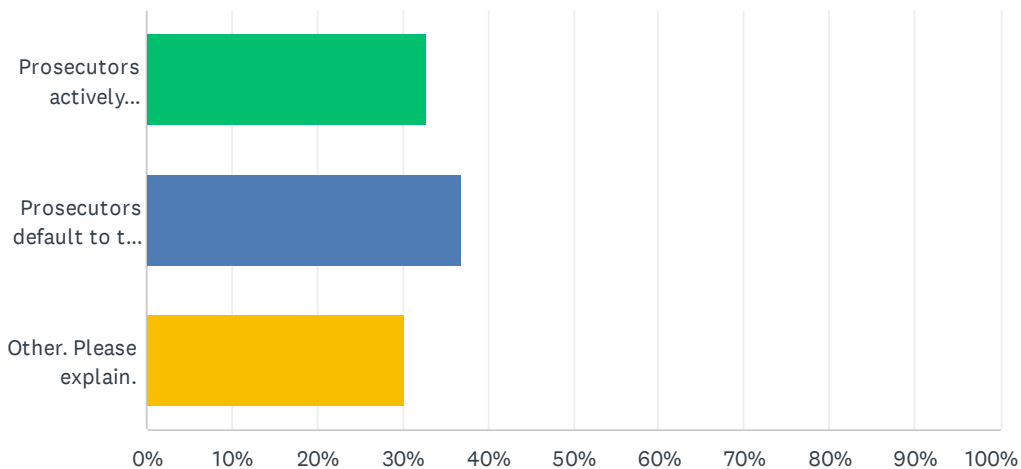
Answered: 73 Skipped: 4



ANSWER CHOICES	RESPONSES	
Never	15.07%	11
Rarely	17.81%	13
Sometimes	13.70%	10
Usually	17.81%	13
Always	35.62%	26
TOTAL		73

Q3 In the court where you practice, what is your most common experience with prosecutors regarding LFOs?

Answered: 76 Skipped: 1



ANSWER CHOICES	RESPONSES
Prosecutors actively request LFOs	32.89% 25
Prosecutors default to the court for LFOs	36.84% 28
Other. Please explain.	30.26% 23
TOTAL	76

#	OTHER. PLEASE EXPLAIN.	DATE
1	Their offers all say it's required as part of the agreed recommendation (or their recommendation), but they don't object to us filing a financial affidavit to establish indigency.	5/22/2019 10:57 PM
2	They are actively requested and then usually say you can argue the LFO to the judge.	5/17/2019 4:55 PM
3	Protectors defend the trial courts imposition of LFOs.	5/14/2019 1:14 PM
4	\$500 VPA is always mandatory - prosecutors write it in. Restitution seems to get broader and broader - the prosecutors have been expanding it to include insurance companies, "uber like costs" and any tangentially related damages. It seems more and more like prosecutors are less concerned with the time my clients do on a case and more concerned with how much money they pay. The prosecutors have zero recognition that my clients will NEVER be able to pay the fines and that the fines will likely be the reason my clients never get their licenses, never get their voting rights restored, and end up with future warrants.	5/14/2019 11:05 AM
5	About half and half. It is not uncommon for prosecutor's offices to pre-print the judgment and sentence with the desired LFOs already filled in, putting the onus on the court to strike them out.	5/13/2019 2:36 PM
6	They often request LFOs, but with the understanding that LFOs will be subject to Blazina analysis and likely waived for a lot of my clients.	5/13/2019 1:13 PM
7	generally only requesting first time DNA and the \$100 for most serious crimes	5/13/2019 12:07 PM
8	While the prosecution may make requests re lfo's, acceptance of a plea offer is never contingent upon their being an agreement on the part of the defendant as to imposition of that	5/13/2019 11:46 AM

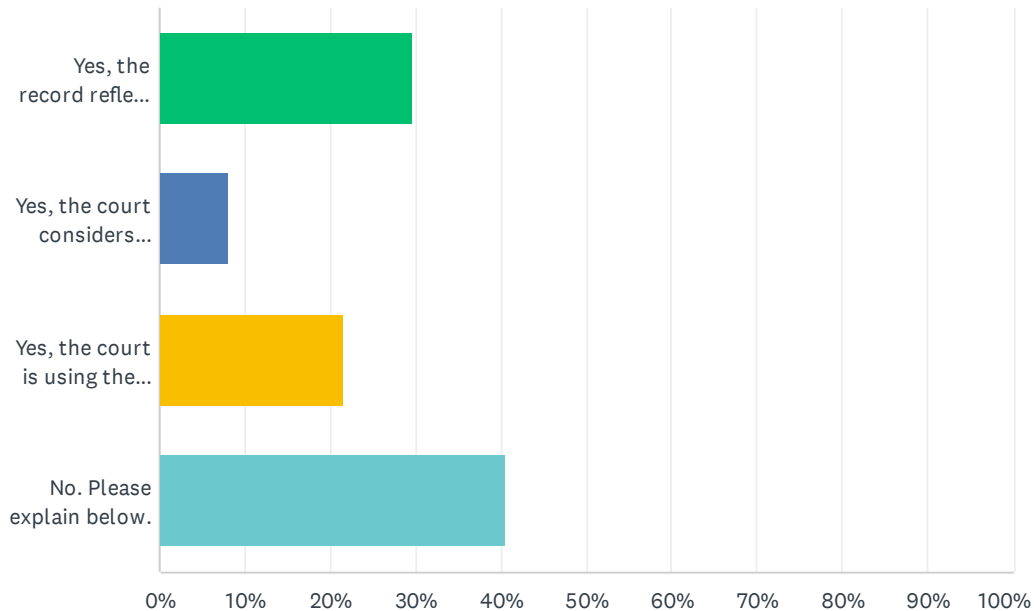
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amount of lfo's. There may be the occasional plea offer that requires agreement as to a specific restitution amount.

9	Prosecutors actively request certain LFOs they consider to be mandatory (e.g. \$500 CVPA, \$15 DVPO fee, \$100 DNA fee) and defer to the court regarding any LFOs they consider to be discretionary (except restitution, which is actively sought).	5/13/2019 10:22 AM
10	Thurston prosecutors will request LFOs as part of initial plea deals. This information is required by the prosecutors to be put into the change of plea forms. Originally, with the unfolding of Blazina and it's progeny, the prosecutors threatened to rescind the offer last minute if we (defenders) requested the court consider ability to pay. The prosecutors have since given up arguing that aspect, but they still request non-discretionary LFOs in their offers. Repayment of LFOs are always required for dismissals in deferred prosecution, deferred sentence, or SOC cases - no exceptions that I have seen.	5/13/2019 10:20 AM
11	mandatory VPA is always imposed and DNA when not already collected, but the state does not consider fines where a finding of indigency is built into the determination, fines like the DV assessment or meth clean up fee, to be "mandatory."	5/13/2019 9:57 AM
12	Our prosecutors often request high fine amounts, which is then argued that a fine amount is not a discretionary LFO, but rather a sentence and not something that can be waived. High fines are also used if an infraction is offered over a criminal charge, leading a defendant in the position of either agreeing to pay the large fine or not get the benefit of an infraction.	5/13/2019 7:28 AM
13	Our DPA's do not generally make LFO's part of the plea. It is assumed that they will at least ask for the mandatory minimums and certainly restitution.	5/12/2019 4:53 PM
14	Prosecutors usually seeks some LFO's and always ask for restitution.	5/12/2019 4:28 PM
15	Prosecutors default to the court on LFOs except for restitution. On restitution prosecutors more than occasionally not only zealously advocate for imposition, but also try to avoid their burden to prove the amounts (by attempting to shift the burden to defense, or by providing discovery only very late in the process).	5/12/2019 1:39 PM
16	NA	5/12/2019 11:17 AM
17	NA	5/12/2019 6:41 AM
18	Prosecutors will put LFOs in their offers, knowing that the judges will likely not impose them. Given that in Courts Of Limited Jurisdiction there is often only a suspended sentence, the defendants typically will have a few hundred dollars of discretionary fines, which they can seek remittance for, and a criminal history.	5/11/2019 11:13 PM
19	Since late 2018 prosecutors ceased requesting any LFO's except \$500 CVC and \$100. This is in superior court. In district court in the same jurisdiction prosecutors are requesting attorney reimbursement, emergency response fees, probation fees, CVC, booking fees AND fines. A client in superior court often comes away with less LFO than in district in the same jurisdiction.	5/11/2019 7:12 PM
20	Prosecutors only ask for mandatory LFOs	5/11/2019 6:44 PM
21	Prosecutor always asks for \$100.00 plus costs and assessments, but other than that defaults to the court and never objects to defense counsel making a record for a lesser or no fine	5/11/2019 6:23 PM
22	Prosecutor asks for community service hours to be done in lieu of LFOs.	5/11/2019 5:47 PM
23	If the defendant qualified for court appointed counsel, the prosecutors in Benton County Superior Court will agree the defendant is indigent and agree that only 500 crime victims fee and 100 DNA if not previously taken.	5/11/2019 5:43 PM

Q4 In the court where you practice, do judges conduct an adequate inquiry into the defendant's ability to pay costs at sentencing under State v. Blazina?

Answered: 74 Skipped: 3



ANSWER CHOICES	RESPONSES	
Yes, the record reflect that the court made individual findings into the defendant's current and future ability to pay.	29.73%	22
Yes, the court considers important factors, such as incarceration and other debts.	8.11%	6
Yes, the court is using the indigence standard under RCW 10.101.010 and GR 34 to make this determination.	21.62%	16
No. Please explain below.	40.54%	30
TOTAL		74

#	PLEASE EXPLAIN HERE.	DATE
1	Mostly they only order the mandatory fees and so do not do a Blazina analysis.	5/30/2019 10:27 AM
2	Depends on the judge. Most of the sitting judges do.	5/22/2019 10:57 PM
3	Until about 6 months ago judges still asked whether the client had the ability to work in the future.	5/17/2019 4:55 PM
4	There is no inquiry, ever. But the court routinely waives everything but the victim fund and the first DNA fee, so we don't argue.	5/14/2019 11:20 PM
5	The judge almost always follows the prosecutor's recommendation regarding LFOs.	5/14/2019 7:13 PM
6	In many courts that I see on review, the court is not conducting an adequate inquiry.	5/14/2019 1:14 PM
7	It depends on the LFO - \$500 VPA - never considered - \$100 DNA - never considered - Restitution - never considered - all other fines - the courts pretty much always waive	5/14/2019 11:05 AM

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8	Each Judicial officer handles the issue differently - some make individual findings, take into consideration important factors and the indigence standards, others unfortunately do not.	5/14/2019 10:49 AM
9	The court usually doesn't ask about a client's financial situation unless the defense attorney asks. Unfortunately, even then, the court only asks a few questions. One judge in particular will almost always assess a court appointed counsel fee and warrant fees regardless of a client's ability to pay.	5/14/2019 8:47 AM
10	Courts often do not make individualized determinations.	5/13/2019 7:03 PM
11	Most courts, with only a few exceptions (such as Asotin County) are simply no longer imposing discretionary LFOs. The clerk's filing fee is continuing to be imposed notwithstanding the statutory revisions contained in HB 1783 and State v. Ramirez.	5/13/2019 2:36 PM
12	If the client receives State assistance (food/cash), the Court will impose the statutory minimum. If the client has been in custody during the entirety of the case, the Court will impose the statutory minimum. Basically, the client has to be working and bringing in more than 125% of poverty level in funds for the Court to impose more than the statutory minimum.	5/13/2019 2:09 PM
13	In two of the three courts I practice in, the Judges are very careful to consider indigence. in the other one it is more difficult to get the court to reduce costs and fees.	5/13/2019 1:45 PM
14	The Court always takes Blazina information into account and often waives some or all LFOs, but often is more generous in that determination for people who it is a less serious/first offense.	5/13/2019 1:13 PM
15	Generally, judges will only impose the mandatory \$500 VPA and \$100 DNA (if no fee has previously been imposed). Court usually relies on the fact that I am assigned counsel and doesn't do a full inquiry.	5/13/2019 12:24 PM
16	only ordering statutory mandated ones	5/13/2019 12:07 PM
17	In Whatcom County District Court, we have two judges and one commissioner. One judge will "aw shucks" seat-of-his-pants reduce LFOs if prompted by defense counsel. One judge asks "do you have the present or future ability to pay"--that is the entirety of his Blazina inquiry. Judge 2 will, however, reduce LFOs if prompted by defense counsel. The commissioner makes no Blazina inquiry whatsoever and refuses arguments from defense counsel, telling defendants the "can petition the court at a later date, if they have difficulty paying."	5/13/2019 11:32 AM
18	In my jurisdiction judges regularly will only reduce payments and defer the first payment date. They routinely ignore the indigence standard and often impose LFO's on persons whose only source of income is SSI.	5/13/2019 11:18 AM
19	Some courts do a inquiry into ability to pay, and waive a portion of LFO's, but usually still impose fines. Sometimes, they waive everything. Other courts do not do an inquiry, or at least, not a meaningful one, and impose requested LFO's. Some courts simply order alternatives to fines, such as community service or work crew.	5/13/2019 10:50 AM
20	The Thurston District Court judicial officers will usually only conduct an inquiry into ability to pay if prompted by the defense. It had been discussed that we have an ethical obligation to do so, and an unpublished COA opinion confirmed that suspicion. During the Court's colloquy with the defendant at time of sentencing, it barely scrapes the surface of ability to pay, and the inquiry is usually colored in a biased manner in which judges don't understand the complications of being poor, and frequently either ignore that the criminal conviction fee should not be imposed, or they move the criminal conviction fee to the "fines."	5/13/2019 10:20 AM
21	Only because I ask	5/13/2019 10:05 AM
22	I have brought several motions on the basis that, for instance, work/education release is collecting daily fees internally as part of their program without authority. Judges thus far do not seem to know what Blazina is. Our J/S has a pre-printed set of LFO options, and collecting work release fees is not even authorized as one of those options. However, because we have a county ordinance setting a sliding scale for those fees, I think judges have not yet warmed to the idea that they still have to do a balancing test and affirmatively order those LFOs in order for them to be collected legally.	5/13/2019 9:57 AM
23	Our court does not really conduct a thorough inquiry on its own, rather it generally just accepts the assertions of the attorney on behalf of the defendant. Our office uses an affidavit of	5/13/2019 8:56 AM

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indigency, and when those are signed by the client the court will accept it and waive non-mandatory LFO's.

24	Some judges do. Others completely do not understand it whatsoever.	5/13/2019 8:29 AM
25	The court does an inquiry but a very minimal inquiry and indigent defendants are often found to be "voluntarily indigent" and thus not allowed similar protections, according to our court.	5/13/2019 7:28 AM
26	We request blazina inquiry and court says it is doing it, but nevertheless imposes costs when client is indigent and doesn't have future ability to pay.	5/12/2019 5:37 PM
27	Depends on the Judge. Judges usually ask, but depending on the Judge they may still order amounts people still can't afford to pay.	5/12/2019 4:28 PM
28	I find the King County court judges are mostly aware of Blazina. The VPA and DNA fee are not typically waived. I typically have seen everything waived except what is believed to be mandatory--the VPA and the DNA fee if applicable. Inquiries into the ability to pay the VPA are not typically made. I have seen inquiries into the DNA fee because of the mental health exception waiver. Also, inquiries into whether the DNA fee had already been collected previously now that the new law waiving subsequent collections of DNA fees has gone into effect.	5/12/2019 2:09 PM
29	Courts routinely do not impose any fees except mandatory ones like the Victim's Penalty Assessment, but then because the imposition is mandatory they make no individualized findings.	5/12/2019 1:39 PM
30	they just do the mandatory fines for individuals without any inquiry. we more have a problem with restitution for minors.	5/12/2019 12:04 PM
31	Rarely I quite. Particularly in smaller more rural counties	5/12/2019 11:34 AM
32	NA	5/12/2019 11:17 AM
33	NA	5/12/2019 6:41 AM
34	In Seattle Municipal Court, the judges never make an independent inquiry. Defense counsel needs to prepare and file an explanation of their client's financial status.	5/11/2019 10:32 PM
35	The court does a Blazina analysis except where it is done by defense counsel. Typically defense counsel makes a record with regard to the defendant's economic circumstances.	5/11/2019 6:23 PM
36	Some judges ignore the statutory factors, but most follow them.	5/11/2019 5:49 PM
37	Judges require public defender's to submit affidavits of indigent before waiving fees. Allow prosecutors to condition plea bargaining on agreed LFOs.	5/11/2019 5:48 PM
38	Yes, but rarely necessary as this issue is not contested. The Prosecutors and Defense usually agree jointly that defendant is indigent.	5/11/2019 5:43 PM
39	My experience is that the judge who I appear before assesses only the minimum mandatory LFOs. We have two judges and I can speak only to Dept. II, Honorable Scott Sparks as I do not have cases before the other judge as I have conflicted her on my cases.	5/11/2019 5:24 PM
40	The Court routinely removes non-mandatory LFO's as a matter of course with little inquiry into financial status.	5/11/2019 5:11 PM

Q5 Do you advise your clients that the court may (or shall) impose LFOs as part of their criminal sentence? If so, do you work with your clients to gather relevant information and develop arguments to present to the court concerning their ability (or inability) to pay? What information do you find most relevant to making a strong case for your clients? Please explain.

Answered: 70 Skipped: 7

#	RESPONSES	DATE
1	This mostly comes up if there is a restitution review hearing.	5/30/2019 10:27 AM
2	Yes. We file affidavits describing financial situations. These are pretty persuasive. Often times they have no income and lots of debts.	5/22/2019 10:57 PM
3	Yes. Often times there is not documentation readily available. Sometimes they decide they want to plead guilty on the spot and have no documentation with them. They also do not want to have to come back so decide to move forward with disposition.	5/17/2019 4:55 PM
4	No, because they all get waived for PD clients.	5/14/2019 11:20 PM
5	I talk to my clients about indigency requirements.	5/14/2019 7:13 PM
6	Yes, client fills out a financial affidavit	5/14/2019 11:19 AM
7	most relevant arguments: are clients on state aid / are clients homeless / are clients disabled in any way	5/14/2019 11:05 AM
8	Yes I always advise that fines and costs are a possibility. I gather current income level, amount of debt/bills, and whether they are going to be incarcerated in another case	5/14/2019 10:58 AM
9	Yes - proof of indigency is often the easiest. I.e. Food stamps, disability. I also use the LFO calculator when preparing cases and meeting with clients.	5/14/2019 10:49 AM
10	Yes, I do advise them about what will happen in court regarding LFOs. I created a worksheet for clients to begin thinking about all the expenses he or she has to pay.	5/14/2019 8:47 AM
11	Assertion that they're on public assistance programs, qualify as indigent. Using previous Lfos that they already owe on too, adding it up.	5/13/2019 8:08 PM
12	Yes - strongest arguments are income source, especially if on govt assistance.	5/13/2019 7:03 PM
13	I used to when I did trial work. Receipt of public benefits or disability income were dispositive so I would inquire into those first, I would check other LFO balances in SCOMIS, and I would inquire into education, work experience, and number of children being supported.	5/13/2019 2:36 PM
14	The best information seems to be if they are receiving State assistance. If not, I will ask about finances and debts to argue for reduced LFOs.	5/13/2019 2:09 PM
15	My jurisdiction tends to waive LFOs without further inquiry when the defendant has appointed counsel unless there is strong evidence that there is an ability to pay, and then there is an inquiry.	5/13/2019 2:00 PM
16	I tell them it's a possibility, but ask them a number of questions to determine whether I can argue for waiver. I think the easiest arguments are made when my clients are already receiving other benefits like Section 8 housing or SNAP.	5/13/2019 1:45 PM
17	I always advised clients, but also tell client's we'll fill out a financial affidavit to try to convince the court to have them waived. The most persuasive factors for the court are food stamps/government housing. The court doesn't take debt as seriously as it should.	5/13/2019 1:13 PM
18	I don't because courts only impose the mandatory minimums but I have a sense of their incomes going in either way.	5/13/2019 12:24 PM

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19	gather financial info for restitution orders.	5/13/2019 12:07 PM
20	Our district court has not been imposing lfo's on persons to who it has appointed public defenders, therefore we have not had a need to make such in-court presentations	5/13/2019 11:46 AM
21	Yes. The information most impactful to the court is my client's presumed indigence, SSI/SSD as a source of income, and food stamps or TANF benefits.	5/13/2019 11:32 AM
22	In our county if they have a public defender, the court will only impose mandatory LFO's. Our court will also accept out word that they are on state assistance so we rarely have to fight LFO.	5/13/2019 11:30 AM
23	Yes. I present information re: income, government benefits (if any), expenses, number of persons in the household and their ages / employment status, and existing LFO debts.	5/13/2019 11:18 AM
24	Proof of Government Assistance Income vs. Expenses Other Debts (LFOs)	5/13/2019 10:51 AM
25	I do advise clients, and make a record. I do not gather additional documents.	5/13/2019 10:50 AM
26	Part 1 of the question- both. Part 2- they almost never have an understanding of their past LFOs- conversation is useless. Part 3- the court determined status of indigency.	5/13/2019 10:38 AM
27	Whether the client is on disability or other government assistance, criminal history, number of dependents, work history and education level, physical and mental ability to find a job.	5/13/2019 10:26 AM
28	Because discretionary LFOs (other than restitution) are rarely imposed, I only sometimes gather information and develop arguments concerning ability to pay. I have tried numerous arguments; however, I have yet to find a successful argument to avoid paying restitution.	5/13/2019 10:22 AM
29	I can say with 100% certainty that I discuss LFOs with all of my clients. I will go over which LFOs are mandatory, which are mandatory but have exceptions, and which LFOs are discretionary. I find that if a client brings pay stubs, bills, and tell me their current life situation, this is the most helpful in getting these LFOs reduced.	5/13/2019 10:20 AM
30	Proof the client is on a state program helps. The fact that they are already appointed a public defender helps.	5/13/2019 10:08 AM
31	Yes always I do a financial screening	5/13/2019 10:05 AM
32	yes. my sentencing presentation almost always includes information about work history and ability to pay because of the costs of affirmative treatment conditions so LFO is an extension of that investigation for me.	5/13/2019 9:57 AM
33	yes and yes	5/13/2019 9:49 AM
34	Meeting statutory definition of "indigent." Typically, for my clients that means receiving EBT (food stamps).	5/13/2019 8:56 AM
35	Yes. I discuss in detail my clients education, background, job history, family, economic situation, and any outstanding debts.	5/13/2019 8:40 AM
36	Yes- public assistance is the most convincing reason in my court for the judge to waive fines.	5/13/2019 8:29 AM
37	Yes. When necessary, we prepare financial disclosures supporting non-imposition of LFOs.	5/13/2019 7:47 AM
38	I absolutely advise that there will be costs. At my first meeting with each client, I provide a GR34 form and a check-list of financial documents they need to provide to myself. I usually ask for all documentation of expenses for a month. The court has found this creates a clearer picture of ones finances.	5/13/2019 7:28 AM
39	Yes. Usually, the judge in my court will accept the finding of indigency plus existing LFOs as sufficient proof.	5/12/2019 11:31 PM
40	Sometimes. Beginning to do so more often. I find most relevant and strong is proof of government assistance.	5/12/2019 5:37 PM
41	Yes, Yes, Employment or opportunities for employment, type of work one does	5/12/2019 4:53 PM
42	Yes, Yes and the most useful information is the income and inability to make money in the future, such as receipt of SSDI or a mental health problem or TANF.	5/12/2019 4:28 PM

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43	I have the client complete a financial declaration in those cases in which I believe that he or she is indigent for purposes of the LFOs	5/12/2019 3:08 PM
44	I do talk to my clients about the VPA and DNA fee. I typically find out my client's working situation. I find it most persuasive to waive fees when they are disabled and have a limited fixed income that hardly even covers their basic needs.	5/12/2019 2:09 PM
45	Yes, Yes. And findings by other governmental agencies of indigency or disability or most helpful	5/12/2019 1:39 PM
46	I advise clients that the court shall impose LFOs, but that if client is indigent, the court will typically waive all discretionary costs and fees.	5/12/2019 12:50 PM
47	Yes I do advise them, they're strongest argument is that they're indigent children with no jobs so it's not a hard argument :)	5/12/2019 12:04 PM
48	Appellate counsel	5/12/2019 11:34 AM
49	NAn	5/12/2019 11:17 AM
50	Questions asked: Receive public assistance, SSI or SSD, dependents, recent full time employment, other LFOs	5/12/2019 9:51 AM
51	Yes, I explain to my clients that I will argue to have all non-mandatory costs and fines waived. And in every instance where I have requested said waiver, the court has granted it.	5/12/2019 8:19 AM
52	Yes. Ask for SOC sec award letter. Proof of state assistance.	5/12/2019 7:41 AM
53	NAn	5/12/2019 6:41 AM
54	Income, other debts, dependents.	5/11/2019 11:13 PM
55	The judges don't even consider ability to pay, regardless of our arguments.	5/11/2019 10:45 PM
56	Yes, I inquire about my clients' source(s) of income and monthly expenses. Unfortunately, most of my clients are homeless and this is the strongest case for waiving LFOs.	5/11/2019 10:32 PM
57	Yes. I start with whether the client receives a federal need-based grant such as food stamps or SSDI. If they are working, we compare their income to expenses.	5/11/2019 9:40 PM
58	Yes. Social Security Disability	5/11/2019 7:34 PM
59	State or federal aid that they may be receiving	5/11/2019 7:23 PM
60	Yes. Giving a client's full picture is often the most powerful. Not just- my client has a disability and is a single parent but explaining in detail the nature of the client's inability to work, number of children, lack of other resources for instance.	5/11/2019 7:12 PM
61	Yes - it is very rare the court imposed LFOs in addition to mandatory LFOs for defendants with a public defender, so my inquiry with clients (as a PD) is not significant	5/11/2019 6:44 PM
62	Yes. We discuss their income and expenses and especially any significant debts.	5/11/2019 6:23 PM
63	Yes - I get all the info I need to present to the court before we ever even get to the sentencing. My clients are prepared on what to expect depending on which judge we have.	5/11/2019 6:20 PM
64	Yes. I warn them not to wax too poetic about any future earnings they may receive to avoid being found nonindigent.	5/11/2019 5:49 PM
65	Yes. Yes. Receipt of State benefits.	5/11/2019 5:48 PM
66	yes; job history, family size, education	5/11/2019 5:47 PM
67	Yes, I advise every client and with over 100 indigent clients they have never been ordered to pay more than 600. 500 CV and 100 DNA. I also look up their LFO balance and share with court, inform court if they receive any state or federal assistance, number of people they support and whether the are below poverty guidelines. I know some counties and courts are still hard on this topic but our superior court judges are doing it right in Benton County. The state also provides III which shows if DNA taken and typed.	5/11/2019 5:43 PM
68	I advise my clients the court could impose, but that I have never had the court order them.	5/11/2019 5:24 PM

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69	I always advise the clients about the court's ability to impose LFO's. We usually fill out the Blazina document together and I try to find individually relevant information to present at sentencing.	5/11/2019 5:21 PM
70	Yes No As stated above, the Court typically does not impose non-mandatory LFO's.	5/11/2019 5:11 PM

Q6 With regards to your personal caseload, in what percentage of cases does the court impose LFOs as part of the criminal sentence? Please explain.

Answered: 75 Skipped: 2

#	RESPONSES	DATE
1	Mandatory LFOs - 100%; discretionary - close to 0%	5/30/2019 10:27 AM
2	95%. Almost all of them impose something. \$43 conviction fee, probation fees, etc.	5/22/2019 10:57 PM
3	unsure	5/17/2019 4:55 PM
4	Zero	5/14/2019 11:20 PM
5	100%. The judge always requires defendants to pay LFOs as part of a sentence.	5/14/2019 7:13 PM
6	100	5/14/2019 1:14 PM
7	there are some imposed in at least half the cases	5/14/2019 11:19 AM
8	\$500 VPA and \$100 DNA are 100% imposed / all others are pretty uniformly waived	5/14/2019 11:05 AM
9	I don't know the exact number. However, more and more I have seen the court completely waive any fines or costs for my clients.	5/14/2019 10:58 AM
10	80% - even if they have limited ability to pay, large debts etc - if they don't have "proof of indigency like a food stamp card" the court will impose some LFOs regardless of their ability to pay.	5/14/2019 10:49 AM
11	I would estimate that the court imposes LFOs as part of a client's criminal sentence 90% of the time. Typically, the court will impose a \$43 conviction fee and on DUIs the \$250 BAC fee.	5/14/2019 8:47 AM
12	1%	5/14/2019 8:21 AM
13	Most of the time they're waived/suspended entirely, if they're on public benefits anyway	5/13/2019 8:08 PM
14	90%	5/13/2019 7:03 PM
15	Discretionary LFOs and fines are imposed in about 10-20% of cases I see on direct appeal, other than the criminal filing fee which is still imposed in 75-95% of my cases.	5/13/2019 2:36 PM
16	The Court rarely imposes more than the statutory minimum now.	5/13/2019 2:09 PM
17	The non-waivable, mandatory LFOs are imposed (no success getting waiver of the victim compensation fund assessment, for example) always. When a LFO can be reduced due to indigency, usually it is reduced as much as possible. I have seen the judge reduce less than they are allowed, but it was an aberration and I think the judge and defense attorney were not familiar with the law.	5/13/2019 2:00 PM
18	In my two good courts, around 25%. It's easy to make the case for waiver with many of my clients economic circumstances being quite bleak. The other court is in a more affluent locality. In about 50% of cases I am able to get a substantial reduction in LFOs, but the court does impose something in 90% of cases.	5/13/2019 1:45 PM
19	The court imposes LFOs in probably 50% of cases, but also often reduces the LFOs in more than half of those.	5/13/2019 1:13 PM
20	100% impose the mandatory \$500 VPA	5/13/2019 12:24 PM
21	generally only order 1st time DNA fee and \$100 CVC in most serious cases	5/13/2019 12:07 PM
22	only those that invoke restitution and/or the dna fee my answer to the below question is less than 100% because i understand it to include cases that are resolved by deferred prosecution	5/13/2019 11:46 AM

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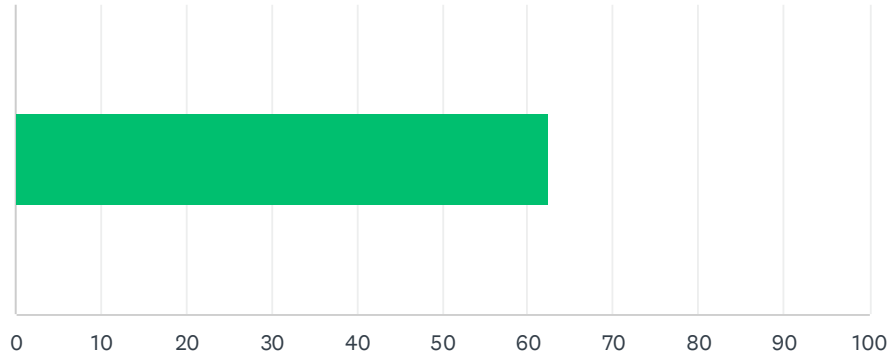
23	100%. What's to explain?	5/13/2019 11:32 AM
24	100% but only the \$500 CVC and the \$100 DNA fee, if DNA has not already been taken.	5/13/2019 11:30 AM
25	90%	5/13/2019 11:18 AM
26	80%	5/13/2019 10:51 AM
27	90%. Most courts only waive all costs/fines when client is looking at prison on other matters. While the courts may waive costs, they routinely impose fines.	5/13/2019 10:50 AM
28	The court generally imposes just the CVPA, restitution and DNA fees on indigent Pierce County Superior Court defendants.	5/13/2019 10:38 AM
29	In every case (100%), the court usually imposes the mandatory assessments such as DNA collection and crime victims compensation, and restitution if applicable. Then will impose a fine if the court finds that the defendant has an ability to pay.	5/13/2019 10:26 AM
30	When a sentence is imposed, the court imposes mandatory LFOs in every case, restitution in the majority of cases (always regarding ability to pay; sometimes not where restitution is not factually warranted), and discretionary LFOs rarely (and only when an individual is demonstrated to have some financial means). When a sentence does not result in a sentence because of a dismissal or acquittal, the court never imposes LFOs. When a sentence does not result in a sentence because of a stipulated order of continuance or similiar, the court often, but not always, imposes LFOs.	5/13/2019 10:22 AM
31	99%. I only can think of a couple cases in which no LFOs were imposed at all.	5/13/2019 10:20 AM
32	100%	5/13/2019 10:08 AM
33	None I don't allow it I bring up the new law	5/13/2019 10:05 AM
34	always mandatory, and aggressive restitution, but almost never a discretionary LFO.	5/13/2019 9:57 AM
35	100% impose the \$500 crime victim compensation fund assessment and \$100 DNA fee if DNA not previously taken	5/13/2019 9:49 AM
36	100% - There is a statutorily mandatory, non-waivable crime victim assessment in all cases resolved in Superior Court.	5/13/2019 8:56 AM
37	99%. Typically a \$43 criminal conviction fee at minimum.	5/13/2019 8:45 AM
38	It depends on the judge and client circumstances, but approximately 15 percent now, after Blazina. The court always imposes the non discretionary LFOs and applicable restitution.	5/13/2019 8:40 AM
39	60%- the court waives some, but they are also imposing more frequently than they should	5/13/2019 8:29 AM
40	Less than five percent.	5/13/2019 7:47 AM
41	Every case will come with a fine and probation costs. As far as DUIs, the court will never waive the discretionary LFOs from the DUI Sentencing Grid, and if a request has been submitted, the court will also add in DUI Cost Recovery costs as it has been deemed non-discretionary.	5/13/2019 7:28 AM
42	Nearly 100%, when you count the mandatory or non-waivable fines.	5/12/2019 11:31 PM
43	All	5/12/2019 5:37 PM
44	100% on Crime Victims Comp Fund assessment; mandatory d/v fines mandatory DUI fines	5/12/2019 4:53 PM
45	100	5/12/2019 4:28 PM
46	I am private counsel; most of my clients are not indigent. Accordingly, the Court imposes LFOs for most of my clients	5/12/2019 3:08 PM
47	100%--if you are referring to the VPA For the DNA fee it depends on whether they have paid previously or whether they have a mental illness that affects their ability to pay.	5/12/2019 2:09 PM
48	95% of cases about. ALL clients face a \$500 VPA	5/12/2019 1:39 PM
49	100%	5/12/2019 12:50 PM
50	10 percent	5/12/2019 12:04 PM

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51	Majority cone to be on appeal with inappropriate lfo	5/12/2019 11:34 AM
52	NA	5/12/2019 11:17 AM
53	Less than 10%	5/12/2019 9:51 AM
54	100%, however the court waives all non-mandatory costs and fines.	5/12/2019 8:19 AM
55	40	5/12/2019 7:41 AM
56	NA	5/12/2019 6:41 AM
57	100--the courts are increasingly waiving costs, but there is always the maximum fine imposed with a substantial part suspended.	5/11/2019 11:13 PM
58	100%	5/11/2019 10:45 PM
59	5%	5/11/2019 10:32 PM
60	Generally, only where "mandatory" and restitution.	5/11/2019 9:40 PM
61	80%. Criminal filing fee and crime victim fund usually. Fine rarely.	5/11/2019 7:34 PM
62	90% Most judges ask if the defendant has the ability to pay, most say yes.	5/11/2019 7:23 PM
63	All of my superior court cases have \$500 CVC and all of those that resolve as felonies have \$100 DNA fee	5/11/2019 7:12 PM
64	100% mandatory LFOs, never in excess of that.	5/11/2019 6:44 PM
65	60%	5/11/2019 6:23 PM
66	100%	5/11/2019 6:20 PM
67	15%	5/11/2019 5:49 PM
68	\$500 CVA in every case. Additional LFOs in about 50%	5/11/2019 5:48 PM
69	like I said above - the city prosecutor usually asks for community service in lieu of fines	5/11/2019 5:47 PM
70	Never, except mandatory 500 CV and 100 DNA if not previously taken.	5/11/2019 5:43 PM
71	100	5/11/2019 5:43 PM
72	Always \$500. victim assessment and \$100. DNA fee, but only if DNA fee was not ordered in a prior case.	5/11/2019 5:24 PM
73	100 percent of the time but community service is always allowed as a why to satisfy LFOs	5/11/2019 5:23 PM
74	Almost all cases. But the court gives the clients the option of doing community service for almost half of the costs. And the court also will waive the remainder of fees if the client can make consistent monthly payments for a year.	5/11/2019 5:21 PM
75	100% The Court imposes a \$500 LFO to the Victim Compensation Fund and waives all others.	5/11/2019 5:11 PM

Q7 In the cases that you represent, what is the percentage of cases with the mandatory minimum LFOs only?

Answered: 69 Skipped: 8



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
	63	4,318	69
Total Respondents: 69			

#		DATE
1	99	5/30/2019 10:27 AM
2	15	5/22/2019 10:57 PM
3	100	5/14/2019 11:20 PM
4	0	5/14/2019 7:13 PM
5	80	5/14/2019 1:14 PM
6	100	5/14/2019 11:05 AM
7	10	5/14/2019 8:47 AM
8	1	5/14/2019 8:21 AM
9	81	5/13/2019 8:08 PM
10	56	5/13/2019 7:03 PM
11	80	5/13/2019 2:36 PM
12	95	5/13/2019 2:09 PM
13	99	5/13/2019 2:00 PM
14	76	5/13/2019 1:45 PM
15	50	5/13/2019 1:13 PM
16	95	5/13/2019 12:24 PM
17	100	5/13/2019 12:07 PM
18	95	5/13/2019 11:46 AM
19	50	5/13/2019 11:32 AM

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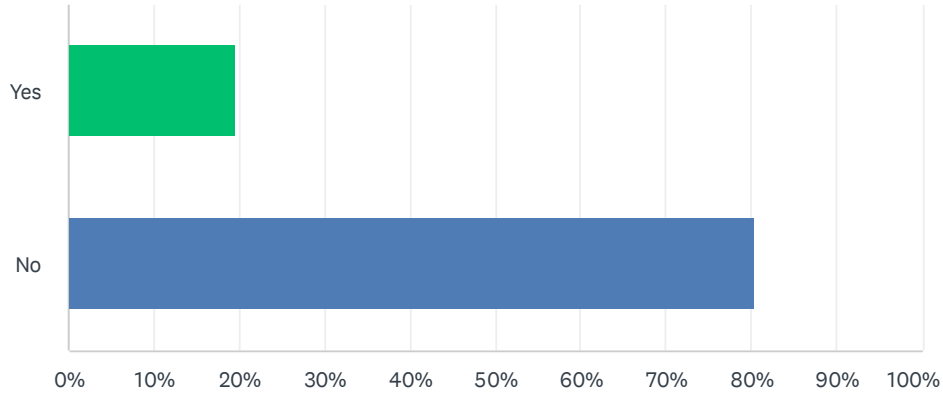
20	100	5/13/2019 11:30 AM
21	40	5/13/2019 11:18 AM
22	80	5/13/2019 10:51 AM
23	10	5/13/2019 10:50 AM
24	99	5/13/2019 10:38 AM
25	75	5/13/2019 10:26 AM
26	95	5/13/2019 10:22 AM
27	5	5/13/2019 10:20 AM
28	99	5/13/2019 10:08 AM
29	0	5/13/2019 10:05 AM
30	92	5/13/2019 9:57 AM
31	99	5/13/2019 9:49 AM
32	95	5/13/2019 8:56 AM
33	50	5/13/2019 8:45 AM
34	85	5/13/2019 8:40 AM
35	50	5/13/2019 8:29 AM
36	5	5/13/2019 7:47 AM
37	10	5/13/2019 7:28 AM
38	66	5/12/2019 11:31 PM
39	14	5/12/2019 5:37 PM
40	90	5/12/2019 4:53 PM
41	50	5/12/2019 4:28 PM
42	12	5/12/2019 3:08 PM
43	99	5/12/2019 2:09 PM
44	95	5/12/2019 1:39 PM
45	90	5/12/2019 12:50 PM
46	10	5/12/2019 12:04 PM
47	100	5/12/2019 11:34 AM
48	11	5/12/2019 9:51 AM
49	100	5/12/2019 8:19 AM
50	54	5/12/2019 7:41 AM
51	1	5/11/2019 11:13 PM
52	100	5/11/2019 10:45 PM
53	7	5/11/2019 10:32 PM
54	10	5/11/2019 9:40 PM
55	80	5/11/2019 7:34 PM
56	90	5/11/2019 7:23 PM
57	90	5/11/2019 7:12 PM

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58	100	5/11/2019 6:44 PM
59	25	5/11/2019 6:23 PM
60	85	5/11/2019 6:20 PM
61	85	5/11/2019 5:49 PM
62	51	5/11/2019 5:48 PM
63	35	5/11/2019 5:47 PM
64	100	5/11/2019 5:43 PM
65	12	5/11/2019 5:43 PM
66	97	5/11/2019 5:24 PM
67	51	5/11/2019 5:23 PM
68	37	5/11/2019 5:21 PM
69	100	5/11/2019 5:11 PM

Q8 In the court where you practice, do judges typically impose recoupment of public defense costs?

Answered: 71 Skipped: 6



ANSWER CHOICES	RESPONSES	
Yes	19.72%	14
No	80.28%	57
TOTAL		71

Q9 In the court where you practice, how much do judges typically impose for recoupment of public defense costs? And do you know how these amounts are calculated? Please explain.

Answered: 61 Skipped: 16

#	RESPONSES	DATE
1	n/a	5/30/2019 10:27 AM
2	\$0	5/22/2019 10:57 PM
3	Nothing	5/14/2019 11:20 PM
4	Recoupment amount varies. Most judges seem to determine recoupment arbitrarily.	5/14/2019 7:13 PM
5	none	5/14/2019 11:19 AM
6	\$150 for a Gross Misdemeanor or misdemeanor case. \$75 for a probation violation. The rate was set by the bench.	5/14/2019 10:49 AM
7	The court will impose \$50 - \$200. The court does not explain it's reasoning.	5/14/2019 8:47 AM
8	None	5/13/2019 8:08 PM
9	n/a	5/13/2019 7:03 PM
10	I see them occasionally still in Chelan or Douglas County. I have no idea how the amounts are calculated but they are usually between \$250 and \$750.	5/13/2019 2:36 PM
11	When the Court does impose it, no more than \$450.00. The Court will reduce that amount based on length of time the case was pending and the client's finances.	5/13/2019 2:09 PM
12	Because my jurisdiction automatically appoints counsel to incarcerated individuals without regard to ability to pay, I have seen the office of public defense and the court seek recoupment of public defense costs of thousands of dollars in 1-2 cases where, for some reason, they believed the person had the ability to pay, but this was pre-Blazina and not my client.	5/13/2019 2:00 PM
13	In the one court imposing this cost, I believe it's \$150	5/13/2019 1:45 PM
14	N/A	5/13/2019 1:13 PM
15	N/A	5/13/2019 12:24 PM
16	n/a	5/13/2019 11:46 AM
17	A \$75 attorney fee for public defender clients is the default position. Both judges routinely waive the fee. The commissioner NEVER waives the fee, but will sometimes reduce the fine by \$75 to compensate(??).	5/13/2019 11:32 AM
18	Until the new law was passed, the court routinely imposed a \$450 public defender recoupment cost but they no longer do that. I don't know how they came up with that number.	5/13/2019 11:30 AM
19	\$75.00	5/13/2019 11:18 AM
20	\$320	5/13/2019 10:51 AM
21	Not imposed.	5/13/2019 10:50 AM
22	The court imposes \$750 for court appointed attorney fees. That amount is set by the county commissioners by a resolution. I don't know how they calculate the amount. I suspect they pull it out of their ears.	5/13/2019 10:26 AM
23	N/A	5/13/2019 10:22 AM
24	Only one Thurston District judge will regularly, almost always, impose some court appointed	5/13/2019 10:20 AM

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counsel fee, and that method is usually arbitrary. He will determine whether someone is, in his opinion, "employable" and impose up to \$250 per case. I want to point out that these fees do not go to public defense, they go to the county's general fund and thereby do not offset cost of counsel. These fees are usually not revisited upon completion of the case.

25	NA	5/13/2019 10:08 AM
26	0	5/13/2019 9:57 AM
27	0	5/13/2019 9:49 AM
28	None. This is handled through the initial screening process. Some of our clients are required to pay some amount (sliding scale fee) for public defense services prior to appointment.	5/13/2019 8:56 AM
29	n/a	5/13/2019 8:29 AM
30	N/A	5/13/2019 7:47 AM
31	If a person is found to be partially indigent or voluntarily indigent, the court will impose costs from \$200-\$500. The court has never stated the rationale for that amount.	5/13/2019 7:28 AM
32	They're calculated based on the public defender screening finding of ability to contribute.	5/12/2019 11:31 PM
33	\$250	5/12/2019 5:37 PM
34	If the Court does impose it is \$600.00 Don't know where the figure comes from.	5/12/2019 4:53 PM
35	None	5/12/2019 4:28 PM
36	I don't know the current amount; it used to be around \$800.00. It was a flat fee cost.	5/12/2019 3:08 PM
37	0	5/12/2019 2:09 PM
38	In the past those amounts were calculated by reference to the public defense contract. I haven't had a court impose recoupment in many years.	5/12/2019 1:39 PM
39	\$200 if the client is found able to pay. The fee is typically waived if the client demonstrates that she lacks the long-term ability to pay.	5/12/2019 12:50 PM
40	None in juvenile	5/12/2019 12:04 PM
41	Typically impose 0. Clients fill out a form w their financial information. Sometimes a judge will check the box that they are responsible for a portion of the representation, then it's up to DAC to determine the amount	5/12/2019 11:17 AM
42	N/a	5/12/2019 9:51 AM
43	N/A	5/12/2019 8:19 AM
44	\$200. No idea	5/12/2019 7:41 AM
45	Typically impose 0. Clients fill out a form w their financial information. Sometimes a judge will check the box that they are responsible for a portion of the representation, then it's up to DAC to determine the amount	5/12/2019 6:41 AM
46	Our courts are pretty active in not assessing and also receptive to remitting on old causes	5/11/2019 11:13 PM
47	It doesn't happen in Seattle Muni Court.	5/11/2019 10:32 PM
48	NA	5/11/2019 9:40 PM
49	\$350 if plea. \$650 if trial.	5/11/2019 7:34 PM
50	\$200. Flat fee	5/11/2019 7:23 PM
51	In superior court in my jurisdiction the judges are not imposing recoupment. In district court in the same county the judges are. It is nearly always \$200 and I am not certain how they determined that figure.	5/11/2019 7:12 PM
52	The judges do not weigh in on this - sometimes clients will owe to dpd, but it is not court ordered.	5/11/2019 6:44 PM
53	\$230.00. Do not know how it is calculated. I think that years ago it was how much the defense	5/11/2019 6:23 PM

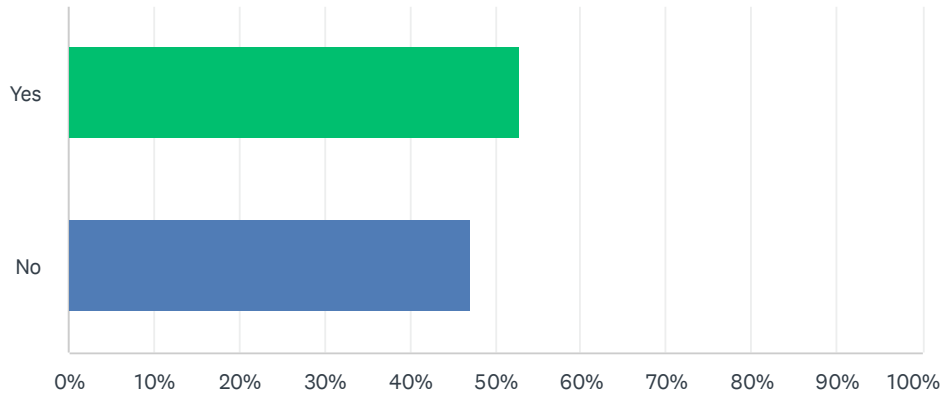
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received per case and the court has simply continued to use it as recoupment.

54	It is rare	5/11/2019 6:20 PM
55	Based on the actual amounts spent on the defender/experts/investigators	5/11/2019 5:49 PM
56	Judges in a Skagit County do not get involved in public defender fee recoupment. The office of assigned counsel bills directly and it does not appear as part of the judgment and sentence. We typically do not know when/if these fees are imposed.	5/11/2019 5:48 PM
57	1 judge always, ALWAYS imposes some costs - usually in the amount of \$50-\$100. Lakewood court has Ds sign a promissory note for \$250, but then will waive it if D provides proof of public assistance or if D is unable to post bail.	5/11/2019 5:47 PM
58	600 but if indigent the cost is waived.	5/11/2019 5:43 PM
59	200	5/11/2019 5:43 PM
60	The court imposes the actual amount that the public defense contract pays for each case.	5/11/2019 5:21 PM
61	N/A	5/11/2019 5:11 PM

Q10 In the court where you practice, do you know what the standard probationary fees are?

Answered: 72 Skipped: 5



ANSWER CHOICES	RESPONSES	
Yes	52.78%	38
No	47.22%	34
TOTAL		72

Q11 In the court where you practice, do you know how much are the standard probationary fees? Please provide the dollar amount.

Answered: 58 Skipped: 19

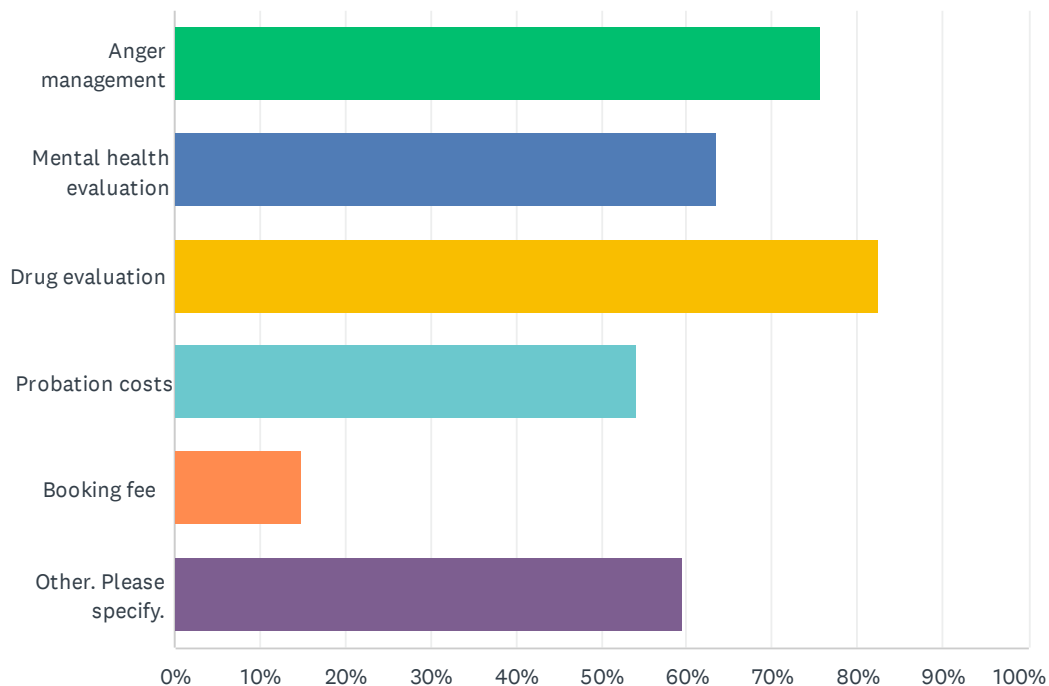
#	RESPONSES	DATE
1	n/a	5/30/2019 10:27 AM
2	\$20 a month for inactive, \$40 for active	5/22/2019 10:57 PM
3	\$25/month	5/14/2019 11:20 PM
4	Don't know for sure. Sometimes as much as \$200 per month for the amount of time the defendant is serving his sentence.	5/14/2019 7:13 PM
5	\$200 a month	5/14/2019 10:49 AM
6	\$240	5/14/2019 8:47 AM
7	600 for two years assumed probation. If it doesn't take that long they stop charging money when probation ends	5/13/2019 8:08 PM
8	Don't know	5/13/2019 2:36 PM
9	unknown	5/13/2019 2:09 PM
10	I don't know, but courts are getting better at waiving pre-trial and post-conviction work release and EHM fees.	5/13/2019 2:00 PM
11	It averages \$240 per year, but it is typically waived in most cases.	5/13/2019 1:45 PM
12	I don't know.	5/13/2019 1:13 PM
13	No. I have a sense for district court but not for DOC/community custody	5/13/2019 12:24 PM
14	\$50/MO "ACTIVE" SUPERVISION; \$25/MO "INACTIVE" SUPERVISION OUR COURT	5/13/2019 11:46 AM
15	\$100/mo active, \$25/mo inactive	5/13/2019 11:32 AM
16	I don't know.	5/13/2019 11:30 AM
17	\$100 / month	5/13/2019 11:18 AM
18	\$65/mo Active Probation (sliding scale based on income); \$20/mo Compliance Monitoring (sliding scale based on income)	5/13/2019 10:51 AM
19	\$850, or \$0	5/13/2019 10:50 AM
20	\$150 per month	5/13/2019 10:26 AM
21	N/A	5/13/2019 10:22 AM
22	Thurston District probationary costs are usually imposed for DV and DUI cases, and the fees are typically capped at \$480. The \$480 fee is usually imposed for those convicted of a DUI or DV and have prior convictions. A first DUI or DV probation fee will usually be assessed at \$240, but will potentially be lowered if the client has already received a DV or CD assessment and started to follow through with the recommendations. Sometimes they are reduced based on ability to pay. However, if the case enters a deferred prosecution, the probationary costs are about \$1,500 and are never reduced despite ability to pay. The Thurston District Court has also taken steps to increase deferred prosecution treatment costs by demanded an extreme amount of UAs (which are paid out of pocket - adding about \$2,000 to treatment).	5/13/2019 10:20 AM
23	0	5/13/2019 10:08 AM
24	\$23 a month if indigent and can be addressed to a sliding scale if the client shows up to probation	5/13/2019 10:05 AM

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25	no	5/13/2019 9:49 AM
26	No probation fees in Superior Court.	5/13/2019 8:56 AM
27	50	5/13/2019 8:45 AM
28	\$90 monthly	5/13/2019 8:40 AM
29	unsure- determined by probation	5/13/2019 8:29 AM
30	24 months = \$480; 12 months = \$240.	5/13/2019 7:47 AM
31	For unsupervised, it's \$25 a month. For supervised, it's \$50 a month. The court will always take the maximum jurisdiction allowed by law. Total probation costs will be on the low range \$600 and on the high range \$3,000.	5/13/2019 7:28 AM
32	40	5/12/2019 11:31 PM
33	\$250	5/12/2019 5:37 PM
34	Court uses Freindship Probation Services \$1,200 for a year usually \$300.00 down and payments.	5/12/2019 4:53 PM
35	I don't know	5/12/2019 3:08 PM
36	Not sure	5/12/2019 2:09 PM
37	It used to be \$40 per month.	5/12/2019 1:39 PM
38	\$0	5/12/2019 12:50 PM
39	None	5/12/2019 12:04 PM
40	\$75/mo	5/12/2019 9:51 AM
41	No	5/12/2019 8:19 AM
42	\$200	5/12/2019 7:41 AM
43	This is typically not assessed. However, I do see it on transferred cases	5/11/2019 11:13 PM
44	Varies.	5/11/2019 10:32 PM
45	\$30/month	5/11/2019 9:40 PM
46	\$1500 in Jefferson County District Court	5/11/2019 7:34 PM
47	\$200 without treatment, \$300 if treatment is imposed	5/11/2019 7:23 PM
48	\$240-\$600	5/11/2019 7:12 PM
49	There is no probation department	5/11/2019 6:44 PM
50	\$90 per month for County probation and \$35 per month for DOC	5/11/2019 6:20 PM
51	100/mo?	5/11/2019 5:49 PM
52	No superior court probation.	5/11/2019 5:48 PM
53	\$20/month for supervised; \$10/month for monitored	5/11/2019 5:47 PM
54	0	5/11/2019 5:43 PM
55	\$50/month	5/11/2019 5:43 PM
56	257	5/11/2019 5:23 PM
57	\$100 @ month for active pribation and \$100 @ year for bench probation	5/11/2019 5:21 PM
58	\$100 per month	5/11/2019 5:11 PM

Q12 In the court where you practice, what other out-of-pocket expenses do your clients typically have? Select all that apply.

Answered: 74 Skipped: 3



ANSWER CHOICES	RESPONSES
Anger management	75.68% 56
Mental health evaluation	63.51% 47
Drug evaluation	82.43% 61
Probation costs	54.05% 40
Booking fee	14.86% 11
Other. Please specify.	59.46% 44
Total Respondents: 74	

#	OTHER. PLEASE SPECIFY.	DATE
1	DV treatment/DV-MRT	5/30/2019 10:27 AM
2	\$43 conviction fee; other fees; CD treatment; VIP; ADIS	5/22/2019 10:57 PM
3	cost of pretrial alcohol monitoring cost of ignition interlock device \$150 license reissue fee to DOL (usually they have to pay this twice in order to maintain license throughout a DUI case) victim's panel cost of EHM SR-22	5/14/2019 11:19 AM
4	DVMRT	5/14/2019 11:05 AM
5	All affirmative conditions of probation must be paid for by the client. In addition there is a Work Crew fee of \$20 for anyone assigned to work crew or alternative community service. When	5/14/2019 10:49 AM

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clients plead guilty, they will be immediately assessed the first month's of probation fee. For instance if they plead and are sentenced on March 31st, they will owe \$200 for March probation fees.

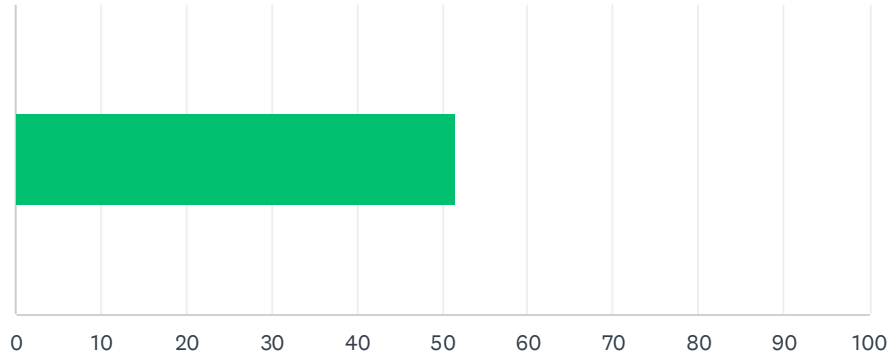
6	DV treatment, UAs, SCRAM, EHM, WR, diversion.	5/14/2019 8:47 AM
7	DVBT, MRT	5/13/2019 7:03 PM
8	Medical costs while incarcerated are super common in Yakima.	5/13/2019 2:36 PM
9	I know there is a \$75 booking fee, but I do not know if there are other out-of-pocket costs for programs.	5/13/2019 2:09 PM
10	treatment for various probation conditions, including mental health, chemical dependency, sex offender. They have to pay for polygraphs for sexual histories. They have to pay DOC supervision fees. And of course there is RESTITUTION.	5/13/2019 2:00 PM
11	Defensive Driving classes. Consumer Awareness classes (anti-shoplifting). DUI or DV victim's panels. DVMRT treatment.	5/13/2019 1:45 PM
12	Alcohol evaluation and treatment, victim panel, alcohol and drug information school.	5/13/2019 1:13 PM
13	sexual deviancy evaluations and treatment	5/13/2019 12:24 PM
14	I have been hearing complaints or JRA assessing thousands of dollars for incarcerating their kids.	5/13/2019 12:07 PM
15	DV EVAL AND/OR TX	5/13/2019 11:46 AM
16	Minimum \$150 fine	5/13/2019 11:32 AM
17	City Filing Fee (\$336) Treatment Costs for Undocumented Immigrants (not eligible for Medicaid/WA Apple Health) Sexual Deviancy Evaluation \$3500+ (rare, but expensive) Other Jurisdictions: Bench Warrant Fees	5/13/2019 10:51 AM
18	Domestic violence evaluation. Sometimes, psychosexual. DV or DUI victim's impact panel. Electronic home monitoring.	5/13/2019 10:50 AM
19	Costs to apply for Interstate Compact to transfer a washington probation to out-of-state (typically Idaho). The fee is \$150 to \$200.	5/13/2019 10:26 AM
20	DV evaluation. Treatment, assuming evaluation recommends. Friendship Diversion costs.	5/13/2019 10:22 AM
21	Biologic Alcohol Monitoring Device costs (approximately \$400 - \$500/month). UAs for deferred prosecutions (6/month for 6 months mandatory - estimated costs after speaking to treatment providers of about \$2,000).	5/13/2019 10:20 AM
22	Restitution, sometimes NCO fees, SOSSA treatment	5/13/2019 10:08 AM
23	MRT is almost always out of pocket even for people with state health insurance that would pay for mh/cd	5/13/2019 9:57 AM
24	Victim Impact Panel, treatment cost, defensive driving school, etc.	5/13/2019 8:40 AM
25	Fines, MRT, UAs, EHM	5/13/2019 7:28 AM
26	SCRAM, IID, chemical dependency evaluation, DV moral reconnection therapy, DV evaluation, treatment for DV, chemical dependency, or mental health	5/12/2019 11:31 PM
27	If bench probation goes to Friendship; DOfc fees I think are \$20 per month that is a DOC imposed fee	5/12/2019 4:53 PM
28	sexual deviancy treatment; moral reconnection therapy	5/12/2019 2:09 PM
29	Treatment costs for all of the above. Ignition Interlock devices. Electronic Home Detention fees Work release fees	5/12/2019 1:39 PM
30	The client must pay counseling/treatment fees if sentenced under the Special Sex Offender Sentencing Alternative.	5/12/2019 12:50 PM
31	Juvenile probation generally pays for everything as long as it's through one of their contracted providers. If it's not, they have to pay out of pocket.	5/12/2019 12:04 PM

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32	They have to pay for their children's food at visits and baby formula. That's a challenge when their food benefits are decreased bc their children usually don't live with them. Also they loose WIC but are expected to provide formula at visits without help from the foster parents. Formula can be quite expensive	5/12/2019 11:17 AM
33	City filing fee	5/12/2019 9:51 AM
34	\$100 DNA Collection Fee	5/12/2019 8:19 AM
35	\$43 filing fee	5/12/2019 7:41 AM
36	They have to pay for their children's food at visits and baby formula. That's a challenge when their food benefits are decreased bc their children usually don't live with them. Also they loose WIC but are expected to provide formula at visits without help from the foster parents. Formula can be quite expensive	5/12/2019 6:41 AM
37	DV--beyond anger managment, chem/dep treatment sex offender treatment 3rd party payment fees collection fees	5/11/2019 11:13 PM
38	Electronic Home Monitoring, alcohol monitoring such as BART, SCRAM or IIDs. Bail.	5/11/2019 9:40 PM
39	Work release fees	5/11/2019 6:44 PM
40	For mental health and drug/-OH evaluations, it depends on whether the person has insurance and whether they are in custody at the time. Also, if a client is an enrolled tribal member, his/her Tribe will often assit.	5/11/2019 6:20 PM
41	Restitution	5/11/2019 5:49 PM
42	Jail alternatives Attorney fees	5/11/2019 5:48 PM
43	Alcohol Evaluation Victims Panel	5/11/2019 5:43 PM
44	Victim Compensation Fund	5/11/2019 5:11 PM

Q13 In the court where your practice, what percentage of cases with restitution are paid out to individuals?

Answered: 67 Skipped: 10



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
	52	3,457	67
Total Respondents: 67			

#		DATE
1	100	5/30/2019 10:27 AM
2	10	5/22/2019 10:57 PM
3	29	5/14/2019 11:20 PM
4	25	5/14/2019 7:13 PM
5	50	5/14/2019 1:14 PM
6	100	5/14/2019 11:05 AM
7	50	5/14/2019 10:49 AM
8	5	5/14/2019 8:47 AM
9	49	5/14/2019 8:21 AM
10	10	5/13/2019 8:08 PM
11	65	5/13/2019 7:03 PM
12	75	5/13/2019 2:36 PM
13	15	5/13/2019 2:09 PM
14	88	5/13/2019 2:00 PM
15	40	5/13/2019 1:45 PM
16	24	5/13/2019 1:13 PM
17	58	5/13/2019 12:24 PM
18	100	5/13/2019 12:07 PM
19	100	5/13/2019 11:46 AM

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20	0	5/13/2019 11:32 AM
21	90	5/13/2019 11:30 AM
22	50	5/13/2019 11:18 AM
23	67	5/13/2019 10:51 AM
24	80	5/13/2019 10:50 AM
25	10	5/13/2019 10:38 AM
26	100	5/13/2019 10:26 AM
27	5	5/13/2019 10:20 AM
28	26	5/13/2019 10:08 AM
29	100	5/13/2019 10:05 AM
30	57	5/13/2019 9:57 AM
31	75	5/13/2019 9:49 AM
32	97	5/13/2019 9:04 AM
33	100	5/13/2019 8:56 AM
34	5	5/13/2019 8:45 AM
35	90	5/13/2019 8:40 AM
36	20	5/13/2019 8:29 AM
37	2	5/13/2019 7:47 AM
38	75	5/13/2019 7:28 AM
39	16	5/12/2019 11:31 PM
40	24	5/12/2019 5:37 PM
41	25	5/12/2019 4:28 PM
42	24	5/12/2019 3:08 PM
43	75	5/12/2019 2:09 PM
44	60	5/12/2019 1:39 PM
45	75	5/12/2019 12:50 PM
46	100	5/12/2019 12:04 PM
47	100	5/12/2019 9:51 AM
48	51	5/12/2019 8:19 AM
49	38	5/12/2019 7:41 AM
50	80	5/11/2019 11:13 PM
51	99	5/11/2019 10:45 PM
52	81	5/11/2019 10:32 PM
53	13	5/11/2019 9:40 PM
54	50	5/11/2019 7:34 PM
55	50	5/11/2019 7:23 PM
56	80	5/11/2019 7:12 PM
57	70	5/11/2019 6:44 PM

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58	10	5/11/2019 6:23 PM
59	70	5/11/2019 6:20 PM
60	50	5/11/2019 5:49 PM
61	56	5/11/2019 5:48 PM
62	1	5/11/2019 5:47 PM
63	0	5/11/2019 5:43 PM
64	51	5/11/2019 5:43 PM
65	10	5/11/2019 5:23 PM
66	30	5/11/2019 5:21 PM
67	26	5/11/2019 5:11 PM

Q14 In the court where you practice, what percentage of cases with restitution are paid out to insurance companies? Please explain.

Answered: 64 Skipped: 13

#	RESPONSES	DATE
1	If an insurance company paid out, 100%	5/30/2019 10:27 AM
2	50ish	5/22/2019 10:57 PM
3	Single digit number I think, most restitution I see goes to individuals.	5/14/2019 11:20 PM
4	10%	5/14/2019 7:13 PM
5	Often, restitution is to the victim's aggregate fund.	5/14/2019 1:14 PM
6	0	5/14/2019 11:19 AM
7	As mentioned above - the prosecutors are including language that loops in insurance companies more and more frequently. We frequently can't get a plea offer unless our clients agree that restitution includes insurance companies - even for damages that aren't directly related to the charged offense	5/14/2019 11:05 AM
8	We do not routinely order restitution to insurance companies in District Court.	5/14/2019 10:49 AM
9	Unsure.	5/14/2019 8:47 AM
10	75%	5/14/2019 8:21 AM
11	0	5/13/2019 8:08 PM
12	25%	5/13/2019 7:03 PM
13	Very few - I have seen only a couple in many years.	5/13/2019 2:36 PM
14	Not many, but I couldn't guess at a percentage. I think I've had maybe 2 this year.	5/13/2019 2:09 PM
15	50%? State always seeks recoupment for the insurance company when available and courts always grant it.	5/13/2019 2:00 PM
16	Very few. Less than 5%.	5/13/2019 1:45 PM
17	Almost none. Sometimes we negotiate agreed restitution for an insurance deductible and let the insurance company then cover the full cost of damage.	5/13/2019 1:13 PM
18	25-30% if the person had insurance will the defendant be expected to pay an insurance company who reimbursed the victim	5/13/2019 12:24 PM
19	we are trying to seek modification of the past orders that were based on insurance claims, so aiming for zero to insurance	5/13/2019 12:07 PM
20	SEE #15	5/13/2019 11:46 AM
21	Unknown	5/13/2019 11:32 AM
22	I would estimate about 10%. In a lot of our cases, either the victim does not have insurance or they do not report the incident to insurance prior to restitution being ordered.	5/13/2019 11:30 AM
23	10%	5/13/2019 11:18 AM
24	N/A	5/13/2019 10:51 AM
25	I'm not sure, but I would guess 20% insurance, 80% individual.	5/13/2019 10:50 AM
26	Insurance companies are more likely to request restitution than the alleged victims are.	5/13/2019 10:38 AM
27	Almost every case where the prosecutor's office has contacted the insurance company.	5/13/2019 10:26 AM

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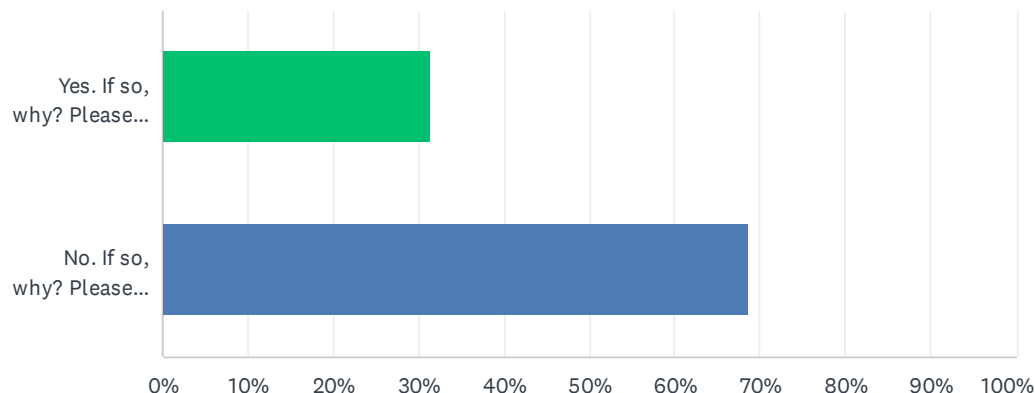
28	No idea, but the Thurston District Court will impose restitution payable to the state regardless of the ability to track the amount of costs that the particular case cost the government.	5/13/2019 10:20 AM
29	Few	5/13/2019 10:08 AM
30	Many cases are subrogation by insurance companies. It seems like a constant fight, and judges don't seem to understand that full payouts with minimal documentation are a business model built into the profit structure of an insurance company, not a matter of actual and documented "easily ascertainable loss." Nor do they seem to feel comfortable with the idea that it is a discretionary decision whether to honor that request for restitution.	5/13/2019 9:57 AM
31	15	5/13/2019 9:49 AM
32	Typically zero. Our prosecutor does not typically collect on behalf of insurance companies.	5/13/2019 8:56 AM
33	About 10 percent depending on whether the judge agrees with my argument that the client should only be responsible for the victims out of pocket expense, like the deductible.	5/13/2019 8:40 AM
34	5%	5/13/2019 8:29 AM
35	My clients typically are unable to pay restitution.	5/13/2019 7:47 AM
36	I haven't had any with my caseload.	5/13/2019 7:28 AM
37	Few. Only in hit and runs, and then only if the victim's insurance covered it.	5/12/2019 11:31 PM
38	Unknown	5/12/2019 5:37 PM
39	Not sure--insurance companies get restitution whether or not folks pay I do not know.	5/12/2019 4:53 PM
40	75 to 100% if there is restitution owed to an insurance company they order it.	5/12/2019 4:28 PM
41	If the insurance company compensated the victim; it is standard for it to be awarded restitution.	5/12/2019 3:08 PM
42	I would estimate 25%. Depends on the type of crime and the level of damages and whether the person or property was insured.	5/12/2019 2:09 PM
43	My estimate is at least 40% to insurance companies or VPA recoupment	5/12/2019 1:39 PM
44	In cases where the victim's damages were covered by insurance, restitution is paid out to insurance companies. This occurs approximately 10% to 20% of the time.	5/12/2019 12:50 PM
45	I haven't seen any	5/12/2019 12:04 PM
46	Less than 10%	5/12/2019 9:51 AM
47	None.	5/12/2019 8:19 AM
48	20-30 percent. Prosecutors try to get the full amount paid by insurance reimbursed. Or for reimbursement of the deductible	5/12/2019 7:41 AM
49	I don't know	5/11/2019 11:13 PM
50	In Seattle Municipal Court, most of the restitution obligations my clients face are for property damage -- I can't really estimate how much goes to insurance and how much to individuals.	5/11/2019 10:32 PM
51	Not very often, but when it does the payout is often quite large.	5/11/2019 9:40 PM
52	25%. Half, if not more of all restitution.	5/11/2019 7:34 PM
53	0%	5/11/2019 7:23 PM
54	Less than 40% is my estimate. Most victims in our impoverished area do not have insurance including auto, and property insurance. Most of the restitution cases are for property damage and restitution is paid directly to the victim not an insurance company. Where insurance companies are paid is for the violent felonies on my caseload and are for medical bills.	5/11/2019 7:12 PM
55	Approx 20%	5/11/2019 6:44 PM
56	2%	5/11/2019 6:23 PM
57	For me specifically, roughly 15% ... the other 15% is corporations/businesses	5/11/2019 6:20 PM

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58	Rarely	5/11/2019 5:49 PM
59	Unknown	5/11/2019 5:48 PM
60	no clue	5/11/2019 5:47 PM
61	Not sure. I have had less than 5 percent of cases requiring restitution and those were all paid to victims whether people or businesses and paid through court.	5/11/2019 5:43 PM
62	10	5/11/2019 5:43 PM
63	Very few because we rarely consider the insurance company to be a victim eligible for restitution	5/11/2019 5:21 PM
64	0	5/11/2019 5:11 PM

Q15 Do you handle cases with restitution payable to individuals differently than when restitution is payable to insurance companies?

Answered: 64 Skipped: 13



ANSWER CHOICES	RESPONSES	
Yes. If so, why? Please explain below.	31.25%	20
No. If so, why? Please explain below.	68.75%	44
TOTAL		64

#	PLEASE EXPLAIN HERE.	DATE
1	Judges are less likley to impose restitution to insurance companies	5/22/2019 10:57 PM
2	I check the documentation in every case. It's usually wrong.	5/14/2019 11:20 PM
3	No difference.	5/14/2019 7:13 PM
4	the primary focus of my clients is getting out of jail, fewer felony points, and sometimes immigration issues. I have not had a client care about restitution no matter how I explain what the future damage restitution requirements could cause.	5/14/2019 11:05 AM
5	All restitution payments are collected by the court and distributed	5/14/2019 10:49 AM
6	Unsure.	5/14/2019 8:47 AM
7	It hasn't been an issue I've had to research in a long time.	5/13/2019 2:36 PM
8	It depends on the case, but haven't had one with a really good argument.	5/13/2019 2:09 PM
9	The court is going to order restitution, regardless of whether it is to an insurance company or to an individual, so they must be treated the same. Frustratingly, judges seem to grant deference to the insurance companies' valuations and determinations of replacement value, making it difficult to challenge the appropriateness of the requested amount. For example, I've seen insurance companies reimburse for the original purchase price of an old computer when an equivalent (or better) new computer could be purchased for less and the depreciated value of the computer is much much lower. Because the insurance company decided to pay much much more than the replacement cost of the device, the court decided to tag the defendant with that high amount despite arguments to the contrary.	5/13/2019 2:00 PM
10	Generally I argue that insurance companies have the ability to absorb losses or the resources to seek restitution without the sentencing court's involvement.	5/13/2019 1:45 PM
11	We rarely see insurance restitution.	5/13/2019 1:13 PM

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12	i just look to see if there is enough supporting documentation and legal basis for any claim of damage independent of who it is paid out to. I tend to be more aggressive in my approach when it comes to insurance companies though. Insurance companies usually have more documentation and precise numbering so they can be harder to challenge but I will still be harder on them because they are less sympathetic and have big pockets.	5/13/2019 12:24 PM
13	ask that restitution to insurance not be ordered in the first place. Also can ask an individual for community service instead. I have not had much success with this though	5/13/2019 12:07 PM
14	our court and prosecution rarely seek or impose restitution to the insurance companies. i understood the above references to "individuals" to include corporate crime victims, such as businesses that sustained damage by commission of crimes	5/13/2019 11:46 AM
15	I do not handle restitution payments	5/13/2019 11:32 AM
16	If it is an individual, I will actually talk to the victim to see what the restitution was for and get them to show me proof or where they got the estimate. With insurance companies I don't do that as much because our prosecutors are not very good at looking at the paperwork the insurance company submits and therefore is not prepared for our arguments. If I contact the insurance company, they have contacted our prosecutor and fixed the mistakes in the paperwork.	5/13/2019 11:30 AM
17	N/A	5/13/2019 10:51 AM
18	I don't know.	5/13/2019 10:50 AM
19	The individual requests contain more information than the insurance requests.	5/13/2019 10:38 AM
20	Proof issues are the same. I require the state to show me that the insurance company paid out, how much they paid and for what. I handle restitution for individuals in the same manner.	5/13/2019 10:26 AM
21	Insurance companies seem to be less capable of establishing a factual basis for a restitution request, and are therefore less likely to have restitution awarded.	5/13/2019 10:22 AM
22	I have not had a case in which restitution was to be paid to insurance.	5/13/2019 10:20 AM
23	i almost always fight it. if an individual has documented a claim i am likely to sign in agreement once i am satisfied that the legal issues are resolved and the factual underpinnings are there. i almost never sign in agreement to pay an insurance company because i believe they should not be included in the restitution statute.	5/13/2019 9:57 AM
24	Our prosecutor does not seek to recover restitution on behalf of insurance companies.	5/13/2019 8:56 AM
25	See above. I argue against paying restitution to insurance companies.	5/13/2019 8:40 AM
26	See above.	5/13/2019 7:47 AM
27	I haven't had a matter that requested restitution to insurance.	5/13/2019 7:28 AM
28	It's all about the resolution. It's the same argument, the same facts, and trhe same hearing either way.	5/12/2019 11:31 PM
29	Still imposes costs on my client either way	5/12/2019 5:37 PM
30	Restitution is restitution	5/12/2019 4:53 PM
31	I always negotiate it with the company to see if they will forgive it.	5/12/2019 4:28 PM
32	I may try to negotiate a restitution amount, prior to sentencing, with an individual. Insurance companies are less likely to negotiate, at least in my experience.	5/12/2019 3:08 PM
33	Well, I attempt to handle them impartially the same, but dealing with an insurance company is more impersonal. It may have some psychological impact in lowering the feeling of righteousness of the victim being paid back. Whether, it is insurance or an individual, they both need to have their papers and documented proof in order.	5/12/2019 2:09 PM
34	I make a more vigorous argument to reduce amounts that are payable to insurance companies.	5/12/2019 1:39 PM
35	"The relevant statute broadly defines 'victim' as 'any person who has sustained physical or financial injury to person or property as a direct result of the crime charged.' RCW 9.94A.030(28). Washington courts have interpreted this and comparable statutes to carry out	5/12/2019 12:50 PM

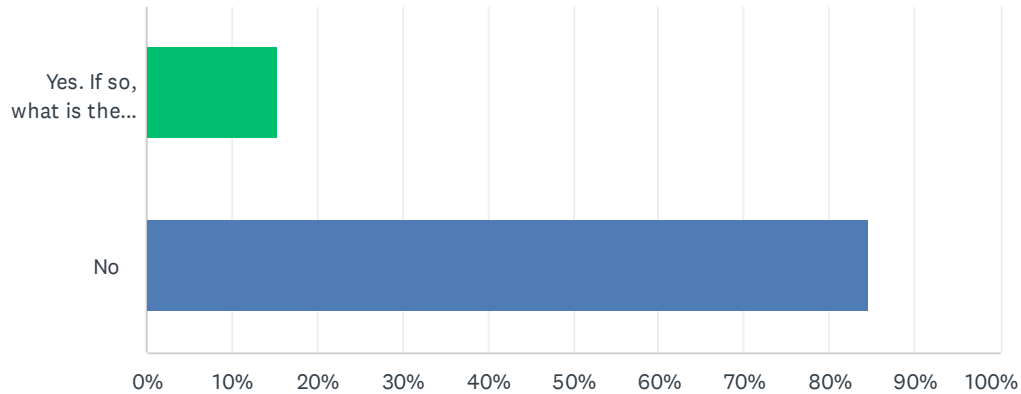
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the wide scope of restitution, and have determined that the recipient of restitution may be one other than the immediate victim of the crime. " State v. Davison, 116 Wn.2d 917, 920–21, 809 P.2d 1374, 1376 (1991)

36	NA	5/12/2019 11:17 AM
37	I have not had, as yet, any cases in which restitution is payable to an insurance company.	5/12/2019 8:19 AM
38	NA	5/12/2019 6:41 AM
39	However, I have seen the court--on its own motion--remit restitution owed to an insurance company.	5/11/2019 11:13 PM
40	I don't find that this is a point of negotiation in the City of Seattle cases.	5/11/2019 10:32 PM
41	Often can convince judge not to impose restitution to insurance companies.	5/11/2019 9:40 PM
42	Restitution is paid to the court and distributed to the injured part. So fin client's point of view it is just 1payment.	5/11/2019 9:06 PM
43	I argue the insurance company is very different than a private citizen. Those arguments are not successful.	5/11/2019 7:12 PM
44	It is more likely that the court will order restitution to an individual.	5/11/2019 6:23 PM
45	BC insurance companies often pay "replacement cost" whereas individuals are compensated for the value of item lost/damaged.	5/11/2019 6:20 PM
46	I argue against both	5/11/2019 5:49 PM
47	Have not had any cases where client had to pay insurance company	5/11/2019 5:43 PM
48	Most cases that require individual restitution are resolved by Compromise of Misdemeanor. Insurance companies are rarely willing to settle a case that way for an amount the client can afford	5/11/2019 5:21 PM
49	My client's can't pay restitution to anyone, so I handle the cases the same.	5/11/2019 5:11 PM

Q16 In the court where you practice, is there a clear process for remission?

Answered: 65 Skipped: 12



ANSWER CHOICES	RESPONSES	
Yes. If so, what is the process? Please explain below.	15.38%	10
No	84.62%	55
TOTAL		65

#	PLEASE EXPLAIN THE PROCESS HERE.	DATE
1	I don't know what remission is	5/22/2019 10:57 PM
2	Not that I know.	5/14/2019 11:20 PM
3	The court has occasionally mentioned writing a letter to the court, which is then reviewed in chambers without a clear timeline for a decision. Once the final decision is made, I assume the court contacts the client.	5/14/2019 8:47 AM
4	a client would have to submit a request to modify LFOs to a judge. I have no idea whether this is done and/or how successful it is. I have only attempted once or twice and was not successful as to restitution.	5/13/2019 12:24 PM
5	during intake attorneys at our office often provide our clients with a remission packet with instructions and assistance for completion of same	5/13/2019 11:46 AM
6	Counsel or Defendant can re-address LFOs for the court's evaluation.	5/13/2019 10:51 AM
7	Clerk's office	5/13/2019 10:38 AM
8	There are forms for the defendant to fill out that include a financial declaration and record of payment. The defendant files the forms and a court clerk sets it for a hearing.	5/13/2019 10:26 AM
9	Petition brought on the miscellaneous motions post-sentencing calendar. Court generally fairly forgiving for pro se petitions' lack of observance of formalities.	5/13/2019 10:22 AM
10	I do not even know what you are referring to by the term "remission." If you are talking about relief from payment of LFO's, then our process is not entirely clear because I do not know what such process is.	5/13/2019 8:56 AM
11	Our court is extremely hesitant when it comes to LFOs to the point where we have been asked by our judge to start advising clients on chapter 13 bankruptcy, rather than clients submitting requests to the court for remission. The courts general process is to have the person write a	5/13/2019 7:28 AM

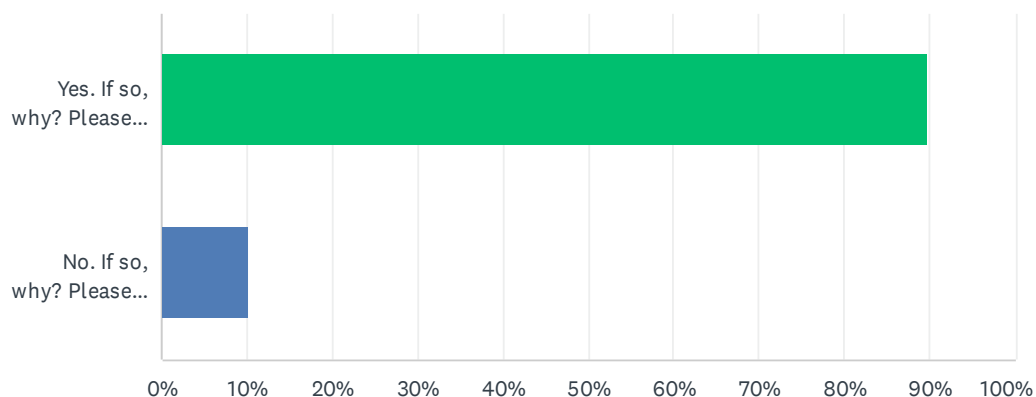
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letter to the court. The court will schedule a hearing. At that hearing, the court generally doesn't do a financial inquiry and will rather look at a persons criminal/infraction history and make a determination based solely on that.

12	File a motion and declaration; serve pros office show up for court	5/12/2019 4:53 PM
13	All three Courts require a motion to be filed by the respondent/defendant to seek remission.	5/12/2019 4:28 PM
14	The issue here is that there is no process for remission of the VPA, even if the defendant is elderly, disabled, paying minimal amounts out of disability payments, and will clearly never be able to pay the fine. The clerk's office is fairly patient with these cases, but there should be a process that can be applied efficiently and equitably.	5/12/2019 1:39 PM
15	NA	5/12/2019 11:17 AM
16	Don't know what remission is	5/12/2019 9:51 AM
17	NA	5/12/2019 6:41 AM
18	I file a motion for remission. It is accompanied by a notice of hearing, financial declaration and proposed order. Proposed orders include a breakdown of what is owing prior to remission. Also, if the client has multiple causes in our county, they are all on the same documents.	5/11/2019 11:13 PM
19	If it is agreed, the court orders that amount. If not, we set a hearing and the Court decides.	5/11/2019 6:20 PM
20	Not sure	5/11/2019 5:43 PM

Q17 Do you advise your clients on sentencing?

Answered: 68 Skipped: 9



ANSWER CHOICES	RESPONSES	
Yes. If so, why? Please explain below.	89.71%	61
No. If so, why? Please explain below.	10.29%	7
TOTAL		68

#	PLEASE EXPLAIN HERE.	DATE
1	It's part of the legal proceedings; whatever we submit becomes a public record; we have to prepare a financial declaration; they will be asked if they want to say anything	5/22/2019 10:57 PM
2	Yes, many approaches required to get a good result.	5/17/2019 4:55 PM
3	You never know if our judge will follow the recommendation or not. Our main judge asks inappropriate questions of clients "what would your UA look like today?" and sentence length depends on answers, so I coach clients in advance.	5/14/2019 11:20 PM
4	Their rights, etc.	5/14/2019 7:13 PM
5	I let the client know that the court will give him/her an opportunity to speak if he/she wants to address the court. I give the client ideas of topics to cover such as what they've learned from their experience, what will be different in the future, who in the community will help the client if the client gets off track, and the client's ability to pay LFOs.	5/14/2019 8:47 AM
6	Yes it's a critical part of client contact.	5/13/2019 8:08 PM
7	I am appellate counsel, so they are past that point by the time I meet them. On occasion I will win a client resentencing and will offer limited advice, but I typically defer to trial counsel who will be most familiar with the culture and norms of that Superior Court.	5/13/2019 2:36 PM
8	In regards to LFOs, I let clients know what the Court could impose and that we will ask for the minimum.	5/13/2019 2:09 PM
9	I do not understand this question. Advise them how? About what? I handle sentencings for clients.	5/13/2019 2:00 PM
10	I'm not sure I understand the question.	5/13/2019 1:45 PM
11	Don't we have to do this?	5/13/2019 1:13 PM
12	this question is too vague. i advise clients about LFOs when I review the plea paperwork and at sentencing. restitution is usually TBD at time of sentencing, which I inform clients of as well	5/13/2019 12:24 PM

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13	understanding this to relate to remission, see the above answer	5/13/2019 11:46 AM
14	Why? Because it's my job, and my ethical responsibility. Am I misunderstanding this question?	5/13/2019 11:32 AM
15	Our courts only order the mandatory LFO's and my reading of the statute does not allow for remission of those LFO's.	5/13/2019 11:30 AM
16	I have an ethical obligation to advise clients about sentencing and would not be doing my job if I did not.	5/13/2019 11:18 AM
17	Courts are not bound by the parties agreements. Immigration issues. The consequences (direct and indirect) of the case are what the clients' are most concerned about.	5/13/2019 10:51 AM
18	Because it would be malpractice to not do so?	5/13/2019 10:38 AM
19	i'm not sure what this question is asking. I go over over all of the sentencing documents with my client. Prior to the sentencing hearing, we discuss LFOs and his/her ability to pay.	5/13/2019 10:26 AM
20	I'm assuming that this question regards remitting LFOs. I have frequently explained to clients that they have an ability to address prior LFOs and give them the NWJP remittance packet. I do not know if any clients have followed through. The Thurston District Court will refuse to address remittance of prior LFOs if brought up during a new case.	5/13/2019 10:20 AM
21	because i don't know how to waive debt in our court i do not advise clients.	5/13/2019 9:57 AM
22	We always discuss possible case outcomes.	5/13/2019 8:56 AM
23	Because sentencing is a critical stage of representation.	5/13/2019 8:40 AM
24	Clients are constitutionally entitled to this information.	5/13/2019 7:47 AM
25	My spouse is an attorney with the Northwest Justice Project who handles LFOs matters, and I've gained a lot of knowledge from her on what the best approaches are for LFOs. I advise my clients on communication if unable to pay, and documentation of inability to pay.	5/13/2019 7:28 AM
26	Because it's required as effective assistance of counsel to advise of fines and costs associated with their plea.	5/12/2019 5:37 PM
27	Although I do tell them at some point they may petition the court	5/12/2019 4:53 PM
28	IT's required to explain the potential sentences to clients to not do so would be malpractice.	5/12/2019 4:28 PM
29	This question is unclear. I advise my clients regarding the sentencing process. Are you inquiring about something different?	5/12/2019 3:08 PM
30	I have, but there doesn't seem to be a process that is regularly utilized by the courts and it rarely comes up. I have not done it consistently, but with individuals who have expressed financial concerns with paying LFOs. If restitution is a problem for the client then we sometimes discuss the process of payments and asking to waive interest.	5/12/2019 2:09 PM
31	Not sure what you're asking here. Advise about remission? Yes if I think the fines will be oppressive.	5/12/2019 1:39 PM
32	I have never reviewed a sentencing record over past 30 years where defendant was advised of remission procedure	5/12/2019 11:34 AM
33	NA	5/12/2019 11:17 AM
34	?	5/12/2019 9:51 AM
35	I do not know the process on remission.	5/12/2019 8:19 AM
36	Of course. All aspects. All possibilities.	5/12/2019 7:41 AM
37	NA	5/12/2019 6:41 AM
38	This is a bit vague--but I do advise my clients that there are discretionary and mandatory LFOs	5/11/2019 11:13 PM
39	The process is essentially non-existent.	5/11/2019 10:32 PM
40	With regard to LFO's, I explain that the court can and will often waive as many non-mandatory fines and fees as possible if we can demonstrate indigency. Then we look at mandatory fees	5/11/2019 9:40 PM

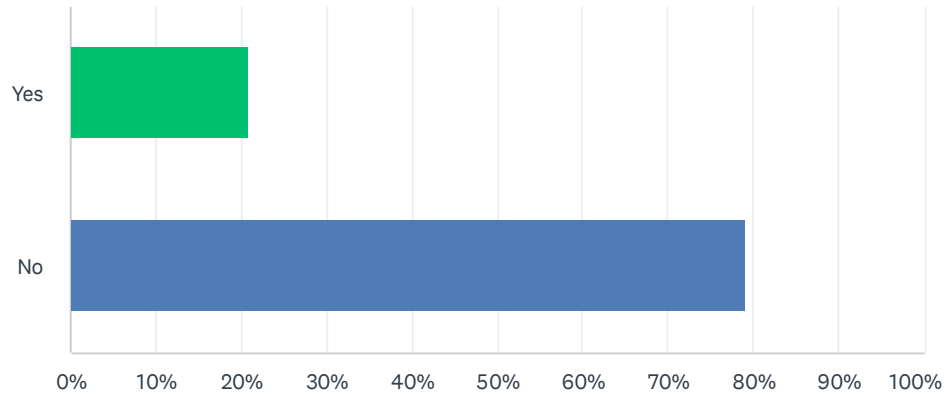
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and fines and restitution to see how large the obligation may be expected. With regard to restitution, I explain that client is entitled to a hearing to contest the amount and type of restitution.

41	I want them to know that under certain circumstances they can ask for remission.	5/11/2019 9:06 PM
42	I find it's my duty to fully inform a client on all aspects	5/11/2019 7:12 PM
43	I am ethically obligated to (and it's the right thing to do).	5/11/2019 6:44 PM
44	It's my job! There are lots of direct and collateral consequences. And sometimes immigration consequences. They have to know to make a decision on how to proceed.	5/11/2019 6:20 PM
45	Because thats part of being competent?	5/11/2019 5:49 PM
46	not sure what you mean by "advise your clients on sentencing" I go over the sentencing recommendations and what the judge can and cannot do	5/11/2019 5:47 PM
47	I don't advise on remission process and not familiar with	5/11/2019 5:43 PM
48	Question to broad for me to answer.	5/11/2019 5:24 PM
49	So that they have a clear understanding of what the consequences of their guilty plea will be.	5/11/2019 5:21 PM

Q18 Do you represent your clients on remission?

Answered: 67 Skipped: 10



ANSWER CHOICES	RESPONSES	
Yes	20.90%	14
No	79.10%	53
TOTAL		67

Q19 When you represent clients on probation violations, do you include remission arguments? Please explain.

Answered: 58 Skipped: 19

#	RESPONSES	DATE
1	I don't know what remission is	5/22/2019 10:57 PM
2	No	5/14/2019 11:20 PM
3	No.	5/14/2019 7:13 PM
4	yes	5/14/2019 11:19 AM
5	Yes, but do not make arguments regarding remission.	5/14/2019 8:47 AM
6	n/a. I	5/13/2019 2:36 PM
7	n/a	5/13/2019 2:09 PM
8	Not yet because it has not come up.	5/13/2019 2:00 PM
9	If I understand remission, I do ask courts to retroactively waive LFOs imposed prior to Blazina in appropriate cases.	5/13/2019 1:45 PM
10	I don't know what remission is.	5/13/2019 1:13 PM
11	if applicable, yes	5/13/2019 12:24 PM
12	I don't know what remission is or are. and I do represent my juvy clients on probation violations.	5/13/2019 12:07 PM
13	no, but see #16	5/13/2019 11:46 AM
14	I have never seen a remission in Whatcom County	5/13/2019 11:32 AM
15	Kind of. Our courts have routinely waived LFO's if the client is indigent, which is about 90% of our clients. So all we have to do on those is present the paperwork. The other 10% make too much money for us to make those arguments.	5/13/2019 11:30 AM
16	Sometimes	5/13/2019 11:18 AM
17	It depends. If the LFOs are apparently unreasonable or if the defendant expresses concern, then yes.	5/13/2019 10:51 AM
18	Sometimes.	5/13/2019 10:50 AM
19	yes	5/13/2019 10:38 AM
20	Not usually. Clients are not typically show caused for nonpayment of fines. They used to be until our current judge made a practice of requiring the state to summons the defendant and have a hearing prior to a show cause.	5/13/2019 10:26 AM
21	I don't typically represent appointed clients on probation violations.	5/13/2019 10:22 AM
22	Sometimes. However, the Thurston District Court refuses to act because of ability to pay.	5/13/2019 10:20 AM
23	I don't represent clients on probation violations	5/13/2019 10:08 AM
24	Yes	5/13/2019 10:05 AM
25	only when interest is accruing on LFOs because that is easily waived by the court. i will argue that a violation of failure to pay is non-willful, but i do not do more than that to relieve them of the obligation to pay.	5/13/2019 9:57 AM
26	i do not handle probation violations, but i believe the attorney in my office handling those does advise re: remission	5/13/2019 9:49 AM

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27	No. We do not deal with this in our Superior Court.	5/13/2019 8:56 AM
28	No.	5/13/2019 8:40 AM
29	If applicable, yes.	5/13/2019 7:47 AM
30	Some times. If a client is willing to put in the effort to get me the documentation that I need, I will always add LFOs to the list of issues.	5/13/2019 7:28 AM
31	No, unless the probation violation is for fines. Also, typically it is difficult to get a hold of a client prior to a probation hearing. Thus, remission would not be proper at the probation hearing because it would require a motion to remit to be filed with supporting documents which the client doesn't bring to court at the probation violation hearing.	5/12/2019 5:37 PM
32	No, does not usually come up at that point. But if it does we certainly discuss it.	5/12/2019 4:53 PM
33	No, because the Judges will only hear what's on the PVN.	5/12/2019 4:28 PM
34	It depends on the nature of the violation. If it is financial, then I will include remission arguments.	5/12/2019 3:08 PM
35	It depends on the situation. Usually the focus is keeping the client from being incarcerated. Occasionally we address other fees or restitution.	5/12/2019 2:09 PM
36	There are no available remission arguments regarding the VPA, although most judges are willing to hear arguments that failure to pay is not willful for indigent clients.	5/12/2019 1:39 PM
37	I do not represent clients on probation violations.	5/12/2019 12:50 PM
38	No, generally not an issue in juvenile	5/12/2019 12:04 PM
39	do not see this	5/12/2019 11:34 AM
40	NA	5/12/2019 11:17 AM
41	Not sure what remission is	5/12/2019 9:51 AM
42	No.	5/12/2019 8:19 AM
43	NA	5/12/2019 7:41 AM
44	NA	5/12/2019 6:41 AM
45	No. These are usually separate. Strategically, I don't want the court to think my client is greedy. There is still this perception, regardless of the willingness to remit.	5/11/2019 11:13 PM
46	No. I seldom represent clients on probation violations relevant to remission arguments.	5/11/2019 10:32 PM
47	Yes. Ask court to recall LFO's from collections and waive remaining obligations or convert to community service.	5/11/2019 9:40 PM
48	No	5/11/2019 7:34 PM
49	Don't handle probation cases	5/11/2019 7:23 PM
50	I don't generally handle PVs	5/11/2019 7:12 PM
51	Yes	5/11/2019 6:44 PM
52	Yes	5/11/2019 6:23 PM
53	Yes, if it is relevant. Usually, LFOs have little relevance on a PV. What would REALLY help, is if my indigent clients who already cannot make ends meet, are not required by the court to pay \$90 per month for two to five years when there is literally no service or "good" provided but rather only a criminal history check and/or UA. Oh - and then, when my client can not afford the \$90 per month, the probation department not only sends it to collection, they also have DOL suspend my clients privilege to drive. It is a never-ending hellish spiral.	5/11/2019 6:20 PM
54	N/a	5/11/2019 5:49 PM
55	I have before, but not always.	5/11/2019 5:48 PM
56	Don't represent on probation violations	5/11/2019 5:43 PM

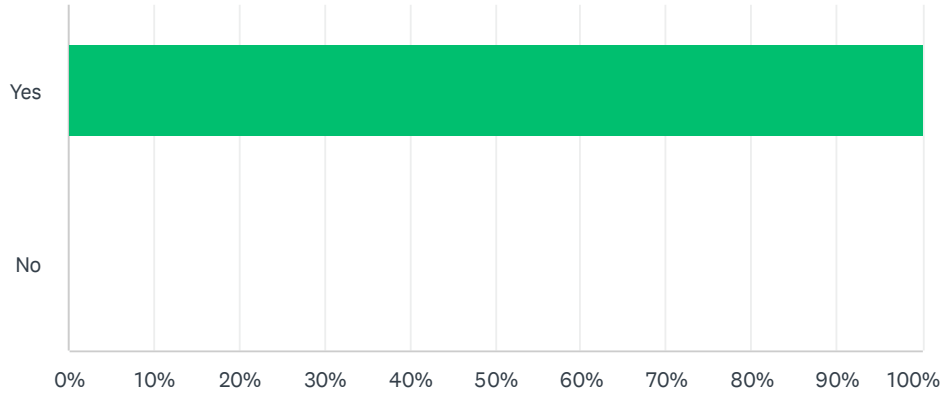
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57	Yes because a lot of them are in violation because of financial circumstances	5/11/2019 5:21 PM
58	No	5/11/2019 5:11 PM

Civil Legal Aid

Q1 Does your organization or firm represent clients on motions for remission?

Answered: 6 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	100.00%	6
No	0.00%	0
TOTAL		6

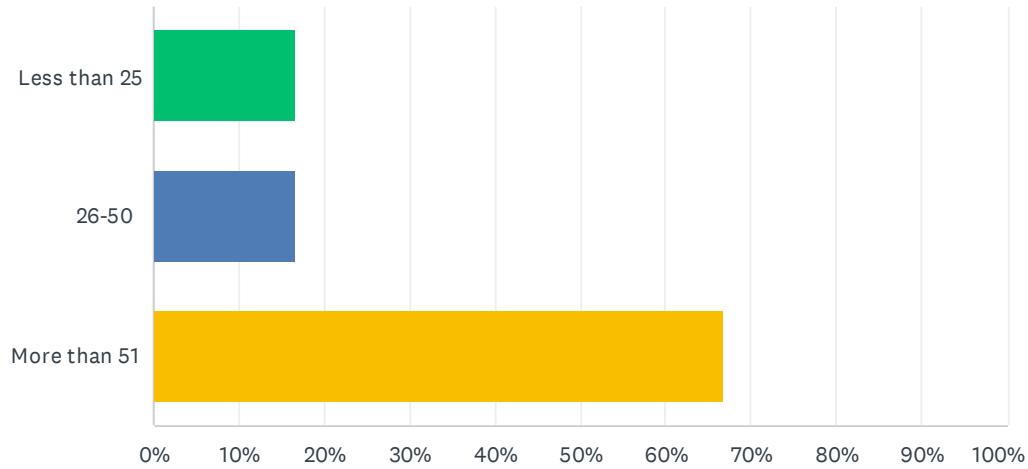
Q2 How are motions for remission cases referred to your organization or firm? Please explain.

Answered: 6 Skipped: 0

#	RESPONSES	DATE
1	We have a reentry clinic, so most of our referrals come directly from people with LFOs, but also from social service providers, clerk's offices, and partner organizations and individuals.	6/23/2019 10:00 PM
2	Usually through public defenders	6/20/2019 9:35 AM
3	Clients call us for assistance.	6/20/2019 9:02 AM
4	CLEAR and Community partners	6/19/2019 7:24 PM
5	either directly from line attorneys, or through referrals from the Director's Office	6/14/2019 10:34 AM
6	Current and former clients of the King County Department of Public Defense are referred by their defense counsel to the in-house civil attorney to begin the motion process.	6/10/2019 12:32 PM

Q3 Approximately, how many motions for remission is your organization or firm capable to do each year?

Answered: 6 Skipped: 0



ANSWER CHOICES	RESPONSES	
Less than 25	16.67%	1
26-50	16.67%	1
More than 51	66.67%	4
TOTAL		6

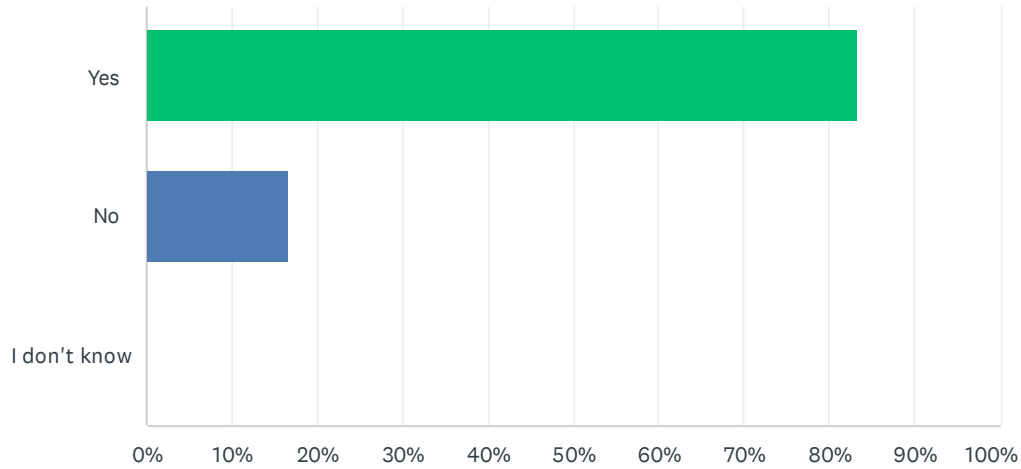
Q4 Approximately, how many motions for remission have your organization or firm taken in 2018 (regardless of the outcome)?

Answered: 5 Skipped: 1

#	RESPONSES	DATE
1	We do not do much direct representation of people seeking remission. Mostly we do brief consult and advice, and assist clients with the drafting of their remission motions until they are comfortable filing. We probably assist with about 20 of these motions per year. We also provided direct representation to a few individuals each year who either cannot represent themselves. We do approximately 3-5 of these each year.	6/23/2019 10:00 PM
2	More than 100	6/20/2019 9:35 AM
3	100s	6/19/2019 7:24 PM
4	15-20	6/14/2019 10:34 AM
5	50	6/10/2019 12:32 PM

Q5 Is representation on remission motions a barrier for your clients' access to relief from LFOs?

Answered: 6 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	83.33%	5
No	16.67%	1
I don't know	0.00%	0
TOTAL		6

Q6 In 2018, what was the average amount of LFOs that your clients were seeking to remit? If you know the specific type of cost of fee, please list (e.g., costs for public defense, appellate costs, etc.).

Answered: 5 Skipped: 1

#	RESPONSES	DATE
1	The average person owes approximately \$1000 - \$3000 in principal costs that are eligible for remission. In cases where appellate costs are involved, that number usually jumps to at least \$5000 in principal. In 2018, we saw a range from as \$500 to almost \$20,000 in principal.	6/23/2019 10:00 PM
2	2500 All of the above. If the judge could impose , it was imposed.	6/20/2019 9:35 AM
3	1000	6/19/2019 7:24 PM
4	\$500-600. Often able to waive \$200 collection costs, and non-restitution interest in varying amounts.	6/14/2019 10:34 AM
5	On average, each client had about \$2000 in LFOs spread across multiple courts.	6/10/2019 12:32 PM

Q7 What do you find the least complex about the remission process (e.g., gathering the necessary information, drafting the motion, scheduling a hearing, working with the State)? Please explain.

Answered: 6 Skipped: 0

#	RESPONSES	DATE
1	Least complex is identifying the discretionary costs imposed by the court, drafting the motion. It is usually easy to work with the State when the individual clearly meets the standard of indigence under statute or GR 34.	6/23/2019 10:00 PM
2	drafting the motion (we are attorneys) the whole process is terrible for pro se parties trying to get their life back on track.	6/20/2019 9:35 AM
3	I use the pattern forms from WashingtonLawHelp so that is the easiest part.	6/20/2019 9:02 AM
4	Understanding the judgment and sentence	6/19/2019 7:24 PM
5	drafting ; we use a boilerplate template; King Co. prosecutor's office has been very cooperative in streamlining process as well	6/14/2019 10:34 AM
6	Now that we have a form motion (created in conjunction with NJP), completing it is the least complex part of the process.	6/10/2019 12:32 PM

Q8 What do you find the most challenging in assisting the defendant in the remission process? Please explain.

Answered: 6 Skipped: 0

#	RESPONSES	DATE
1	I think the county or jurisdiction where the LFOs are owed creates a significant challenge. Sometimes remission in district and municipal courts can also be more challenging than in superior courts. And, finally, difficulties can arise when an account has been turned over to a collection agency.	6/23/2019 10:00 PM
2	The law is pathetic. LFOs should be a thing of the past and remission should be automatic for interests or any discretionary if they can show poverty. I want every judge in this state to come and watch the LFO docket. They will leave feeling completely embarrassed this occurs in 2019.	6/20/2019 9:35 AM
3	Working with the state.	6/20/2019 9:02 AM
4	The state	6/19/2019 7:24 PM
5	scheduling hearings with smaller municipal or district courts	6/14/2019 10:34 AM
6	Having the client complete a financial statement and draft a declaration has been the most challenging.	6/10/2019 12:32 PM

Q9 In your opinion, what do your clients find most challenging about seeking remission of their LFOs? Please explain.

Answered: 6 Skipped: 0

#	RESPONSES	DATE
1	Gathering records, understanding the court process, dealing with collection agencies	6/23/2019 10:00 PM
2	the court system in general. How to file the motion and come to the hearing. Many have disabilities that make the process all the more difficult.	6/20/2019 9:35 AM
3	Gathering background information.	6/20/2019 9:02 AM
4	The belief that they are beneath contempt	6/19/2019 7:24 PM
5	navigating the intricacies of the process (i.e. service, filing, etc.)	6/14/2019 10:34 AM
6	Understanding the process and which LFOs may be eligible.	6/10/2019 12:32 PM

Q10 What are the typical outcomes of motions for remission? Please explain.

Answered: 6 Skipped: 0

#	RESPONSES	DATE
1	Usually successful. All of the remission motions where we represent clients have resulted in remission with no hearing required because we come to agreement with the State. This speaks to the impact of having representation.	6/23/2019 10:00 PM
2	If they are on SSI/ SSDI - granted. Working poor - granted if I represent. Not granted if public defender or pro se and working poor.	6/20/2019 9:35 AM
3	Some are successful, but sometimes the only outstanding fees the courts won't waive like restitution or VPA.	6/20/2019 9:02 AM
4	Remission and exit from the system for clients with means. Perpetual supervision for clients with disabilities.	6/19/2019 7:24 PM
5	Overall positive. Judges and prosecutor's alike are fairly receptive to indigency motions	6/14/2019 10:34 AM
6	It varies by judge and by court. Some zero out entire balances, even if it is for a simple driving offense, and some will deny a request because the client had sought relief themselves in the past.	6/10/2019 12:32 PM

Q11 In your opinion, why do courts grant motions for remission? Please explain.

Answered: 5 Skipped: 1

#	RESPONSES	DATE
1	I think it often comes down to clearly stating the law to the court (or the State in coming to agreement) and that the defendant meets the standard for "manifest hardship."	6/23/2019 10:00 PM
2	Because they have to pursuant to very clear case law ruling. Otherwise, they won't.	6/20/2019 9:35 AM
3	Because clients receive SSI	6/19/2019 7:24 PM
4	indigency, and the law allows them to. Courts won't go any further than the minimum the law allows	6/14/2019 10:34 AM
5	They understand the burden of the fees on individuals. That's why the declaration is so critical.	6/10/2019 12:32 PM

Q12 In your opinion, why do courts deny motions for remission? Please explain.

Answered: 5 Skipped: 1

#	RESPONSES	DATE
1	When defendant's cannot show that they meet the standard of indigence/manifest hardship under the statute, or defendant's providing incomplete/unclear information about their financial status. The existence of a collection agency can also complicate matters. Courts may require that notice be served on the collection agency, involving them and complicating what should be a fairly basic process. I also have seen in some cases, courts that are not educated on the remission process who incorrectly believe they cannot grant remission for any number of reasons.	6/23/2019 10:00 PM
2	Because of a conflict of interest - courts need money and are too friendly with court clerks. LFOs need to be a thing of the past.	6/20/2019 9:35 AM
3	They are funded by the LFO system	6/19/2019 7:24 PM
4	If they are restricted by the language of the statute	6/14/2019 10:34 AM
5	Refusal to consider the consequences of the fees. I even had one judge deny because it was untimely filed - which is an impossibility.	6/10/2019 12:32 PM

Q13 Typically, what are the reasons for the prosecutor to object to motion for remission? Please explain.

Answered: 5 Skipped: 1

#	RESPONSES	DATE
1	1) disputes over what is a mandatory cost vs. a discretionary cost; 2) disagreements over whether a certain LFO imposed is a cost; 3) disputes over whether a defendant is truly indigent.	6/23/2019 10:00 PM
2	The underlying crime or working poor. They think the person will overcome their poverty one day and be able to pay LFOs that should have never been imposed in the first place.	6/20/2019 9:35 AM
3	They think that a client "might win the lottery"	6/19/2019 7:24 PM
4	Only if the remission is not authorized explicitly by statute	6/14/2019 10:34 AM
5	None. If it meets the statutory requirements, the prosecutor tends to not object to the request.	6/10/2019 12:32 PM

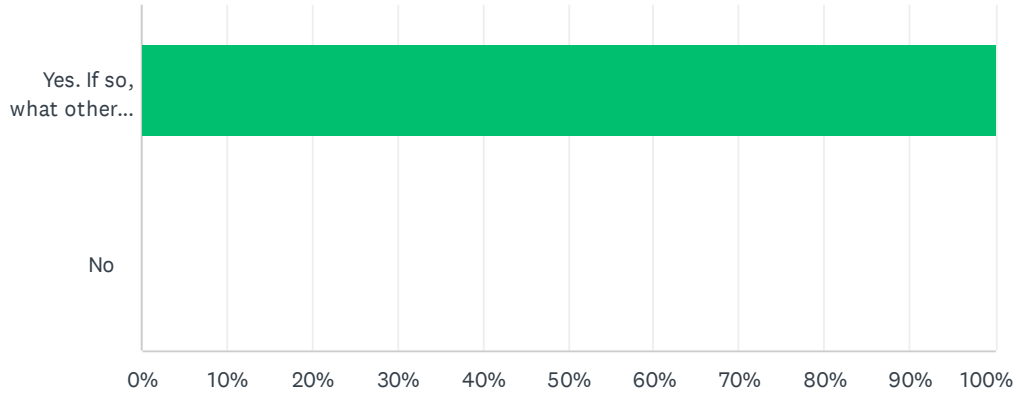
Q14 What does your organization or firm do with denied motions for remission? Please explain.

Answered: 5 Skipped: 1

#	RESPONSES	DATE
1	Have not dealt with this, but if a person who comes through our clinic is denied a remission motion where we did not represent the person, we would review it and get them prepared to file a new one. I also know of attorneys who have filed motions for reconsideration or appealed the denial of remission. We would likely do the same if this issue arose.	6/23/2019 10:00 PM
2	Look for appeals on good cases. We want to take the entire LFO system down and make it a thing of the past. It is a stain on your criminal justice system.	6/20/2019 9:35 AM
3	Appeal	6/19/2019 7:24 PM
4	Make corrections/additions where able	6/14/2019 10:34 AM
5	We notify the client and look at other cases with that client where we might be able to help.	6/10/2019 12:32 PM

Q15 Does your organization/firm provide assistance to clients for other types of LFO relief besides remission?

Answered: 6 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes. If so, what other types?	100.00%	6
No	0.00%	0
TOTAL		6

Appendix F

County Clerk Survey

CLERK SURVEY, JOSIE DELVIN (INFORMATION COLLECTED SEPTEMBER 2017)

QUESTIONS TO CLERKS

1. What is your practice in assessing the (up to) \$100 clerk collection fee?
2. What would happen to your collection activities if the clerk collection fee went away completely?
3. Would you be willing to share the details of your collection program if:
 - a. You and your county remained anonymous, or
 - b. You and your county were identified.

DIRECT RESPONSES FROM CLERKS

- Adams County**
 1. Does not assess the \$100 clerk collection fee.
 2. It would not affect out collection activities.
 3. Due to work load and staffing, we do not have a consistent collections program at this time, and have nothing to share.
- Asotin County**
 1. We currently don't have a practice in place and aren't currently assessing the collection fee but I am hoping we will start assessing the fee again in the near future.
 2. There probably wouldn't be much collection activities happening. Since we would lose that revenue, I wouldn't be surprised if my collection/deputy position as cut by the commissioners.
 - 3 a, b. Yes
- Benton County**

Reserving response due to pending litigation.
- Chelan County**
 1. We review each case annually and apply the fee if they are three months or more behind in payment and now only assess the fee up to \$500.00 total.
 2. I'm not sure if we would continue our program if we lose the fee entirely. It would impact our ability to collect as we are operating now. This would also impact the victim and the state as the revenues would decrease.
 - 3 a, b. I think we would be willing to be identified.

Clallam County

1. We assess one time at time of sentence, \$100.
 2. We wouldn't take any at our level. We would send to collection agency if payment isn't made. Very little work would be spent, State only reimburses us around \$6000 year for collection work.
- 3 a, b. Yes

Clark County

1. The current practice for Clark County is to assess the fee, at the full \$100 rate, annually, but only on the oldest case for each defendant, without regard to the number of cases an individual defendant may have in this court. Accordingly, defendants are not assessed the fee any more than one time annually in this county.
2. Any local collections work would most likely be discontinued if the fee were to be eliminated.
3. Yes, we are willing to respond and to be identified.

Columbia County

1. In the past our prosecutor's office has handled the collection of restitution and fees and fines. They quit doing this in September 2016, but it is my understanding that they are going to start doing it again very soon. Right now I am not sure if they will only work on collection restitution, or whether they will also collect on fees and fines. We have never assessed the (up to) \$100 clerk collection fee. Because it will be done again by our prosecutor's office, the collections activities won't change of the clerk collection fee was taken away.
 2. *No answer.*
- 3 a, b. If anybody needs the details of the collection program, it would be best to contact our prosecuting attorney's office.

Cowlitz County

1. We are assessing the \$100 collection fee on non-supervised cases at the time the judgment is set up.
 2. We would more than likely cease collection activities.
- 3 a. Yes; b. No

Douglas County

1. Assess at entry of J&S or when released from DOC Supervisor. We then may impose yearly, but only if they have violations filed.
 2. I haven't yet put a lot of thought into that yet. The fees we assess definitely do not cover the cost to operate our collections office. If the fee was not allowed, we would look hard at our program.
- 3 a, b. Either way.

Ferry County

1. We do not assess the fee.
2. Our collection “program” is just sending out letters or making phone calls.
- 3 a, b. *No answer.*

Franklin County

1. We assess the fee.
2. Our collection department would close.
- 3 a. X; b. *no answer.*

Garfield County

1. We do not collect the \$100 LFO fee here in Garfield County.
2. *No answer.*
- 3 a, b. *No answer.*

Grant County

1. We are no longer charging the collection fee. (We used to charge \$100 per year per case we were actively collecting on if a defendant had not made a payment for 3 consecutive months and restitution was owing).
2. We have already scaled way back in our collections efforts, which is why we are not charging the collection fee. Our minimal collections would remain as they are now. We have considered doing away with collections entirely, but for now we are holding on to it.
- 3 a. Yes; b. Maybe.

Grays Harbor County

1. Grays Harbor County has never felt it was a good practice to assess \$100 collection fee, the most we assess is \$25 a year to an account we are actively working on.
2. Nothing.
- 3 a, b. We work then as we can.

Island County

1. Everyone gets assessed the collection fee initially at the time of sentencing. As for it being assessed annually, it depends on if they are making their payments or not. If they are making their payments on a regular basis, we do not assess an additional fee. If we have to show cause them and monitor them with financial review hearings to make sure that they are making their payments, we assess the fee for each year that we are having to monitor.

2. If the fee were to be eliminated, we would probably no longer maintain a collection process in the office. With the amount of money we receive from the State Treasurer to support LFO collections dwindling, it gets increasingly difficult to justify to the county commissioners my employment of a collections clerk in my office.

3 a, b. Yes, I'm willing to respond, and to be identified.

Jefferson County

1. We add it when we set up the account initially. If someone comes in to pay in one lump sum within the first 30 days we deduct the \$100 because we would not be monitoring installment payments for their account. We do not reassess the fee in future years.

2. We would no longer monitor payments, follow up with people or prepare a compliance calendar (unless the prosecutor or court were to set those hearings, in which case of course we would prepare their calendar), we would just receipt and disburse whatever funds people willingly paid. I would probably write a formal letter to the DOC saying we are turning it over to them, because I think that is what would be legally required. Because we have never had any dedicated collection staff, I hope we would be able to maintain our current staffing, since it did not go up in order to accommodate the new duty in 2003. Because we never had a full program like other counties, it would not mean that big a difference for us. However, we do currently hand call everyone who is late two months, and this greatly increases compliance, so I think the payment of LFO's would decline significantly as people came to realize no one was watching anymore.

3 a, b. Sure.

King County

1. First time we assess: a) Account is at least Six months past due.b) Collection fees will not be assessed for: Drug Court cases, DOC active cases, if jurisdiction has passed, on SSI.c) Mail postcard (that says: will assess a fee if you don't get your acct up to date)d) Assess fee if not paid 60 days after postcard is mailed2nd time we assess: a) Attempts must be made to locate a new address for the defendant. Do not renew on an LFO without documented contact attempts. Example of documentation: AOC statements, Administrative Financial Review, and other in-person/written communication or contact. We currently do not assess more than two collection fees.

2. It is a tool we use to incentivize defendants to pay and/or contact us and/or adjust their payment plans, etc. Having fewer tools to collect would make collections work more challenging. It could also significantly impact our effect by reducing the number of collections staff we can have on staff.

3 a. Yes - this option is actually concerning to me. I hope all clerks are comfortable with their practices, such that they would be identified with them. If not, they should probably change them; b. Yes.

Kitsap County

1. We assess the \$100 fee when we send a final notice (they receive a late notice first). We can assess it again if it's been over 12 months since the last RCC, but we feel anything after 3 times is too excessive.
2. Collection activities would not change as far as our office is concerned, however, it does bring in over \$50,000/year. If that went away, combined with the reduction of funds we receive from the state grant, plus the fact that our judges are now waiving everything but mandatory fines, I would be concerned that the staff will no longer be self-supporting and could be subject to questioning by the BoCC when we submit our budgets.

3 a, b. Yes.

Kittitas County

1. Add when we issue warrant.
2. Any reduction to revenue for our County has a direct impact on the resources we need to use. Those resources include, postage costs, copying costs, phone service, and payroll. Without those resources our collection activities would be reduced – and our mission to assist others will be impaired.”
3. What matters most is that the practice that we employ does not negatively impact another County. So, the bottom line – I am personally pleased with our practice and not adverse to share with someone who wants to HELP us fulfill our obligations. If someone wants to use our practice as a whip to make us change our practice – then shame on them. Our team works really hard to help the victims of the crime find some closure. Those victims should not be put through more trauma because someone has a social agenda or is just trying to make a name for themselves...like I said “shame on them”.

Klickitat County

1. When the cases came up on delinquent report we assess the \$100 and no more than 2 per case.
2. Since we started on the Odyssey journey we have not been sending out delinquent letters, consequently our revenues have fallen off sharply. We are planning to start the process of collecting using the Odyssey collection program. The one thing that helps us is staffing levels are not based on our revenues.

3 a, b. We do not currently have a program in place so my answer would be no.

Lewis County

1. We are assessing the \$100 fee when we send out a “pre-collections” letter.
2. It would decrease the amount of revenue collected which could end of effecting staffing levels. Any reduction in staffing levels would jeopardize our ability to do any LFO collections.

3 a, b. Yes, either way.

Lincoln County

1. Lincoln County has never implemented assessment of the annual collection fee. Collections work that is done is fairly limited and may not justify imposition of the fee.
2. Because this fee has not been implemented, its elimination would not impact our collections work.
- 3 a, b. Yes.

Mason County

1. Currently we are not assessing the \$100.00 we lost our collection deputy position and have yet to fill it, but we are working on it. When we had a collection deputy, if we had to do a show cause order we assessed the \$100 collection fee.
2. We would probably reduce time spent on attempting to collect.
- 3 a, b. Yes.

Okanogan County

1. We do not impose the collection fee on any defendants.
2. Because we use an outside collection agency on cases past due 90 or more days, we feel it would punish the defendants who are paying as ordered by the court. It would cause an unnecessary burden on their ability to pay timely.
- 3 a, b. We would be willing to share the details of our collection program as identified. We really don't have a "collection's dept." per say.

Pacific County

1. Once at the time of judgement and sentence. Waive if paid in full in 90 days. Might quit assessing if BOC does not allow us to use the collection money for staffing.
2. Stop. (State Auditor's would have a fit).
- 3 a, b. We really don't have a program per se.

Pend O'Rielle County

1. We send a letter shortly after J&S and notify defendant they have 30 days to pay the balance in full to avoid the \$100 collection fee. If not pif, then we assess the \$100. The collection fee would not be assessed again unless the defendant falls more than 90 days delinquent and additional mailings are required by the clerk's office. The fee is NOT assessed more than one time per year.
2. Our county would need to absorb the costs of collections.
- 3 a, b. Yes.

Pierce County

1. After the J&S has been rendered, our office give's a grace period of about 3 months before we review and add the RCC of \$100.
2. If the RCC were to go away, it would greatly reduce our revenue to support the collection program. Changes would most likely come in the form of reduction of force on collection of LFO's.

3 a, b. Yes.

San Juan County

1. We add to Defendants LFO annually.
2. We would continue to work on Collections.

3 a, b. Yes.

Skagit County

1. For cases not supervised by DOC, we assess an initial \$100 collection fee at sentencing. This can be waived if the case will be paid in full within 30 days. If Restitution has been pre-paid, we set the priority for the RCC to be paid AFTER restitution, otherwise it takes first priority. If a defendant stays in compliance with payments, we assess the fee only one time – even if it takes several years to pay. I add an additional collection fee if I am working a case that is past due and it has been over 12 months since the last time a fee was assessed. I typically do not add more than \$300 collection fees total on a case – if a case has \$300 collection fees, it is likely over a 5+ year time period. We do not assess a collection fee if a case is supervised by DOC. A fee will be assigned after DOC closes supervision, unless the defendant is in (and stays in) compliance with payments. Example 1: Deft was ordered to pay \$1000 LFO's & pays \$50 per month for the 12 months of DOC supervision – remaining balance is \$400 (plus interest). As long as the defendant maintains the monthly payments – no fee will be assessed. Example 2: Deft ordered to pay \$1000, makes only 2 payments over 12 months of supervision – so the case is \$500 past due. Upon notice that supervision is closed, a collection fee will be assessed and the case will be selected to be sent a past due notice.

2. I feel the collection activity in our office would be greatly reduced, and in turn, the restitution, as well as revenue, collected would drop. There would be less funds available to support sending notices – which we do after sentencing to provide general payment information, as well as past due notices sent in bulk every few months. I spend time making contact (often by phone, but also by email and, US Mail) with defendants that are past due. I feel my duties would shift, and I would be available to help defendants that call or come in to the office as I am now, but contact initiated by me would be minimal. Many defendants are appreciative to have an individual in our office to explain the payments to them, and to work with them to establish payment arrangements and to explain the financial impact of their judgment overall. And MANY defendants actually THANK me when I call to tell them they are past due & need to get back on track. I feel if the clerk collection fee went away it would limit the time most counties could dedicate to collections. In my opinion, collections is a large part of our customer service in the criminal category – both to the defendants and to victims alike. I

believe the state revenue collected would go down, but worse than that, I fear the restitution collected would also be reduced. We do send cases to a collection agency. But that is after my efforts have been exhausted and I see no chance of working with a defendant. I feel cases would go to collections sooner, which is more costly to the defendant than collections performed by our office.

3 a, b. Yes.

Skamania County

1. We do not actively collect on active DOC cases, or those in compliance. If a defendant is 3 months' delinquent, we begin with a collection letter. And or if no payments made on total balance then \$100 fee is assessed and summons process begins. If the balance is paid in full the \$100 fee can be waived. Often, we work to get defendants back on track and do excuse from the scheduled hearing when they become compliant. The goal is to get them paying consistently in an effort to pay out restitution recipients.
2. We are a small court, with one collection clerk. We work together with the Prosecutor's office to maintain compliance. The Clerk Collection fund has reduced in revenue, and can no longer support salaries and wages for the collection clerk. We all actively work with defendant's taking calls, taking payment and quashing warrants for failure to appear. The collection clerk uses supplies from the prosecutor i.e. envelope's and Letter head. If we lost the collection fee we would probably have to absorb the costs and time spent to actively collect on behalf of crime victims.

3 a, b. Sure, we are very small so we do what we can. Working closely with prosecutor's office.

Snohomish County

1. Charged one time only and waived if paid in full within 30 days.
2. We likely would suffer a reduction in the compliance team.

3 a, b. Yes.

Spokane County

1. Not charging at the moment, but trying to start it back up. Tom stopped it.
2. Without this payment our LFO program will probably go bankrupt.

3 a, b. Certainly I will share.

Stevens County

1. Stevens County has never implemented assessment of the LFO collection fee.
2. As such, the county doesn't assess it, and if it were to be eliminated, there would be no impact on the collection program.

3 a, b. Yes

Thurston County

1. We assess the fee on Adult Criminal cases once a year on any outstanding balances of \$100 or more. The fee will not be assessed on cases with \$500 in collection fees outstanding. If a defendant has more than one case we only assess the \$100.00 on one case.
 2. Our collection fund is a self-supporting fund funded by the assessed collection fees. The fund supports all aspects of our collection activities including, but not limited to, our collection officers' salaries and benefits. Loss of the collection fee would mean loss of collection officer jobs.
- 3 a, b. *No answer.*

Wahkiakum County

1. Wahkiakum has never got into the habit of assessing the \$100.00 fee.
 2. Nothing.
- 3 a, b. Wahkiakum doesn't have a collection program, we are so small, we are able to write letters to the defendants, then we show cause them in, on show we bench warrant them in. That was supposed to read if they do not come to their show cause hearing, the Judge issues a warrant.

Walla Walla County

1. We only assess the collection fee once per case and only when we have time to go through the report to do it. We just don't have enough staff to keep up on it.
 2. As far as the money take away we wouldn't change our practices because we basically don't have time to do much.
- 3 a, b. As far as a program we don't have a program we just send out letters occasionally and we do try to monitor case so the prosecuting attorney can show cause them into court.

Whatcom County

1. Discontinued assessing the \$100 in 2015, except when turning cases over to their contracted collection agency. In this circumstance we do a one-time assessment of the fee at the full \$100 level.
 2. Impact would be limited if the fee were to be eliminated, given its limited imposition.
- 3 a, b. Yes, either way.

Whitman County

1. Whitman County assesses the \$100 fee in January on every defendant with outstanding LFOs. For new accounts, if the LFO is paid off within 30 days of the J&S being entered, the fee is waived. The fee is not assessed to new accounts or accounts with their first payment falling during the last 3 months of the calendar year. In most cases, the Clerk waives the fee if the

court waives other fines and fees. The Clerk will also consider waiving the fee after the third year if collection costs have been minimal.

2. If the Clerk collection fee went away, Whitman County would operate with 2.0 FTEs instead of 2.25 to 2.5 FTEs. We implemented the fee in 2016, and based on the increased revenue were able to add a .25 FTE specifically for collections. Prior to that, our accounts were with a collection agency and our rate of collection was very low. Also, if a restitution recipient's disbursement was returned due to a bad address, future payments were put on hold without further investigation. Due to workload, Whitman County has never escheated restitution on hold. We had LFO accounts that had never seen activity in 10+ years. We are now able to pay the monthly subscription fee for Lexis Nexis that allows us to thoroughly investigate bad addresses on both defendants and restitution recipients. The .25 FTE that the collection fee supports is allowing us to better serve the public. We would not be able to disburse restitution or process escheatment in a timely manner (I know this, because we did not begin assessing until 2015, and the fee revenue has allowed us to create a p/t position to 'catch up'). Also, collection rates would be reduced as we would not have staff needed to monitor compliance.

- 3 a, b. I am willing to share information about our collection program with identification.

Appendix G

List of CLJ Collection Agencies

Court	In-House Collection	Collection Agency	Name of Primary Collection Agency	Name of Secondary Collection Agency
Lake Forest Park	No	Yes	ACS Financial	
Whitman County District	No	Yes	Alliance One (old) Dynamic	
Bellingham Municipal	No	Yes	AllianceOne	
Bothell Municipal	No	Yes	AllianceOne	Merchants
Bremerton Municipal	No	Yes	AllianceOne	
Buckley Municipal	No	Yes	AllianceOne	
Burlington Municipal Court	No	Yes	AllianceOne	Dynamic
Cle Elum Municipal	No	Yes	AllianceOne	
Des Moines Municipal	No	Yes	AllianceOne	
East Klickitat District	No	Yes	AllianceOne	
Edmonds Municipal	No	Yes	AllianceOne	
Everett Municipal	No	Yes	AllianceOne	
Everson-Nooksack Municipal	No	Yes	AllianceOne	
Federal Way Municipal	No	Yes	AllianceOne	
Fife Municipal	No	Yes	AllianceOne	
Firscrest Municipal	No	Yes	AllianceOne	

Gig Harbor Municipal	No	Yes	AllianceOne	
Issaquah Municipal	No	Yes	AllianceOne	
Kent Municipal Court	No	Yes	AllianceOne	Merchants
Kirkland	No	Yes	AllianceOne	
Lynden Municipal	No	Yes	AllianceOne	
Lynnwood Municipal	No	Yes	AllianceOne	Merchants
Marysville Municipal	No	Yes	AllianceOne	
Pacific Municipal	No	Yes	AllianceOne	
Port Orchard Municipal	No	Yes	AllianceOne	
Poulsbo Municipal Court	No	Yes	AllianceOne	
Renton Municipal	No	Yes	AllianceOne	
Royslyn Municipal	No	Yes	AllianceOne	
San Juan County District	No	Yes	AllianceOne	
SeaTac Municipal	No	Yes	AllianceOne	
Snohomish County District	No	Yes	AllianceOne	
Sumas Municipal	No	Yes	AllianceOne	
Toppenish Municipal	No	Yes	AllianceOne	
Tukwila Municipal	No	Yes	AllianceOne	Merchants

Ocean Shores Municipal	No	Yes	AllianceOne (Pre 2012) Dynamic	
Chelan County District	No	Yes	Armada	
Colfax Municipal	No	Yes	Armada	
East Wenatchee Municipal	No	Yes	Armada	
Roy Municipal	No	Yes	Armada	AllianceOne
Tonasket Municipal	No	Yes	Armada	
Kalispel Tribe of Indians	No	Yes	Automated Accounts Inc.	
Asotin County District	No	Yes	Credit Bureau of Lewiston Clarkston	
McCleary Municipal	No	Yes	Dyamic	
Aberdeen Municipal	No	Yes	Dynamic	
Battle Ground Municipal	No	Yes	Dynamic	
Chelan Municipal	No	Yes	Dynamic	
Clallam County District	Yes	Yes	Dynamic	
Clallam County District 2	No	Yes	Dynamic	
Douglas County District	No	Yes	Dynamic	
Enumclaw Municipal	No	Yes	Dynamic	Renton Collections & Merchants Credit
Grays Harbor County District	No	Yes	Dynamic	
Jefferson County District	No	Yes	Dynamic	AllianceOne

Kitsap County District	No	Yes	Dynamic	
Lakewood Municipal	No	Yes	Dynamic	AllianceOne
Lewis County District	No	Yes	Dynamic	
Mason County District	No	Yes	Dynamic	
Milton Municipal	No	Yes	Dynamic	Puget Sound Collections
Montesano Municipal	No	Yes	Dynamic	
Napavine Municipal	No	Yes	Dynamic	Fairway
Okanogan County District	No	Yes	Dynamic	AllianceOne
Puyallup Municipal	No	Yes	Dynamic	Puget Sound Collections
Shelton Municipal	No	Yes	Dynamic	AllianceOne
Walla Walla County District	No	Yes	Dynamic	Collection Bureau of WW and Professional Service Bureau of WW
Yelm Municipal	No	Yes	Dynamic	
Olympia Municipal	No	Yes	Dynamic (Infractions) Grimm (Parking)	
Wapato Municipal	No	Yes	Evergreen Billing - timepay Evergreen Financial - full collection	
Thurston County District	No	Yes	Grimm Collectors	AllianceOne
Orting Municipal	No	Yes	Linebarger (2017) AllianceOne (pre 2017)	
Columbia County District	Yes	Yes	Professional Service Bureau	
Bonney Lake Municipal	No	Yes	Puget Sound Collections	AllianceOne

Eastonville Municipal	No	Yes	Puget Sound Collections	Dynamic
Sumner Municipal	No	Yes	Puget Sound Collections	AllianceOne
Mount Vernon Municipal	No	Yes	Skagit Bonded Collectors	
Skagit County District Court	No	Yes	Skagit Bonded Collectors	
Island County District	No	Yes	Skagit Bonded Collectors (A-N) Credit Bureau of Island County (O-Z)	
King County District	No	Yes	TSI	
Pierce County District	No	Yes	TSI	
Tacoma Municipal	No	Yes	TSI	
Spokane County District	No	Yes	Valley Empire	
Cheney Municipal	No	Yes	Valley Empire Par Acceptance (Timepay)	
Benton County District	No	Yes	Washington Collectors	
Franklin District Court	No	Yes	Washington Collectors	
Pasco Municipal	No	Yes	Washington Collectors	
Yakima County District	No	Yes	Yakima County Credit Services	
Yakima Municipal	No	Yes	Yakima County Credit Services	
Zillah Municipal	No	Yes	Yakima County Credit Services	

Appendix H

Bryan L. Adamson LFO Research

Debt Bondage: How Private Collection Agencies Keep the Formerly Incarcerated Tethered to the Criminal Justice System

Bryan L. Adamson*

While vital work is being directed to address America's execrable mass incarceration rates and their disproportionate impacts upon people of color,¹ we also see growing efforts to reform an invariable component of criminal conviction: legal financial obligations (LFOs).² An LFO is a monetary sanction—a fine, penalty, cost, fee or other expense³ imposed upon a defendant as part of a sentencing order and judgment in a misdemeanor or felony case.⁴ LFOs represent more than the financial penalty a law might require upon conviction on a given crime; LFOs are also levied for scores of other criminal justice system involvement consequences, e.g., victim compensation, court-appointed counsel, deferred prosecution, appeals, DNA collection, community supervision, appeals, and incarceration itself.⁵ In Washington State for example, a defendant with one conviction is subject to 28 different monetary sanctions.⁶ For convicted defendants, LFOs can easily swell into the thousands of dollars.

And, more often than not, they do. In Washington, those with felony convictions owe an average of \$2,540.00 in LFOs. That amount does not include the annual 12% statutory interest that

¹ See, e.g., James Forman, Jr. *LOCKING UP OUR OWN: CRIME AND PUNISHMENT IN BLACK AMERICA* (Macmillan 2017); Bryan Stevenson, *JUST MERCY A STORY OF JUSTICE AND REDEMPTION* (Random House, LLC 2014); Michelle Alexander, *THE NEW JIM CROW* (The New Press 2010).

² See class action cases such as *Fant v. City of Ferguson*, 107 F.Supp.3d 1016 (E.D. Mo. 2015) (citizens repeatedly jailed by the City of Ferguson for being unable to pay fines owed to the City from traffic tickets and other minor offenses, without being afforded an attorney and without any inquiry into their ability to pay); *Johnson v. Jessup*, Case No. 1:18-cv-00467 (M.D.N.C. 2018) (challenging practice by North Carolina Division of Motor to revoke drivers licenses of those unable to pay traffic fines or court costs); *Fuentes v. Benton County*, Case No. 15-2-02976-1 (Sup.Ct. Yakima Cty. 2015) (settlement entered after legal challenge to practice of trial court's jailing, threaten to jail, and forcing manual labor on indigent people for failure to pay legal financial obligations); *Kennedy v. City of Biloxi*, 1:15-cv-00348-HSO-JCG (S.D. Miss. 2015) (challenging practice of jailing those unable to pay their fines, fees, or court costs).

³ A legal financial obligation (LFO) is “a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed...court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction.” Washington Revised Code Annotated (RCW) §9.94A.030(31).

⁴ RCW § 9.94A.760(10). See also, RCW § 9.94A.760(1) (upon conviction, “the court may order the payment of a legal financial obligation as part of the sentence.”).

⁵ See RCW § 10.01.160. See also RCW § 9A.20.02, which establishes that crimes classified as “Class C Felonies” (e.g. assault) are punishable by up to five years' imprisonment, a fine of up to \$10,000, or both. *Id.*

⁶ Alexes Harris, Frank Edwards, April Fernandes, Michelle Majors, and Emmi Obara, *Monetary Sanctions in Washington in Monetary Sanctions in the Criminal Justice System*, in REPORT: MONETARY SANCTIONS IN THE CRIMINAL JUSTICE SYSTEM 201, 211-212 (April 2017).

begins to accrue upon sentencing.⁷ To add to the financial consequences, felony defendants often face multiple charges and thus may be under separate, cumulative LFO obligations.⁸ Like a term of imprisonment, LFO payment obligations are a condition of sentence.⁹

It follows then that repayment aggravates LFO debtors' financial hardships. Over 3 in 4 of Washington's felony defendants are indigent.¹⁰ Because of their indigency, the recently incarcerated are, at best, able to pay only a little per month--\$5.00, \$10.00, or only \$25.00.¹¹ As a result, it may take years, if not decades, to pay down the principal alone on the average LFO debt. A little-discussed consequence of LFO debt that literally and figuratively multiplies the hardships of LFO debtors is the subject of this Article: Court-imposed LFO debt referred to private debt collection agencies (DCAs).

In Washington, courts are authorized to contract with DCAs to service and collect outstanding LFOs.¹² Revised Code of Washington (RCW) Section 19.16.500 allows the clerk of courts¹³ to transfer a non-incarcerated debtor's LFO obligations to its DCA if the debtor is a mere 30 days delinquent.¹⁴ By law, that transfer allows a DCA to impose a "collection fee" in a sum up to

⁷ REPORT OF THE STATEWIDE REENTRY COUNCIL (2018), p.8.

⁸ Alexes Harris, A POUND OF FLESH A POUND OF FLESH: MONETARY SANCTIONS AS PUNISHMENT FOR THE POOR (Russell Sage Foundation 2016) 449 of 4658 (ebook).

⁹ RCW § 9.94A.760(11).

¹⁰ 2018 STATUS REPORT ON PUBLIC DEFENSE IN WASHINGTON STATE, Washington State Office of Public Defense (May 2019) (calculated from submitted data by county, pp. 18-56).

¹¹ Harris, *supra* note 8 at 1200 of 4658.

¹² RCW § 36.18.190 ("Superior court clerks may contract with collection agencies under chapter 19.16 RCW or may use county collection services for the collection of unpaid court-ordered legal financial obligations as enumerated in RCW § 9.94A.030 that are ordered pursuant to a felony or misdemeanor conviction and of unpaid financial obligations imposed under Title 13. *Id.* The costs for the agencies or county services shall be paid by the debtor."); RCW § 19.16.500 (1)(a) ("Agencies, departments, taxing districts, political subdivisions of the state, counties, and cities may retain, by written contract, collection agencies licensed under this chapter for the purpose of collecting public debts owed by any person, including any restitution that is being collected on behalf of a crime victim.")

¹³ Clerks of courts are charged with administering the LFO payment processes for non-incarcerated debtors. See, e.g., RCW § 9.94A.760(5) ("The county clerk is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purpose of his or her legal financial obligations[.]"). Department of Corrections is charged with LFO administration for those in jail or prison. RCW § 72.65.050; RCW § 72.65.060. While an inmate remains in custody, LFOs are paid through automatic 20 percent deductions from most of the deposits placed into an inmate trust account.

¹⁴ RCW § 19.16.500(2).

50% of the outstanding LFO amount less than \$100,000, and 35% of the unpaid debt over \$100,000.¹⁵ In addition, a DCA will levy a 12% per annum charge on its collection fee.¹⁶

Here is an example of how LFO debt compounds: “John” was sentenced to one year in prison and \$2,540.00 in fines, fees and restitution. The mandatory 12% statutory interest on John’s debt will add \$305.00 to his obligation while John is incarcerated. Upon release, if he makes \$30.00¹⁷ in monthly payments, it will be 25 years before his LFO is paid off.

Now say, after two payments, John misses his third. Thirty days after the missed payment, the clerk of courts refers his debt to its DCA. Again, as allowed by law, the debt collector adds a fifty percent collection fee to John’s outstanding LFO debt. John’s \$2,845.00 debt becomes \$4,267.00. The DCA then levies the 12% statutory interest against the court-imposed LFO *and* to the debt it is now owed. John resumes his \$30.00 monthly payments. The DCA then levies a payment plan set up fee...a monthly maintenance fee...and a convenience fee for payment by credit card. After year one, John will owe at least \$4,360.00 to the court and the DCA. In 10 years, John will owe \$6,570.00. The debt continues to negatively amortize, such that in year 25, John will owe \$24,408.00. In other words, as direct result of the fees that the DCA is allowed by law to extract—fees that become larger than the LFO to which he was originally sentence-D—John will never be able to pay off his debt.

Until paid in full, LFO obligations—which are not dischargeable in bankruptcy¹⁸—remain a mandatory condition of probation, parole or other correctional supervision. Failure to pay LFOs can result in re-arrest and re-incarceration.¹⁹ Those with LFOs in collection are also at risk of arrest and

¹⁵ “The amount to be paid for collection services shall be left to the agreement of the governmental entity and its collection agency or agencies, but a contingent fee of up to fifty percent of the first one hundred thousand dollars of the unpaid debt per account and up to thirty-five percent of the unpaid debt over one hundred thousand dollars per account is reasonable, and a minimum fee of the full amount of the debt up to one hundred dollars per account is reasonable. Any fee agreement entered into by a governmental entity is presumptively reasonable.” RCW § 19.16.500 (1)(b).

¹⁶ Per RCW § 19.16.500 (3) “Collection agencies assigned debts under this section shall have only those remedies and powers which would be available to them as assignees of private creditors [.]” Under RCW § 19.52.020(1), collection agencies can charge interest on collection accounts “so long as the rate of interest does not exceed...Twelve percent per annum[.]” Id.

¹⁷ Under this hypothetical, a monthly payment less than \$27.00—still outside of the affordability for an indigent debtor—will never pay the debt down, as it is insufficient to cover even the accruing interest.

¹⁸ 11 U.S.C. §523(a)(7); State of Washington Dept. of Corrections Policy DOC 200.380 (Restitution and other LFOs are non-dischargeable under Chapters 7 and 13 of the Bankruptcy Code).

¹⁹ A court can impose further punishment if an offender violates any condition or requirement of a sentence. RCW § 9.94A.760. However, the 14th Amendment bars course from revoking probation for failure to pay fine without first inquiring into a person’s ability to pay and considering alternatives to imprisonment. *Bearden v. Georgia*, 461 U.S. 660 (1983). While a defendant cannot be imprisoned for nonpayment due to indigence, imprisonment for willful or contumacious failure to pay is not prohibited. In 1983 the Supreme Court ruled that a debtor can be imprisoned for criminal justice debt only when he has an ability to pay, but willfully refuses to do so. *Williams v. Illinois*, 399 U.S. 235, 240-41 (1970) (extending maximum prison term because a person is too poor to pay fines or court costs violates the Equal Protection Clause of the 14th Amendment); RCW § 10.01.180(1);

incarceration but also exposed to risk of to civil judgments, liens, tax refund interception, and wage garnishment.²⁰ In other words, all things remaining equal, John will be tethered to the criminal justice system, and yoked to a private debt collection agency for his entire lifetime.

For those and other reasons, the collateral consequences of LFO debt are severe. Outstanding LFOs limit access to public and private housing, gainful employment, damage credit, and render debtors unable to establish bank accounts, obtain financial aid for educational or job training programs, and foreclose them from obtaining professional licenses.²¹ Those with even one missed payment can have their driver's license revoked, denied public benefits such as Temporary Aid to Needy Families, Supplemental Security Income for the elderly and disabled, food stamps, and low income housing.²² LFO debtors with felony convictions cannot have their voting rights restored until their LFO debt is satisfied.²³ As to this latter fate, we are witnessing LFO obligations as a modern-day poll tax play out most publicly and notoriously in Florida.²⁴ LFOs exacted by DCAs extend these consequences into the formerly incarcerated citizen's lifetime, heighten the barriers to community re-entry, and prolong the social stigmas associated with felony conviction.

State v. Shelton, 194 Wash. App. 660, 671 (Ct. App. Div. 1, 2016). Moreover, Washington Const. art. 1, § 17, prohibiting imprisonment for debt, would likely preclude imprisonment solely for inability to pay.

²⁰ RCW § 6.27.150; One jurisdiction's practice of shutting off LFO debtor's utilities until a payment is made is being challenged. Southern Center for Human Rights, *SCHR Continues to Challenge LaGrange, GA, Policies That Restrict Access to Basic Utility Services* (March 26, 2018) at <https://blog.schr.org/2018/03/26/schr-continues-to-challenge-lagrange-ga-policies-that-restrict-access-to-basic-utility-services/>.

²¹ Tarra Simmons, *Transcending the Stigma of a Criminal Record: A Proposal to Reform State Bar Character and Fitness Evaluations*, 128 YALE L.J. FORUM 759, 761 (2019). See also Jamila Jefferson-Jones, *Extending 'Dignity Takings': Re-Conceptualizing the Damage Caused by Criminal History and Ex-Offender Status*, 62 St. Louis L. J. 863 (2018) (criminal conviction impact on fundamental necessities of life).

²² 42 U.S.C. § 608(a)(9)(A); 7 U.S.C. § 2015k1; 42 U.S.C. § 1437(d)(19); 42 U.S.C. § 1382(E)(4)(A)(ii).

²³ Thirty states require all LFOs be paid in order for people with conviction records to regain the right to vote. Allyson Fredericksen, Linnea Lassiter, *DISENFRANCHISED BY DEBT*, Alliance for a Just Society (March 2016) p. 11. In Washington, the voting rights of a person convicted of a felony provisionally restored RCW § 29a.08.520(1). The right to vote is provisionally restored to individuals with a felony conviction in a Washington state court when he or she is no longer under the authority of the department of corrections. However, non-payment of LFOs can result in a loss of voting rights if either of the following occurs: 1) if a court finds the debtor's failure to pay was willful, or; 2) if the debtor fails to make three payments in a twelve-month period. In the latter case, the county clerk or restitution recipient may request the prosecutor to seek the revocation of voting rights. Harris, et.al. *supra* note 6 at 204. Once revoked, voting rights are not restored until the individual has made a "good faith effort" to pay, meaning the individual has paid the full principal (non-interest) amount, or made at least 15 monthly payments in an 18-month period. Id.

²⁴ [Patricia Mazzei](#), "Florida Limits Ex-Felon Voting, Prompting a Lawsuit and Cries of 'Poll Tax'," New York Times, June 28, 2019. In a move that re-enfranchised more than 1.4 million Florida citizens, Amendment 4 was passed by the majority of voters in November 2018. In June, the Governor Rick DeSantis signed into law a requirement that those who have committed serious offenses and have LFOs must pay them back in full before becoming eligible to vote. Id.

LFO debt also affects individuals' perceptions of the criminal justice system and their images of themselves and their futures. As one recently incarcerated citizen said about the spiral of debt that increases with every billing statement despite timely payments: "I have a balance of \$1838.74, and that's exactly what I owe in interest. It's discouraging to keep paying and see that interest amount grow. It's exhausting."²⁵ LFO debt, made worse by the fees DCAs are permitted to exact, intensifying perceptions of the criminal justice system as unfair and unforgiving. The perpetual cycle of debt repayment also deepens the sense of hopelessness many feel toward their ability to escape the burdens of the criminal justice system.

The statute authorizing collection fees for LFO debt presents a host of troubling practical and legal issues for debtors. It is not only the 50%/35% fee permitted, but the myriad ways in which DCAs levy penalties extra-statutorily.

RCW 19.16.500 is designed to facilitate collection services in a host of areas in which the government is involved. Enacted in 1982, RCW 19.16.500 originally simply allowed local agencies to contract with DCAs.²⁶ The original bill also established that the contracts be in writing, that DCAs could annually assess statutory interest on any debt, and that debtors be given 30-day notice be given before a debt is transferred.²⁷ "Debt" was defined broadly to incorporate that owed to debts owned by any person involved in a governmental enterprise, e.g., education, government vendors, or in the course of providing residential, health, safety and welfare services.²⁸ LFO collection on behalf of courts are but one of several types of services the law authorizes. That "debt" includes restitution, fines, fees, costs and surcharges imposed by a court upon criminal conviction.²⁹

RCW 19.16.500 was amended twice. The final amendment, in 2011, strengthened DCAs right to prosecute debt collection actions by restricting a debtor's statute of limitations defenses to such actions.³⁰ It was the 1997 Amendments which gave the most significant benefits to the debt collection industry; legislators added the 50%/35% collection fee ceiling, and explicitly allowed that any fee set at that rate was presumed "reasonable."³¹ It was also in 1997 that the DCA "collection fee" would be treated as LFO debt.³² No public testimony was offered in objection to the amendments. The only testimony given on the bill were three representatives of a state association of debt collectors, who naturally spoke in their favor.³³

²⁵ MODERN-DAY DEBTORS' PRISONS: THE WAYS COURT-IMPOSED DEBTS PUNISH PEOPLE FOR BEING POOR, American Civil Liberties Union (February 2014) p. 14.

²⁶ 1982 FINAL LEGISLATIVE REPORT, FORTY SEVENTH LEGISLATURE OF WASHINGTON STATE, REGULAR AND FIRST SPECIAL SESSIONS, p. 76-77.

²⁷ Id.

²⁸ RCW § 19.16.500 (4).

²⁹ RCW § 19.16.500 (4) ("For purposes of this section, the term debt shall include fines and other debts, including the fee allowed under subsection (1)(b) of this section").

³⁰ 2011 SB 5574 ("no statute of limitation can be asserted against a collection agency if the same statute of limitation could not be asserted against the assigning governmental entity." RCW § 19.16.500(3)).

³¹ 1997 WA. Sess. Laws, Ch. 387 § 1. RCW § 19.16.500 (2).

³² Id. (the "term debt includes the collection agency fee, and restitution owed to victims of crime.").

³³ It was in 2011 that the statute was amended to treat the collection fee as LFO debt.

Analysis of 77 Washington DCA contracts reveals that, in the main, DCAs have taken full advantage of the allowances granted in RCW 19.16.500. While collection fee percentages, surcharges and remittance requirements vary by contacting DCA, the overwhelming majority of DCAs contract for the maximum fee allowed by statute.³⁴ The lowest collection fixed fee imposed upon LFO debtors was 19% (in 6 different contracts). Nine of contracts allow DCAs to extract between 30% and 40% of the outstanding LFOs in fees. Ten DCAs exact a fee between 19% and 30% of outstanding LFO debt.³⁵ Still other contracts impose a sliding scale percentage against outstanding LFO debt, depending on the age of the debt, with the lowest sliding scale fee percentage is beginning at 16.5%.³⁶ However, in nearly half of the contracts, the DCAs collect the statutory maximum 50%/35%.³⁷

Of the 18 different DCA contractors in Washington, two—AllianceOne and Dynamic Collectors, Inc. (Dynamic)—account for 50 of the 77 LFO contracts. AllianceOne standard contract imposes a fixed 19% collection fee and uses a sliding scale which starts at 19% for new debts, 24% for older debts up to four years, and 29% for debts that are older than four years or transferred from a different collection agency.³⁸ Dynamic assesses the statutory maximum from each LFO payment. In addition to Dynamic, xx of the other DCA contractors assess the 50%/35% statutory maximum.

The bargained-for collection fee is triggered upon referral by the clerk of courts. By operation of the law, the DCA collection fee then becomes an obligation undistinguished from the court-imposed LFO debt. Most LFO debt is typically paid to the DCA by or on behalf of the obligor on a monthly basis, with each payment being allocated to the court and the DCA in proportion of the contracted-for percentage.³⁹

DCAs charge the collection fees, but also charge additional fees to set up accounts or make payments. Account set-up fees, monthly maintenance fees, convenience fees, payment plan fees, and late fees are just a few features of every contact. AllianceOne also assesses account set-up, servicing, and payment plan fees ranging from \$4.75-\$11.25 per month. Others charge a convenience fee for payment by credit or debit card (\$5.00). Invariably, the contracts allow an assessment of the 12% statutory interest rate on its collection fee. Since the DCAs impose these charges on a per-account, not per-person basis, if an LFO debtor has more than one account placed with the DCA, surcharges aggregate.

Between the collection fees, interests and other costs levied by DCAs, the amounts extracted by DCAs are at best predatory. The exorbitant amounts raise questions about the true cost of collection. Reliable figures on the cost of debt collection are difficult to ascertain.⁴⁰ However, we know that, over the past decade, the process of debt collection has been made more efficient and cost-effective. This is so despite heightened regulatory restrictions surrounding do not call directives, automated dialing, robocalls and spoofing. Automated payments systems, debt collection mobile

³⁴ See List of contracts at Exhibit A.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ See, e.g., AllianceOne standard contract, p.2.

³⁹ See, e.g., AllianceOne contract, p. 2; Dynamic contract, p. 2; Skagit Bonded Collectors, p. 10; Yakima County Credit Services, p.1.

⁴⁰ Email inquiry by author to Washington Administrative Office of the Courts, August 7, 2019.

phone applications and the like have made remittances easier for debtors.⁴¹ On the collectors' end, DCAs have long-recognized that traditional contact modes — landline calls and letters — are less effective given the shift to mobile and electronic communication.⁴² Artificial intelligence is being used and applied by DCAs, enhancing efficiencies, pre-empting debtor defaults, and enhancing recovery and debt collection rates through process improvements such as debt negotiation portals.⁴³ Cell phones, text and email systems are pervasive, cost-efficient methods by which to reach debtors.⁴⁴ Industry-specific technology has also made it easier to retrieve debtor names, last known addresses, phone numbers. Automated database search services have made the skip tracing processes every DCAs engages inexpensive.⁴⁵

Presumably, the collection fees, interest and myriad surcharges demanded by a DCA and allowed by statute reflects, to some degree, the costs of debt collection and services. Yet there is no evidence of legislative research into RCW 19.16.500's 50%/35% provision and its relationship to true collection costs. In fact, Washington's 50%/35% collection fee extraction exceeds that of other states. Nor is there any evidence that LFO debtors are so much more costly to pursue than other populations as to justify such fees; in fact, given their probation, parole, debt and/or reporting obligations, they may be easier to locate.

There has been insufficient examination of the unfair and unreasonable statutory regime in favor of the DCAs and the additional costs imposed upon the debtor.⁴⁶ It is unclear whether DCAs have abated or have discontinued interest assessment on LFO discretionary costs it is charged with servicing in light of the change in law. Moreover, DCAs are not obligated to consider a debtor's ability to pay, so they can set required minimum payments which far exceeds a debtor's economic capacity. Collection agencies need not accept the minimum payments. In addition, DCAs also retain the stick of the threat of incarceration of the debtor, and thus the potential for engaging in abusive

⁴¹ A number of consumer complaints lodge 'breach of privacy' cases when debt collection agencies track them through their Facebook and Twitter ID's. Nevertheless, use of social media in tracing defaulters is a practice that has gained popularity.

⁴² Tomio B. Narita, Donald S. Maurice and Laurie A. Lucas, *FDCPA Update: An Industry in Transition*, THE BUSINESS LAWYER, Vol. 67, No. 2, pp. 639-647, 647 (Feb. 2012).

⁴³ Lisa Phillips and Paul Moggridge, *Artificial Intelligence in Debt Collection*, COLLECTION, CREDIT CONTROL AND ASSET RISK REVIEW, p 23-24; Penny Crosman, Can AI Make Debt Collection Smarter and Easier? American Banker, July 11, 2017 ("Artificial intelligence, chatbots and self-service technology have reached a point where they can provide a much-needed makeover to the collections process. Such technologies can help lenders learn to reach out to people at times and in channels that are more conducive to a conversation and repayment.") at <https://www.americanbanker.com/news/can-ai-make-debt-collection-smarter-and-easier>.

⁴⁴ Narita, et.al., *supra* note 42 at 647.

⁴⁵ Skip tracing involves the methods by which to locate the latest information about a given debtors most current information (phone numbers, addresses, notice of death, bankruptcies, etc.). Modern skip tracing revolves largely around the interrogation of many diverse databases as well as electronic information gathering which can be performed by purchased software or contracted out by DCAs.

⁴⁶ On one hand, the threat of increased costs of not paying on time improves the incentives to pay whenever it is possible. Even though additional costs of involving a DCA may be wasted from a social perspective ex post, the overall efficiency may be enhanced ex ante. Timo Beck, Jens Grunert and Werner Neus, *What Determines Collection Rates of Debt Collection Agencies*, THE FINANCIAL REVIEW, 52, 259-279, 262 (2017).

or coercive collection tactics, and the power to negotiate the maximum monthly payment possible all serves to advantage the DCA.

At bottom, the state legislature has allowed DCAs wide berth to set its rates while also conferring extraordinary legal protections in their favor. By deeming any amount at or below the statutory collection fee “reasonable,” and making the time within which DCAs may sue LFO debtors co-extensive with the government’s, the legislature shielded the industry from significant legal challenge. There can be no other explanation for enabling private debt collection agencies to maximize profits off the backs of the poorest and vulnerable than to perpetuate their punishment.

Washington State is not alone in allowing the transfer of LFO debt to DCAs who can then, through fee extraction, effectively extend the criminal sentence of formerly incarcerated citizens: Florida (40%), Alabama (30%), Texas (30%), Illinois (30%) are just a few examples.⁴⁷ Under each statutory regime, the “collection fee” levied by a DCA becomes part of the LFO debt.⁴⁸ This scenario unfolds by operation of law, occurs without adequate notice or a pre-transfer hearing, without an ability to pay assessment, and without examination as to whether the “collection fee” imposed is excessive. For those reasons, grave concerns arise about the constitutionality of the unique form debt bondage that RCW 19.16.500 exacts. Washington state’s legal structure allowing private DCAs to service LFO debts of those charged with felonies may violate the 8th Amendment Excessive Fines and the 14th Amendment’s Due Process and Equal Protection proscriptions.

With a focus on LFOs arising out of felony convictions in Washington courts,⁴⁹ my research evaluates the constitutionality of Washington’s LFO debt collection referral statutory regime. I contend that states must discontinue LFO debt referral to private DCAs and re-assume the responsibility of collection services, while engaged in wholesale LFO reform. My initial research has compiled and reviewed 77 contracts between Washington courts and debt collection agencies, their predatory if not usurious impacts, and the constitutional concerns raised thereby. We are currently still in the process of collecting more documents. Future research includes

- Evaluating the content and impacts of contract terms
- Identifying states with similar public-private LFO collection arrangements
- Collecting those contracts where available to perform similar analysis
- Beginning with Washington, constructing a project that would do an economic and resource evaluation of the costs and benefits of shifting debt collection responsibilities back to government departments

⁴⁷ Rebekah Diller, Alicia Bannon, Mitali Nagrecha, *CRIMINAL JUSTICE DEBT: A BARRIER TO REENTRY*, Brennan Center for Justice (2010) at 17.

⁴⁸ RCW § 19.16.500(4) (“For purposes of this section, the term debt shall include fines and other debts, including the [collection] fee allowed under subsection (1)(b) of this section.”).

⁴⁹ Washington has five types of courts, with municipal, district, and superior courts impose and manage monetary sanctions. Municipal courts are sited in cities and towns, and handle misdemeanor cases arising within their boundaries. Each county has a District Court which hears cases involving traffic violations, misdemeanors and some civil cases. Superior Courts are the courts of general jurisdiction, and hear all felony, juvenile, and some misdemeanor cases. Alexes Harris, Frank Edwards, April Fernandes, Michelle Majors, and Emmi Obara, *MONETARY SANCTIONS IN WASHINGTON*, IN *MONETARY SANCTIONS IN THE CRIMINAL JUSTICE SYSTEM 201* (April 2017).

Exhibit A

Court	Collection Agency	Collection fee Percentage
Anacortes Municipal	Debt Collection specialists	19%
Asotin County District	Credit Bureau of Lewiston-Clarkston, Inc.	50%
Battle Ground Municipal	Dynamic	50%, 35%
Benton County District	Washington Collectors Tri-cities	40%
Bothell Municipal	AllianceOne	29%, 24%, 19%
Burlington Municipal	Dynamic	50%, 35%
Clark County District	AllianceOne	19%
Clallam County I district	Dynamic	50%, 35%
Clallam County II district	Dynamic	50% ,35%
Clallam County Superior	Dynamic	50%, 35%
Chelan County	Armada Corp	40%
Columbia District Court	Professional Service Bureau	50%, 35%
Cowlitz County District	Dynamic	35%
Des Moines Municipal	AllianceOne	29%, 24%, 19%
Douglas County District	Dynamic	50%, 35%
East Wenatchee Municipal	Dynamic	50%, 35%
Oakville Municipal	Dynamic	50%, 35%
Elma Municipal	Dynamic	50%, 35%
Enumclaw Municipal	Dynamic	50%, 35%

Everson-Nooksack Municipal	AllianceOne	19%
City of Federal Way Municipal	AllianceOne	29%, 24%, 19%
Ferndale Municipal	AllianceOne	29, 24, 19
Franklin County District	Washington Collectors Tri-cities	40%
Fife Municipal	AllianceOne	19%
Garfield County District	Armada Corp	50%, 35%
Grant County District	Credit Service of Central Washington	50%, 35%
Grays Harbor District	Dynamic	50%, 35%
Grays Harbor Superior	Dynamic	50%, 35%
Hoquiam Municipal	Dynamic	40%
Issaquah Municipal	AllianceOne	29%, 24%, 19%
Jefferson County District	Dynamic	50%, 35%
Kent Municipal	AllianceOne	24%
King County District	Transworld Systems Inc.	16.5%, 22%, 28%
Kirkland Municipal	AllianceOne	29%, 24%, 19%
Kitsap County Superior	Dynamic	50%, 35%
Klickitat West District	AllianceOne	19%
Klickitat East District	AllianceOne	19%, 24%, 19%
City of Lake Forrest Park Municipal	Allied Credit Services Inc.	35%
Lakewood Municipal Court	Dynamic	50%, 35%
Lewis County Superior Court	Dynamic	50%
Lynwood Municipal	AllianceOne	29%, 24%, 19%
Manson County Superior	Dynamic	50%, 35%

Mercer Island Municipal	AllianceOne	29%, 24%, 19%
Mount Vernon	Skagit Bonded Collectors LLC	30%
Ocean Shores Municipal	Dynamic	50%, 35%
Okanogan County District	Dynamic	50%, 35%
Okanogan County Superior Court	Dynamic	50%, 35%
Pacific County Court	McDonald Credit Services	50%
Pacific municipal	Alliance One	29%, 24%,19%
Pasco Municipal	Washington Collectors Tri-cities	40%
Pierce County Superior	AllianceOne	27%, 32%, 37%
Fircrest Municipal	Dynamic	50%, 35%
Buckley Municipal	Alliance One	29%, 24%, 19%
Pend Oreille County District	Peterson Enterprise Inc.	30%
Raymond Municipal	McDonald Credit Services	50%
Renton Municipal	AllianceOne	19%, 24%, 29%
San Juan County District	Allied Credit Companies	50%
Sedro-Woolley Municipal	Debt Recovery Specialists	33.33%
Selah Municipal	AllianceOne	29%, 24%,19%
Skagit County	Skagit Bonded Collectors LLC	35%
Snohomish County	Gila LLC, dba Municipal Services Bureau Government Services	22.54%
Snohomish County District	AllianceOne	29%, 24%, 19%

Stevens County District	Armada Corp	40%
Sumas Municipal	AllianceOne	19%
Tonasket Municipal Court	Armada Corp	50%, 35%
Bonny Lake Municipal Court	PSC Inc.	50%, 35%
Thurston County District	Account Managers Inc.	25%, 20%
Upper Kittitas County District	AllianceOne	19%, 24%, 29 %
Wahkiakum County District	Dynamic	50%, 35%
Walla Walla County District	Dynamic	50%, 35%
Wapato Municipal	Evergreen Financial Services	50%, 35%
Whatcom	AllianceOne	29%, 24%, 19%
Whitman	AllianceOne	29%, 24%, 19%
Yakima County	Yakima County Credit Services	50%, 35%

Appendix I

Minority & Justice Commission 2018

Supplemental LFO Report

ACCOMPLISHMENTS AND FINDINGS FOR 2017 and PLANNING FOR 2018

Members of the Legal Financial Obligation (LFO) Stakeholder Consortium requested and received data from the Administrative Office of the Courts (AOC) on several financial aspects of LFOs in Washington State. The Consortium is the core advisory board and working group that carries out the objectives of the U.S. Department of Justice *Price of Justice Grant*.

- The data received includes LFOs imposed during calendar years 2014-2016, and the data on what payments were received on these specific LFOs
- The data received includes types of adjustments made on these specific LFOs
- This data comprises only a small subset of all payments or adjustments made on LFOs imposed prior to or after these dates
- In this report, data for payments received or adjustments made pertain only to those LFOs that were imposed during 2014-2016

Background – Data Source

The data includes information received from the AOC from 148 courts of limited jurisdiction (CLJs), except for information from Seattle Municipal Court, the state's largest CLJ. The data also includes information from all of the 39 superior courts. However, in 2015, AOC began implementation of Odyssey, the new case management system for superior courts. By the end of the sample period in 2016, five courts had made this transition. As a result of the transition, the data from these courts is no longer available in the Judicial Information System (JIS). The only data available to us from these five courts is the data up to the time they implemented Odyssey.

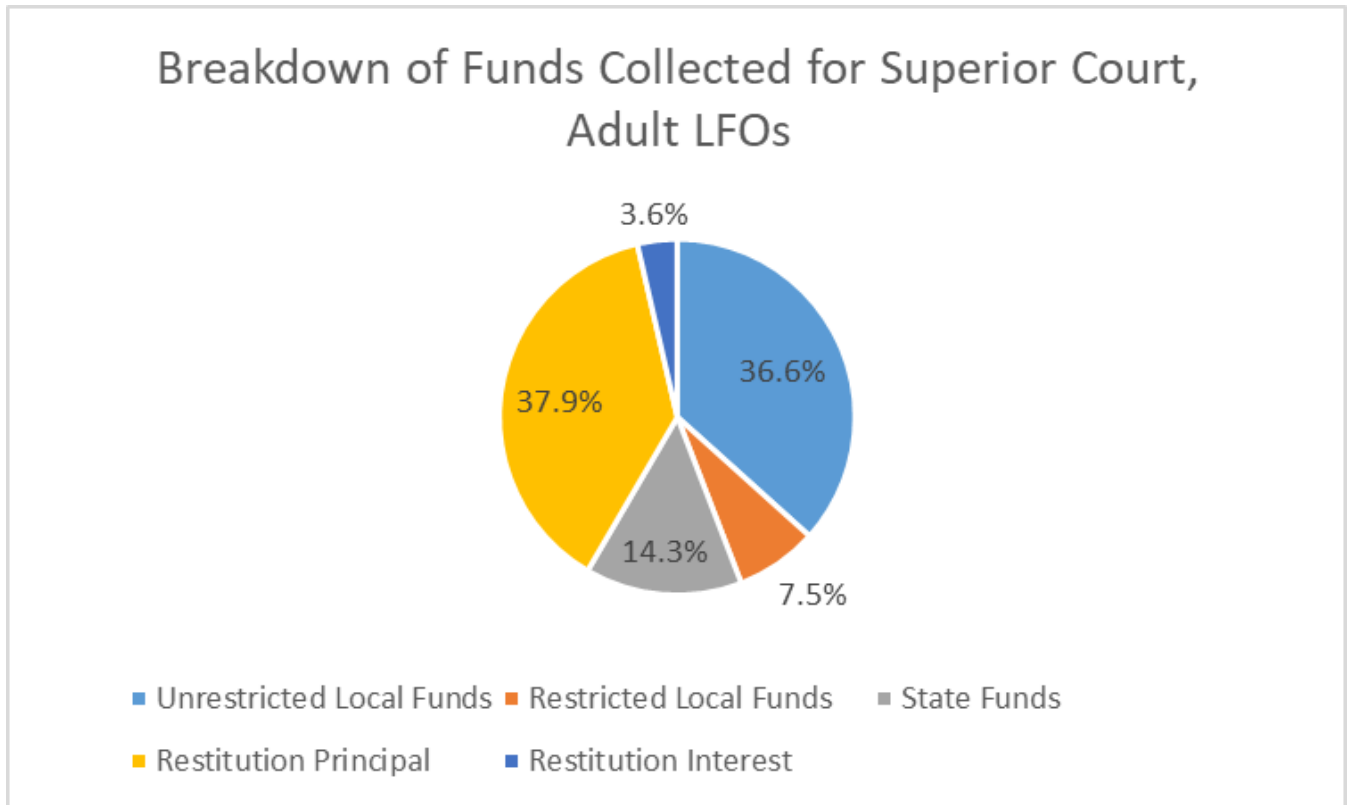
The data is not case specific, does not include individual markers, and it does not include demographic markers. This data only includes the various LFOs imposed by courts, and the data is intended only to provide some understanding of:

- What dollar amounts of LFOs are being imposed?
- What is collected?
- How are collected funds disposed?
- What are courts' practices in making adjustments to LFOs previously imposed?

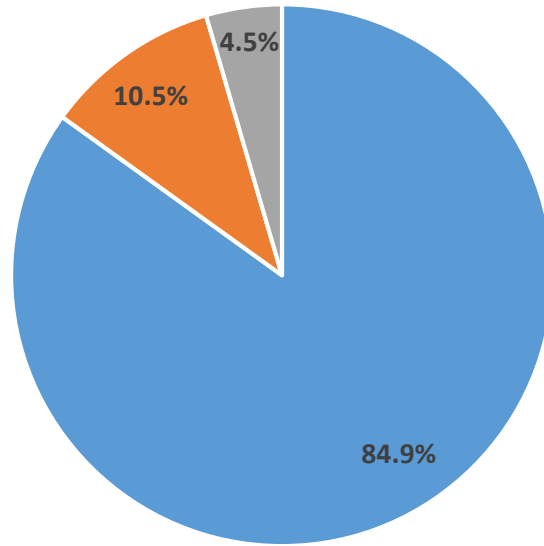
Questions and Findings

1. “Where does the money that is collected go?”

The following three graphs illustrate how the funds that were collected on LFOs imposed between calendar years 2014-2016 were disposed.

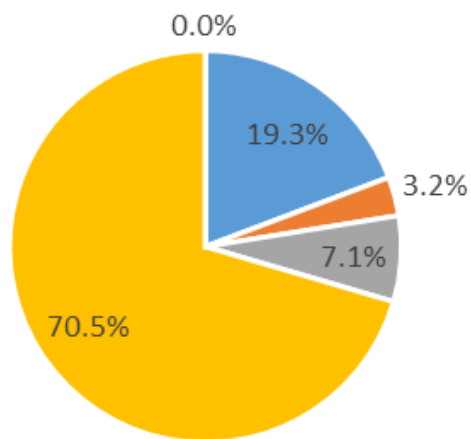


Breakdown of Funds Collected in Courts of Limited Jurisdiction



■ Local Funds ■ State Funds ■ Victims

Breakdown of Funds Collected from Juvenile LFOs



■ Unrestricted Local Funds ■ Restricted Local Funds ■ State Funds
■ Restitution Principal ■ Restitution Interest

2. “How much of the funds being retained locally are restricted?”

It is difficult to answer it with any certainty. In all superior courts state wide, all of the Crime Victim Penalty Assessment (CVP) required in any case resulting in conviction is retained locally, and it is required to be used for crime victim advocacy. Recent legislation requires that all proceeds from the CVP assessments be dedicated to crime victim advocacy work, so this percentage is expected to increase.

- \$577,612 (17%) of the \$3,400,248 (*Distribution of Funds Collected - Local Funds*) collected in adult superior court cases during the sample period was restricted to only being used for crime victim advocacy
- \$15,850 (14%) of the \$110,980 (*Distribution of Funds Collected - Local Funds*) collected in juvenile court cases during the sample period was restricted to only being used for crime victim advocacy
- A significant portion of restrictions on incoming funds from courts is effected by local government legislation.
 - Multitude of local ordinances require funds collected to be used for specific purposes. AOC data does not track all of these local restrictions on use of funds. For example, there are a number of jurisdictions that require defendants convicted of specified drug related offenses to pay a fee into a drug fund. Most of these ordinances require that proceeds from these fees be used to support drug prevention or drug rehabilitation efforts in the local jurisdiction.

3. “How much of the funds paid to crime victims is restitution principal, and how much is restitution interest?”

- Superior Courts
 - \$278,771 of the \$3,201,543 (*Distribution of Funds Collected – Victims*) paid to victims was interest on restitution
- Courts of Limited Jurisdiction
 - No data on any restitution interest paid out
- Juvenile Courts
 - The requirement to pay interest was removed

4. “Can restitution paid to insurance companies be isolated from restitution paid to other victims?”

Because the JIS doesn't have a data field to indicate a specific victim type, it is not possible to answer this question at this time.

Tables – Summaries of the Data

Superior Court Adult LFOs Court Name	LFO Imposed	Amount Paid	Sum of Adjustments	Distribution of Funds Collected		
				Local Funds	State Funds	Victims
ADAMS COUNTY SUPERIOR COURT	239,960.75	24,184.35	14,782.05	10,474.11	3,387.30	10,322.94
ASOTIN COUNTY SUPERIOR COURT	1,431,893.78	158,716.52	(35,253.30)	71,684.26	23,209.86	63,822.40
BENTON COUNTY SUPERIOR COURT	3,612,796.21	318,470.06	164,920.41	140,172.46	45,352.28	132,945.32
CHELAN COUNTY SUPERIOR COURT	1,582,049.78	96,603.29	(24,557.43)	43,294.40	14,014.82	39,294.07
CLALLAM COUNTY SUPERIOR COURT	1,533,581.49	64,931.08	(14,556.03)	28,209.13	9,123.58	27,598.37
CLARK COUNTY SUPERIOR COURT	11,116,345.37	540,007.50	(208,940.87)	240,431.20	77,815.75	221,760.55
COLUMBIA COUNTY SUPERIOR COURT	103,211.55	31,762.18	(2,460.13)	14,271.22	4,620.06	12,870.90
COWLITZ COUNTY SUPERIOR COURT	4,952,644.73	140,150.35	(183,261.47)	61,641.54	19,943.49	58,565.32
DOUGLAS COUNTY SUPERIOR COURT	522,372.41	46,292.22	5,905.77	20,578.24	6,659.87	19,054.12
FERRY COUNTY SUPERIOR COURT	54,860.00	3,705.69	(50.00)	1,642.24	531.44	1,532.01
FRANKLIN COUNTY SUPERIOR COURT	2,654,611.57	386,465.40	247,662.22	173,242.85	56,080.79	157,141.76
GARFIELD COUNTY SUPERIOR COURT	108,193.38	24,308.78	(79,631.01)	10,520.18	3,402.13	10,386.47
GRANT COUNTY SUPERIOR COURT	1,704,324.83	112,204.78	(43,013.10)	49,864.10	16,137.71	46,202.97
GRAYS HARBOR COUNTY SUPERIOR COURT	1,883,684.11	54,924.83	34,171.96	24,031.07	7,773.85	23,119.91
ISLAND COUNTY SUPERIOR COURT	389,741.70	37,494.40	(793.96)	16,744.20	5,419.73	15,330.47
JEFFERSON COUNTY SUPERIOR COURT	584,083.46	15,619.83	(61,529.25)	7,565.57	2,454.12	5,600.13
KING COUNTY SUPERIOR COURT	29,945,405.13	910,942.96	(1,780,726.56)	401,468.68	129,898.50	379,575.78
KITSAP COUNTY SUPERIOR COURT	5,671,689.98	308,712.14	(49,882.73)	136,170.04	44,059.99	128,482.11
KITTITAS COUNTY SUPERIOR COURT	488,190.46	49,104.87	(35,642.62)	21,496.88	6,954.18	20,653.81
KLICKITAT COUNTY SUPERIOR COURT	307,577.16	60,059.50	(3,949.82)	26,789.61	8,670.92	24,598.97
LEWIS COUNTY CLERK	2,978,008.04	294,535.55	(116,723.23)	127,444.71	41,214.24	125,876.60
LINCOLN COUNTY SUPERIOR COURT	289,315.43	12,757.63	(55,935.25)	5,704.39	1,846.45	5,206.79
MASON COUNTY SUPERIOR COURT	1,879,639.57	112,771.47	(3,580.37)	55,339.47	17,956.98	39,475.02
OKANOGAN COUNTY SUPERIOR COURT	1,232,748.65	43,868.28	(1,847.34)	21,202.44	6,877.27	15,788.57
PACIFIC COUNTY SUPERIOR COURT	491,871.65	28,968.34	(82,359.87)	12,643.39	4,089.75	12,235.21
PEND OREILLE CO SUPERIOR COURT	214,412.60	9,417.29	(15,302.82)	4,254.44	1,377.51	3,785.34
PIERCE COUNTY SUPERIOR COURT	19,979,836.43	619,812.29	(522,291.17)	273,371.60	88,453.54	257,987.15
SAN JUAN COUNTY SUPERIOR COURT	36,185.12	6,408.54	(731.18)	3,013.57	976.79	2,418.18
SKAGIT COUNTY SUPERIOR COURT	2,168,260.50	99,553.11	(104,450.04)	43,848.22	14,187.21	41,517.68
SKAMANIA COUNTY SUPERIOR COURT	165,066.38	25,108.10	18,367.40	10,865.61	3,513.84	10,728.65
SNOHOMISH COUNTY SUPERIOR COURT	7,178,307.11	940,267.25	(84,101.32)	409,927.64	132,594.74	397,744.86
SPOKANE COUNTY SUPERIOR COURT	9,019,802.51	536,934.87	(258,323.01)	235,438.86	76,167.26	225,328.75
STEVENS COUNTY SUPERIOR COURT	1,094,379.63	31,066.42	(7,536.79)	13,788.64	4,462.31	12,815.47
THURSTON COUNTY SUPERIOR COURT	3,986,985.52	881,301.14	(171,665.17)	382,508.77	123,710.08	375,082.28
WAHIAKUM COUNTY SUPERIOR COURT	81,807.39	8,917.68	2,606.73	3,878.87	1,254.57	3,784.24
WALLA WALLA CO SUPERIOR COURT	1,121,004.26	102,733.07	(1,324.42)	45,622.40	14,764.66	42,346.00
WHATCOM COUNTY SUPERIOR COURT	4,329,453.08	123,554.25	(61,085.31)	54,977.67	17,793.27	50,783.31
WHITMAN COUNTY SUPERIOR COURT	218,354.25	81,959.80	(13,365.18)	37,144.50	12,027.74	32,787.55
YAKIMA COUNTY SUPERIOR COURT	5,629,747.64	357,425.38	(201,244.63)	158,981.01	51,452.91	146,991.47
Grand Total	130,982,403.61	7,702,021.19	(3,737,698.84)	3,400,248.18	1,100,231.48	3,201,541.53
				44.1%	14.3%	41.6%

Courts of Limited Jurisdiction Court Name	LFO Imposed	Amount Paid	Sum of Adjustments	Distribution of Funds Collected		
				Local Funds	State Funds	Victims
#1 GRAYS HARBOR DISTRICT COURT	273,847.69	26,411.05	(3,786.54)	12,969.65	7,448.92	5,992.48
#2 GRAYS HARBOR DISTRICT COURT	124.00	46.27	-	32.49	13.78	-
ABERDEEN MUNICIPAL COURT	760,274.59	33,146.51	(27,860.72)	25,219.30	4,860.53	3,066.68
AIRWAY HEIGHTS MUNICIPAL	255,972.09	7,795.77	(769.31)	7,343.03	402.74	50.00
ANACORTES MUNICIPAL COURT	119,610.24	7,821.88	14,059.16	6,224.26	1,336.51	261.11
ASOTIN DISTRICT COURT	75,042.50	9,253.43	22,567.24	7,352.80	1,900.63	-
ASOTIN MUNICIPAL COURT	62.00	-	-	-	-	-
BAINBRIDGE ISLAND MUNICIPAL CRT	46,874.50	4,454.85	(4,805.22)	4,222.51	132.34	100.00
BATTLE GROUND MUNICIPAL COURT	312,716.52	31,388.86	1,714.50	22,968.56	6,806.54	1,613.76
BELLINGHAM MUNICIPAL COURT	2,450,206.29	80,353.61	(581,780.60)	76,345.77	3,986.83	21.01
BENTON COUNTY DISTRICT COURT	3,391,125.70	324,093.60	77,843.53	296,066.35	28,027.25	-
BLACK DIAMOND MUNICIPAL COURT	63,087.00	3,463.91	(240.00)	2,523.04	352.27	588.60
BLAINE MUNICIPAL COURT	126,579.00	8,728.95	(1,457.50)	8,089.27	589.68	50.00
BONNEY LAKE MUNICIPAL COURT	640,252.36	51,785.51	28,670.65	46,332.83	5,082.68	370.00
BOTHELL MUNICIPAL COURT	417,213.01	13,386.81	(5,238.28)	11,870.97	1,437.97	77.87
BREMERTON MUNICIPAL COURT	1,364,781.79	50,941.07	13,904.20	45,518.92	1,001.02	4,421.13
BRIDGEPORT DISTRICT COURT	167,911.37	11,169.89	18,987.10	10,106.19	521.68	542.02
BUCKLEY MUNICIPAL COURT	72,784.00	4,682.20	(1,010.00)	4,267.77	414.42	-
BURLINGTON MUNICIPAL COURT	105,949.28	6,859.44	65,657.00	5,294.93	702.49	862.02
CAMAS/WASHOUGAL MUNICIPAL COURT	565,283.27	21,066.15	(31,110.97)	15,401.17	2,640.21	3,024.77
CENTRALIA MUNICIPAL COURT	981,240.88	35,665.97	32,254.74	33,472.29	2,042.68	151.00
CHEHALIS MUNICIPAL COURT	242,160.96	18,060.88	88,394.96	16,264.31	1,671.57	125.00
CHELAN COUNTY DISTRICT COURT	1,191,635.33	97,069.52	53,013.95	76,933.59	20,135.93	-
CHENEY MUNICIPAL COURT	221,151.24	8,911.30	105,239.50	7,978.46	855.84	77.00
CLALLAM COUNTY DISTRICT COURT #1	1,268,882.62	126,781.41	(6,695.78)	115,164.27	6,136.89	5,480.25
CLALLAM DISTRICT COURT #2	305,991.24	25,871.07	27,587.77	19,590.82	1,888.00	4,392.25
CLARK COUNTY DISTRICT COURT	5,813,562.14	280,212.43	(694,435.48)	202,145.57	44,194.57	33,872.29
CLE ELUM MUNICIPAL COURT	57,442.19	4,318.78	8,210.00	4,207.59	111.19	-
COLFAX MUNICIPAL COURT	12,598.00	250.43	(245.00)	241.54	8.89	-
COLUMBIA COUNTY DISTRICT COURT	21,611.41	5,066.77	224.50	4,671.44	230.33	165.00
COSMOPOLIS MUNICIPAL COURT	3,451.00	401.12	-	334.29	66.83	-
COWLITZ COUNTY DISTRICT COURT	1,298,861.23	70,299.68	(8,543.03)	52,649.85	13,467.34	4,182.49
DES MOINES MUNICIPAL COURT	222,859.62	9,742.98	(799.00)	7,573.48	2,004.25	165.25
DOUGLAS DISTRICT COURT	509,365.89	55,882.55	66,322.73	45,807.82	2,529.73	7,545.00
E WENATCHEE MUNI CT(509)884-0680	685,452.67	37,083.20	46,604.34	35,210.57	922.63	950.00
E. KLICKITAT DISTRICT	236,568.02	10,354.44	128.77	7,051.96	2,866.23	436.25
EDMONDS MUNICIPAL COURT	366,388.83	19,121.75	(6,618.49)	16,805.24	1,556.51	760.00
ELMA MUNICIPAL COURT	68,956.22	6,184.64	(254.31)	5,575.68	568.96	40.00
ENUMCLAW MUNICIPAL COURT	122,533.50	9,291.47	(2,312.37)	7,187.74	1,806.73	297.00
EVERETT MUNICIPAL COURT	1,699,933.08	59,353.82	(11,304.72)	52,901.18	6,452.64	-
EVERSON-NOOKSACK MUNICIPAL COURT	89,412.79	9,861.89	24,856.68	9,708.26	153.63	-
FEDERAL WAY MUNICIPAL COURT	1,456,840.37	56,667.75	(3,094.75)	43,237.69	6,547.55	6,882.51
FERNDALE MUNICIPAL COURT	854,194.29	42,830.93	345,190.00	37,952.91	4,062.96	815.06
FERRY COUNTY DISTRICT COURT	25,926.15	4,138.16	(241.00)	3,408.33	607.81	122.02
FIFE MUNICIPAL COURT	617,469.62	24,228.53	16,267.41	22,305.53	1,793.00	130.00
FIRCREST MUNICIPAL COURT	135,773.83	10,029.67	(6,327.10)	9,066.87	962.80	-
FRANKLIN DISTRICT COURT	750,966.11	62,154.04	(29,337.22)	55,338.14	4,715.00	2,100.90
GARFIELD COUNTY DISTRICT COURT	15,626.68	1,958.16	251.00	1,416.40	541.76	-
GIG HARBOR MUNICIPAL COURT	167,237.64	9,444.65	(4,430.40)	8,146.60	1,168.05	130.00
GRANGER MUNICIPAL COURT	17,449.05	997.55	85.00	893.66	103.89	-
GRANT COUNTY DISTRICT COURT	2,036,629.28	114,343.40	522,503.38	100,713.55	10,729.69	2,900.16
HOQUIAM MUNICIPAL COURT	213,264.99	14,694.17	1,205.86	12,401.25	1,579.67	713.25
ISLAND COUNTY DISTRICT COURT	262,397.28	26,389.27	(19,078.01)	20,805.71	4,273.06	1,310.50
ISSAQUAH MUNICIPAL COURT	433,078.97	16,006.78	(15,320.29)	13,488.97	773.82	1,743.99
JEFFERSON DISTRICT COURT	327,213.17	25,402.95	(1,242.75)	22,533.81	1,318.72	1,550.42
KCDC AUBURN COURTHOUSE	57,075.84	11,169.00	(21,407.73)	8,528.80	951.16	1,689.04
KCDC-EAST DIV (BEL)	509.88	33.69	(119.38)	20.15	13.54	-
KCDC-EAST DIV (ISQ)	270.00	-	-	-	-	-
KCDC-EAST DIV (NED)	4,519.50	320.42	(2,150.50)	320.42	-	-
KCDC-EAST DIV (SHO)	6,557.50	778.43	(134.75)	745.57	32.86	-
KCDC-SO DIV (AUK)	487.00	29.51	(28.00)	15.36	14.15	-
KCDC-SO DIV (FWD)	505.50	(70.25)	(505.50)	(70.25)	-	-
KCDC-SO DIV (RDC)	60.27	-	-	-	-	-
KCDC-SO DIV (SWD)	1,601.00	107.99	(3,195.00)	61.62	46.37	-
KCDC-WEST DIV (SDC)	1,784.00	332.81	(390.50)	332.81	-	-
KENT MUNICIPAL COURT	2,392,371.71	94,319.00	(164,157.87)	75,455.70	11,402.99	7,460.31
KING COUNTY DISTRICT COURT	6,351,340.87	294,451.13	(302,587.44)	260,433.45	34,017.68	-
KIRKLAND MUNICIPAL COURT	1,078,142.74	67,988.40	(30,753.99)	62,905.00	4,133.91	949.49
KITSAP DISTRICT COURT	2,264,347.96	176,161.91	86,412.39	166,025.53	7,649.38	2,487.00
LAKE FOREST PARK MUNICIPAL COURT	71,244.30	14,923.18	9,356.62	9,549.89	1,580.39	3,792.90
LAKEWOOD MUNICIPAL COURT	1,341,714.49	57,594.14	10,995.84	51,610.22	3,162.55	2,821.37
LEWIS COUNTY DISTRICT COURT LAW	1,092,471.82	69,841.79	37,990.01	61,540.93	7,657.32	643.54
LINCOLN COUNTY DISTRICT COURT	211,507.23	24,183.77	27,644.80	21,686.24	1,849.07	648.46
LOWER KITTITAS DISTRICT COURT	1,000,827.01	61,834.67	134,281.22	53,831.94	4,590.72	3,412.01

LYNDEN MUNICIPAL COURT	181,349.70	9,738.68	55,913.25	8,825.20	913.48	-
LYNNWOOD MUNICIPAL COURT	3,082,996.66	75,638.15	(5,019.39)	71,596.00	2,740.77	1,301.38
MARYSVILLE MUNICIPAL COURT	2,126,504.31	56,740.83	(35,279.47)	47,470.75	5,709.25	3,560.83
MASON COUNTY DISTRICT COURT	1,413,696.77	62,006.25	57,823.70	52,900.28	4,860.97	4,245.00
MERCER ISLAND MUNICIPAL COURT	92,429.50	6,116.92	583.00	5,269.82	847.10	-
MILTON MUNICIPAL COURT	220,333.33	13,920.05	(516.50)	12,603.30	1,316.75	-
MONROE MUNICIPAL COURT	87,848.91	1,096.12	(408.00)	761.69	199.43	135.00
MONTESANO MUNICIPAL COURT	27,509.61	3,427.36	(41.50)	3,248.44	178.92	-
MOUNT VERNON MUNICIPAL COURT	221,015.23	17,261.47	89,841.29	13,462.70	2,031.25	1,767.52
NAPAVINE MUNICIPAL COURT	23,802.13	2,838.43	543.55	2,361.95	476.48	-
NORTH BONNEVILLE MUNICIPAL COURT	7,168.00	289.58	(40.00)	287.62	1.96	-
NORTH PACIFIC DISTRICT COURT PACIF	33,685.50	4,292.82	(375.00)	4,050.63	242.19	-
OAKVILLE MUNICIPAL COURT	5,739.99	493.83	-	477.64	16.19	-
OCEAN SHORES MUNICIPAL COURT	21,607.15	2,621.81	1,150.00	2,396.42	25.39	200.00
OKANOGAN COUNTY DISTRICT COURT	1,098,409.79	43,463.22	(38,836.95)	37,793.25	3,737.69	1,932.28
OLYMPIA MUNICIPAL COURT	468,227.81	25,416.95	(4,589.65)	22,277.67	1,689.15	1,450.13
ORTING MUNICIPAL COURT	71,197.70	5,513.44	141.01	4,215.22	936.22	362.00
OTHELLO DISTRICT COURT	83,903.20	14,316.85	(307.00)	9,134.29	4,608.55	574.01
PACIFIC MUNICIPAL COURT	295,529.38	21,244.93	175,817.13	20,179.65	1,025.28	40.00
PASCO MUNICIPAL COURT	1,254,227.00	77,239.27	(2,288.45)	75,080.13	2,159.14	-
PEND OREILLE DISTRICT COURT	205,275.99	19,266.80	325.12	16,544.56	1,115.04	1,607.20
PIERCE COUNTY DISTRICT COURT	3,397,868.01	102,418.23	(121,849.19)	89,934.48	12,483.75	-
PORT ORCHARD MUNICIPAL COURT	965,960.18	29,966.63	5,774.77	28,866.72	1,099.91	-
POULSBO MUNICIPAL COURT	257,793.36	15,797.77	10,746.84	15,337.28	207.33	253.16
PUYALLUP MUNICIPAL COURT	949,660.35	56,627.43	(7,139.61)	46,273.44	8,633.53	1,720.16
RAYMOND MUNICIPAL COURT	14,158.47	1,202.11	-	1,016.59	85.82	100.00
RENTON MUNICIPAL COURT	1,417,437.81	70,038.47	(4,275.37)	64,497.60	4,362.36	1,178.51
RITZVILLE DISTRICT COURT	30,240.35	3,170.12	-	1,933.50	927.59	309.03
ROSLYN MUNICIPAL COURT	8,537.00	940.59	1,680.00	845.82	94.77	-
ROY MUNICIPAL COURT	10,272.50	2,073.61	1,050.00	1,609.32	464.29	-
RUSTON MUNICIPAL COURT	47,928.50	3,320.83	100.00	3,162.03	158.80	-
SAN JUAN DISTRICT COURT	100,260.50	16,081.89	(31,306.87)	13,933.88	1,398.01	750.00
SEATAC MUNICIPAL COURT	455,953.18	16,713.93	(37,710.09)	15,645.08	816.76	252.09
SEDRO-WOLLEY MUNICIPAL COURT	15,941.67	1,769.00	169.03	1,134.79	634.21	-
SELAH MUNICIPAL COURT	144,811.94	9,188.37	106.00	6,773.67	1,420.54	994.16
SHELTON MUNICIPAL COURT	248,835.66	17,946.38	22,023.20	16,021.82	969.56	955.00
SKAGIT COUNTY DISTRICT COURT	568,048.75	50,547.53	87,290.52	38,376.69	10,901.78	1,269.06
SKAMANIA COUNTY DISTRICT COURT	93,474.16	7,578.89	(4,863.32)	5,872.15	1,366.74	340.00
SNO CO DIST CT CASCADE DIV	362,551.50	18,836.56	(6,039.50)	17,017.95	1,818.61	-
SNO CO DIST CT EVERETT DIV	974,795.97	47,913.03	(4,296.35)	41,821.67	6,091.36	-
SNO CO DIST CT EVERGREEN DIV	714,995.88	32,810.87	(22,562.51)	29,305.39	2,341.64	1,163.84
SNO CO DIST CT SOUTH DIV	814,596.37	44,990.86	(4,379.93)	38,196.50	5,680.59	1,113.77
SOUTH BEND MUNICIPAL COURT	8,714.20	439.58	(60.00)	346.91	22.67	70.00
SOUTH PACIFIC DISTRICT COURT	127,510.30	19,879.17	167.55	18,580.07	1,199.10	100.00
SPOKANE COUNTY DISTRICT COURT	3,610,931.16	117,955.31	(116,059.65)	97,035.86	6,140.82	14,778.63
SPOKANE MUNICIPAL COURT	1,804.00	7,413.59	(5,839.07)	5,600.26	928.33	885.00
STEILACOOM MUNICIPAL COURT	50.00	1,933.59	(191.82)	1,798.52	135.07	-
STEVENS COUNTY DISTRICT COURT	521,791.45	17,051.75	(10,488.09)	12,249.04	2,369.51	2,433.20
STEVENSON MUNICIPAL COURT	13,814.50	899.80	-	682.43	142.37	75.00
SUMAS MUNICIPAL COURT	65,086.83	5,165.93	4,589.35	4,987.46	158.47	20.00
SUMNER MUNICIPAL COURT	77,008.43	8,295.70	5,462.50	5,420.71	1,424.99	1,450.00
SUNNYSIDE MUNICIPAL COURT	214,371.13	13,271.20	(1,543.20)	9,610.74	2,221.53	1,438.93
TACOMA MUNICIPAL COURT	522,212.71	24,457.10	(20,894.62)	14,228.86	5,321.53	4,906.71
TENINO MUNICIPAL COURT	12,361.00	1,950.82	(267.93)	1,412.86	537.96	-
THURSTON COUNTY DISTRICT COURT	1,076,868.74	64,158.33	(18,121.36)	49,824.38	12,628.32	1,705.63
TOPPENISH MUNICIPAL COURT	373,204.22	3,734.70	(4,625.30)	3,268.02	466.68	-
TUKWILA MUNICIPAL COURT	545,216.81	13,377.92	(3,659.18)	10,905.74	1,102.18	1,370.00
UNION GAP MUNICIPAL COURT	102,935.83	13,586.12	(2,757.01)	11,066.06	2,143.38	376.68
UPPER KITTITAS DISTRICT COURT	353,330.02	12,505.63	4,381.09	11,594.32	673.46	237.85
VADER MUNICIPAL COURT	16,147.87	623.60	-	583.02	40.58	-
W. KLIKITAT DISTRICT	81,099.79	5,865.83	(166.62)	4,315.68	760.11	790.04
WAHIAKIUM DISTRICT COURT	35,434.16	2,425.39	(642.95)	1,540.01	270.38	615.00
WALLA WALLA DISTRICT COURT	557,894.57	28,558.22	(3,077.39)	22,839.46	4,544.76	1,174.00
WAPATO MUNICIPAL COURT	307,544.79	9,637.20	(6,207.65)	7,666.19	1,971.01	-
WESTPORT MUNICIPAL COURT	39,813.44	4,103.81	(457.64)	3,118.17	385.64	600.00
WHATCOM COUNTY DISTRICT COURT	1,910,626.37	126,562.75	(607,593.97)	116,762.12	9,800.63	-
WHITMAN COUNTY DISTRICT COURT	235,208.40	29,410.30	(24,087.89)	25,106.05	2,428.14	1,876.11
WILKESON MUNICIPAL COURT	3,482.00	421.38	50.00	372.95	48.43	-
WINLOCK MUNICIPAL COURT	32,090.80	2,315.15	805.00	2,128.10	187.05	-
YAKIMA CO DIST CT - GRM -	616.00	96.10	(446.00)	77.30	18.80	-
YAKIMA CO DIST CT - YDC -	2,112,518.97	95,885.57	(43,460.92)	58,733.03	22,886.06	14,266.48
YAKIMA MUNICIPAL COURT	3,343,100.66	57,421.89	(24,797.07)	39,283.71	9,759.06	8,379.12
YELM MUNICIPAL COURT	83,755.97	7,096.02	(239.00)	5,441.79	1,634.23	20.00
ZILLAH MUNICIPAL COURT	18,330.11	2,241.05	(493.00)	1,783.97	222.08	235.00
(blank)						
Grand Total	88,842,617.11	4,581,538.82	(807,112.73)	3,891,205.93	482,972.22	207,360.67
				84.9%	10.5%	4.5%

Juvenile Courts Court Name	LFO Imposed	Amount Paid	Sum of Adjustments	Distribution of Funds Collected		
				Local Funds	State Funds	Victims
ADAMS COUNTY SUPERIOR COURT	1,485.27	557.09	-	125.12	39.39	392.58
ASOTIN COUNTY SUPERIOR COURT	304,950.12	18,106.48	(2,344.05)	4,066.72	1,280.13	12,759.64
BENTON COUNTY SUPERIOR COURT	85,195.88	18,350.75	68,291.75	4,121.58	1,297.40	12,931.77
CHELAN COUNTY SUPERIOR COURT	77,262.10	9,369.72	(4,244.32)	2,104.44	662.44	6,602.84
CLALLAM COUNTY SUPERIOR COURT	14,433.70	1,926.67	(1,208.78)	432.73	136.22	1,357.72
CLARK COUNTY SUPERIOR COURT	368,165.15	44,612.28	83,091.78	10,019.92	3,154.09	31,438.27
COLUMBIA COUNTY SUPERIOR COURT	8,059.21	3,259.56	300.00	732.10	230.45	2,297.01
COWLITZ COUNTY SUPERIOR COURT	220,210.26	7,856.38	(15,219.06)	1,764.54	555.45	5,536.39
DOUGLAS COUNTY SUPERIOR COURT	18,473.93	3,663.64	(8,421.45)	822.85	259.02	2,581.77
FERRY COUNTY SUPERIOR COURT	7,398.06	268.49	-	60.30	18.98	189.20
FRANKLIN COUNTY SUPERIOR COURT	183,487.05	37,689.27	86,456.03	8,465.01	2,664.63	26,559.63
GARFIELD COUNTY SUPERIOR COURT	5,315.00	521.60	-	117.15	36.88	367.57
GRANT COUNTY SUPERIOR COURT	509,526.82	8,810.44	(397,830.42)	1,978.82	622.90	6,208.72
GRAYS HARBOR COUNTY SUPERIOR COURT	22,178.44	2,459.63	927.20	552.43	173.90	1,733.30
ISLAND COUNTY SUPERIOR COURT	57,545.84	3,344.46	(856.39)	751.17	236.45	2,356.84
JEFFERSON COUNTY SUPERIOR COURT	6,236.45	4,288.71	(200.00)	963.24	303.21	3,022.25
KING COUNTY SUPERIOR COURT	1,219,153.21	55,057.50	(284,641.53)	12,365.91	3,892.57	38,799.02
KITSAP COUNTY SUPERIOR COURT	354,576.80	19,223.55	118,778.15	4,317.61	1,359.10	13,546.84
KITTITAS COUNTY SUPERIOR COURT	1,958.34	2,258.87	(320.48)	507.34	159.70	1,591.83
KLICKITAT COUNTY SUPERIOR COURT	25,930.53	5,201.77	(3,271.30)	1,168.32	367.77	3,665.69
LEWIS COUNTY CLERK	85,922.68	6,210.41	(1,012.50)	1,394.86	439.08	4,376.48
LINCOLN COUNTY SUPERIOR COURT	1,387.37	1,172.81	80.00	263.41	82.92	826.48
MASON COUNTY SUPERIOR COURT	30,246.71	34,485.65	5,506.05	7,745.48	2,438.14	24,302.04
OKANOGAN COUNTY SUPERIOR COURT	46,548.45	11,821.73	(93.00)	2,655.16	835.80	8,330.77
PACIFIC COUNTY SUPERIOR COURT	6,846.39	1,145.00	-	257.17	80.95	806.88
PEND OREILLE CO SUPERIOR COURT	1,572.00	1,079.85	700.00	242.53	76.35	760.97
PIERCE COUNTY SUPERIOR COURT	361,763.47	38,488.77	(17,670.13)	8,644.58	2,721.16	27,123.04
SAN JUAN COUNTY SUPERIOR COURT	10,725.94	1,315.75	(1,044.91)	295.52	93.02	927.21
SKAGIT COUNTY SUPERIOR COURT	72,954.53	5,886.49	(5,512.07)	1,322.11	416.17	4,148.21
SKAMANIA COUNTY SUPERIOR COURT	2,165.27	536.33	(25.00)	120.46	37.92	377.95
SNOHOMISH COUNTY SUPERIOR COURT	278,122.88	34,922.25	(149,593.90)	7,843.54	2,469.00	24,609.71
SPOKANE COUNTY SUPERIOR COURT	346,775.10	26,574.91	(3,718.11)	5,968.72	1,878.85	18,727.34
STEVENS COUNTY SUPERIOR COURT	13,026.65	2,354.18	(101.72)	528.75	166.44	1,658.99
THURSTON COUNTY SUPERIOR COURT	202,967.92	24,334.47	(1,416.82)	5,465.52	1,720.45	17,148.50
WAHIAKUM COUNTY SUPERIOR COURT	2,172.70	287.20	-	64.51	20.31	202.39
WALLA WALLA CO SUPERIOR COURT	34,501.16	7,907.54	(510.00)	1,776.03	559.06	5,572.44
WHATCOM COUNTY SUPERIOR COURT	115,201.44	10,044.30	(1,946.10)	2,255.95	710.13	7,078.22
WHITMAN COUNTY SUPERIOR COURT	26,253.23	9,975.09	2,171.28	2,240.41	705.24	7,029.45
YAKIMA COUNTY SUPERIOR COURT	238,287.32	28,753.56	(10,951.16)	6,458.05	2,032.88	20,262.63
Grand Total	5,368,983.37	494,123.15	(545,850.96)	110,980.06 22.5%	34,934.51 7.1%	348,208.58 70.5%

Next Steps

1. Further analysis of fiscal data from the Administrative Office of the Courts to isolate more detailed data about fiscal relationships between:
 - a. The number of cases with outstanding balance, and
 - b. The number of individuals with outstanding balance, and
 - c. The percentage of cases paid in full, and
 - d. The percentage of what is imposed that ultimately gets paid.
2. Review set of court related data to determine frequency of post-sentence hearings, and frequency of post-sentence incarceration, to determine costs.
3. Create document to capture costs related to counties executing their LFO programs across superior courts and CLJs.

Appendix J

Cost to Collect Survey Questions



2019 Survey Legal Financial Obligations (LFOs) Cost to Collect

The LFO Stakeholder Consortium - Price of Justice Project

Gathering data from courts and county clerks is critical, we are asking you to take a few moments to complete the survey so that your experience is included in the final report. Your participation and responses are essential for helping ensure an accurate picture of our state and your answers to the questions will be completely anonymous.

Thank you.

1. How do you identify your court structure?

- Superior Court
- District Court
- Municipal Court
- Other. Please explain.

2. Based on how you identify your court structure, are collections done 100% in-house?

- Yes
- No



2019 Survey Legal Financial Obligations (LFOs) Cost to Collect

3. What factors decide what is collected in-house? Please explain.

4. What is the percentage of cases that have outstanding LFOs out of the total number of cases in your court? If you don't know for certain, please provide a close approximation.

A horizontal slider scale with markers at 0, 50, and 100. A circular marker is positioned at 0. To the right of the slider is an empty rectangular text box.

5. How many cases with outstanding LFOs do you attempt to collect on?

- 0% of cases
- 1-25% of cases
- 26-50% of cases
- 51-75% of cases
- 76-100% of cases

6. In 2018, what was the total outstanding balance that was owed for LFOs? If you don't know for certain, please provide a close approximation.

Please exclude parking tickets, traffic and non-traffic violations, photo enforcement, civil cases.

7. On average, how much do you collect from all the LFOs in a year?

Total dollar amount collected from all LFOs:

Total dollar amount collected from fines:

Total dollar amount collected from fees:

Total dollar amount collected from restitution:

8. In your jurisdiction, which office(s) primarily work on collecting LFOs? Please list all.

Example, Clerk's Office, private collection company, in-house court staff, etc.

9. If the court staff is collecting LFOs, how much staff time (in FTEs or portions thereof) are typically devoted to administrative components of the collection of LFOs? If you don't know for certain, please provide a close approximation.

10. If the court staff is collecting LFOs, what is an average wage rate for the staff devoted to administrative components of the collection of LFOs? If you don't know for certain, please provide a close approximation.

11. If the court staff is collecting LFOs, what is the fringe benefit rate (salary load) for staff in the collecting office? If you don't know for certain, please provide a close approximation.

12. In 2018, what was the number of post-sentencing hearings scheduled where failure to pay LFOs was at least one of the allegations? If you don't know for certain, please provide a close approximation of all post-sentence hearings.

13. What is the average duration of one post-sentence hearing?

- Less than 5 minutes
- 6-10 minutes
- 11-15 minutes
- More than 16 minutes

14. What is the average wage rate for courtroom clerks in your jurisdiction?

15. In your jurisdiction, do you collect data on jail booking for warrants issued for failure to appear for LFO related hearing?

- Yes. If so, please provide the number of these bookings below.
- No
- I don't know

Please provide the number of bookings here.

16. In your jurisdiction, do you collect data on jail bookings for warrants issued for failure to pay LFOs?

- Yes. If so, please provide the number of these bookings below.
- No
- I don't know

Please provide the number of bookings here.



2019 Survey Legal Financial Obligations (LFOs) Cost to Collect

17. Based on how you identify your court structure, how are collections done in your jurisdiction?

- 100% contracted agency
- Combination of in-house and contracted agency
- I don't know

18. What is the percentage of cases that have outstanding LFOs out of the total number of cases in your court? If you don't know for certain, please provide a close approximation.

0 50 100

19. How many cases with outstanding LFOs do you attempt to collect on?

- 0% of cases
- 1 - 25% of cases
- 26 - 50% of cases
- 51 - 75% of cases
- 76 - 100% of cases

20. In 2018, what was the total outstanding balance that was owed for LFOs? (Please exclude parking tickets, traffic and non-traffic violations, photo enforcement, civil cases). If you don't know for certain, please provide a close approximation.

21. On average, how much do you collect from all the LFOs in a year?

Total dollar amount collected from all LFOs:

Total dollar amount collected from fines:

Total dollar amount collected from fees:

Total dollar amount collected from restitution:

22. In your jurisdiction, which office(s) primarily work on collecting LFOs? Please list all.

Example, Clerk's Office, private collection company, in-house court staff, etc.

23. If the court staff is collecting LFOs, how much staff time (in FTEs or portion thereof) are typically devoted to administrative components of the collection of LFOs? If you don't know for certain, please provide a close approximation.

24. If the court staff is collecting LFOs, what is the average wage rate for the staff devoted to administrative components of the collection of LFOs? If you don't know for certain, please provide a close approximation.

25. If the court staff is collecting LFOs, do you know the fringe benefit rate (salary load) for staff in the collecting office? If you don't know for certain, please provide a close approximation.

26. In 2018, what was the number of post-sentencing hearings scheduled where failure to pay LFOs was at least one of the allegations? If you don't know for certain, please provide a close approximation of all post-sentence hearings.

27. What is the average duration of one post-sentence hearing?

- Less than 5 minutes
- 6 - 10 minutes
- 11 - 15 minutes
- More than 16 minutes

28. What is the average wage rate for courtroom clerks in your jurisdiction?

29. In your jurisdiction, do you collect data on jail bookings for warrants issued for failure to appear for LFO related hearing?

- Yes. If so, please provide the number of these hearings below.
- No
- I don't know

Please provide the number of bookings here.

30. In your jurisdiction, do you collect data on jail bookings for warrants issued for failure to pay LFOs?

- Yes. If so, please provide the number of these bookings below.
- No
- I don't know

Please provide the number of bookings here.

31. In your jurisdiction, when is a case transferred to a contracted collection agency?

- Immediately after sentencing
- 15 days after the sentencing date
- 30 days after the sentencing date
- 45 days after the sentencing date
- Other. Please explain.

* 32. In your jurisdiction, what causes a case to be referred to collections? Check all that apply.

- Failure to pay within a specified amount of time. What is the specific amount of time? Please explain below.
- All cases are transferred immediately following imposition.
- Broken promise to pay, or violation of payment plan agreement.
- Other

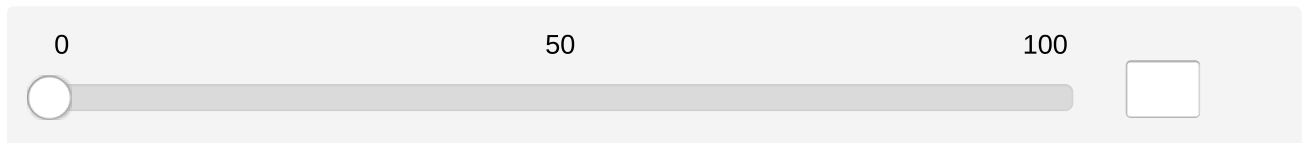
Please provide the specific amount of time here.

33. If you contract with a collection agency, can you describe, or provide documentation of the collection agency's fee structure?

- Yes, I can describe the collection agency's fee structure.
- Yes, I can describe and provide documentation of the collection agency's fee structure.
- Yes, I can describe the collection agency's fee structure, but I can't provide documentation.
- No, I can't describe the collection agency's fee structure, but I can provide documentation.
- No, I can't describe the collection agency's fee structure, and I can't provide documentation.

34. In 2018, what was the percentage of cases contracted out of the total LFO case? If you don't know for certain, please provide a close approximation.

0 50 100



35. In 2018, what was the total balance outstanding that was forwarded to a contracted collection agency? If you don't know for certain, please provide a close approximation.

36. In 2018, what was the total outstanding balance collected by contracted collection agency?

Total dollar amount collected from all cases:

Total dollar amount collected from fines:

Total dollar amount collected from fees:

Total dollar amount collected from restitution:

37. In your jurisdiction, is the court staff handling assignment of cases to a contracted collection agency?

- Yes
- No
- I don't know

38. In your jurisdiction, is the court staff responsible for posting, receipting payments remitted by a contracted collection agency?

- Yes
- No
- I don't know

39. About court staff responsible for posting, receipting payments remitted by a contracted collection agency:

How much staff time (in FTEs or portions thereof) are typically devoted to administrative components of the collection of LFOs?

What is the average wage rate for the staff devoted to administrative components of the collection of LFOs?

40. What is the fringe benefit rate (salary load) for staff in your office? If you don't know for certain, please provide a close approximation.



2019 Survey Legal Financial Obligations (LFOs) Cost to Collect

Thank you for completing our survey!

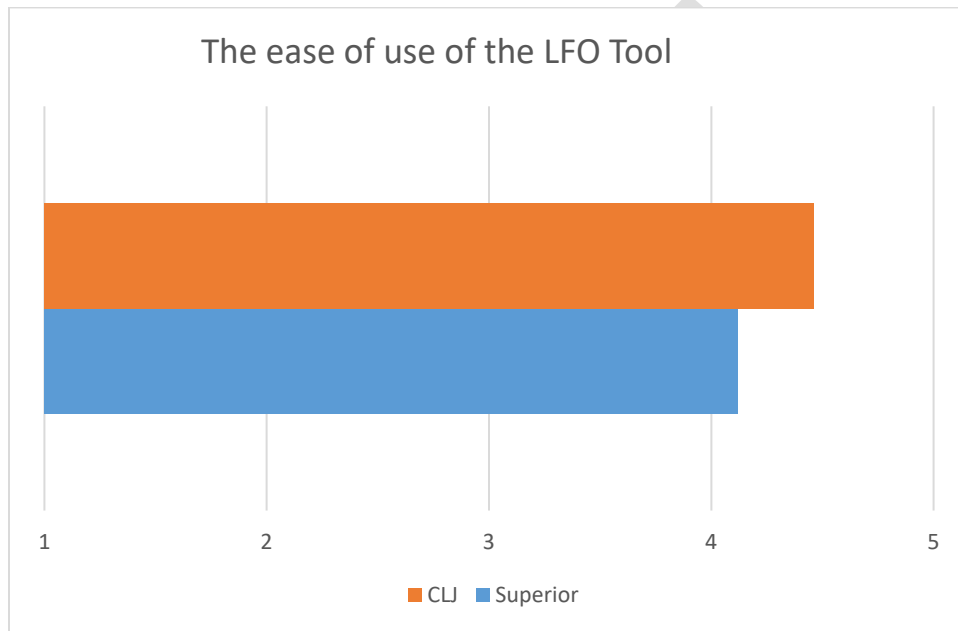
Appendix K

LFO Calculator Interviews

Section I: About the functionality of the LFO Calculator Tool

Q1 How would you rate the ease of use of the LFO Tool?

- 1 – Very difficult
- 2 – Somewhat difficult
- 3 – Neutral
- 4 – Somewhat easy
- 5 – Very easy



Courts of Limited Jurisdiction – 26 responses, average score 4.46

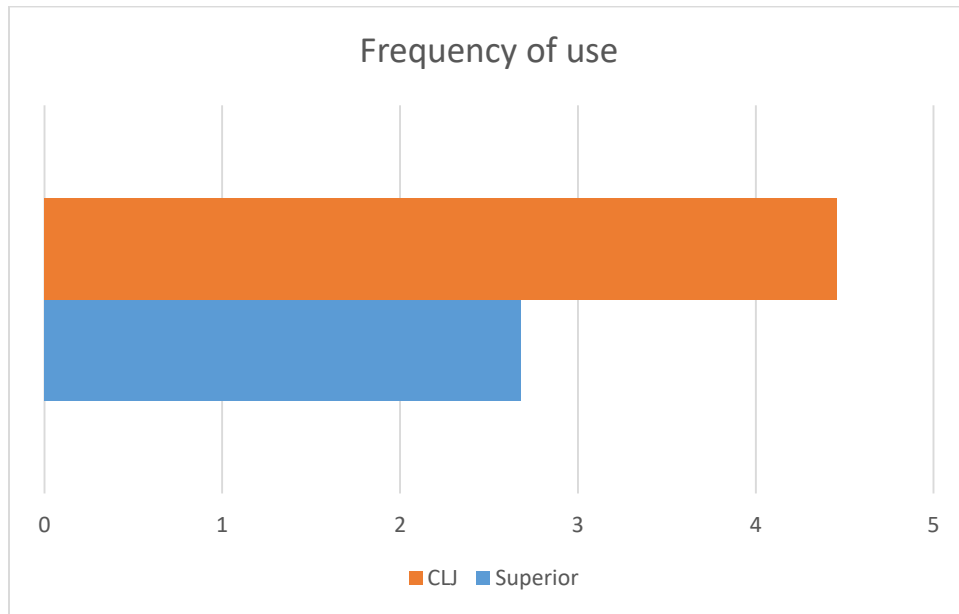
Superior Courts – 25 responses, average score 4.12

Event 3 – Superior Courts

- **Respondent 008** – *“Neutral If I have time I use it. But there are too many questions when I know I am just going to impose the mandatory minimums.”*

Q2 How often do you use the LFO Tool?

- 1 – Never
- 2 – Almost never
- 3 – Occasionally/Sometimes
- 4 – Almost every time
- 5 – Every time



Courts of Limited Jurisdiction – 26 responses, average score 4.46
Superior Courts – 25 responses, average score 2.68

Event 1 – Superior Courts

- Respondent 009 – *“I was recently moved to civil calendar.”*

Event 3 – Courts of Limited Jurisdiction

- Respondent 004 – *“Depending on type of hearing.”*

Q3 What do you find most useful about the tool? *Explain.*

Event 1 – Courts of Limited Jurisdiction

- Respondent 003 – *“Being able to see the print out of all costs, fines, and fees that I ordered on one page; the ability to print the page to put in in the file.”*
- Respondent 004 – *“How it calculates monthly payments; the breakdown how much the person needs to pay each month. Before the tool, it had to be done with a calculator and the calculation had to include the jurisdiction time.”*

- **Respondent 005** – *“It allows to quickly adjust the LFOs and understand what the real life impact it will have on the defendant; what will take for them to pay LFOs in a reasonable time. One stop shopping on all authorities related to LFOs. Links about the laws, what’s mandatory, what’s not, all included.”*
- **Respondent 006** – *“The breakdown of court costs, and when someone is indigent being able to what can be waved and suspended.”*

Event 1 – Superior Courts

- **Respondent 007** – *“I really likes the suggested payment schedule. It facilitates a very fruitful discussion with the defendant.”*
- **Respondent 009** – *“All potential LFOs are listed together with citations.”*

Event 2 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Break down per month, what the person will pay based on what I ordered.”*
- **Respondent 003** – *“Printing out the total fine page, it helps me to articulate to the person exactly what it is that they are paying; it help me to explain all the aspects of criminal justice accounts that the total fines are covering; helps to be transparent; it creates statistics for indigent defendants.”*
- **Respondent 005** – *“Reminds me what I can, must, can’t, waive, suspend. Reminds me statutes and laws, and if I need a reminder I can click the statue for a refresher. Instant feedback. LFOs are so complexed, and it is nice to be reminded.”*
- **Respondent 006** – *“The total amount and what it will look like divided by months.”*

Event 2 – Superior Courts

- **Respondent 007** – *“First and foremost, I like the citations to statute and case law. I also really like the suggested payment schedule. This helps guide a fuller discussion with the defendant.”*
- **Respondent 008** – *“Getting immediate access to information about the payment amount and length of time it will take to pay off the balance.”*
- **Respondent 009** – *“Seeing the legal citations for LFOs for the crime being plead or sentenced.”*

Event 3 – Courts of Limited Jurisdiction

- **Respondent 001** – *“All the amounts what it will be per month and I will be able to adjust; the financial declaration form so that I can get as close to that as possible; I can educate the attorneys when their client is find indigent.”*
- **Respondent 004** – *“How it has the different fines layout when you can check what applies and what doesn’t; how it provides the summary at the end (the breakdown is very helpful).”*
- **Respondent 005** – *“It reminds me what the law is about LFOs, helps me with math, and the reality of what the person needs to pay within the time, and what the punishment is.”*
- **Respondent 006** – *“The breakdown of the individual assessments, and what shall or can be waived.”*

Event 3 – Superior Courts

- **Respondent 007** – *“I really like the monthly payment calculator. It helps me explain to the defendant how long it will take for them to pay this debt off. It makes it easier for them to really understand what is being ordered.”*

- **Respondent 008** – *“All of the details included about the RCW and other authorities is really helpful. It makes a really nice cheat sheet.”*
- **Respondent 009** – *“I like having all of the legal citations available for LFOs for the specific crime being sentenced.”*

Event 4 – Courts of Limited Jurisdiction

- **Respondent 001** – *“The breakdown and how much per month.”*
- **Respondent 004** – *“Prepopulated fields and monthly pay amounts.”*
- **Respondent 005** – *“It reminds me what the law is about LFOs, helps me with math, and the reality of what the person needs to pay within the time, and what the punishment is.”*
- **Respondent 006** – *“Same as Event 3 answer: The breakdown of the individual assessments, and what shall or can be waived.”*

Event 4 – Superior Courts

- **Respondent 007** – *“I like the law pop-ups. I really appreciate having the case law and statutory citations so readily available.”*
- **Respondent 008** – *“If I had a defendant who had a job, or who had the potential to have a job, it would be very helpful. If a defendant is going to go to prison for a lengthy sentence, and all of mine have lately, I let DOC set the payment schedule.”*
- **Respondent 009** – *“I like having the statutory citations for all of the LFOs that are permitted. I find that very helpful.”*

Event 5 – Courts of Limited Jurisdiction

- **Respondent 001** – *“The calculation of the money, but I love that I can add the time payment agreement [tpa] fees right there! Helps me to give the exact number, makes is awesome. I like that it is located on the bottom of the screen, instead up on the screen. Love it.”*
- **Respondent 005** – *“The most useful new change since Event 4, is the ability to do multi-charges.”*
- **Respondent 006** – *“The breakdown of fees by statute.”*

Event 5 – Superior Courts

- **Respondent 007** – *“Still really like the statutes that pup-up. For example, if a defendant is mentally ill, I can't impose LFOs. It's a great reminder.”*
- **Respondent 008** – *“I find the information about which LFOs are discretionary and which are non-discretionary the most valuable. It is also helpful to see which LFOs contain local costs versus which LFOs go to the state. Now that we can't impose LFOs on anyone who is indigent, it seems like there is no revenue coming to the county anymore.”*
- **Respondent 009** – *“I find that the calculation of interest and the monthly payment calculation are not very helpful. This is primarily because the Clerk's Office works with the defendant on these issues. The court is not involved in this.”*

Event 6 – Courts of Limited Jurisdiction

- **Respondent 005** – *“It reminds what I can waive, suspend, and what’s mandatory. Reminds me what my legal options are based on the charges.”*
- **Respondent 006** – *“Check box for cases involving DV.”*

Event 6 – Superior Courts

- **Respondent 007** – *“Two things. One is the citations to the law. I find the explanations of the law around each individual LFO component very helpful. The other thing is the payment calculator. I find it really helpful to be able to tell a defendant how long it will take them to pay off an amount that is going to be imposed.”*
- **Respondent 008** – *“I really like seeing how long it will take to pay off an amount that I am imposing.”*
- **Respondent 009** – *“I like having the legal citations that apply to all of the various LFO components or types.”*

Event 7 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Being able to say in courts: it breaks down, with the setup fee for a private company that will be processing the fees, the person walks out knowing exactly what they need to pay. My goal is to stay in their budget. The person has a complete picture.”*
- **Respondent 005** – *“The most useful it reminds me of what I can and can’t do, it allows me to make real time adjustments and how that impacts the defendant, and how the time payment agreement that I’m considering can be paid in reasonable amount of time.”*

Event 7 – Superior Courts

- **Respondent 007** – *“Two things. One is the way the tool explains the pertinent laws. The other is the payment calculator. Both of these are very valuable.”*
- **Respondent 008** – *“I like how easy it is to look up the mandatory costs for each crime. Being able to distinguish mandatory from elective is really helpful.”*
- **Respondent 009** – *“For me it is having citations to the law with the legal authority for each type of LFO available.”*
- **Respondent 010** – *“It’s there. I don’t use it very often.”*

Event 8 – Courts of Limited Jurisdiction

- **Respondent 001** – *“The monthly pay amount depending on what I impose. People like to hear what it is they own.”*
- **Respondent 003** – *“I find a lot of things useful: - if defendant is non-indigent – I like that the charge has fees and penalties that are pre-checked, - I like the conversation to CSE, all of the costs and RCWs and authority, PSEA is calculated and it helps my clerk and me to explain to people why the total dollar amount is at it is, - it allows me to enter my own probation costs specific for my court, - the amount of build in options allows different courts to use is as they need it - I love that I can print it because I print one for defendant and one for my file. If defendant comes back to review/adjust LFOs, I can just look at that one sheet of paper and make a decision so much easier. I can see what*

was done at the time. Plus, the defendant can see what it is that they will be paying a month and why. Unless the person has more information to offer, the calculator allows me to be done in less amount of time.”

- **Respondent 005** – “It helps me to get the law right.”

Event 8 – Superior Courts

- **Respondent 007** – “I really appreciate the guidance on what is mandatory versus what LFO components are discretionary.”
- **Respondent 008** – “I like that it refers directly to each specific statute. It makes it easy to find out whether an LFO is mandatory or discretionary.”
- **Respondent 009** – “I really like having the citations to the law for each specific type of LFO.”
- **Respondent 010** – “The calculator aspect. However, I don’t use the tool very often.”

Q4 What do you find least useful about the tool? *Explain.*

Event 1 – Courts of Limited Jurisdiction

- **Respondent 003** – “Can’t do multiple sentencing for one person.”
- **Respondent 004** – “That the tool is anonymous; entering the same information over, and over again for different defendants with the same type of charge. Community service hourly vary by county, why can’t it remember settings when using the same device? Probation cost box: must put it amount per year/ per month every single time but that doesn’t change. It will be the same for every person. Why can’t it be saved as user profile?”
- **Respondent 005** – “Once the judge is educated and understands what indigence is, then I really don’t need the calculator because I will be imposing almost nothing. Also, is the fine appropriate as penalty as opposed to jail.”
- **Respondent 006** – “The monthly payment amount that defendant can pay. There is not enough time in court to determine monthly payments in court, and time payments our processed by a vendor contracted with the court.”

Event 1 – Superior Courts

- **Respondent 007** – “The RCW lookup list on the first page. I find using this somewhat challenging.”
- **Respondent 009** – “The box on the right-hand side listing the payment schedule. I generally impose only mandatory LFOs, and the monthly payment schedule is negotiated by the defendant and either the Clerk’s Office, or the clerk’s contracted collection agency.”

Event 2 – Courts of Limited Jurisdiction

- **Respondent 001** – “Things I don’t use, clunky functions, and lack of personalized experience. For example, Page 2 – jury fees, I never impose these fees. Also, I need to able to enter “city filing fees” but because this category doesn’t exist I always enter these fees under “other.”
- **Respondent 003** – “FINDING THE CRIME: (1)Possession - the first thing that shows up is the possession of horse meat, and it makes me extremely angry. Most of the time I’m looking for the possession of stolen property which comes up as PSP! This is extremely frustrating! A new judge

might not know that. (2) Driving with suspended license shows up as DWLS. Why is this an acronym? Lack of consistency in crime list, some are listed as acronyms, and some are not. RESET BUTTON: once clicked it takes out who you are, and it doesn't give credit for who is using the tool."

- **Respondent 005** – "I don't use it, it's not the same as least useful. Community service conversion - only what's allowed by the statute at the time of sentencing."
- **Respondent 006** – "The section about defendant's household income. I don't have enough time to use it in court."

Event 2 – Superior Courts

- **Respondent 007** – "Because in superior court so many of the LFOs we impose are mandatory, the lengthy list of all of the optional or waivable LFOs don't often apply."
- **Respondent 008** – "Sometimes it seems to give an inflated payment amount. I don't always believe a defendant can actually live on what the tool indicates they should be able to pay towards their LFO."
- **Respondent 009** – "The interest provisions. Especially with recent statutory changes, I find this of little value."

Event 3 - Courts of Limited Jurisdiction

- **Respondent 001** – "(1) Payout payment calculator = month options (12, 24 etc.) sometimes I impose a fine but no time period; (2) change and what we include in probation cost, 24 months probation but it's not active. In JIS – presumption is \$50 probation regardless of type of the probation. I need inactive probation for MONTHS not YEARS. I have been defaulting to active so that I can put the accurate dollar amounts. I'm only doing this for this purpose."
- **Respondent 004** – "Search of crimes."
- **Respondent 005** – "Community service hours for pre-conviction, because of lack of authority. What's authorized by the statutes is very limited."
- **Respondent 006** – "The income information because our court doesn't set up time payment agreements in-house."

Event 3 – Superior Courts

- **Respondent 007** – "I don't find anything not useful. But many of the potential LFOs don't apply to me because I'm in superior court and so many defendants are indigent."
- **Respondent 008** – "Most of the defendants in my court are indigent. There just aren't enough dollars to go around, to be able to pay for everything."
- **Respondent 009** – "Given recent legislation, I find the addition of the interest calculation adds little value."

Event 4 – Courts of Limited Jurisdiction

- **Respondent 001** – "Nothing."
- **Respondent 004** – "Not integrated into Judgment and Sentence form."
- **Respondent 005** – "The calculation with interest for superior because I'm CLJ judge."
- **Respondent 006** – "Same as Event 3 answer: The income information because our courts doesn't set up time payment agreements in-house."

Event 4 – Superior Courts

- **Respondent 007** – *“I don’t impose many of the non-mandatory LFOs, so much of the supporting structure behind many of the optional components are not often helpful.”*
- **Respondent 008** – *“Most of the people we see in superior court are indigent – about 80% are represented by a public defender. Most have no income or assets. The tool is more pertinent to courts of limited jurisdiction, where people aren’t likely to have lengthy sentences, and may still have a job.”*
- **Respondent 009** – *“I find the interest rate calculation or the number of months to pay off an obligation not very helpful given the enactment of recent legislation about interest on LFOs, and given the fact that in this county all payment schedule negotiations are conducted with the Clerk’s Office. Judges do not get involved in setting payment schedules in this county.”*

Event 5 – Courts of Limited Jurisdiction

- **Respondent 001** – *“I use all of it and it’s difficult to think what I find the least useful. The option at the end that allows to save the session. I never save it.”*
- **Respondent 005** – *“The 3rd party time payment agreement fees because my court manages payment plans by ourselves.”*
- **Respondent 006** – *“Estimated time to pay.”*

Event 5 – Superior Courts

- **Respondent 007** – *“Since I am a superior court judge, most of the LFO categories don’t apply to this court.”*
- **Respondent 008** – *“The extensive listing of all the potential LFOs is of limited value, given the fact that we’re not imposing most of them. Apart from the crime victim’s assessment, the filing fee and possibly the DNA fee, I’m not imposing other LFOs on nearly every case I sentence. I often impose only the mandatory LFOs, but then suspend collection because the defendant is indigent.”*
- **Respondent 009** – *“I find that the calculation of interest and the monthly payment calculation are not very helpful. This is primarily because the Clerk’s Office works with the defendant on these issues. The court is not involved in this.”*

Event 6 – Courts of Limited Jurisdiction

- **Respondent 005** – *“Conversion to Community Service Hours. I use it the least, but it is not least useful.”*
- **Respondent 006** – *“Time payment agreement breakdown because my court outsources payment arrangements.”*

Event 6 – Superior Courts

- **Respondent 007** – *“I can’t think of anything. As a superior court judge, a lot of LFOs don’t apply to me, but I find the tool very valuable.”*
- **Respondent 008** – *“Most people that I see are indigent, so it is hard to set specific payments. I really don’t have much need for that.”*

- **Respondent 009** – *“The questions that relate to the monthly payment and scheduling the payment amount are of little value to me. In my jurisdiction the payment schedules are set by staff in the Clerk’s Office, so the judges aren’t involved in this part of the process at all.”*

Event 7 – Courts of Limited Jurisdiction

- **Respondent 001** – *“I don’t print anything, the last box is an annoyance.”*
- **Respondent 005** – *“The conversation of all other LFOs into community service (CSE) because I don’t think that I have the authority to do that at sentencing.”*

Event 7 – Superior Courts

- **Respondent 007** – *“There is nothing I don’t find useful. I can’t think of anything.”*
- **Respondent 008** – *“About 90% of defendants that I see are indigent, so I really don’t need to figure out a monthly payment amount because I am only imposing mandatory, minimum LFOs.”*
- **Respondent 009** – *“I do not use the monthly payment calculator. I don’t use it ever because in my county the Clerk’s Office does all of that here. Judges aren’t involved in setting the payment schedule.”*
- **Respondent 010** – *“I have no answer. It takes some time.”*

Event 8 – Courts of Limited Jurisdiction

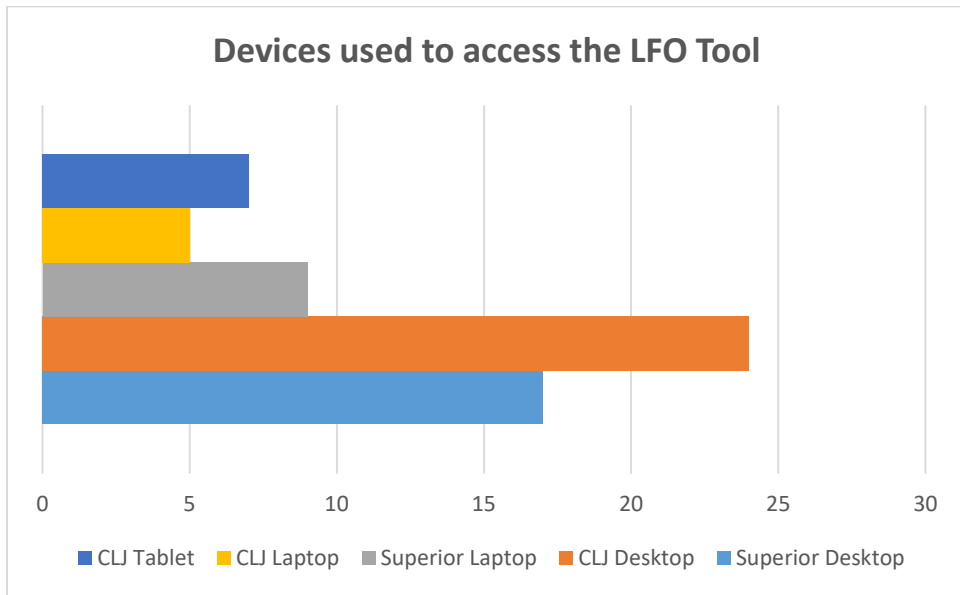
- **Respondent 001** – *“I don’t print it out; skip the step.”*
- **Respondent 003** – *“In my court, I have the latest version.”*
- **Respondent 005** – *“Possibly the 3rd party time payment plan, because we don’t use it.”*

Event 8 – Superior Courts

- **Respondent 007** – *“The drop down list in the statute search is cumbersome and difficult to use.”*
- **Respondent 008** – *“Most defendants are indigent and so I only impose mandatory LFOs on them. Trying to find a payment amount is nearly impossible with many of them.”*
- **Respondent 009** – *“I don’t use the interest calculation or the monthly payment amount information. In this county the Clerk’s Office handles the payment scheduling and payment plans. Judges are not involved in setting the payment amount here.”*
- **Respondent 010** – *“Just using it. It is time consuming.”*

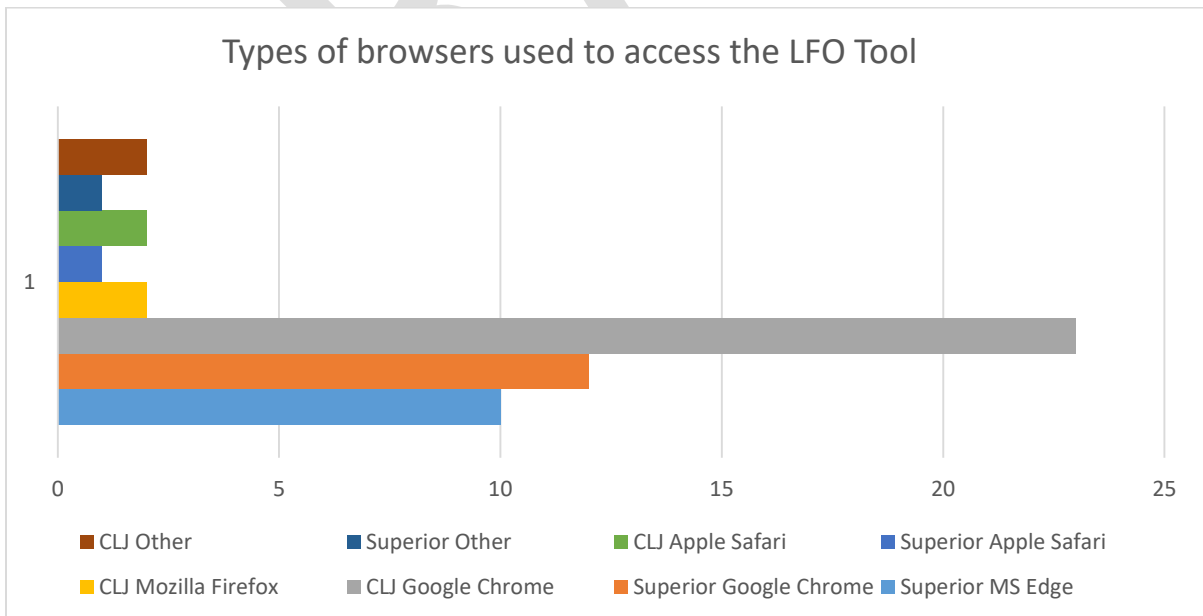
Q5 What device do you use to access the site?

- Desktop PC/Mac**
- Laptop PC/Mac**
- Tablet Device**
- Smartphone**



Q6 Which browser do you use to access the site?

- a. Microsoft Edge
- b. Google Chrome
- c. Mozilla Firefox
- d. Apple Safari
- e. Other, *Explain.*



Event 1 – Courts of Limited Jurisdiction

- Respondent 003 – *“Explorer. I’m not the administrator on my computer, and it is up to my IT department to decide which browser can be installed and used.”*
- Respondent 004 – *“Explorer.”*

Event 7 – Superior Courts

- Respondent 010 – *“I don’t know which browser I have.”*

Q7 Have you had a positive experience on the device you use to access the site? *Explain.*

Event 1 – Courts of Limited Jurisdiction

- Respondent 003 – *“Yes.”*
- Respondent 004 – *“Yes, the link is saved to favorites.”*
- Respondent 005 – *“Yes, works well despite the compatible browser.”*
- Respondent 006 – *“Yes.”*

Event 1 – Superior Courts

- Respondent 007 – *“Yes, it works well and responds quickly.”*
- Respondent 009 – *“Yes. It is very easy to navigate through the tool.”*

Event 2 – Courts of Limited Jurisdiction

- Respondent 001 – *“Yes, no problems.”*
- Respondent 003 – *“Positive, love it.”*
- Respondent 005 – *“Yes.”*
- Respondent 006 – *“Yes.”*

Event 2 – Superior Courts

- Respondent 007 – *“Yes, it works fine and fast.”*
- Respondent 008 – *“Yes, it comes up quickly.”*
- Respondent 009 – *“Yes. It is very easy to navigate through the tool and the screens are uncluttered.”*

Event 3 – Courts of Limited Jurisdiction

- Respondent 001 – *“Yes.”*
- Respondent 004 – *“Yes.”*
- Respondent 005 – *“Yes.”*
- Respondent 006 – *“Yes.”*

Event 3 – Superior Courts

- Respondent 007 – *“Yes. Edge works very well with the site.”*
- Respondent 008 – *“Yes. I have it saved as an icon on my computer.”*
- Respondent 009 – *“Yes. The screens are clear, easy to read and are easy to navigate.”*

Event 4 – Courts of Limited Jurisdiction

- Respondent 001 – *“Yes.”*
- Respondent 004 – *“Yes, every time.”*
- Respondent 005 – *“Yes.”*
- Respondent 006 – *“Yes, it works every time.”*

Event 4 – Superior Courts

- Respondent 007 – *“Yes, it works seamlessly.”*
- Respondent 008 – *“Yes. I have used it for some post-sentence mailed in pleadings. Mostly, I have lowered the amount owed or lowered the payment amount, based upon the tool.”*
- Respondent 009 – *“Yes, I find the tool very easy to use.”*

Event 5 – Courts of Limited Jurisdiction

- Respondent 001 – *“No difficulties. But it doesn’t save that I’m a pilot judge. I need to reenter the first time I open in for the day.”*
- Respondent 005 – *“Yes, no problem.”*
- Respondent 006 – *“Yes, nothing changed.”*

Event 5 – Superior Courts

- Respondent 007 – *“Yes, it works fine. I have had no problems at all.”*
- Respondent 008 – *“Yes, I find it easy to use. I have a shortcut saved on my computer.”*
- Respondent 009 – *“Yes it is very easy to use. I am able to find what I need very quickly.”*

Event 6 – Courts of Limited Jurisdiction

- Respondent 005 – *“Yes.”*
- Respondent 006 – *“Yes.”*

Event 6 – Superior Courts

- Respondent 007 – *“Yes, it works fine.”*
- Respondent 008 – *“Yes, it is easy to use. I have it saved on a bookmark on my computer.”*
- Respondent 009 – *“Yes it is very easy to use. I have never had the application freeze or run into any type of “glitch.” The tool is also very easy to navigate, with the “forward” and “back” buttons.”*

Event 7 – Courts of Limited Jurisdiction

- Respondent 001 – *“No problems.”*
- Respondent 005 – *“Yes.”*

Event 7 – Superior Courts

- Respondent 007 – *“Yes, it works really well.”*
- Respondent 008 – *“Yes, I have the application bookmarked so it just pops up.”*
- Respondent 009 – *“Yes I have. The site always functions well. I have never had it freeze or experienced any other sort of glitch. “*
- Respondent 010 – *“Yes, but I don’t use it enough to really matter.”*

Event 8 – Courts of Limited Jurisdiction

- Respondent 001 – *“Never had a problem.”*
- Respondent 003 – *“Positive.”*
- Respondent 005 – *“Yes.”*

Event 8 – Superior Courts

- Respondent 007 – *“Yes, it works just fine on a desk top running Edge.”*
- Respondent 008 – *“Yes, I have it bookmarked. It’s very easy to use.”*
- Respondent 009 – *“Yes I have. I have never had it freeze or crash. I haven’t experienced any sort of technical problems at all.”*
- Respondent 010 – *“The few times I have used it, it was fine. But I don’t use it often.”*

Q8 If you didn’t have a positive experience on the device you use to access the site, can you suggest improvements? Explain.

Event 1 – Courts of Limited Jurisdiction

- Respondent 003 – *“Since I’m not using the recommended browser I don’t know whether the following are considered problems: (1) I can’t go back after finishing fines for one person, each time I have close the window and start again, (2) the tool is complicated, doesn’t have an ease of using.”*
- Respondent 004 – *“Because I’m using Explore, I’m not sure if the data is transmitted correctly.”*
- Respondent 005 – *“Not applicable.”*
- Respondent 006 – *“No.”*

Event 1 – Superior Courts

- Respondent 007 – *“None.”*
- Respondent 009 – *“No suggestions.”*

Event 2- Courts of Limited Jurisdiction

- Respondent 001 – *“None.”*
- Respondent 003 – *“No problems.”*
- Respondent 005 – *“Not applicable.”*
- Respondent 006 – *“No.”*

Event 2 – Superior Courts

- Respondent 007 – *“None.”*
- Respondent 008 – *“There are too many questions and it takes too long to go through all of them when the docket is full. I wish we could let the defendant or defense counsel start filling this out ahead of time.”*
- Respondent 009 – *“No suggestions.”*

Event 3 – Courts of Limited Jurisdiction

- Respondent 001 – *“No.”*
- Respondent 004 – *“I have a positive experiences because I saved a shortcut and the tool is easy to navigate and it works.”*
- Respondent 005 – *“Not applicable.”*
- Respondent 006 – *“Pretrial agreements, especially when there is an amended charge, can’t be done on the calculator because it’s not set it for it.”*

Event 3 – Superior Courts

- Respondent 007 – *“None.”*
- Respondent 008 – *“No. I’m not using it regularly.”*
- Respondent 009 – *“No suggestions.”*

Event 4 – Courts of Limited Jurisdiction

- Respondent 001 – *“None.”*
- Respondent 004 – *“None.”*
- Respondent 005 – *“None.”*
- Respondent 006 – *“None.”*

Event 4 – Superior Courts

- Respondent 007 – *“No.”*
- Respondent 008 – *“It would be helpful if a judge could select what jurisdiction they are working in, and then have a check box where the tool could impute the correct minimum wage. This would be helpful in situations where a defendant may not have current employment, but is employable, and is not going to have to serve a lengthy sentence of incarceration.”*
- Respondent 009 – *“I have no suggestions.”*

Event 5 – Courts of Limited Jurisdiction

- Respondent 001 – *“None, especially now that we can select whether it is a DV related charge.”*
- Respondent 005 – *“No, I didn't have any problems.”*
- Respondent 006 – *“No problems.”*

Event 5 – Superior Courts

- Respondent 007 – *“No.”*
- Respondent 008 – *“I cannot suggest anything right now.”*
- Respondent 009 – *“I cannot suggest any improvements. I have used it since the most recent modifications were completed, and I find these were very helpful.”*

Event 6 – Courts of Limited Jurisdiction

- Respondent 005 – *“Not applicable.”*
- Respondent 006 – *“Sometimes, I was unable to select the option for cases involving DV. The check box was unresponsive” [pilot judge uses Chrome].*

Event 6 – Superior Courts

- Respondent 007 – *“I can't think of anything to suggest.”*
- Respondent 008 – *“I think they should connect it to, or at least put a link to the application on the judicial resources page at Inside Courts.”*
- Respondent 009 – *“I have had a positive experience so I do not have any further improvements to suggest. The list had been quit long, but they have fixed this now. I like how it is currently.”*

Event 7 – Courts of Limited Jurisdiction

- Respondent 001 – *“None.”*
- Respondent 005 – *“No.”*

Event 7 – Superior Courts

- Respondent 007 – *“I can't think of anything. I've had a positive experience with it.”*
- Respondent 008 – *“No, I don't have any suggestions.”*
- Respondent 009 – *“I don't have any suggestions at this time.”*
- Respondent 010 – *“I don't have any.”*

Event 8 – Courts of Limited Jurisdiction

- Respondent 001 – *“None.”*
- Respondent 003 – *“None.”*
- Respondent 005 – *“None.”*

Event 8 – Superior Courts

- **Respondent 007** – *“This is not applicable.”*
- **Respondent 008** – *“I can’t think of any right now.”*
- **Respondent 009** – *“I have had a great experience, so I don’t have any suggestions at this time.”*
- **Respondent 010** – *“I don’t have any off hand.”*

Q9 What do you like or dislike about how you navigate the LFO Calculator Tool?

Event 1 – Courts of Limited Jurisdiction

- **Respondent 003** – *“Like – Legal Financial Obligations are pre-set; the payoff calculation; the probation fee set as a flat fee. Dislike – the tool forces me to put in how much people can pay in month, even if there are not indigent. This should be optional.”*
- **Respondent 004** – *“Like - the layout is clean, the buttons are good size and easy to see; graphics are great, colors are awesome.”*
- **Respondent 005** – *“Like – page 4 lists everything the judge imposed, suspended, all the math on one page! Love – it reminds of certain type of charges and their mandatory LFOs. It is easy to forget and the calculator is a great tool to remind the law. Dislike – can’t copy and paste the list of LFOs from page 4 into the judgement and sentence form. This would be helpful especially for paperless courts.”*
- **Respondent 006** – *“Like - the automated calculation; dislike - difficult to find charged crime from the long drop down list.”*

Event 1 – Superior Courts

- **Respondent 007** – *“I dislike the RCW lookup list on page 1. I cannot just type in a keyword. Instead, one must review the Information and search for the specific naming or number of the statute.”*
- **Respondent 009** – *“The list of potential LFOs is long and requires lots of scrolling. Maybe the mandatory ones or the most common could be listed near the top of the list.”*

Event 2 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Too clunky, full list of all the potential that I would impose, but it’s distracting and the least helpful to me. If I don’t impose certain LFOs, why can’t I remove it? Probation costs – sometime I forget to slide the slider (default off). The cost will be \$0. The biggest challenge is finding the crimes, took time to learn how the crimes are organized, but still challenging.”*
- **Respondent 003** – *“Dislike: not being able to select multi-charge vs single charge case; why do I need to pick a dollar number for LFOs? It feels artificial, and I pick the dollar number for them, but only if I think that the person has the money to pay. If they can afford a private attorney, if they have a job, then they can pay.”*
- **Respondent 005** – *“One of the dislikes has been updated; I had to keep updating the local info for my court. The calculator is updated and now, if I use the same device, it defaults to that. The update saves me time.”*
- **Respondent 006** – *“I like the process, and I can't complain about anything.”*

Event 2 – Superior Courts

- **Respondent 007** – *“I dislike the cumbersome search tool in the RCW lookup list on the first page. I often have a lengthy calendar and have to move quickly from one case to another and often do not have sufficient time to look up the RCW, or the specific language included in the RCW. The list search functionality needs to be more intuitive.”*
- **Respondent 008** – *“I like the RCW and other citations. The tool prompts a more complete colloquy with the defendant. I like the distinction between what is mandatory and what is discretionary.”*
- **Respondent 009** – *“I particularly like the “next” button. This structure makes it very easy to track my progress through the tool and helps free the screen of clutter.”*

Event 3 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Easy to access, logical to navigate, Easy to use.”*
- **Respondent 004** – *“Self-explanatory but my one recommendation is to have a way to go back and preset judge and court jurisdiction on the last page.”*
- **Respondent 005** – *“I like most everything, but I disliked that I had to identify myself but that is now changed. I want to be able to easily cut and paste the final results into the judgement and sentence but the spacing is far from what the form looks like.”*
- **Respondent 006** – *“Pretty easy to navigate.”*

Event 3 – Superior Courts

- **Respondent 007** – *“The statute drop-down list is still hard to use. It is not intuitive at all.”*
- **Respondent 008** – *“I like how the navigation works. It is easy to move back and forth, or to go directly to a specific page.”*
- **Respondent 009** – *“I like the way I progress through the screens using the “next” button. This helps me track my progress and facilitates screens that are clear and un-cluttered.”*

Event 4 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Positive, I know the process. I know where things are.”*
- **Respondent 004** – *“The tool works well. I like the buttons to navigate through pages, they are easy to find. “Freeze” - see recommendations in Section I, question number 16. “*
- **Respondent 005** – *“Dislike – I can’t do multiple charges; some of the LFOs that I may use more frequently are at the bottom of the list, I want it to be collapsible. “*
- **Respondent 006** – *“I don't dislike anything.”*

Event 4 – Superior Courts

- **Respondent 007** – *“I don't like the statute drop-down list. It is needlessly difficult to use.”*
- **Respondent 008** – *“It is easy to use in those rare situations where you have numbers (defendant's earnings) to enter.”*
- **Respondent 009** – *“The only dislike I have is that the list of possible LFOs can get quite long, which then requires lots of scrolling to get through it all.”*

Event 5 – Courts of Limited Jurisdiction

- Respondent 001 – *“It’s great.”*
- Respondent 005 – *“It’s easy to use.”*
- Respondent 006 – *“Yes, I like it.”*

Event 5 – Superior Courts

- Respondent 007 – *“I still have trouble identifying the correct statutes on the front end. That list is not intuitive.”*
- Respondent 008 – *“I like how I can check certain boxes for specific LFOs, and when I hit “next” the rest go away. I also like the pop-up box at the bottom with the payment information.”*
- Respondent 009 – *“I like how easy it is for me to locate what I need. I like the screen layout also. There is good white space so that the screen is not cluttered. I can move forward or backward, and clear it when I am done.”*

Event 6 – Courts of Limited Jurisdiction

- Respondent 005 – *“(1) I love that the last page provides a list of everything that I imposed so that I can use information when preparing Judgement and Sentence form. It allows me to make adjustments. (2) Historical grid- I can do it know without using the information from the ACO website.”*
- Respondent 006 – *“I like how you navigate through; it’s easy after the implementation of Phase II.”*

Event 6 – Superior Courts

- Respondent 007 – *“I still find the drop-down list of potential charges cumbersome to use.”*
- Respondent 008 – *“It is pretty easy to use. The hardest part is finding the right crime in the charge dropdown list. If you don’t have the specific RCW it can be difficult to find.”*
- Respondent 009 – *“It is fairly simple to navigate: I just use the “next” or “back” buttons. It is easy to use and I haven’t had any issues with the navigation.”*

Event 7 – Courts of Limited Jurisdiction

- Respondent 001 – *“Second nature, I’m proficient even in selecting crimes.”*
- Respondent 005 – *“I like how it provides a summary on page 4 of what I have imposed. Dislike – copy and paste the relevant info from page 4 into the actual order, but they are not lined up.”*

Event 7 – Superior Courts

- Respondent 007 – *“I will offer the same comment I’ve always made here. I still find the drop-down list of potential charges cumbersome to use.”*
- Respondent 008 – *“Finding the right crime is frustrating sometimes. The charge drop-down list is a bit cumbersome.”*

- **Respondent 009** – “I like how the “next” button is easy to find. There is plenty of white space on the page, so it is easy to see and read the contents. It is easy to go back too, if I make a mistake. “
- **Respondent 010** – “You have to navigate. That’s why I don’t use it.”

Event 8 – Courts of Limited Jurisdiction

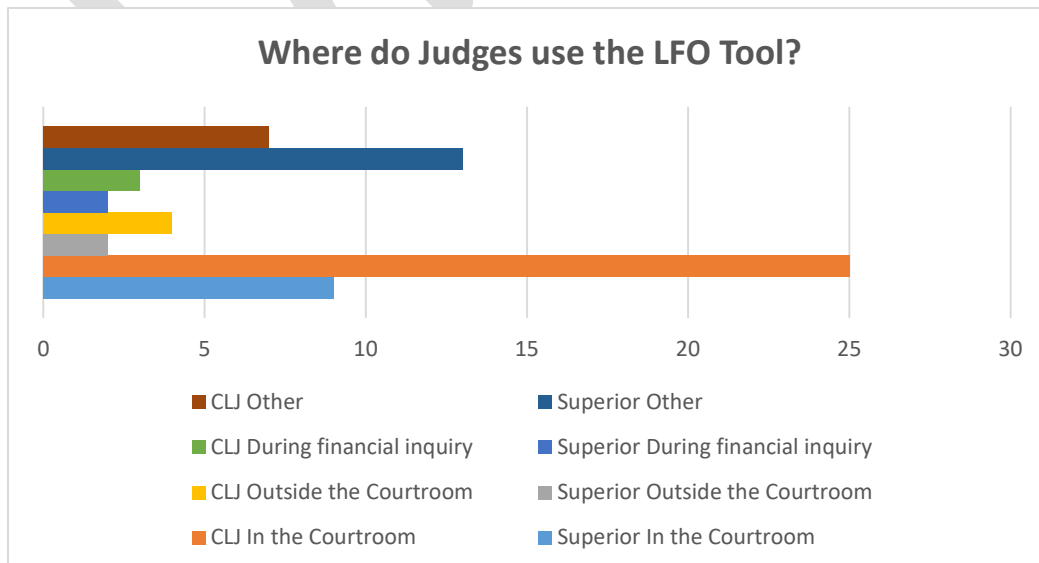
- **Respondent 001** – “I’m used to it, it’s great. DV part is there and it’s how I do it.”
- **Respondent 003** – “I don’t have additional comments.”
- **Respondent 005** – “I like everything about it. Sometimes I dislike when I cut and paste from page 4 into the order of remission of LFOs, I have to edit that.

Event 8 – Superior Courts

- **Respondent 007** – “I dislike that the statute drop down list makes it hard to bring up the right charging statute. I like the clarity of what is mandatory versus what is discretionary.”
- **Respondent 008** – “It is pretty easy to use. I don’t see any problems with it.”
- **Respondent 009** – “I like that there is plenty of white space on the screen so I can see where to click to select something, or where to click to move forward or back. I also like that it is linear so that I can move forward or back. The only thing I don’t like is that the list of potential LFO is so long that it becomes cumbersome.”
- **Respondent 010** – “I don’t like having to navigate it as a tool. I would be interested to go through the tool with a group of other judges just to see how they are using it. Maybe this is something that could be incorporated into the summer judicial conference?”

Q10 Where do you use the tool?

- In the courtroom
- Outside the courtroom prior to court proceedings
- When defendant is answering financial questions
- Other. *Explain.*



Event 1 - Courts of Limited Jurisdiction

- **Respondent 003** – *“Sometimes I don’t use it, especially when suspending fines.”*

Event 1 – Superior Courts

- **Respondent 009** – *“I use the tool in chambers after the sentencing hearing has been concluded.”*

Event 2 - Courts of Limited Jurisdiction

- **Respondent 003** – *“In addition to the sentencing calendar, I’m using it on failure to pay calendar. I ask my clerk to show me how much the defendant paid so far, and how much is left. I’m using the tool to compare to total fine amount to what’s in CAR screen (Court Accounting). The last page from the calculator goes in the file.”*

Event 2 – Superior Courts

- **Respondent 008** – *“I use the tool mostly in chambers for post-sentence matters. We have defendants report upon release from confinement to establish a payment schedule, and this is when I most frequently use the tool.”*
- **Respondent 009** – *“I use the tool in chambers after the sentencing hearing has been concluded.”*

Event 3 - Courts of Limited Jurisdiction

- **Respondent 005** – *“Sentencing and post-conviction release, ex parte calendar.”*
- **Respondent 008** – *“I use it mostly in my office, and I use it primarily for responding to correspondence from defendants about payments or payment related issues.”*

Event 3 – Superior Courts

- **Respondent 009** – *“I use the tool in chambers after the sentencing hearing has been concluded, although I have not used it at all during the past six weeks.”*

Event 4 - Courts of Limited Jurisdiction

- **Respondent 001** – *“Public defenders don’t hand out the financial declaration ahead of time.”*
- **Respondent 005** – *“Sometimes in chambers when I’m responding to a post-conviction release.”*

Event 4 – Superior Courts

- **Respondent 008** – *“I use it mostly in my office responding to pleadings that I receive in the mail, mostly for post-sentence relief.”*
- **Respondent 009** – *“I use the tool in my chambers. I don't use it until after the proceeding in which LFOs are imposed.”*

Event 5 – Superior Courts

- **Respondent 008** – *“I answer a lot of inmate mail, and I use the LFO Tool when I am responding to them.”*
- **Respondent 009** – *“I use the tool after the proceeding, in my chambers. LFOs are very limited in superior court. I use the tool only for purposes of this study, and I complete the tool from my hand-written notes.”*

Event 6 - Courts of Limited Jurisdiction

- **Respondent 005** – *“In my chambers when responding to letters from defendants asking to review LFOs.”*

Event 6 – Superior Courts

- **Respondent 008** – *“I answer a lot of inmate mail, and I use the LFO Tool when I'm responding to them.”*
- **Respondent 009** – *“I use the tool outside the courtroom after the sentencing hearing. In superior court the imposition of LFOs is pretty cut and dried, so I am entering my sentencing data in the tool only for purposes of collection of data for this pilot study.”*

Event 7 - Courts of Limited Jurisdiction

- **Respondent 005** – *“When I prepare prior to sentencing hearing.”*

Event 7 - Superior Courts

- **Respondent 008** – *“Outside the courtroom prior to court proceedings – I use it frequently when answering mailed requests for relief from inmates.”*
- **Respondent 009** – *“I use the tool after hearings have concluded, for purposes of documenting results for this study. In superior court the laws regarding LFOs are pretty prescriptive, so I am just recording my results for purposes of this survey.”*

Event 8 - Courts of Limited Jurisdiction

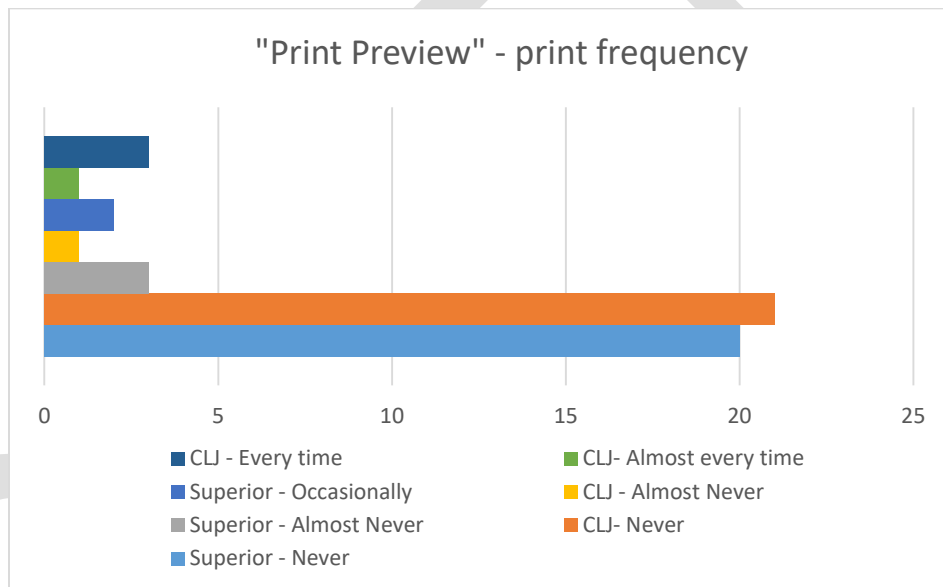
- **Respondent 005** – *“During sentencing, during remission hearings.”*

Event 8 - Superior Courts

- **Respondent 008** – “I get a lot of mail from inmates about their LFOs. I use the calculator tool when responding to their correspondence.”
- **Respondent 009** – “I use the tool after proceedings. I don’t use it during sentencing hearings. I use the tool just to record my results for purposes of this survey.”

Q11 How often do you print Page 4 “Print Preview” of the Calculator?

- 1 – Never
- 2 – Almost never
- 3 – Occasionally/Sometimes
- 4 – Almost every time
- 5 – Every time



Event 1 - Courts of Limited Jurisdiction

- **Respondent 004** – “Never because my court is using an electronic version of judgment and sentence form. The information from the calculator tool is transferred to the judgement and sentence.”
- **Respondent 006** – “Never prints because there is no ability to print in courtroom.”

Event 1 – Superior Courts

- **Respondent 007** – “The defendant doesn’t want it, it’s just another piece of paper; and, the clerk sets the payment schedule.”
- **Respondent 009** – “Because I use the tool after the sentencing hearing has been concluded, I don’t need to provide copies to anyone.”

Event 2 – Superior Courts

- **Respondent 007** – *“The defendant is going back to lock-up and doesn’t want it.”*
- **Respondent 008** – *“I haven’t needed it very often. However, we are making some revisions to how we run the LFO calendar, and this may be incorporated into the court file in the near future.”*
- **Respondent 009** – *“Because in superior court so many of the LFOs we impose are mandatory, the lengthy list of all of the optional or waivable LFOs don’t often apply.”*

Event 3 – Superior Courts

- **Respondent 007** – *“I give the defendant the numbers from the bench. At that time the defendant is going back to lock-up and won’t keep another piece of paper.”*

Event 4 – Superior Courts

- **Respondent 007** – *“I have asked defendants and defense counsel a number of times if they would like a printout. They have consistently responded that they do not.”*
- **Respondent 008** – *“There is already way too much paperwork at sentencing. All of the pertinent results are recorded in the judgment and sentence.”*
- **Respondent 009** – *“I do not need a separate record since I am doing this after the fact and I have my own set of notes about what I imposed at the sentencing hearing.”*

Event 5 – Superior Courts

- **Respondent 008** – *“I have started printing this and sending it with my response to inmate correspondence. It is helpful to be able to show how long it will take them to pay off their LFOs, and printing this saves me typing all of the same information in my response to them.”*
- **Respondent 009** – *“I don’t need the results. I am only using the tool for purposes of this study.”*

Event 6 – Superior Courts

- **Respondent 007** – *“The defendant and defense counsel almost never ask for it, and I don’t think they need it.”*
- **Respondent 008** – *“When I use it, I am usually writing a letter in response to inmate correspondence. Because I am writing a letter back to the inmate, I just include the information within the text of my letter.”*
- **Respondent 009** – *“I don’t need the results. I’m only using the tool for purpose of this study.”*

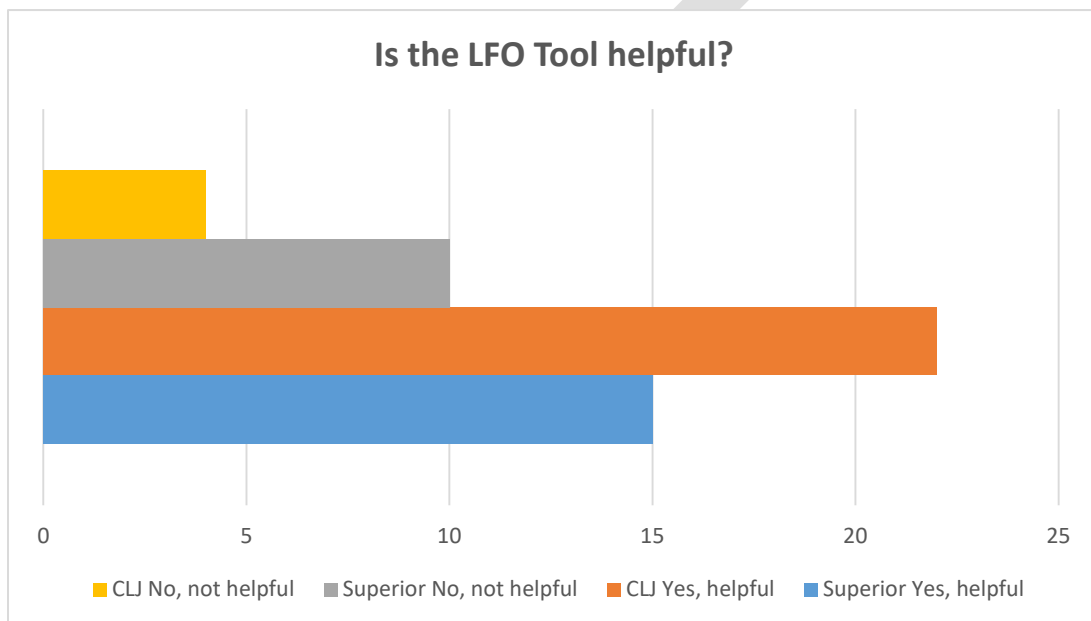
Event 7 – Superior Courts

- **Respondent 007** – *“It’s just not something the defendant and defense counsel want. So if they don’t want it, I don’t print it.”*
- **Respondent 008** – *“I don’t need a print out of the page, and I don’t want to create another page for someone to scan.”*
- **Respondent 009** – *“My response here is related to my previous response. I use the tool for purposes of recording results for the survey. I don’t need to print anything.”*
- **Respondent 010** – *“It is not convenient to print, and I don’t use the tool in the first place.”*

Event 8 – Superior Courts

- **Respondent 007** – “It’s just not information the defendant ever asks for.”
- **Respondent 008** – “I usually just write out what their payment is when I am drafting the return correspondence.”
- **Respondent 009** – “I am only entering information into the tool for purposes of recording them for this study. I have no need to print any of the results. “
- **Respondent 010** – “I have nothing to add.”

Q12 Is the monthly payment payoff calculator helpful? Explain.



Courts of Limited Jurisdiction – 26 responses
Superior Courts – 25 responses

Event 1 – Courts of Limited Jurisdiction

- **Respondent 003** – “Yes, when I want to keep the monthly payment at the minimum which is \$25.”
- **Respondent 004** – “Yes, it allows to be accurate and to quickly and easily tell the person the total LFO amount.”
- **Respondent 005** – “Yes, for the cases where somebody can pay but needs time payment agreement, the tool can help determine if defendant can afford to pay within the time of probation or court jurisdiction. Can they complete the sentence within the jurisdiction off the court? Judge must be aware that some judgements are a lifelong fiscal sentence.”
- **Respondent 006** – “No, but it would be if we did our own time payment arrangements this would be helpful.”

Event 1 – Superior Courts

- **Respondent 007** – *“Yes, very helpful. “It makes it real.”*
- **Respondent 009** – *“No. The monthly payment schedule is set in her jurisdiction by the clerk or the contracted collection agency. The court does not establish a monthly payment schedule.”*

Event 2 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Yes, beyond helpful. It helps to have a big picture that’s including all the financial information. The calculator helps me to do what I believe is reasonable, I use the form that is on line with the calculator. All the financial information is in defendant’s file. The goal is to make the payments reasonable within the jurisdiction.”*
- **Respondent 003** – *“Yes.”*
- **Respondent 005** – *“Yes.”*
- **Respondent 006** – *“Yes.”*

Event 2 – Superior Courts

- **Respondent 007** – *“Yes, it is very helpful. It aids in creating the dialogue with the defendant.”*
- **Respondent 008** – *“Yes. It is amazing to be able to tell a defendant how long it will take them to pay off an amount at the payment schedule they are proposing to the court.”*
- **Respondent 009** – *“No. The monthly payment schedule is set by the Clerk’s Office, or by their contracted collection agency. I don’t get involved in establishment of the specific payment plan.”*

Event 3 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Most helpful things from the entire calculator. Def tells me ahead of time what they can pay and I can adjust.”*
- **Respondent 004** – *“Very helpful.”*
- **Respondent 005** – *“Very.”*
- **Respondent 006** – *“No because our court doesn’t offer in-house time payment agreements.”*

Event 3 – Superior Courts

- **Respondent 007** – *“Yes, this is good information for the defendant. It helps make the debt concrete and more understandable for the defendant.”*
- **Respondent 008** – *“Yes it is helpful. But it is depressing to see how long it will take a defendant to pay off an amount that I am required to order.”*
- **Respondent 009** – *“No. The monthly payment schedule is set by someone in the Clerk’s Office, so I don’t get involved in that.”*

Event 4 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Yes.”*
- **Respondent 004** – *“Extremely.”*
- **Respondent 005** – *“Yes.”*
- **Respondent 006** – *“No because we don’t do in-house time payment agreements.”*

Event 4 – Superior Courts

- **Respondent 007** – *“Yes. I use it to explain to the defendant how long it will take them to pay off the balance at a given payment amount. Then I encourage them to pay what they can to shorten the time it will take to get this paid off.”*
- **Respondent 008** – *“It is not really helpful, especially when the defendant is receiving a really big bill. I suppose it encourages them to make bigger payments, but mostly it is just depressing.”*
- **Respondent 009** – *“No. The county clerk’s office negotiates payment schedules with defendants. Judges are not involved in this process in this county. Also, in most cases judges are only imposing mandatory LFOs because so many defendants are indigent.”*

Event 5 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Yes. I like to see the information when making the decision.”*
- **Respondent 005** – *“Yes.”*
- **Respondent 006** – *“Yes.”*

Event 5 – Superior Courts

- **Respondent 007** – *“It is helpful. It helps the defendant get the idea that these LFOs can be broken into chunks and dealt with that way.”*
- **Respondent 008** – *“It is helpful, just to see how long it will take the defendant to pay off the full balance, and to see which RCWs apply.”*
- **Respondent 009** – *“Not for me. First, recent legislation limits the imposition of LFOs. Second, the Clerk’s Office sets the payment amounts in this county, so the court is not involved in this process.”*

Event 6 – Courts of Limited Jurisdiction

- **Respondent 005** – *“Yes, it helps me articulate to the person what is that they need to pay.”*
- **Respondent 006** – *“No, because my court uses 3rd party company for payment arrangements.”*

Event 6 – Superior Courts

- **Respondent 007** – *“It is very helpful because it tells me what the law is around the various LFO components, and it gives me the payment options.”*
- **Respondent 008** – *“Yes, it is helpful to see how long it will take to pay the amount I’m imposing.”*
- **Respondent 009** – *“No. The Clerk’s Office sets the monthly payment amount, and statutes restrict what the judge can impose. So in this court, I am not involved in this part at all.”*

Event 7 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Yes, what’s bottom line, what do I have to pay? Now they know.”*
- **Respondent 005** – *“Yes.”*

Event 7 – Superior Courts

- **Respondent 007** – *“Yes, it just makes the situation very concrete for the defendant. It makes it less daunting for the defendant when I can give an example of how quickly it can be paid off with a slightly higher payment amount.”*
- **Respondent 008** – *“Yes, it is helpful to be able to show a defendant how long it will take to pay an amount off, and to be able to show them how paying just a little bit more will shorten the length of time they have to make payments.”*
- **Respondent 009** – *“No. The Clerk’s Office manages the payment plans. Judges are not involved in this process in this court.”*
- **Respondent 010** – *“Potentially, but since I don’t use the tool, no.”*

Event 8 – Courts of Limited Jurisdiction

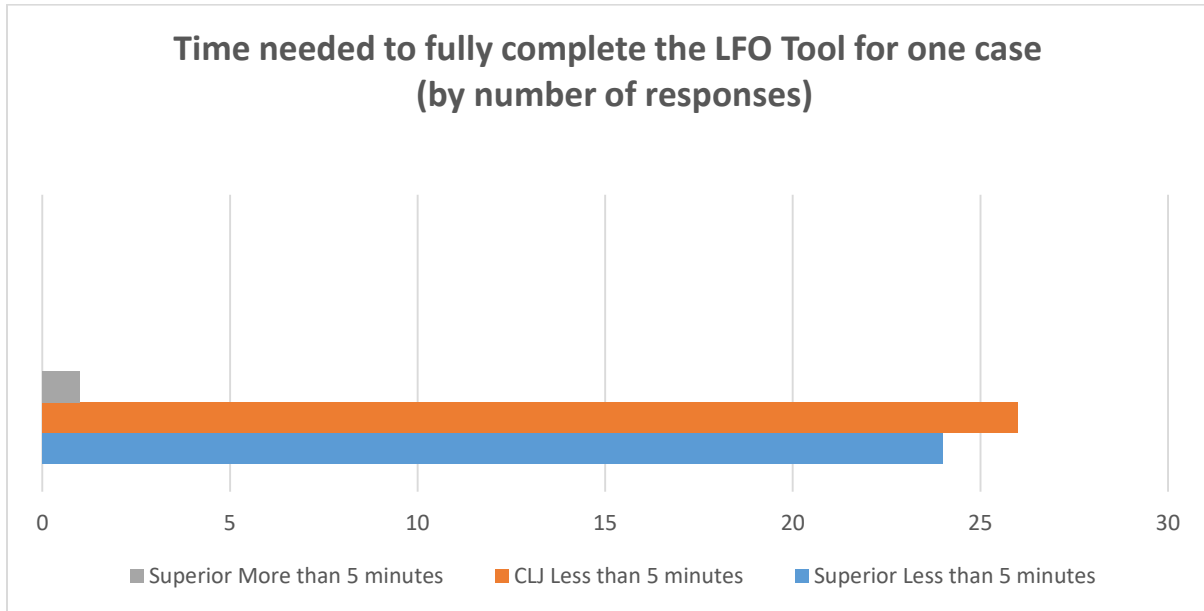
- **Respondent 001** – *“Very helpful, and it is very helpful to see the 3rd party cost (collection/time payment agreement fees, monthly processing fees). I can provide the total cost.”*
- **Respondent 003** – *“Yes, it’s very helpful. But the judge has to choose how much the person can pay. It feels awkward to me to ask how much they can pay. I grew up in times where talking about the money was inappropriate. I don’t think that the courtroom is the appropriate place to talk about finances. I assume that they can pay the min of \$25 per month, or if they have a private attorney I ask for at least \$50/mo. I’m uncomfortable asking people about money, I’m hoping that the attorney will give me this information.”*
- **Respondent 005** – *“Yes.”*

Event 8 – Superior Courts

- **Respondent 007** – *“Yes, it is great to be able to give the defendant that information if they want it.”*
- **Respondent 008** – *“Yes, it gives a good idea how long it will take a defendant to pay off a particular amount.”*
- **Respondent 009** – *“Not for me because the Clerk’s Office does all of the work with the payment plans. I’m not involved in that aspect at all.”*
- **Respondent 010** – *“I don’t use the tool enough to really know. It could be potentially useful, but I just don’t use it enough.”*

Q13 On average, how many minutes does it take to fully complete the tool for one case?

- a. Less than 5 minutes**
- b. More than 5 minutes**



Courts of Limited Jurisdiction – 26 responses
Superior Courts – 25 responses

Q14 Do you ever copy the URL that appears to capture your session?

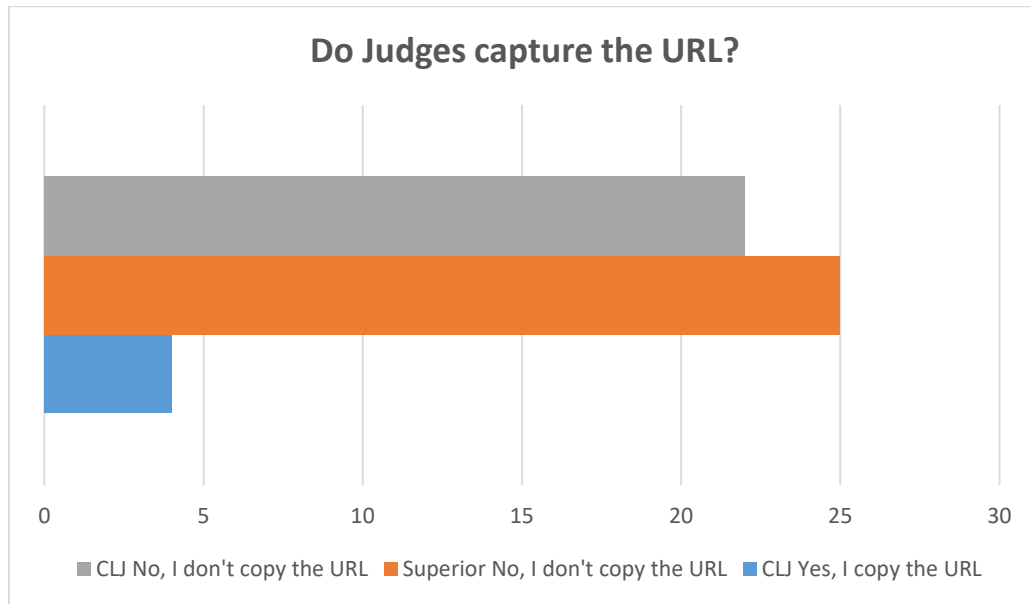
a. Yes

I. How often?

II. What do you do with the URL and why?

b. No

I. If no, why?



Courts of Limited Jurisdiction – 26 responses

Superior Courts – 25 responses

Event 1 - Courts of Limited Jurisdiction

- **Respondent 003** – “No use for it, only one person asked for it. The process is too complex.”
- **Respondent 004** – “Because I’m rarely going back to the case. It’s the tool I use, but the primary document and source of record is the judgment and sentence.”
- **Respondent 005** – “I’m the only one filling out the judgement and sentence form. No reason to give it to anyone else to record it. It’s also being recorded during proceedings. The calculator helps to correct human error, especially when then final number is different in judgment and sentence than it is in the tool.”
- **Respondent 006** – “I would not refer back to the information.”

Event 1 - Superior Courts

- **Respondent 007** – “I have no reason or need to save it. The results are captured in the sentencing documents.”
- **Respondent 009** – “Because I use the tool after the hearing has been concluded and there is no need to save or print copies.”

Event 2 - Courts of Limited Jurisdiction

- Respondent 001 – *“No use for it.”*
- Respondent 003 – *“It’s complicated and I don’t go back to review the case.”*
- Respondent 006 – *“I have no use for it.”*

Event 2 – Superior Courts

- Respondent 007 – *“I don’t know what I would do with it.”*
- Respondent 008 – *“I didn’t know you could do that. I like the idea of having the defendant and defense counsel get the calculator populated ahead of time and forwarding the URL to me to finalize an order.”*
- Respondent 009 – *“I don’t need to keep a separate record of what I imposed. If I want to refer back to what I ordered, I look at the J&S.”*

Event 3 - Courts of Limited Jurisdiction

- Respondent 006 – *“I wouldn’t go back to the case.”*

Event 3 – Superior Courts

- Respondent 007 – *“I don’t know what I would do with it. It’s not something I’m going to supply to the parties.”*
- Respondent 008 – *“I don’t have a need or a use for it.”*
- Respondent 009 – *“Because I’m doing this after sentencing has already occurred, the J&S provides the permanent record.”*

Event 4 - Courts of Limited Jurisdiction

- Respondent 001 – *“I don’t have use for it.”*
- Respondent 004 – *“I don’t capture my session.”*
- Respondent 005 – *“Not very often; when preparing for sentencing session when is set over. I can pre-prepare the calculator but only if I know the required financial information.”*
- Respondent 006 – *“I wouldn’t go back to the case.”*

Event 4 – Superior Courts

- Respondent 007 – *“It does not contain any information the defendant or their counsel would use.”*
- Respondent 008 – *“I have no reasons to.”*
- Respondent 009 – *“I don’t need a separate record because I retain my own notes from the sentencing hearing.”*

Event 5 - Courts of Limited Jurisdiction

- Respondent 001 – *“I don’t go back.”*
- Respondent 005 – *“Not often; if sentencing is set over I can print ahead of time, because I know what the recommendations are and I can use the link and make adjustments as needed.”*
- Respondent 006 – *“I don’t revisit my cases.”*

Event 5 - Superior Courts

- **Respondent 007** – *“I don’t think of anything I would do with it.”*
- **Respondent 008** – *“I can save it and pull it back up later.”*
- **Respondent 009** – *“I am using the calculator specifically for purposes of this study. I do not use it during actual hearings.”*

Event 6 - Courts of Limited Jurisdiction

- **Respondent 005** – *“If I know that a sentencing will be coming up; I can prepare in the calculator and make adjustments at the hearing.”*
- **Respondent 006** – *“I don’t have use for it.”*

Event 6 - Superior Courts

- **Respondent 007** – *“There is nothing I would do with it, and the lawyers and parties also don’t want it.”*

Event 6 - Superior Courts

- **Respondent 008** – *“I don’t need to. I don’t have any use for it.”*
- **Respondent 009** – *“I don’t need the information.”*

Event 7 - Courts of Limited Jurisdiction

- **Respondent 005** – *“I copy it when I’m preparing for sentencing hearing ahead of time so that I can reopen the calculator with the basic information entered.”*

Event 7 - Superior Courts

- **Respondent 007** – *“I don’t know what I would do with it.”*
- **Respondent 008** – *“I don’t need to. I use my own notes.”*
- **Respondent 009** – *“I am just using the calculator for purposes of this study, so I don’t need the information.”*
- **Respondent 010** – *“It takes additional time and I have no need for it.”*

Event 8 - Courts of Limited Jurisdiction

- **Respondent 005** – *“Special set sentencing preparation ahead of time, I have a charge, the recommended LFOs, and I can open it up during the sentencing and make adjustments.”*

Event 8 - Superior Courts

- **Respondent 007** – *“It is not information anyone ever asks for.”*
- **Respondent 008** – *“I just don’t have any reason to.”*
- **Respondent 009** – *“I am only using the calculator for purposes of this study. I don’t need the information and I have no reason to save it.”*
- **Respondent 010** – *“Just because I have no need for it.”*

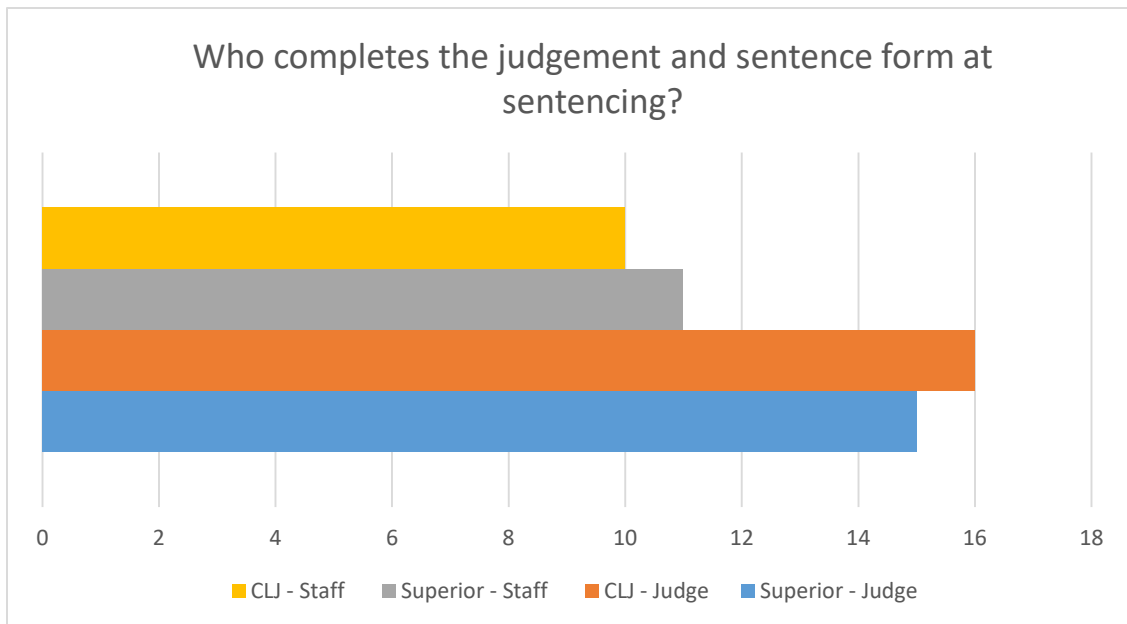
Q15 Who completes the judgement and sentence at sentencing?

a. You (judge/commissioner)

b. Staff (clerk)

I. If staff completes it, how are you communicating your decisions regarding LFOs to your staff?

II. Do you ever provide your staff with the printout from the LFO calculator?



Event 1 - Courts of Limited Jurisdiction

- **Respondent 003** – “I say it out loud, and give my staff the print out. Staff double checks, and the final judgement and sentence total must match the total from the print out.”
- **Respondent 006** – “Orally, I have a screen that I show to the clerk as she is filling out judgment and sentence, and I can always double check.”

Event 1 – Superior Courts

- **Respondent 007** – “The prosecuting attorney completes it.”

Event 2 – Courts of Limited Jurisdiction

- **Respondent 003** – “Yes, I print page 4 [Print Preview] every time, unless the defendant is indigent.”
- **Respondent 006** – “I say it out loud.”

Event 2 – Superior Courts

- Respondent 007 – *“Orally.”*
- Respondent 008 – *“The DPA fills it out, then passes to defense counsel, then they give it to me to review and finalize.”*

Event 3 – Courts of Limited Jurisdiction

- Respondent 006 – *“Orally.”*

Event 3 – Superior Courts

- Respondent 007 – *“The prosecuting attorney completes it.”*
- Respondent 008 – *“The deputy prosecutor drafts the order, I communicate my decision orally, on the record. Then the prosecutor completes it, defense counsel reviews it, then they give it to me to review and finalize.”*

Event 4 – Courts of Limited Jurisdiction

- Respondent 006 – *“Orally.”*

Event 4 – Superior Courts

- Respondent 007 – *“Orally.”*
- Respondent 008 – *“The deputy prosecutor drafts the order. I communicate my decision orally, on the record. Then the prosecutor completes it, I review it and make any needed corrections, then finalize it.”*
- Respondent 009 – *“The prosecutor starts filling out the judgement and sentence, but I finalize if.”*

Event 5 – Courts of Limited Jurisdiction

- Respondent 001 – *“The prosecutor starts filling out the judgement and sentence, but I finalize it.”*
- Respondent 006 – *“I say it on the record.”*

Event 5 – Superior Courts

- Respondent 007 – *“The prosecuting attorney completes it.”*
- Respondent 008 – *“The deputy prosecutor drafts the order. They hand it up for me to review and sign. I communicate my sentencing decisions to them orally.”*
- Respondent 009 – *“The prosecutor starts filling it out, but I finalize it.”*

Event 6 – Courts of Limited Jurisdiction

- Respondent 006 – *“I say it on the record.”*

Event 6 – Superior Courts

- **Respondent 008** – *“The deputy prosecutor drafts the order. They hand it up for me to review and sign. I communicate my sentencing decisions to them orally.”*
- **Respondent 009** – *“The prosecutor starts filling out the judgement and sentence, but I finalize it.”*

Event 7 – Superior Courts

- **Respondent 008** – *“The deputy prosecutor provides the initial draft. Then I review and finalize it.”*
- **Respondent 009** – *“The prosecutor starts filling out the J&S and includes just the mandatory LFOs, then I review and finalize it.”*
- **Respondent 010** – *“I draft it and hand it down to the prosecutor. I may add oral orders. The attorneys make changes if needed then hand it back, and I review and finalize it.”*

Event 8 – Courts of Limited Jurisdiction

- **Respondent 003** – *“I go through the calculator and say everything at loud, b(ii) Yes, clerks total it up, and I give them the print out to verify that the information is filled out correctly.”*

Event 8 – Superior Courts

- **Respondent 007** – *“The PA initiates it. Defendant and defense counsel review it, and then I finalize it.”*
- **Respondent 008** – *“The deputy prosecutor provides the initial draft. Then I review and finalize it.”*
- **Respondent 009** – *“The prosecutor starts filling out the J&S and includes just the mandatory LFOs, then it is reviewed by defense counsel, then I review it and modify it as needed.”*
- **Respondent 010** – *“I draft it and hand it down to the prosecutor. Defense counsel and probation staff both get to review it, then I review and finalize it.”*

Q16 Do you have any suggestions for the developer to improve your experience?

Event 1 - Courts of Limited Jurisdiction

- **Respondent 003** – *“The browser requirement.”*
- **Respondent 004** – *“Drop down menu for the financial info page (brackets), for example, household income \$0 - \$10,000.”*
- **Respondent 005** – *“Yes, copy and paste from page 4 into judgment and sentence form; multi-charges; DUI historical grid.”*
- **Respondent 006** – *“Better way to find the charge, too many cases listed. Maybe broken down by different categories. Some things are coming up incorrectly: on malicious mischief PSEA dollar amount is incorrect; PSEA title 46 cases (driving non –DUI) it should be \$102.50, but the calculator inputs \$52.50.”*

Event 1 – Superior Courts

- **Respondent 007** – *“Yes. Make the RCW lookup list on the first page key-word searchable, so that the user can just start typing the offense, and all related offenses will pop up.”*
- **Respondent 009** – *“I reported a problem some time ago to J. Coburn about a problem with the “reset” button. Correcting this (probably has already been corrected) is the only suggested improvement.”*

Event 2 – Court of Limited Jurisdiction

- **Respondent 001** – *“Dashboard experience (think credit card account). I only want to see what I use: list of crimes that I use, CITY FINE and not other.”*
- **Respondent 003** – *“Page 1 should have a box for “single” and “multiple” convictions. This could simplify the process and save time. - Type of crime and RCW needs instructions. Do I have to type in RCW? Type a crime? It’s not clearly explained. - All the “how to” should be included in QnA. - Instructions are too convoluted and should be simplified: (i) Change information to bullet points, (ii) Add “i” for information to crucial fields with the ability to hover over, (iii) Step 3 doesn’t make sense, and it is too long to read, and too complex, (iv) Add N/A to LFOs dollar amounts.”*
- **Respondent 005** – *“Multi-charge function, DUI historical grid, cut and paste from Page 4 in JIS.”*
- **Respondent 006** – *“No.”*

Event 2 – Superior Courts

- **Respondent 007** – *“Yes. Make the RCW lookup list on the first page more intuitive. I often lack sufficient time to search through the documents to identify the specific wording in the statute. I should not have to be taught to think or type like the legislature. For example, if I type the word “theft” in the search tool for the list, all of the theft related criminal statutes should come up so that I can scroll through them and select the appropriate one.”*
- **Respondent 008** – *“It takes too long to fill out, but I will start having defendants complete the tool now, so that all I need to do is finalize the order.”*
- **Respondent 009** – *“The issue I raised previously has already been corrected (the “reset” issue). I have not run into any other or new issues.”*

Event 3 – Courts of Limited Jurisdiction

- **Respondent 001** – *“See Section I, Question 4 Answer: (1) Payout payment calculator = month options (12, 24 etc.) sometimes I impose a fine but no time period; (2) change and what we include in probation cost, 24 months probation but it’s not active. In JIS – presumption is \$50 probation regardless of type of the probation. I need inactive probation for MONTHS not YEARS. I have been defaulting to active so that I can put the accurate dollar amounts. I’m only doing this for this purpose.”*
- **Respondent 004** – *“(1) Page 3 currently there are two options for probation: monitored or records check. The amount of time listed (it will be helpful to put the number of months and not the number of years). Because of that I don’t use these boxes. I based this on monitored probation and the amount that doesn’t equal a year. Records checks might be 6 months, not a year. It just doesn’t work, it trips my judicial discretion, so I just enter the costs. I want amount per month. (2) Page 4 to be able to leave the page but keep the settings in place – judge and court level.”*

- **Respondent 005** – *“To be able to collapse the LFOs that I rarely use so that the list of LFOs is shorter.”*
- **Respondent 006** – *“Not at this time.”*

Event 3 – Superior Courts

- **Respondent 007** – *“Yes. Get the statute drop-down list to be easier to navigate.”*
- **Respondent 008** – *“No. I am afraid that with the relatively large number of indigent defendants, I find that I am only ordering the mandatory LFOs in the vast majority of cases. As such, I have only used the tool one time in the past six weeks.”*
- **Respondent 009** – *“None at this time. Believe it or not, I have actually not had a single sentencing during the past six weeks. They have all been continued or been handled by another judge. I’m sure I will have at least some sentencings during the next six week time frame. In fact, I have one scheduled for next Friday. But for now, my responses will be very similar to the last time we did this survey, and responses will not reflect sentencings done during the last six weeks, since there haven’t been any.”*

Event 4 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Pilot Judge Information no longer on the last page. It saves the judge information of the first page only. Missing the “two dots” that are unique to me as a pilot judge.”*
- **Respondent 004** – *“‘Freeze’ - (1) top of the page so that when scrolling down the user can select another page. Some crimes have a long list of LFOs, and while to box on the right side (probation, PSEA, payoff, ability to pay, see total LFOs as CSHs) follows the page as is being scrolled down, the navigation doesn’t, or (2) bottom of the page with commends allowing to go back, next, and reset, same issue as previously described.”*
- **Respondent 005** – *“Collapsible LFOs, multi-charges, ability to copy the information from page 4 to judgement and sentence form.”*
- **Respondent 006** – *“None at this time. Believe it or not, I have actually not had a single sentencing during the past six weeks. They have all been continued or been handled by another judge. I’m sure I will have at least some sentencings during the next six week time frame. In fact, I have one scheduled for next Friday. But for now, my responses will be very similar to the last time we did this survey, and responses will not reflect sentencings done during the last six weeks, since there haven’t been any.”*

Event 4 – Superior Courts

- **Respondent 007** – *“Yes. Make the statute drop-down list easier to search.”*
- **Respondent 008** – *“Not at this point, beyond adding an ability to have minimum wage imputed.”*
- **Respondent 009** – *“The most recent set of changes were helpful! The tool is working very well.”*

Event 5 – Courts of limited Jurisdiction

- **Respondent 001** – *“Nothing else.”*
- **Respondent 005** – *“Get the formatting so that you can cut and paste so that I can line up the information in the right place on my judgement and sentence form.”*
- **Respondent 006** – *“No suggestions.”*

Event 5 – Superior Courts

- **Respondent 007** – *“Make the drop-down list for finding the charging RCW easier to navigate.”*
- **Respondent 008** – *“Yes. When viewing the charge list, I have to move all the way to the left or to the right in order to get the down arrow. By then, part of the text has been cropped off and I can’t read it. So now I have to slide from right to left, then back again to navigate through this long list. (I suggested she ask one of her tech. staff to take a look at her browser settings, as I suspect an adjustment here might correct this.)”*
- **Respondent 009** – *“Not since the last revisions were released. They have address the length of the potential fine/fee list pretty well (from the interviewer - The last revisions to the lfo calculator were made in December 2018).”*

Event 6 – Courts of Limited Jurisdiction

- **Respondent 005** – *“Copy and paste capability from the tool into Judgment and Sentence form. Comment: post-conviction on indigent person, the calculator reminded me that there was a required fine for a violating DV protection order. Without the calculator I wouldn’t know. Unless the clerk would add that after the hearing.”*
- **Respondent 006** – *“don’t use the multi-charge function often; it’s too cumbersome.”*

Event 6 – Superior Courts

- **Respondent 007** – *“Make the drop-down list for finding the charging RCW easier to navigate.”*
- **Respondent 008** – *“I do not, except to add this to the Inside Courts page so that judges can access this from anywhere. Currently I have it saved as a book mark on my computer, so I only know how to find it from that computer now.”*
- **Respondent 009** – *“The only thing I can suggest is that the description of the various crimes is not intuitive. Often the Prosecuting Attorney’s Office uses their own wording to describe the crime being charged, and this frequently does not match up with what appears on the list.”*

Event 7 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Nothing.”*
- **Respondent 005** – *“Yes, make so I can copy the info from page 4 so it can go into document like Judgment and Sentence.”*

Event 7 – Superior Courts

- **Respondent 007** – *“Make the drop-down list for finding the statutes easier to navigate.”*
- **Respondent 008** – *“I don’t. I can’t think of a thing.”*
- **Respondent 009** – *“I don’t have any suggestions at this time.”*
- **Respondent 010** – *“No.”*

Event 8 – Courts of Limited Jurisdiction

- **Respondent 001** – *“I like it the way it is. I don’t think that it’s missing anything. It improved greatly over the last year!”*
- **Respondent 003** – *“In CLJ, I thought that restitution is mandatory?”*
- **Respondent 005** – *“Again, format so we can copy and paste the relevant info from page 4 and enter it into Judgment and Sentence.”*

Event 8 – Superior Courts

- **Respondent 007** – *“Make the drop-down list for finding the statutes easier to navigate.”*
- **Respondent 008** – *“I don’t. I can’t think of a thing.”*
- **Respondent 009** – *“I don’t think so. It comes along really nicely.”*
- **Respondent 010** – *“I do not at this time.”*

DRAFT

Section II: About the impact of the LFO Calculator Tool on assessment of fees, waived fees, suspended fees, and other imposed LFOs

Thinking about the cases in which you have considered imposing or have imposed LFOs in the past six weeks, how would you describe the following?

Q1 Describe your inquiry into defendant's ability to pay LFO prior to the tool.

Event 1 – Courts of Limited Jurisdiction

- **Respondent 003** – *“I always conducted inquiry on person's ability to pay. Before the tool, our court didn't verify public assistance.”*
- **Respondent 004** – *“Inquiry is the same. I asked about person's ability to pay LFOs, do they work, are they able to work, why they are not working, and are they able to work full time and when? Still looking for the same things with the calculator.”*
- **Respondent 005** – *“Prior – always had a conversation about defendant's ability to pay. Practicing attorneys, defenders would submit the declaration of financial status.”*
- **Respondent 006** – *“The monthly payment amount that defendant can pay. There is not enough time in court to determine monthly payments in court, and time payments our processed by a vendor contracted with the court.”*

Event 1 – Superior Courts

- **Respondent 007** – *“Was pretty thorough before.”*
- **Respondent 009** – *“It was the same as it is now with the tool. Most defendants are indigent and I'm imposing only mandatory LFOs.”*

Event 2 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Financial form from public defender, but would also ask questions about the general financial status.”*
- **Respondent 003** – *“Asked how much can they pay? Are they working?”*
- **Respondent 005** – *“I had my own tool (started out with a spreadsheet). Also, I would ask for a declaration of financial status from public defenders prior to that as well. And before that I did what everybody else did.”*
- **Respondent 006** – *“Orally with attorney in the courtroom.”*

Event 2 – Superior Courts

- **Respondent 007** – *“I have always inquired.”*
- **Respondent 008** – *“I would ask about work history, and maybe schooling if they didn't have a work history. I would ask why they had no work history if they had not been employed.”*

- **Respondent 009** – *“It was the same as it is now with the tool. If they have assigned counsel, then I know they are indigent. I do an extended colloquy with the defendant about their work history, what they have been doing recently, and I inquire into possible mental health issues.”*

Event 3 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Blindly assessing fines that I thought were appropriate, I didn’t ask people what they could pay. I would only ask how much they can pay a month. It was horrific.”*
- **Respondent 004** – *“The same way as now. As a new judge I started with LFOs being an issue, I’m more conscious.”*
- **Respondent 005** – *“I would ask if they can pay within 30 days, or do they need a payment plan.”*
- **Respondent 006** – *“I would only consider monthly income information and only if the attorney offered it.”*

Event 3 – Superior Courts

- **Respondent 007** – *“I have always inquired.”*
- **Respondent 008** – *“The public defender offers testimony. I would follow up with questions about things like work history, skills, education, how they pay their bills – that sort of thing.”*
- **Respondent 009** – *“Nothing has changed in this regard. If they have assigned counsel, then I know they are indigent. I inquire with the defendant about their work history and any possible mental health issues.”*

Event 4 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Same as Event 3 answer: Blindly assessing fines that I thought were appropriate, I didn’t ask people what they could pay. I would only ask how much they can pay a month. It was horrific.”*
- **Respondent 004** – *“Same as Event 3 answer: The same as now. As a new judge I started with LFOs being an issues, I’m more conscious.”*
- **Respondent 005** – *“I would ask if they can pay within 30 days, or do they need a payment plan.”*
- **Respondent 006** – *“Same as Event 3 answer: I would only consider monthly income information and only if the attorney offered it.”*

Event 4 – Superior Courts

- **Respondent 007** – *“I have always inquired. It was not always as organized as it is now. The tool provides a list of questions that is very helpful in improving thoroughness and consistency.”*
- **Respondent 008** – *“Previously I would ask the defendant how much they can afford per month. I would enquire into their education and work history. If they were working or had the ability to work, I might try to reach a compromise over the amount imposed and minimum payments.”*
- **Respondent 009** – *“My inquiry prior to having the tool would include whether or not the defendant qualified for a public defender. If they did not, I would inquire into the defendant’s past employment and maybe into their potential for future employment. I would also inquire into what governments they might be receiving or be eligible for, and whether there have been any prior diagnoses of any mental illness.”*

Event 5 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Same as Event 4 answer: Blindly assessing fines that I thought were appropriate, I didn’t ask people what they could pay. I would only ask how much they can pay a month. It was horrific.”*
- **Respondent 005** – *“I still inquired person's ability to pay.”*
- **Respondent 006** – *“No change since Event 4.”*

Event 5 – Superior Courts

- **Respondent 007** – *“I have always inquired, but the questions weren’t always consistent.”*
- **Respondent 008** – *“It was pretty much the same. I would ask the basic questions and just enter them into the tool now instead of writing them all down.”*
- **Respondent 009** – *“My inquiry prior to having the tool was based on case law. I would inquire into prior or current employment, or the lack thereof, marital status, child support and other obligations.”*

Event 6 – Courts of Limited Jurisdiction

- **Respondent 005** – *“Prior to the tool, I wasn’t as detailed as I’m know. I couldn’t have the conversation about minimum monthly payments, we didn’t talk about it.”*
- **Respondent 006** – *“By using the financial screening information provided by court appointed counsel.”*

Event 6 – Superior Courts

- **Respondent 007** – *“It was a little more uneven or less consistent than it is now.”*
- **Respondent 008** – *“I used to ask kind of the same questions, but sometimes I might forget some of the specific questions to ask.”*
- **Respondent 009** – *“Prior to having the tool my individual inquiry would include things like the defendant’s past employment, current employment (if any), whether there are any mental health issues, whether there are family members to support, the length of the sentence I was about to impose, and any issues raised by the defense counsel, such as other indebtedness or LFOs. I would raise these and other questions during my colloquy with the defendant.”*

Event 7 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Horrible, the attorneys were not prepared, I had to use my own calculator, and attorneys didn’t think about it at all. NOW: I’m attacking my private attorneys when they say that their client can pay. I.E. probations, I no longer except from them that people can pay, I ask them to fill out the declaration of financial status. I tell them to fill out the form with their client, and come back (same day) in front. I do sentencing after I have the form, OR if they don’t have a form I ask defendant about work status, dependents, and hourly rate. I need to know that the attorney had this conversation with their client. “*
- **Respondent 005** – *“Before I would make the inquiry into defendant's future ability to pay, but I wasn't detailed. Sometime I didn't know what that total amount was.”*

Event 7 – Superior Courts

- **Respondent 007** – *“It used to be clumsier that it is now. The tool helps me walk right through the questions, which is great!”*
- **Respondent 008** – *“The information comes mostly from the defendant’s attorneys. I compare the information from them to the information I get from the Pre-Trial Unit screeners.”*
- **Respondent 009** – *“Prior to having the tool I had a colloquy that I would engage in. I would ask about things like the defendant’s past employment, current employment or possible future employment (if any), whether there are any mental health issues, whether there are family members to support, and those sorts of things.”*
- **Respondent 010** – *“Almost everyone is indigent so there’s not much to inquire about.”*

Event 8 – Courts of Limited Jurisdiction

- **Respondent 001** – *“I just asked in court, if they work and how many people in home, attorneys were not providing this information to me. I was doing the best I could.”*
- **Respondent 003** – *“I ask if there something about their financial circumstance, because I was determining LFOs. I didn’t have a standard amount of LFOs. I always tell them that if anything changes, I encourage them to come back. Were they working? What kind or work they did, and if they didn’t work, are they expecting to work anytime soon? Are they going to school?”*
- **Respondent 005** – *“I didn’t take the time to understand how long it will take them to pay, I’m just guessing. I think that some of the decisions were wrong, unintentionally.”*

Event 8 – Superior Courts

- **Respondent 007** – *“It was not as consistent in the past as it is now.”*
- **Respondent 008** – *“Most of the information comes from the letters they send me. They send all of the information I need to make a determination regarding indigency.”*
- **Respondent 009** – *“Prior to having the tool I had my own colloquy which was based on case law and feedback and suggestions from other judges.”*
- **Respondent 010** – *“It is the same now. Almost everyone is indigent so there’s not much to inquire about.”*

Q2 Describe your inquiry into defendant’s ability to pay since using the tool.

Event 1 – Courts of Limited Jurisdiction

- **Respondent 003** – *“Staff reviews person’s benefit card and verifies benefits via e-verify from DSHS; and I ask more directly about public assistance: what type of benefits is this person receiving?”*
- **Respondent 004** – *“Inquiry is the same as before as prior to the tool. I ask the following questions: The tool hasn’t change the questions about person’s ability to pay. Whether they are working, why they are not working, I ask how much they earn per hour (if paid by hour), other sources of income, any minor child that they are required to support, do they receive state assistance, disability assistance. If they are not working now, what kinds of work did they do? Can they go back? If person’s attorney answers these questions then I don’t follow up with the person.”*

- **Respondent 005** – *“Encourage the prosecutor and public defender to use the tool on their own, to understand what the fees mean in the reality. They are much better in providing information to the court to start more detailed conversations, even non-traditional resolutions – stipulated orders to continue (DF), courts are limited in what they can impose. Are you making these types of resolution for people that are indigent, did you consider ability to pay, are your calculations accurate, is it allowed by law? If they are screened for public defender they can contribute to pay, promissory note (pre-conviction), stipulated order to continue – judge doesn’t want the parties to set up defendant for failure. Realistic conversation with the defendant prior to going to court. Are you really able to do this? Prosecutors are much more sensitive to the reasons why the person thought they can pay but they didn’t.”*

Event 1 – Superior Courts

- **Respondent 007** – *“I like using the bullet points as a checklist. This is very helpful.”*
- **Respondent 009** – *“It is the same as it was prior to having the tool available.”*

Event 2 – Courts of Limited Jurisdiction

- **Respondent 001** – *“I require financial declaration signed by defendant. I need all the information to see if they are indigent. I require private attorneys to do it too. The process is much more formalized and the results are concrete.”*
- **Respondent 003** – *“I ask directly. Are they receiving government assistance? If yes, the person is indigent. I still ask for a future ability to pay but, only if they don’t receive assistance. We use the Benefits Verification System to verify.”*
- **Respondent 005** – *“Encourage public defenders to use the declaration of financial status from the tool. Questions about fines, I take under consideration the reality of their ability to pay.”*
- **Respondent 006** – *“Biggest change is that now I have attorneys show the verification of state assistance.”*

Event 2 – Superior Courts

- **Respondent 007** – *“Now that I have the tool available, I find my inquiry is more formal, more detailed and more consistent.”*
- **Respondent 008** – *“I use the checklist to ensure I ask about all of the pertinent issues. We do a pre-trial financial evaluation, and I like to compare this to the LFO Calculator information from the defendant. When there are discrepancies, I like to ask about that as well.”*
- **Respondent 009** – *“It is the same as it was prior to having the tool available.”*

Event 3 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Majority of my cases are with a public defender and they have to present the information on behalf of their client. Private attorney who doesn’t fill out the form I will ask about their client’s financial situation. They should be telling me but if they don’t, I feel obligated to ask. I ask them to fill out the financial declaration form.”*
- **Respondent 004** – *“Same.”*

- **Respondent 005** – *“Since using the tool it’s easier because I push my public defenders to provide the deceleration of financial status that it’s included on the website with the tool, and rarely ever do I need anything else.”*
- **Respondent 006** – *“Defense attorneys bring a proof of state assistance that the person is receiving, and the attorneys are more prepared to argue assessment of fines.”*

Event 3 – Superior Courts

- **Respondent 007** – *“The tool makes it easier to remember what questions to ask.”*
- **Respondent 008** – *“Basically, the tool helps me explain just how long it will take the defendant to pay off the amount I am imposing.”*
- **Respondent 009** – *“It is the same.”*

Event 4 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Same as Event 3 answer: Majority of my cases are with a public defender and they have to present the information on behalf of their client. Private attorney who doesn’t fill out the form I will ask about their client’s financial situation. They should be telling me but if they don’t, I feel obligated to ask. I ask them to fill out the financial declaration form.”*
- **Respondent 004** – *“Same as Event 3 answer: Same.”*
- **Respondent 005** – *“Since using the tool it’s easier because I push my public defenders to provide the deceleration of financial status that it’s included on the website with the tool, and rarely ever do I need anything else.”*

Event 4 – Superior Courts

- **Respondent 007** – *“It is more consistent and better organized.”*
- **Respondent 008** – *“Some of the questions from the tool are helpful. It has really helped me discern who else a defendant may be responsible for financially.”*
- **Respondent 009** – *“It is pretty much the same. Changes in my inquiry are primarily driven by recent legislation. For example, now I ask if the defendant has previously provided a DNA sample.”*

Event 5 – Courts of Limited Jurisdiction

- **Respondent 001** – *“In the court room, financial declaration signed under perjury is reviewed on the record, and I consider what the person believes they can pay every month. Change happened in public defender office; they are already using the declaration of financial status form, and interviewing their clients prior to hearings! The process is changing.”*
- **Respondent 005** – *“The public defenders often submit a declaration of financial status, and if they don’t, I ask the defendant. If they don’t submit a declaration, I ask the defense why they didn’t provide it. Are they statutorily indigent? It depends on facts and circumstances. Can they make their basic needs? If they are working and have a private attorney, I tell them that these are the costs that the court is considering, and still ask them if they can pay. What is their ability to pay? If they choose not to share that information with the court, and their private attorney doesn’t share that, I let the pay.”*
- **Respondent 006** – *“No change since Event 4.”*

Event 5 – Superior Courts

- **Respondent 007** – *“Now I use the script that is provided in the tool. I get better consistency. It works out well.”*
- **Respondent 008** – *“It’s pretty much the same now, only now I can quickly tell them how long it will take to pay off an LFO if they only make the minimum payments, and I can also show them on the printout.”*
- **Respondent 009** – *“It is pretty much the same. Recent legislative changes drive most of the changes in my colloquy, for example, now I ask the defendant if they have previously provided a DNA sample to law enforcement.”*

Event 6 – Courts of Limited Jurisdiction

- **Respondent 005** – *“Makes me more conscious about it and I ask more questions about defendant’s ability to pay. It reminds me based on the new law what’s statutory indigence.”*
- **Respondent 006** – *“It’s more specific now, especially when asking about the state assistance (public benefits).”*

Event 6 – Superior Courts

- **Respondent 007** – *“It is more scripted now, more consistent than it was previously.”*
- **Respondent 008** – *“Now I remember to ask some of the additional questions that I might have forgotten previously. Having the questions listed is helpful.”*
- **Respondent 009** – *“My individual colloquy didn’t really change, but the tool has reminded me of the factors that need to be considered, and it is very nice to see things all listed along with the pertinent citations.”*

Event 7 – Courts of Limited Jurisdiction

- **Respondent 001** – *“See answer to Section II, question no.1 - I inquire if there is no form.”*
- **Respondent 005** – *“I encourage defendant’s attorney to submit the declaration of financial status, which provides me a lot of information, and speeds up the hearing. From that point, it is easy to find the people that are statutory indigent, payments must be reasonable and within their financial circumstance.”*

Event 7 – Superior Courts

- **Respondent 007** – *“It is a lot more scripted and straightforward now that it was previously.”*
- **Respondent 008** – *“It is pretty much the same now as it was previously.”*
- **Respondent 009** – *“The calculator makes sure I have the correct citations and that I am asking the right questions.”*
- **Respondent 010** – *“There has been no change.”*

Event 8 – Courts of Limited Jurisdiction

- **Respondent 001** – *“I don’t do sentencing unless I have the financial declaration. Private attorneys are moving along slowly. I have the court from the LFO tailed to my court. The forms are printed and available in court and clerk passes them to attorneys representing clients without the financial declaration. Private attorneys insist on not filling one up.”*
- **Respondent 003** – *“Do they receive public benefits or assistance is now my first question. If yes, I check the indigent and waive almost everything else. That’s a clear legislative mandate that exists now. I can’t tell them now that I believe that they can get back on their feet. This doesn’t seem right to me that we can’t ask about the future ability to pay. Imagine a lawyer getting a DUI and be unable to pay.”*
- **Respondent 005** – *“I made it known that in my court I want people to submit the declaration of financial status. I also want to know if they are going to be incarcerated, any outstanding debt.”*

Event 8 – Superior Courts

- **Respondent 007** – *“It is much more organized and more consistent now.”*
- **Respondent 008** – *“It really hasn’t changed. I may up the monthly payment a bit to help them get the balance paid off sooner.”*
- **Respondent 009** – *“It is very similar now. If I’m unsure of any aspect of the law, it is nice to have the tool to be able to quickly look up a citation.”*
- **Respondent 010** – *“There has been no change.”*

Q3 Describe the LFO Calculator Tool’s impact on your understanding of financial burden to defendant or potential negative consequences?

Event 1 – Courts of Limited Jurisdiction

- **Respondent 003** – *“Helpful to see all of the discretionary costs and fees, and PSEA.”*
- **Respondent 004** – *“It’s helpful is to enter their income and see their ability pay. Instead of doing the math myself.”*
- **Respondent 005** – *“Educating everybody about the realistic impact on the person over the period of time. Fine is not just a fine, there are mandatory fees. How much time will this person need to pay this off? Impact – good, more realistic position what these dollars mean. Makes the court think about why am I truly imposing it? Is this punishment or something else? The fines are the penalty, penalty is punishment, and/or/both prevents them from committing crimes in the future. We should stop us to think about the actual time (jail time, time needed to pay off the fines) and the history, and figure out if this is sufficient? Should they really be fined on top of that?”*
- **Respondent 006** – *“The monthly payment amount that defendant can pay. There is not enough time in court to determine monthly payments in court, and time payments our processed by a vendor contracted with the court.”*

Event 1 – Superior Courts

- **Respondent 007** – *“Not much impact because I had a pretty thorough understanding of the financial burden of LFOs prior to availability of the tool.”*
- **Respondent 009** – *“The tool has not changed my perspective. Most defendants are indigent and even the mandatory LFOs are often difficult to justify imposing.”*

Event 2 – Courts of Limited Jurisdiction

- **Respondent 001** – *“I make sure that it is the most accurate information possible. Jurisdictional time should be equal to number of payments and pay off time. I put on the form that the defendant and/or attorneys are giving me total outstanding LFOs. The change in statute made it much easier to find a person indigent, most my defendants are in custody.”*
- **Respondent 003** – *“I think that I understand the PSEA better because, I can see it. It’s usually a lot, and I will most likely reduce it.”*
- **Respondent 005** – *“Helps me see the reality of how long it will take them to pay in full; that’s the biggest impact. How long will they be in debt?”*
- **Respondent 006** – *“Great impact.”*

Event 2 – Superior Courts

- **Respondent 007** – *“It has helped raise my awareness, but I was always pretty well steeped in this issue. The tool provides a good reminder.”*
- **Respondent 008** – *“When I see how long it will take them to pay off an LFO, it is often shocking.”*
- **Respondent 009** – *“The change in the law has had more of an impact on my understanding than the availability of the tool. I see a lot fewer defendants paying interest now - more indigent defendants.”*

Event 3 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Night and day. I had an understanding but now I’m seeing it how it breaks down. I tell them the reality of how much it will cost and how long.”*
- **Respondent 004** – *“The same, I would use my own calculator to figure it out. Now the information comes is faster.”*
- **Respondent 005** – *“A lot, because the tool reminds me the reality of how long it will take the person to pay this off. If they can only pay \$25 it might take them 5 years to pay if full, the tool gives me perspective.”*
- **Respondent 006** – *“Great impact in general, as education piece to know what should not be assessed. Prior to the calculator we [judges] would assess things we were not supposed to.”*

Event 3 – Superior Courts

- **Respondent 007** – *“It has not affected me that much. This is something I have always been sensitive to.”*
- **Respondent 008** – *“When I see the payment schedule and how long it will take them to pay off an LFO, I am often depressed.”*
- **Respondent 009** – *“The change in the law has had more of an impact on my understanding than the availability of the tool. I see a lot fewer defendants paying interest now – more indigent defendants.”*

Event 4 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Same as Event 3 answer: Night and day. I had an understanding but now I’m seeing it how it breaks down. I tell them the reality of how much it will cost and how long.”*
- **Respondent 004** – *“Same as Event 3 answer: The same, I would use my own calculator to figure it out. Now the information comes in faster.”*
- **Respondent 005** – *“[same is event 3 answer] A lot, because the tool reminds me the reality of how long it will take the person to pay this off. If they can only pay \$25 it might take them 5 years to pay if full, the tool gives me perspective, PLUS, for post-review hearings judges can revoke part of the fine. I revoke less fine, Public Safety Education Assessment (PSEA) is negotiable.”*
- **Respondent 006** – *“Same as Event 3 answer: Great impact in general, as education piece to know what should not be assessed. Prior to the calculator we [judges] would assess things we were not supposed to.”*

Event 4 – Superior Courts

- **Respondent 007** – *“It has not changed much. I have grasped the impact of imposing LFOs prior to having the tool available.”*
- **Respondent 008** – *“Some crimes have really large fines associated with them, so the tool helps me see how much to set the monthly payment, and how much I can reduce it to make the situation livable for the defendant.”*
- **Respondent 009** – *“It has had no impact for me really. Most defendants are indigent so I most often just impose the minimum mandatory LFOs. The calculator has made me more aware of just how many defendants are indigent.”*

Event 5 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Same as Event 4 answer: Night and day. I had an understanding but now I’m seeing it how it breaks down. I tell them the reality of how much it will cost and how long.”*
- **Respondent 005** – *“Reminds me in the long term.”*
- **Respondent 006** – *“No change since Event 4.”*

Event 5 – Superior Courts

- **Respondent 007** – *“It definitely drives home how long it takes to pay off an LFO. It is a good reminder.”*
- **Respondent 008** – *“It is depressing because we don’t impose much anymore. I am sad that I can’t impose more.”*
- **Respondent 009** – *“Because superior court judges in this jurisdiction are not involved in determination of the monthly payment amount, I don’t use the tool in determining how much the defendant has to pay or what I impose.”*

Event 6 – Courts of Limited Jurisdiction

- **Respondent 005** – *“Very helpful, realistic ideas how long to pay if off.”*
- **Respondent 006** – *“Impacted it greatly.”*

Event 6 – Superior Courts

- **Respondent 007** – *“It has just made me more aware of the laws that apply, and more conscious of the payment schedules or the time it takes defendants to get these paid off.”*
- **Respondent 008** – *“If I impose all of the costs I could, then I can see how long it will take to pay off the full amount. That is really daunting.”*
- **Respondent 009** – *“It helps me by providing a concise list of the statutory requirements and breaks out what statutes apply to each LFO component.”*

Event 7 – Courts of Limited Jurisdiction

- **Respondent 001** – *“I had an understanding, but now, I fully get it. It's crazy to think that some judges are not using it.”*
- **Respondent 005** – *“Slap in reality, if you focus only on what the person says, you have no idea about the fiscal sentence. It will take them forever to pay \$25/month, there is no sense of understanding.”*

Event 7 – Superior Courts

- **Respondent 007** – *“It just makes it more real for me. It has definitely aided my understanding and appreciation of the impact of LFOs.”*
- **Respondent 008** – *“It makes it really clear how long a defendant will have to make payments on something. It is especially clear in those situations where a defendant may have four or five different cases all owing at the same time.”*
- **Respondent 009** – *“I am reminded of the current obligations on judges to enquire, and I have the specific statutes available. It makes it much easier.”*
- **Respondent 010** – *“I already know what the impact is, so the tool has had no impact.”*

Event 8 – Courts of Limited Jurisdiction

- **Respondent 001** – *“I was always very aware of fines and fees, but now, it really dawned in my how many people in my courtroom can't pay. This has been very eye opening, how dire people's financial situation is. I only thought about the public defender.”*
- **Respondent 003** – *“I will convert LFOs in community service, but not into work crew. That's forced labor. I do work crew instead of jail only. Our court uses DOC for work crew, we are only one out of three cities that is practicing this. Community service is community restitution, if there are able body to do it – it's reasonable.”*
- **Respondent 005** – *“Help me understand the long-term impact of LFOs and time needed to get them pay off.”*

Event 8 – Superior Courts

- **Respondent 007** – *“It has helped me better understand the consequences of imposing LFOs.”*
- **Respondent 008** – *“When it shows that it will take so long for a defendant to pay off an amount, it is really depressing.”*
- **Respondent 009** – *“It confirms what they would owe because I am able to check the legal citations to verify that what I am imposing is appropriate.”*
- **Respondent 010** – *“I haven't used it much so there's not much impact. Also, it's pretty much irrelevant given how many defendants are indigent.”*

Q4 Describe the LFO Calculator Tool's impact on your understanding of how long it would take a defendant to pay off a particular LFO amount?

Event 1 – Courts of Limited Jurisdiction

- **Respondent 003** – *“Very helpful. Sometime I ask how much they can pay a month.”*
- **Respondent 004** – *“Helpful to see the calculation to see person’s income and their ability to pay.”*
- **Respondent 005** – *“Great impact! Without the tool I need a calculator to figure it out. Tool allows to adjust the calculations quickly. The reality is that the judges won’t take out a calculator to figure it out. The tool helps out to do what we should be doing already but quickly and efficiently.”*
- **Respondent 006** – *“Big impact.”*

Event 1 – Superior Courts

- **Respondent 007** – *“It gives me a better understanding of the length of time payments will last – “makes it real.”*
- **Respondent 009** – *“Not at all. The monthly payment schedule is set by the clerk or the contracted collection agency.”*

Event 2 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Huge impact. Jurisdiction time is the time given to pay.”*
- **Respondent 003** – *“Yes, definitely. I can see that they can’t pay the fines off.”*
- **Respondent 005** – *“Same as answer to question 3 in section II” [Help me understand the long-term impact of LFOs and time needed to get them pay off].*
- **Respondent 006** – *“Great impact.”*

Event 2 – Superior Courts

- **Respondent 007** – *“It gives me a much better understanding. It really helps with the dialogue with the defendant.”*
- **Respondent 008** – *“Same as answer to question 3 in section II” [When it shows that it will take so long for a defendant to pay off an amount, it is really depressing].*
- **Respondent 009** – *“Little to none. The Clerk’s Office establishes the payment schedule. I am not involved in that at all.”*

Event 3 – Courts of Limited Jurisdiction

- **Respondent 001** – *“See Section II, Questions 3 Answer.” [Night and day. I had an understanding but now I’m seeing it how it breaks down. I tell them the reality of how much it will cost and how long].*
- **Respondent 004** – *“Same.”*
- **Respondent 005** – *“See answer - Section II, Question 3” [Help me understand the long-term impact of LFOs and time needed to get them pay off].*
- **Respondent 006** – *“Not much impact, because we don’t set up time payment agreements in-house.”*

Event 3 – Superior Courts

- **Respondent 007** – *“It helps give me a better understanding. It makes the debt more concrete.”*
- **Respondent 008** – *“With the tool I can explain to the defendant that if they pay \$x amount every month, it will take XX months to pay this off. I often suggest they try to pay a little more every month to get it behind them quicker.”*
- **Respondent 009** – *“There is no impact. I do not get involved in setting the payment schedule or in determining how long a particular obligation will take to pay off.”*

Event 4 – Courts of Limited Jurisdiction

- **Respondent 001** – *“See Section II, Questions 3 Answer: Night and day. I had an understanding but now I’m seeing it how it breaks down. I tell them the reality of how much it will cost and how long.”*
- **Respondent 004** – *“Same as Event 3 answer: The same.”*
- **Respondent 005** – *“A lot, because the tool reminds me the reality of how long it will take the person to pay this off. If they can only pay \$25 it might take them 5 years to pay if full, the tool gives me perspective.”*
- **Respondent 006** – *“Not much impact, because we don’t set up time payment agreements in-house.”*

Event 4 – Superior Courts

- **Respondent 007** – *“Having the tool has improved my understanding. The tool just spits out the number. This makes it real, for both me and for the defendant.”*
- **Respondent 008** – *“It does tell how long it will take to pay off an amount. I’ll be retired before many of the defendants I’m sentencing now can get these LFOs paid off.”*
- **Respondent 009** – *“This has not impacted me. All of the negotiations around payments schedules take place in the Clerk’s Office.”*

Event 5 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Same as Event 4 answer: Night and day. I had an understanding but now I’m seeing it how it breaks down. I tell them the reality of how much it will cost and how long.”*
- **Respondent 005** – *“It tells me that. Without the tool I would have to pull out a calculator and try figure it out.”*
- **Respondent 006** – *“Great impact, especially now that we can add 3rd party time payment agreement fees.”*

Event 5 – Superior Courts

- **Respondent 007** – *“When I bring up that calculation, it really just drives home how long they can take to pay off.”*
- **Respondent 008** – *“It calculates the amount of time it will take really fast. I show the defendant the amount of time it will take to pay off an amount with incrementally increasing payments. It makes a huge difference.”*
- **Respondent 009** – *“My answer here is the same as for the previous question. The County Clerk negotiates the payment amount, and that determines how long it will take the defendant to have the LFO paid off.”*

Event 6 – Courts of Limited Jurisdiction

- **Respondent 005** – *“Very helpful, realistic ideas how long to pay if off.”*
- **Respondent 006** – *“Impacted it greatly, the payment schedule doesn’t help me as far as what to impose, but it shows me the time.”*

Event 6 – Superior Courts

- **Respondent 007** – *“It has definitely improved my understanding. It is very concrete. It tells me what it is [the time required to pay off an LFO amount].”*
- **Respondent 008** – *“I would give the same answer here. The tool calculates it all out, just how long it will take to pay off. It’s usually a really long time. It’s sad.”*
- **Respondent 009** – *“The calculator tool doesn’t impact this at all because judges in this court are not involved in the scheduling component. The Clerk’s Office does all of the payment scheduling here.”*

Event 7 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Huge impact, I can personalize it. More people say that they can pay more than what they actually can pay. I try to come under the dollar amount they told me. It says, that the court is working with them!”*
- **Respondent 005** – *“See Section II, Question 3 Answer: ditto!”*

Event 7 – Superior Courts

- **Respondent 007** – *“It aids my understanding for sure, because it makes it so concrete, how long it will take to pay off.”*
- **Respondent 008** – *“I never used to think about it before. Now I find it really eye opening.”*
- **Respondent 009** – *“It has really had no impact because in this court the Clerk’s Office handles all details of the pay plans.”*
- **Respondent 010** – *“There has been o impact. I already know this. For a typical defendant it will never be paid.”*

Event 8 – Courts of Limited Jurisdiction

- **Respondent 001** – *“I break it down to a person so at least what they are telling me is reasonable. I always think about probation time, the key on the financial declaration is benefits, personal financial situation, and then I look at what they can pay a month. There can be a massive over exaggeration of their ability to pay. I do the calculation so that they know exactly what it is that they need to pay. I think that is has a psychological effect on the person and public defender; judge is listening, and sets them up to be able to pay.”*
- **Respondent 003** – *“Excellent for that, without it, it’s almost impossible. The visual impact is great and sometime I go back to recalculate.”*
- **Respondent 005** – *“See answer to Q 3, Section II.” [Help me understand the long-term impact of LFOs and time needed to get them pay off].*

Event 8 – Superior Courts

- **Respondent 007** – *“It helps me understand the payment schedule much better.”*
- **Respondent 008** – *“Usually when a defendant is paying just \$5/month, it will take practically forever to pay off the full balance. I usually try to add even a couple of dollars per month to help them get it paid off sooner.”*
- **Respondent 009** – *“It has had no impact because I don’t use the part about interest calculations or the monthly payment schedule. In this court the Clerk’s Office manages the payment plans.”*
- **Respondent 010** – *“I wouldn’t go through that with the defendant. Any impact would be really minimal. It just doesn’t matter when all I am imposing is statutory minimums.”*

Q5 Describe how the LFO Calculator Tool impacted the way you conducting an ability to pay assessment prior to imposition?

Event 1 – Courts of Limited Jurisdiction

- **Respondent 003** – *“It didn’t.”*
- **Respondent 004** – *“The main impact is to quickly see what person’s ability to pay is, and that the tool helps to supplement financial information from defendant’s or their attorney.”*
- **Respondent 005** – *“Let’s say that we have somebody who is not indigent, and has some ability to pay but not a lot. Jurisdiction time – will the defendant be done paying their fine within that time period? If the payment period is longer, judge can make an educated decision about the minimum amount required, time needed, and the total jurisdiction period. The calculator allows to make adjustments, reductions, and immediately see the impact on the total amount due.”*
- **Respondent 006** – *“I’m able to make better finding as to particular costs that are imposed, instead of the overall finding.”*

Event 1 – Superior Courts

- **Respondent 007** – *“Basically, the same, but uses the bullet points as a checklist.”*
- **Respondent 009** – *“It has no impact because the tool is used after the sentencing has been completed. I have no choice on imposition of the mandatory fees.”*

Event 2 – Courts of Limited Jurisdiction

- **Respondent 001** – *“I was using the financial declaration form.”*
- **Respondent 003** – *“I ask directly. Are they receiving government assistance? If yes, the person is indigent. I still ask for a future ability to pay but, only if they don’t receive assistance. We use the Benefits Verification System to verify.”*
- **Respondent 005** – *“Same as answer to question 2 in section II; the reality of how much can a person pay?”*
- **Respondent 006** – *“Big impact. It’s helpful to have all the shall, can, cannot LFOs in one place.”*

Event 2 – Superior Courts

- **Respondent 007** – *“It hasn't really changed much. But it is more formal and more consistent now.”*
- **Respondent 008** – *“I often adjust the payment amount based on information in the calculator. It helps shorten the payment cycle.”*
- **Respondent 009** – *“It has no impact because I use the tool after the sentencing has been completed.”*

Event 3 – Courts of Limited Jurisdiction

- **Respondent 001** – *“See Section II, Questions 3 Answer” [Night and day. I had an understanding but now I'm seeing it how it breaks down. I tell them the reality of how much it will cost and how long].*
- **Respondent 004** – *“One of the things that I didn't always ask that I do ask more now is how much they can afford the pay, because I have that prompt.”*
- **Respondent 005** – *“See answer – Section II, Question 2.” [Since using the tool it's easier because I push my public defenders to provide the deceleration of financial status that it's included on the website with the tool, and rarely ever do I need anything else].*
- **Respondent 006** – *“It impacted it greatly. The ability to see shall, may, can makes is easier to make it fair.”*

Event 3 – Superior Courts

- **Respondent 007** – *“It has given me more structure. I find it helpful.”*
- **Respondent 008** – *“It just affirms the belief I already had that a big percentage can't pay or can't afford their LFOs.”*
- **Respondent 009** – *“Because I use the tool after the sentencing hearing has been completed, the tool has had no impact.”*

Event 4 – Courts of Limited Jurisdiction

- **Respondent 001** – *“See Section II, Questions 3 Answer: Night and day. I had an understanding but now I'm seeing it how it breaks down. I tell them the reality of how much it will cost and how long.”*
- **Respondent 004** – *“Same as Event 3 answer: One of the things that I didn't always ask that I do ask more now is how much they can afford to pay, because I have that prompt.”*
- **Respondent 005** – *“Since using the tool it's easier because I push my public defenders to provide the deceleration of financial status that it's included on the website with the tool, and rarely ever do I need anything else.”*
- **Respondent 006** – *“Same as Event 3 answer: The ability to see shall, may, can, makes is easier to make it fair.”*

Event 4 – Superior Courts

- **Respondent 007** – *“It has made me better organized in my approach to conducting the inquiry.”*
- **Respondent 008** – *“It often makes the payments bigger than the defendant wants to pay, just because it has to be that way if they are going to get them paid off in any reasonable time.”*
- **Respondent 009** – *“It has made me more confident in my ability to impose LFOs. It has made me faster.”*

Event 5 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Same as Event 4 answer: Night and day. I had an understanding but now I’m seeing it how it breaks down. I tell them the reality of how much it will cost and how long.”*
- **Respondent 005** – *“It reminded me specifically on certain LFOs what I can suspend.”*
- **Respondent 006** – *“No change since Event 4.”*

Event 5 – Superior Courts

- **Respondent 007** – *“It helps. The script is nice so that I can be more consistent in my colloquy.”*
- **Respondent 008** – *“It doesn’t really impact it. I have waived the \$200 filing fee if it is taking the defendant too long to get the balance paid off.”*
- **Respondent 009** – *“It impacts my inquiry because the tool covers all of the statutes that apply, so I can be sure to cover all of the pertinent factors.”*

Event 6 – Courts of Limited Jurisdiction

- **Respondent 005** – *“Very helpful, realistic ideas how long to pay if off.”*
- **Respondent 006** – *“Impacted it greatly.”*

Event 6 – Superior Courts

- **Respondent 007** – *“The tool has made me more consistent.”*
- **Respondent 008** – *“The only difference now is that I no longer let them pay just \$5.00/month. I set the payments as high as the defendant can manage so that they will get the balance paid off faster.”*
- **Respondent 009** – *“It hasn’t really impacted the way I conduct the ability to pay assessment. It just ensures that I remember the statutes and authority for each type of LFO that I might order.”*

Event 7 – Courts of Limited Jurisdiction

- **Respondent 001** – *“See Section II, Question 4 Answer” [Huge impact, I can personalize it. More people say that they can pay more than what they actually can pay. I try to come under the dollar amount they told me. It says, that the court is working with them!]*
- **Respondent 005** – *“It allows me to see the difference between what the parties are recommending vs. what the person say they can pay.”*

Event 7 – Superior Courts

- **Respondent 007** – *“It is a lot more scripted now, more streamlined, which is great.”*
- **Respondent 008** – *“It doesn’t really impact my ability to pay assessment process.”*
- **Respondent 009** – *“Now I have all of the pertinent legal citations so I can be sure my colloquy is relevant.”*
- **Respondent 010** – *“I don’t use the tool so there has been no impact.”*

Event 8 – Courts of Limited Jurisdiction

- **Respondent 001** – *“See answer to question 4 section II”. [I break it down to a person so at least what they are telling me is reasonable. I always think about probation time, the key on the financial declaration is benefits, personal financial situation, and then I look at what they can pay a month. There can be a massive over exaggeration of their ability to pay. I do the calculation so that they know exactly what it is that they need to pay. I think that is has a psychological effect on the person and public defender; judge is listening, and sets them up to be able to pay].*
- **Respondent 003** – *“I look at all the boxes that are checked, mandatory, and reevaluate, because I’m trying to decide what to do. Some of these fees pay for some programs that I think that should be paid by LFOs. PSEA funds the criminal justice system; it goes to the general fund.”*
- **Respondent 004** – “
- **Respondent 005** – *“See answer to Q3 section II.” [Help me understand the long-term impact of LFOs and time needed to get them pay off].*

Event 8 – Superior Courts

- **Respondent 007** – *“It is much more organized now than it was previously.”*
- **Respondent 008** – *“I don’t know that it impacted it very much, other than that I set the payments a little bit differently now.”*
- **Respondent 009** – *“The calculator hasn’t really changed my colloquy. It makes me check my bases regarding things like indigency and mental health.”*
- **Respondent 010** – *“It has had no impact. I don’t use it very often.”*

Q6 Describe how the LFO Calculator Tool impacted the way you consider offering alternative solutions like community service?

Event 1 – Courts of Limited Jurisdiction

- **Respondent 003** – *“I haven’t used it for calculation community service yet. I didn’t have a case where I would offer alternative solutions.”*
- **Respondent 004** – *“No impact; I frequently offer community service and that hasn’t changed.”*
- **Respondent 005** – *“It has not, because I don’t believe that in the past I had the authority to offer alternative solutions unless allowed under Title 46. It’s frustrating for the court from the administrative perspective. However, judge was required to consider alternative solutions at the time of default and the possibility of sending person to jail for nonpayment. Now, with the new law it makes it acceptable to consider alternative solutions, but only post-conviction release. How many alternative solution hours do they need to satisfy the fees, can we do a combination of fees and community service? The calculator allows to make these adjustments and see what it looks like.”*
- **Respondent 006** – *“No impact.”*

Event 1 – Superior Courts

- **Respondent 007** – *“No impact.”*
- **Respondent 009** – *“The ability to substitute community service is the result of a recent change in the law for superior courts, and this situation has not presented itself yet for me.”*

Event 2 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Didn’t have much impact because a lot of times the prosecutor will add in already community service in place of jail. I suspend fines instead because I’m doing community service already.”*
- **Respondent 003** – *“It didn’t. I always allowed it. I do it at the higher ratio that the calculator, and I don’t calculate community as an hourly rate.”*
- **Respondent 005** – *“Post-conviction release – the tool reminds me what my choices are.”*
- **Respondent 006** – *“Not much.”*

Event 2 – Superior Courts

- **Respondent 007** – *“It hasn’t impacted this. This just doesn’t come up in my court.”*
- **Respondent 008** – *“Our court doesn’t do this.”*
- **Respondent 009** – *“It has had no impact.”*

Event 3 – Courts of Limited Jurisdiction

- **Respondent 001** – *“I still didn’t change my practices. I use community service as an alternative to jail, not fines. I don’t want to add community service as a burden because they can’t pay. I rather suspend the fine.”*
- **Respondent 004** – *“The same, no change.”*
- **Respondent 005** – *“It didn’t change it because I already considered that.”*
- **Respondent 006** – *“Not much. Not very often do I convert LFOs to community service, I usually waive the fines.”*

Event 3 – Superior Courts

- **Respondent 007** – *“It hasn’t really impacted this. I am usually just imposing the minimum mandatory LFO, so this isn’t an issue.”*
- **Respondent 008** – *“We don’t have that here.”*
- **Respondent 009** – *“It has had no impact.”*

Event 4 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Same as Event 3 answer: I still didn’t change my practices. I use community service as an alternative to jail, not fines. I don’t want to add community service as a burden because they can’t pay. I rather suspend the fine. Respondent 004 – “The same, no change.”*
- **Respondent 005** – *“It didn’t change it because I already considered that.”*
- **Respondent 006** – *“No change because I rarely convert LFOs to community service.”*

Event 4 – Superior Courts

- **Respondent 007** – *“It doesn’t really affect me. Alternatives are seldom an option in superior court proceedings.”*
- **Respondent 008** – *“We do not have those options here (in this jurisdiction).”*
- **Respondent 009** – *“It has improved my confidence in knowing when I can do that.”*

Event 5 – Courts of Limited Jurisdiction

- **Respondent 001** – *“I consider offering community service instead of jail. If I can’t impose fines, I also don’t impose community service.”*
- **Respondent 005** – *“It hasn’t. I don’t believe that you can offer it at the time of the sentencing unless authorized by the statute.”*
- **Respondent 006** – *“No change since Event 4.”*

Event 5 – Superior Courts

- **Respondent 007** – *“It doesn’t really impact this. This is not an option in this court.”*
- **Respondent 008** – *“We don’t have any of those alternatives here. This is not an option in my court.”*
- **Respondent 009** – *“I haven’t had this issue before me yet.”*

Event 6 – Courts of Limited Jurisdiction

- **Respondent 005** – *“It has not impacted it, because I don’t think that I can offer that, until post-conviction release.”*
- **Respondent 006** – *“Not really, because I’m not converting a lot during the sentencing, I’m waiving what I can.”*

Event 6 – Superior Courts

- **Respondent 007** – *“This doesn’t apply. It is just something that is not offered in this court.”*
- **Respondent 008** – *“There is nothing like this in this country!”*
- **Respondent 009** – *“I haven’t had that come up yet. This just hasn’t been asked of me.”*

Event 7 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Again, I don’t do community service. Community service in lieu of jail only. For the fine, if they can’t pay, I don’t order. I try not to overburden people, they already have a lot to deal with, just one thing at the time.”*
- **Respondent 005** – *“It has not impacted it.”*

Event 7 – Superior Courts

- **Respondent 007** – *“This just doesn’t apply in my court. It is just not an issue.”*
- **Respondent 008** – *“We don’t have any in this county. We are still working on that.”*
- **Respondent 009** – *“There has been no impact because I have not had any sentencings recently. This issue just hasn’t come up.”*
- **Respondent 010** – *“We already do that, so there has been no impact.”*

Event 8 – Courts of Limited Jurisdiction

- **Respondent 001** – *“I typically don’t do fines for CSE, I use service as sanction for probation. I don’t impose, because it is one more burden. What if they don’t pay because they couldn’t, and didn’t do CSE? Do I put them in jail? Ridicules.”*
- **Respondent 003** – *“See answer to question 5 and I will not use the minimum wage, way too low! I use the professional rate. It still allows people to give back to their community.”*
- **Respondent 005** – *“It doesn’t impact it. You need to know what that means in regards to balance. You may think that you are doing a favor, but it might be weeks! You need to be realistic about it.”*

Event 8 – Superior Courts

- **Respondent 007** – *“This is not an option in my court, so there has been no impact here.”*
- **Respondent 008** – *“I don’t have any of those options available in this county.”*
- **Respondent 009** – *“I don’t think it impacts the nature of my decisions, but it is helpful to the citations available.”*
- **Respondent 010** – *“We already do that.”*

Q7 How do you identify your pilot site? Court of limited jurisdiction, or superior court?

Event 1 – Courts of Limited Jurisdiction

- **Respondent 003** – *“CLJ”*
- **Respondent 004** – *“CLJ”*
- **Respondent 005** – *“CLJ”*
- **Respondent 006** – *“CLJ”*

Event 1 – Superior Courts

- **Respondent 007** – *“Superior”*
- **Respondent 009** – *“Superior”*

Event 2 – Courts of Limited Jurisdiction

- **Respondent 001** – *“CLJ”*
- **Respondent 003** – *“CLJ”*
- **Respondent 005** – *“CLJ”*
- **Respondent 006** – *“CLJ”*

Event 2 – Superior Courts

- **Respondent 007** – *“Superior”*
- **Respondent 008** – *“Superior”*
- **Respondent 009** – *“Superior”*

Event 3 – Courts of Limited Jurisdiction

- Respondent 001 – “CLJ”
- Respondent 004 – “CLJ”
- Respondent 005 – “CLJ”
- Respondent 006 – “CLJ”

Event 3 – Superior Courts

- Respondent 007 – “Superior”
- Respondent 008 – “Superior”
- Respondent 009 – “Superior”

Event 4 – Courts of Limited Jurisdiction

- Respondent 001 – “CLJ”
- Respondent 004 – “CLJ”
- Respondent 005 – “CLJ”
- Respondent 006 – “CLJ”

Event 4 – Superior Courts

- Respondent 007 – “Superior”
- Respondent 008 – “Superior”
- Respondent 009 – “Superior”

Event 5 – Courts of Limited Jurisdiction

- Respondent 001 – “CLJ”
- Respondent 005 – “CLJ”
- Respondent 006 – “CLJ”

Event 5 – Superior Courts

- Respondent 007 – “Superior”
- Respondent 008 – “Superior”
- Respondent 009 – “Superior”

Event 6 – Courts of Limited Jurisdiction

- Respondent 005 – “CLJ”
- Respondent 006 – “CLJ”

Event 6 – Superior Courts

- Respondent 007 – “Superior”
- Respondent 008 – “Superior”
- Respondent 009 – “Superior”

Event 7 – Courts of Limited Jurisdiction

- Respondent 001 – “CLJ”
- Respondent 005 – “CLJ”

Event 7 – Superior Courts

- Respondent 007 – “Superior”
- Respondent 008 – “Superior”
- Respondent 009 – “Superior”
- Respondent 010 – “Superior”

Event 8 – Courts of Limited Jurisdiction

- Respondent 001 – “CLJ”
- Respondent 003 – “CLJ”
- Respondent 005 – “CLJ”

Event 8 – Superior Courts

- Respondent 007 – “Superior”
- Respondent 008 – “Superior”
- Respondent 009 – “Superior”
- Respondent 010 – “Superior”

Q8 Have you encouraged attorneys in your court to use the calculator? Do you know if they are using it?

Event 1 – Courts of Limited Jurisdiction

- Respondent 003 – “Notified attorneys that I’m using it, so they don’t have to wonder what it is I’m doing on the record. I show them fees and costs, and offer a print out. I put copy of the print out in the file.”
- Respondent 004 – “I did not encourage attorneys, not do I know if they are using it. I have encourage another judge to use it.”
- Respondent 005 – “Yes, I don’t know for sure if they are using it but they are using the declaration of financial status that can be downloaded from the calculator.”
- Respondent 006 – “I provided the link but don’t know if the attorneys are suing it. I will share the link during the upcoming bench meeting.”

Event 1 – Superior Courts

- **Respondent 007** – *“I have encouraged attorneys to use the tool with their clients, but don't not know if any of them actually are using it.”*
- **Respondent 009** – *“I told the attorneys about it, but I don't know if they are actually using it.”*

Event 2 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Yes to both, most of the attorneys are public defenders. I told them that I'm using it, and I shared the link once the tool became public, including the form. The private attorneys – unpredictable.”*
- **Respondent 003** – *“No.”*
- **Respondent 005** – *“Yes, but I don't know if they are using it.”*
- **Respondent 006** – *“I have encourage attorneys to use it, but I don't know how much they using it.”*

Event 2 – Superior Courts

- **Respondent 007** – *“I have encouraged attorneys to use the tool with their clients, but I don't know if any of them are actually using it.”*
- **Respondent 008** – *“I haven't yet, but I will start doing this now.”*
- **Respondent 009** – *“Yes I have, but I do not know if they are actually using it.”*

Event 3 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Yes, I told my attorneys.”*
- **Respondent 004** – *“No.”*
- **Respondent 005** – *“Yes, but I don't know if they are using it.”*
- **Respondent 006** – *“No.”*

Event 3 – Superior Courts

- **Respondent 007** – *“I have encouraged attorneys to use the tool with their clients, but I don't know if any of them are actually using it.”*
- **Respondent 008** – *“No and no.”*
- **Respondent 009** – *“Yes I have, but I do not know if they are actually using it.”*

Event 4 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Yes, I told my attorneys.”*
- **Respondent 004** – *“I haven't encouraged the attorneys, and I don't know if they are using it.”*
- **Respondent 005** – *“Yes, but I can't tell if they are using it.”*
- **Respondent 006** – *“Yes I have, and I'm not sure if they are using it. So many of cases are unable to pay.”*

Event 4 – Superior Courts

- **Respondent 007** – *“I have brought it up and have encouraged attorneys to use it. However, I don’t think any of them are actually using it.”*
- **Respondent 008** – *“No. Most prosecutors are only asking for just the non-mandatory LFOs, and the defendant is typically arguing for nothing at all.”*
- **Respondent 009** – *“I don’t see many criminal attorneys because I am in a civil rotation now. But when I was in the criminal rotation I did recommend attorneys use the tool. I do not know if any are actually using it.”*

Event 5 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Yes, I think that they do.”*
- **Respondent 005** – *“Yes, and I don't think that they are using it enough.”*
- **Respondent 006** – *“Yes, but I'm not sure if they are using it.”*

Event 5 – Superior Courts

- **Respondent 007** – *“I do bring it up, but I don’t know if anyone is actually using it.”*
- **Respondent 008** – *“No and no. Public defenders are asking for no LFOs at all, and most often the prosecuting attorney doesn’t weigh in at all.”*
- **Respondent 009** – *“I have encouraged them, but I don’t know if any of them are actually using it.”*

Event 6 – Courts of Limited Jurisdiction

- **Respondent 005** – *“Yes, but I don’t know if they do.”*
- **Respondent 006** – *“Yes, a lot of my bench judges are using it as a reference source. 6 judges and 2 commissioners.”*

Event 6 – Superior Courts

- **Respondent 007** – *“I have encouraged attorneys to use it, and recently several of them have begun doing so.”*
- **Respondent 008** – *“No I haven’t encouraged it, and no, they aren’t using it. Prosecutors aren’t weighing in on LFOs and public defenders are asking to have all LFOs waived.”*
- **Respondent 009** – *“I have encouraged it, however I don’t know if any of them are using it.”*

Event 7 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Yes, and yes!”*
- **Respondent 005** – *“Yes, and I can't know for sure. I know that they are using the declaration of financial*

Event 7 – Superior Courts

- **Respondent 007** – *“I have been encouraging attorneys to use it, and I think that several of them are using it now.”*
- **Respondent 008** – *“I have not encouraged attorneys to use it, and I don’t believe anyone in my court actually is using it. Defense counsel always wants to waive all LFOs, and the prosecutor doesn’t really seem to care.”*
- **Respondent 009** – *“I have encouraged attorneys to use it but I don’t know if any of them are.”*
- **Respondent 010** – *“I have not encouraged anyone to use it, and as far as I know, none of the attorneys are using it.”*

Event 8 – Courts of Limited Jurisdiction

- **Respondent 001** – *“I don’t think that they are using the tool, but they are using the financial declaration.”*
- **Respondent 003** – *“I don’t think my attorneys have. I don’t see the reason for public attorneys to use it.”*
- **Respondent 005** – *“Yes, and I can’t tell.”*

Event 8 – Superior Courts

- **Respondent 007** – *“I have encouraged attorneys to use it, and I am aware that at least some of them are using it now.”*
- **Respondent 008** – *“I have not encouraged attorneys to use it because they all just ask for no LFOs to be imposed at all. I also don’t believe that any of them are using it either.”*
- **Respondent 009** – *“I have encouraged attorneys to use it but I don’t know if any of them actually are.”*
- **Respondent 010** – *“No, and I don’t know.”*

Q9 Has anyone submitted to you the declaration of financial status form that can be downloaded from the calculator?

Event 1 – Courts of Limited Jurisdiction

- **Respondent 003** – *“No.”*
- **Respondent 004** – *“No.”*
- **Respondent 005** – *“Yes.”*
- **Respondent 006** – *“No.”*

Event 1 – Superior Courts

- **Respondent 007** – *“No.”*
- **Respondent 009** – *“Yes, but only for a post-sentence modification hearing.”*

Event 2 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Yes, public defender has its own form, but added some questions from the form. Crossed off things that don’t apply.”*
- **Respondent 003** – *“I told defense attorneys that they can get the form, but they are not submitting it. I think that the form helps them prepare for the hearing.”*
- **Respondent 005** – *“Yes, all the time.”*
- **Respondent 006** – *“No.”*

Event 2 – Superior Courts

- **Respondent 007** – *“No.”*
- **Respondent 008** – *“No. I didn’t know about this.”*
- **Respondent 009** – *“No. We have a re-trial services program helps with pre-assessment of financial status, and that program would complete and submit any similar documentation.”*

Event 3 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Yes.”*
- **Respondent 004** – *“No.”*
- **Respondent 005** – *“Yes, regularly.”*
- **Respondent 006** – *“No. Most of the time attorneys provide an oral statement at the time of sentencing.”*

Event 3 – Superior Courts

- **Respondent 007** – *“No.”*
- **Respondent 008** – *“No, I have not received one.”*
- **Respondent 009** – *“No. We have a service that helps with assessment of financial status prior to sentencing. I rely on the report provided by this program.”*

Event 4 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Yes.”*
- **Respondent 004** – *“No, No one has submitted the form.”*
- **Respondent 005** – *“Yes.”*
- **Respondent 006** – *“No.”*

Event 4 – Superior Courts

- **Respondent 007** – *“No.”*
- **Respondent 008** – *“In correspondence I have received declarations that may be from the tool, or at least which look very similar.”*
- **Respondent 009** – *“No. This county has a form and the Pre-trial Services program completes this before the case ever comes to me.”*

Event 5 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Yes, public defenders. Unless they are a private attorneys; I tell them that if they want me to consider their client’s financial status, they must file the form.”*
- **Respondent 005** – *“Yes.”*
- **Respondent 006** – *“No, but on old case we have a similar form that we require for sentencing.”*

Event 5 – Superior Courts

- **Respondent 007** – *“No.”*
- **Respondent 008** – *“Yes I have seen these a number of times, primarily when responding to inmate correspondence.”*
- **Respondent 009** – *“No. In this county the Clerk’s Office completes a pre-trial assessment and submits a summary form, and this is what I use to make my determination about what to impose.”*

Event 6 – Courts of Limited Jurisdiction

- **Respondent 005** – *“All the time.”*
- **Respondent 006** – *“Not since the last event, the court has their own declaration.”*

Event 6 – Superior Courts

- **Respondent 007** – *“No.”*
- **Respondent 008** – *“Yes, I get these occasionally. Most of the time I get these from attorneys from the Center for Justice.”*
- **Respondent 009** – *“Not that I know of. In this jurisdiction the Clerk’s Office provides a pre-trial assessment with information about a defendant and their financial situation. This is the form that I customarily see prior to sentencing.”*

Event 7 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Public defenders have their own, but similar to the one online but clearly looked at it.”*
- **Respondent 005** – *“All the time.”*

Event 7 – Superior Courts

- **Respondent 007** – *“No.”*
- **Respondent 008** – *“Yes, I get these for post sentence LFO relief hearings.”*
- **Respondent 009** – *“No. This court has its own form that is prepared by Pre-Trial Services, and they use their own form.”*
- **Respondent 010** – *“No.”*

Event 8 – Courts of Limited Jurisdiction

- **Respondent 001** – *“See as answer to question 8 section II.” [I don’t think that they are using the tool, but they are using the financial declaration].*
- **Respondent 003** – *“No, but I wasn’t using the latest version and printed the form and will be using form.”*
- **Respondent 005** – *“Yes, regularly. All the time.”*

Event 8 – Superior Courts

- **Respondent 007** – *“No.”*
- **Respondent 008** – *“Yes, I get these for post sentence LFO relief hearings. They copy it off at some of the LFO clinics.”*
- **Respondent 009** – *“No. The Clerk’s Office has a pre-trial services form that is submitted instead of the form from the calculator.”*
- **Respondent 010** – *“No.”*

Q10 Has the calculator helped educate you or remind you about what you can and cannot do when considering LFOs? Please explain.

Event 1 – Courts of Limited Jurisdiction

- **Respondent 003** – *“Yes, it has a good list of the discretionary costs and fees.”*
- **Respondent 004** – *“To some degree. It’s a good reminder to see fines, fees, and costs associated with a particular crime.”*
- **Respondent 005** – *“Absolutely, it is so nice to say this is mandatory, this is not, and when somebody disagrees, to use the link to read the statute. One stop shopping for LFOs authority.”*
- **Respondent 006** – *“Yes.”*

Event 1 – Superior Courts

- **Respondent 007** – *“Yes. It is a great reminder, and it is very helpful to have the law provided right there in the same place.”*
- **Respondent 009** – *“Yes. In recent statutory changes there are differences when a defendant suffers from mental illness. The tool does a great job of breaking out these differences.”*

Event 2 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Yes, attorneys and I in the sense when person is indigent but there are specific fines I can’t waive. Previously I did, but now I can’t. Helpful to educate attorneys, quick use of statutes as reference.”*
- **Respondent 003** – *“Excellent on that.”*
- **Respondent 005** – *“Yes, every day.”*
- **Respondent 006** – *“Yes.”*

Event 2 – Superior Courts

- **Respondent 007** – *“Yes. I really like the case law and other citations. I like the list of questions. I end up with a more formal and more consistent process.”*
- **Respondent 008** – *“Yes and no. I pretty much know the mandatories, but the calculator provides a good reminder, especially with some of the finer details.”*
- **Respondent 009** – *“Yes. I find the tool especially helpful in reminding me of the special considerations to be afforded to defendants with mental health issues.”*

Event 3 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Absolutely, I know what I’m doing now. Very good. I’m no longer shocked.”*
- **Respondent 004** – *“Not particularly.”*
- **Respondent 005** – *“Absolutely. We tend to forget things and the tool reminds the statutory authority.”*
- **Respondent 006** – *“Yes.”*

Event 3 – Superior Courts

- **Respondent 007** – *“Yes. I especially like how the law pops up.”*
- **Respondent 008** – *“Yes, it makes the mandatories more clear, and clearly identifies which I have discretion over. It saves me research time.”*
- **Respondent 009** – *“Yes. The tool has provided me with a good reminder of the special considerations when sentencing defendants with mental health issues.”*

Event 4 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Same as Event 3 answer: Absolutely, I know what I’m doing now. Very good. I’m no longer shocked.”*
- **Respondent 004** – *“Same as Event 3: Not particularly.”*
- **Respondent 005** – *“Yes.”*
- **Respondent 006** – *“Yes.”*

Event 4 – Superior Courts

- **Respondent 007** – *“Yes. It has those law pop-ups which I find to be super helpful.”*
- **Respondent 008** – *“It has helped. I use it to look up the RCWs. It is especially helpful in those cases where the initial charge may have been pled down, perhaps to a gross misdemeanor. I also use it to look up what are mandatory LFOs.”*
- **Respondent 009** – *“Yes. I like the tool because of the statutory citations included within. I can look up citations quickly and help avoid error.”*

Event 5 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Yes. It’s a great reminder.”*
- **Respondent 005** – *“Yes, all the time.”*
- **Respondent 006** – *“Yes.”*

Event 5 – Superior Courts

- **Respondent 007** – *“Absolutely. The fact that it shows all of the pertinent laws is great.”*
- **Respondent 008** – *“Yes. I just go back and remind myself on which LFOs are discretionary, in those few cases where I might be imposing beyond the minimum mandatory LFOs.”*
- **Respondent 009** – *“Yes. It provides citations for specific statutes so that I can easily check my colloquy and rationale for decision making in imposing LFOs.”*

Event 6 – Courts of Limited Jurisdiction

- **Respondent 005** – *“Absolutely.”*
- **Respondent 006** – *“Yes.”*

Event 6 – Superior Courts

- **Respondent 007** – *“Yes, it provides such a good explanation of the laws around LFOs.”*
- **Respondent 008** – *“Yes, it reminds me of the certain mandatory LFOs. I find it most helpful in DUI cases.”*
- **Respondent 009** – *“Yes. It has all of the statutory references that govern each type of LFO, so I can see if what I am imposing is correct.”*

Event 7 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Yes. 1:1 every time, perfect, and the tool is simple and it helps me to give an explanation why I have to impose something, or why I'm waiving something.”*
- **Respondent 005** – *“Absolutely. Even on post-conviction relief, if they were statutory indigent and defendant asked to waive all LFOs, I can't under the law. The tool reminded me that.”*

Event 7 – Superior Courts

- **Respondent 007** – *“Yes it has. The tool explains the law so clearly.”*
- **Respondent 008** – *“Yes, I get to see which LFOs are mandatory and which are discretionary. It's all very easy to see now.”*
- **Respondent 009** – *“Yes. It provides me with a reminder of all of the recent changes to the law. It helps keep my colloquy relevant.”*
- **Respondent 010** – *“No. I remain current on the law through participating in continuing education.”*

Event 8 – Courts of Limited Jurisdiction

- **Respondent 001** – *“It has educated me, I can be certain now.”*
- **Respondent 003** – *“Yes, very much. CLJs restitution is not mandatory (discretionary), but it is in superior courts.”*
- **Respondent 005** – *“Yes.”*

Event 8 – Superior Courts

- **Respondent 007** – *“Yes it has. All of the law pop-ups detailing what is mandatory and what is discretionary is really helpful.”*
- **Respondent 008** – *“It does. When I see what I have to impose, I double check to see which elements are mandatory and which are not.”*
- **Respondent 009** – *“Yes. I like that the legal citations are included. It really helps a lot.”*
- **Respondent 010** – *“It hasn’t helped. I don’t use it very often.”*

Q11 Did the LFO Calculator Tool influence the way you’ve thought about the lengths of the punishment imposed by LFOs? Why or why not?

Event 1 – Courts of Limited Jurisdiction

- **Respondent 003** – *“Not really, we allow people to pay pass their jurisdiction, we don’t charge interest or fees. It helps me to see how many months does it take to pay off a small amount.”*
- **Respondent 004** – *“To some degree. It’s a good reminder to see fines, fees, and costs associated with a particular crime.”*
- **Respondent 005** – *“Yes, to consider what is imposed and the length of the jurisdiction.”*
- **Respondent 006** – *“Yes, because I’m more careful taking to consideration that the court has no jurisdiction after certain time period, and defendant should pay within the amount of time of court jurisdiction.”*

Event 1 – Superior Courts

- **Respondent 007** – *“Yes. The Calculator Tool is a great reminder of how long defendants will be tied to the criminal justice system due to the LFOs being imposed.”*
- **Respondent 009** – *“No. Most defendants are indigent so I’m only imposing mandatory LFOs.”*

Event 2 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Yes, jurisdiction time – payments.”*
- **Respondent 003** – *“No. If a person is making regular payments and something happens, I will close the case and extend the payment option. Our court doesn’t charge collections fees; in-house accounting.”*
- **Respondent 005** – *“Yes, the reality of what is the sentence, how long? It can be for life! Am I giving an opportunity to defendant to be accountable and have fresh start, and what’s reasonable.”*
- **Respondent 006** – *“Yes.”*

Event 2 – Superior Courts

- **Respondent 007** – *“No. I have already thought about this a lot.”*
- **Respondent 008** – *“Not really because in our court, we mostly just impose the mandatories.”*
- **Respondent 009** – *“It has had no impact because I don’t get involved in setting the payment schedule. That is done in the Clerk’s Office.”*

Event 3 – Courts of Limited Jurisdiction

- Respondent 001 – *“Yes, of course.”*
- Respondent 004 – *“No.”*
- Respondent 005 – *“Yes.”*
- Respondent 006 – *“No.”*

Event 3 – Superior Courts

- Respondent 007 – *“No. I don’t exercise much discretion in imposing LFOs. I pretty much impose mandatory LFOs only, and so I don’t think about this much.”*
- Respondent 008 – *“No, I’m just doing the mandatories most of the time. I rarely impose discretionary LFOs.”*
- Respondent 009 – *“No. I am not involved in setting the payment schedule.”*

Event 4 – Courts of Limited Jurisdiction

- Respondent 001 – *“Yes.”*
- Respondent 004 – *“Same as Event 3: No.”*
- Respondent 005 – *“Yes.”*
- Respondent 006 – *“Yes.”*

Event 4 – Superior Courts

- Respondent 007 – *“It has not really affected me in this regard. This is something I thought about a lot before, so there has been really no change for me.”*
- Respondent 008 – *“It has not. Prosecutors generally are not asking for anything to be imposed, so I am only imposing mandatory LFOs.”*
- Respondent 009 – *“No. The judges in this county are not involved in setting payment plans. Furthermore, it is rare for a judge to impose more than the minimum mandatory LFOs.”*

Event 5 – Courts of Limited Jurisdiction

- Respondent 001 – *“Yes.”*
- Respondent 005 – *“Yes, it always helps to see what the fiscal sentence is in reality.”*
- Respondent 006 – *“Yes.”*

Event 5 – Superior Courts

- Respondent 007 – *“Yes. It drives home how long it can take to pay off LFOs.”*
- Respondent 008 – *“Ours (those in superior courts) are pretty much set by the legislature. So the tool hasn’t had much of an impact in this regard.”*
- Respondent 009 – *“It has not. The length of the sentence is mandated by sentencing guidelines, and the LFO payment schedule is determined by the Clerk’s Office.”*

Event 6 – Courts of Limited Jurisdiction

- **Respondent 005** – “Yes.”
- **Respondent 006** – “Yes.”

Event 6 – Superior Courts

- **Respondent 007** – “Yes. It really drives home how long it takes to pay what some think is a very small LFO amount.”
- **Respondent 008** – “Not really. When I figure out how long it will take a defendant to pay off an LFO amount if full, I sometimes go back and waive additional fees just to make the task less daunting.”
- **Respondent 009** – “No. In this county superior court judges generally only order the statutorily mandated LFOs. The Clerk’s Office figures out or established the payment schedule and how long the defendant has to pay off the LFO. So the tool hasn’t really changed how I think in this regard.”

Event 7 – Courts of Limited Jurisdiction

- **Respondent 001** – “Yes, even when you order the amount that they can afford, it still might be 5 years.”
- **Respondent 005** – “Yes.”

Event 7 – Superior Courts

- **Respondent 007** – “Yes it does, just because it makes it [the LFO] so concrete.”
- **Respondent 008** – “It has. Just looking at how long it will take to pay off an amount, I may decide not to impose any discretionary LFOs.”
- **Respondent 009** – “It has not. The Clerk’s Office is in charge of establishing payment plans in this county. I’m not involved in this process.”
- **Respondent 010** – “No. I have already considered this by the time I am ready to impose the sentence.”

Event 8 – Courts of Limited Jurisdiction

- **Respondent 001** – “Yes, because know the tool hopefully lowered that amount so that the time is not extended with some ridiculous amount of money.”
- **Respondent 003** – “I impose what’s appropriate, for most not going to jail, fine is the punishment. I tell them that if they are going to pay off earlier, I will close the case, but only if I don’t want to keep them under the court’s supervision. My court doesn’t charge interest, fees, but my staff is processing every single payment every month and we are spending money on that. I’m keeping it from going to collections and pulling it back from collections too.”
- **Respondent 005** – “Yes.”

Event 8 – Superior Courts

- **Respondent 007** – *“Yes. It drives how long it will take a defendant to pay off an amount.”*
- **Respondent 008** – *“No, other than when to start a payment plan, and how much of a monthly payment to set.”*
- **Respondent 009** – *“No. Clerk’s Office handles all aspects of the payment plan. So I don’t know how long a defendant will take to pay off the amount that was imposed.”*
- **Respondent 010** – *“No. I don’t use the tool very often.”*

Q12 To what degree has your use of the LFO Calculator improved your understanding of applicable statutes and laws with respect to LFOs?

Event 1 – Courts of Limited Jurisdiction

- **Respondent 003** – *“Helpful to have complete listing (especially when boxes are checked). Statutes specific to a crime (DV, DUI), it helps me not to forget that. Excellent reminder.”*
- **Respondent 004** – *“Not much.”*
- **Respondent 005** – *“Great extent. Even though I read every single statute related to LFOs, I sometimes forget. The calculator reminds of it. Despite of experience, is good to have a reminder.”*
- **Respondent 006** – *“Greatly impacted my understanding of applicable statutes and laws.”*

Event 1 – Superior Courts

- **Respondent 007** – *“The understanding of applicable laws and statutes has definitely improved. It is very helpful having them all there in one place.”*
- **Respondent 009** – *“It is most helpful with outlining all of the recent statutory changes. It provides a great reminder.”*

Event 2 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Greatly, very helpful that all the information is one place including what I can waive, shall waive, can’t waive.”*
- **Respondent 003** – *“Improved. It’s a useful tool and I’m a great supporter.”*
- **Respondent 005** – *“Yes, the reality of what is the sentence, how long? It can be for life! Am I giving an opportunity to defendant to be accountable and have fresh start? What’s reasonable?”*
- **Respondent 006** – *“To a great degree.”*

Event 2 – Superior Courts

- **Respondent 007** – *“It definitely reminds me of the statutes and relevant court rulings.”*
- **Respondent 008** – *“It provides a good reminder of what is mandatory and what is discretionary. It’s a good review.”*
- **Respondent 009** – *“It is a good reminder because all of the legal citations are included there.”*

Event 3 – Courts of Limited Jurisdiction

- Respondent 001 – *“Changed my thinking 180%.”*
- Respondent 004 – *“Helpful reminder.”*
- Respondent 005 – *“Increased.”*
- Respondent 006 – *“Great impact.”*

Event 3 – Superior Courts

- Respondent 007 – *“Quite a bit. The law pop-ups are very helpful.”*
- Respondent 008 – *“It refreshes my understanding of what is mandatory and discretionary. It’s nice to have available as a cheat sheet.”*
- Respondent 009 – *“It is a good reminder because all of the legal citations are included there.”*

Event 4 – Courts of Limited Jurisdiction

- Respondent 001 – *“Changed my thinking 180%”*
- Respondent 004 – *“Same as Event 3 answer: Helpful reminder.”*
- Respondent 005 – *“Reminds me that I can’t do, and what I’m not supposed to do.”*
- Respondent 006 – *“Greatly.”*

Event 4 – Superior Courts

- Respondent 007 – *“The tool has definitely helped. The law pop-ups remind me of things – they are certainly very helpful.”*
- Respondent 008 – *“It hasn’t really impacted my understanding at all because I am just imposing mandatory LFOs.”*
- Respondent 009 – *“It is a good reminder especially since I am on a civil calendar now. On the civil rotation I see criminal sentencing hearings less frequently, so it’s nice to have the reminders provided in the tool.”*

Event 5 – Courts of Limited Jurisdiction

- Respondent 001 – *“Great! It allows me to know right there what I can and can’t do. And it helps me too.”*
- Respondent 005 – *“It constantly reminds me! Sometimes even when attorney have an agreement on what should be imposed, I can quickly verify it.”*
- Respondent 006 – *“To a great degree.”*

Event 5 – Superior Courts

- Respondent 007 – *“Quite a bit. They’re (the pertinent laws) are all there, summarized and viewable.”*
- Respondent 008 – *“It hasn’t impacted my understanding much, other than just looking up to see which costs and fees apply in a given situation. The tool makes this very quick and easy.”*
- Respondent 009 – *“It has confirmed my understanding. I had done my own research previously, but it is nice to have it all presented so succinctly in the calculator as a reminder. Additional comment: I am really happy with how the tool has been developed. I think it is a really useful tool, especially for CLJs.”*

Event 6 – Courts of Limited Jurisdiction

- **Respondent 005** – *“Absolutely, it always remind me of that!”*
- **Respondent 006** – *“Greatly improved.”*

Event 6 – Superior Courts

- **Respondent 007** – *“It has definitely helped. With has all of the pertinent laws pop up and provide information about what I can or cannot impose, I really appreciate having this type of support available.”*
- **Respondent 008** – *“Showing the RCWs and laws regarding all of the specific costs is really helpful. Using the tool is the only place I can find all of these resources quickly.”*
- **Respondent 009** – *“Quite a bit. The tool provides a good reminder of what statutes apply to each type of LFO. I really appreciate having all of that detail available in one place.”*

Event 7 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Greatly.”*
- **Respondent 005** – *“A lot! Constantly reminds me what I can do, describes the different meanings.”*

Event 7 – Superior Courts

- **Respondent 007** – *“My understanding of the relevant laws has increased enormously because all of the pertinent laws are set out so clearly.”*
- **Respondent 008** – *“There are so many crime-specific LFOs. The tool really helps me remember which are pertinent, without having to have a big cheat sheet in front of me.”*
- **Respondent 009** – *“It has helped a lot. I am able to see law changes quickly. For example, homelessness was recently added as a condition.”*
- **Respondent 010** – *“None. I already understood.”*

Event 8 – Courts of Limited Jurisdiction

- **Respondent 001** – *“Yes, greatly. At the very least, the judges need to see the tool and learn what they can and can’t do. A lot of judges don’t understand that.”*
- **Respondent 003** – *“Very much, everything is well documented and organized. It’s one of the best improvements and all judges should be using it. I don’t want to do a sentencing without it, it helps me to be transparent. I think it’s great!”*
- **Respondent 005** – *“Improved it, it reminded me, and helped me remind others.”*

Event 8 – Superior Courts

- **Respondent 007** – *“It has increased because the laws are right there in the application.”*
- **Respondent 008** – *“With so many different types of crimes and different LFOs, it is really easy to look them up now with the tool.”*
- **Respondent 009** – *“It has been a good reminder. It is a quick and easy reminder. I really appreciate having all of the citations included.”*
- **Respondent 010** – *“The tool hasn’t changed it.”*

**Q13 The following question will be asked only during the first interview:
Explain what motivated you to participate in the pilot.**

Event 1 – Courts of Limited Jurisdiction

- **Respondent 003** – *“Fear of disappointing Judge Coburn. I like Judge Coburn and I was afraid that she won’t get enough volunteers.”*
- **Respondent 004** – *“Wanting to help in development of the tool that can be used to help judges in imposing appropriate sentencing.”*
- **Respondent 005** – *“Because I think about how I can help and what can I give from my experience in educating others, it will help the judiciary as a whole and it will benefit communities.”*
- **Respondent 006** – *“I wanted better understanding of LFO, especially with bill 1783, so I can educate the local bar and bench about the LFOs.”*

Event 1 – Superior Courts

- **Respondent 007** – *“It is an access to justice issue. LFOs have impacted many lives and often for many years. I see the impact of LFOs all the time.”*
- **Respondent 009** – *“I was interested in the issue of the disparate impact of LFOs, prior to joining the bench. After joining the bench, they were initially assigned to the criminal calendar where they used the tool many times every day. Now, on the civil calendar use has dropped to maybe 8-10 times per month. General comment: I would love to see much more communication or marketing of the tool to the Bar. I think it would be a very helpful tool for attorneys to use to educate their client prior to plea negotiations.”*

Event 2 – Courts of Limited Jurisdiction

- **Respondent 001** – [This person didn't participate in Event 1, this is the first time they answered this question] *“Always conscious of the amount of fines, lack of consistency along the courts. Why? What’s reasonable for the defendant? Not all of us are Linda (Linda = Judge Linda Coburn)! I wanted to have a tool that assured me that what I do is appropriate. I need tools that make me successful, meaning that what I do is proper. Whether or not I will be able to do this on in-custody calendar.”*

Event 2 – Superior Courts

- **Respondent 008** – [This person didn't participate in Event 1, this is the first time they answered this question] *“I am the LFO judge for our county. I do it all. I am looking for ways to expedite the process of evaluating what to impose and what to waive.”*

Event 7 – Superior Courts

- **Respondent 010** – [This person didn't participate in Event 1, this is the first time they answered this question] *“I was asked to participate.”*