

# The enforcement of fines

March 2010

Criminal Justice Inspection  
Northern Ireland  
*a better justice system for all*



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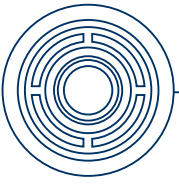
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March 2010

Presented to the Houses of Parliament by the Secretary of  
State for Northern Ireland under Section 49(2) of the Justice  
(Northern Ireland) Act 2002

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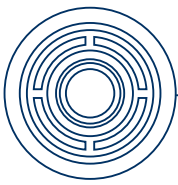






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## List of abbreviations

<b>Causeway</b>	Inter-agency criminal justice IT system for Northern Ireland
<b>CJB</b>	Criminal Justice Board (for Northern Ireland)
<b>CJS</b>	Criminal Justice System
<b>DCU</b>	District Command Unit (in police)
<b>EJO</b>	Enforcement of Judgements Office
<b>FDWG</b>	Fine Default Working Group
<b>HMICA</b>	Her Majesty's Inspectorate of Court Administration
<b>HMRC</b>	Her Majesty's Revenue and Customs
<b>ICIS</b>	PSNI computer system
<b>ICOS</b>	Integrated Court Operating System - NiCtS computer system
<b>NAO</b>	National Audit Office
<b>NIA</b>	Northern Ireland Assembly
<b>NiCHE</b>	PSNI computer system developed by NiCHE Technology
<b>NiCtS</b>	Northern Ireland Court Service
<b>NIO</b>	Northern Ireland Office
<b>NIPS</b>	Northern Ireland Prison Service
<b>OCMT</b>	Occurrence Case Management Team
<b>PBNI</b>	Probation Board for Northern Ireland
<b>PRISM</b>	NIPS computer system
<b>PPS</b>	Public Prosecution Service for Northern Ireland
<b>PSNI</b>	Police Service of Northern Ireland
<b>RoI</b>	Republic of Ireland
<b>YJA</b>	Youth Justice Agency



## Chief Inspector's Foreword

The enforcement of penalties is the less glamorous side of criminal justice. Yet enforcement underpins a major part of the justice system. We could not do without fines, which are by far the most common penalty imposed by the courts.

This inspection looked at the ability of the current policy and procedures of the criminal justice system to deliver an effective and professional approach to fine enforcement. Public confidence in the justice system depends on whether people believe that justice is being done and that it is fair and effective. There is a need to have a robust and effective enforcement process in place when someone defaults on the terms of a court order.

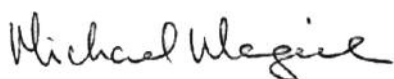
In 2008 there were over 35,000 fines imposed in Northern Ireland. Compliance is high, with 45% of fines paid by the due date and most of the rest accounted for as a consequence of enforcement. This compares favourably with the situation in England and Wales, and should provide confidence that the system here works.

Nevertheless there are pressures for change. Ministers have made it clear that in their view the current enforcement system is an inappropriate and expensive use of police and prison resources, and that imprisonment should not be the standard sanction for fine default. Northern Ireland imprisons more people for fine default than most other countries. Fine defaulters account for around 30% of prison admissions each year (though mostly for very short sentences) and are a significant burden on prison administration. The Police Service of Northern Ireland (PSNI) views fine enforcement as a poor use of its time and is seeking to withdraw from what it regards as a non-core activity.

This inspection report shows that, despite the high level of compliance, there is a need for substantial changes to the enforcement process. It highlights a number of recommendations, directed across the criminal justice system, aimed at maintaining the current levels of compliance while responding to the need for change within the system. There is a need for a stricter regime for the payment of fines to maximise compliance and minimise recourse to police enforcement and imprisonment.

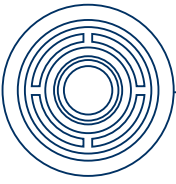
We recommend that the Criminal Justice Board (CJB) should take the lead in developing real co-operation between the agencies involved.

This inspection was conducted by John Shanks and Brendan McGuigan. My thanks to all those who participated in the inspection process.



**Dr Michael Maguire**  
Chief Inspector of Criminal Justice  
in Northern Ireland

March 2010



## Executive Summary

Northern Ireland imprisons more people for fine default – about 2000 each year – than other neighbouring jurisdictions, and it involves the police in the enforcement process more than they do. The result is an enforcement system that leads eventually to a high, 90% level of compliance.

But this approach to enforcement is widely seen as outdated. The Police Service of Northern Ireland (PSNI) regard it as a poor use of a police officer's time to be collecting small fines, and the Northern Ireland Prison Service (NIPS) says that processing such a large number of admissions each year for very short sentences, places a disproportionate burden on its administrative staff. The question is whether ways can be found to reduce the calls on the PSNI and NIPS without affecting the rate of compliance.

This report looks at recent developments in improving the early stages of fine collection, to take the burden off the later stages. A key stage is the initial sentence of the Court: if the Court does not have the information it needs about an offender's means and about his or her previous fine-paying history, it cannot be confident about the appropriate, affordable fine to impose. Inspectors also make suggestions for better support for the judiciary.

The next step is early intervention by Northern Ireland Court Service (NICtS) officers to encourage defaulters to pay. The NICtS has done much already, but we suggest that it should be given the chance to intervene sooner, by making the norm for fine payment seven rather than 28 days. The decision in each case is of course a judicial matter, and there is no suggestion that the Court's judgments should be fettered.

There is some confusion in the management of the enforcement process. The different agencies do not keep their records in a compatible way, their computers do not talk to one another, and there are paper receipts swirling around the system, which often go astray. Paper probably cannot be eliminated, but there are improvements that can and will be made when the Causeway IT system develops the necessary functionality.

Inspectors believe that police involvement and the use of imprisonment are proper and necessary parts of the system. These measures should only be used for the most persistent of defaulters and the current initiative being pursued by the NICtS, and part funded by the PSNI has the potential to reduce police enforcement activity and imprisonment. They believe that if the structure of incentives are right, a great deal of the pressure would be taken off the agencies by a change in the behaviour of defaulters. At present the system is open to abuse. Many of the people who go to prison to have their fines paid off are relaxed about it; they are in effect opting for prison. If imprisonment did not discharge a fine that would fundamentally change their calculation.

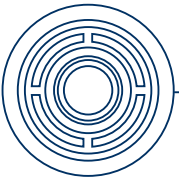
Finally, there needs to be a lead from the Northern Ireland Criminal Justice Board (CJB) to improve inter-agency working. The agencies would benefit from joint training on enforcement legislation and practice, and from having a common manual to work from.



## Recommendations

- Arrangements should be made to ensure that the Courts and the court staff responsible for pursuing fines obtain the fullest possible information both about the financial circumstances of the defendant and his (or her) contact details, but also about any fines outstanding. Completion of a means enquiry form should be mandatory (paragraph 2.10).
- The offender's fine payment history should be accessible to the Prosecution, to the Courts and to enforcement staff via the Causeway system (paragraph 2.10).
- There should be no doubt about the ability of the criminal justice system (under Data Protection legislation) to use any information held by the agencies, including information supplied for the purposes of a legal aid application, for the purpose of fine enforcement (paragraph 2.10).
- The NICtS should do whatever it can to reduce the need for warrants to be issued and for further sanctions to be imposed, building on best practice in other jurisdictions. It has made excellent progress on this in recent years, and it needs to maintain and strengthen these efforts (paragraph 2.18).
- Subject to judicial discretion, the norm should be that fines should be payable within seven days, instead of the current 28 days, to enable court staff to establish contact with defaulters as quickly as possible (paragraph 2.18).
- The PSNI should continue to be responsible for dealing with the persistent defaulter. They should see it as an integral part of *Policing with the Community*, enabling them to demonstrate publicly that the law is being enforced (paragraph 2.25).
- Distress warrants should be used only very exceptionally against individuals (paragraph 2.31).
- Enforcement of the TV licence fee should be handled by the Enforcement of Judgments Office in Northern Ireland, not by the criminal justice system (paragraph 3.5).
- The Criminal Justice Board should appoint an individual with a cross-agency responsibility for developing joint training and preparing a common manual of guidance on enforcement legislation and practice (paragraph 3.6).
- A new, stricter regime for the payment of fines should be introduced, designed to maximise compliance and minimise recourse to police enforcement and imprisonment (paragraph 3.9).

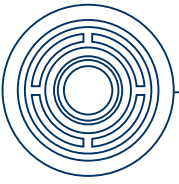




Section



# Inspection Report

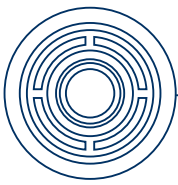


## CHAPTER 1:

# The policy background



- 1.1 This report looks at the enforcement of a range of penalties in Northern Ireland. It focuses primarily on the enforcement of fines and other penalties.
- 1.2 The inspection focused on the effectiveness of inter-agency working in the criminal justice system to encourage compliance with sentences and ensure that offenders understood the consequences if they failed to comply. The broad aim of the inspection was: *‘To assess the ability of the policies, procedures and processes of the criminal justice system in Northern Ireland to deliver an effective and professional approach to enforcement’*.
- 1.3 The objectives were to:
- examine the effectiveness of the policies and procedures of the statutory agencies to administer and manage enforcement;
  - review the inter-agency services, provisions and support available to those involved in the enforcement process;
  - examine the effectiveness of communication with offenders aimed at minimising the need for enforcement action;
  - study best practice in other jurisdictions; and
  - make recommendations for improving enforcement practice in Northern Ireland, including the scope for legislative change.
- The policy background***
- 1.4 Public confidence in the criminal justice system (CJS) depends on whether or not people believe that justice is being done and that it is fair and effective. There is a need to have robust and effective enforcement processes in place when someone defaults on the terms of a court order.
- 1.5 Where there is a breach or failure to appear, warrants should be promptly and effectively produced and should be executed within acceptable timescales. There needs to be effective inter-agency working to facilitate a range of procedures and actions by the authorities to ensure that persons or organisations failing to comply are brought back into compliance by the application of appropriate sanctions.
- 1.6 The inspection reviewed the enforcement-related activities of the main criminal justice agencies, namely:
- the Northern Ireland Court Service (NICtS);
  - the Police Service of Northern



- Ireland (PSNI);
  - the Northern Ireland Prison Service (NIPS);
  - the Public Prosecution Service for Northern Ireland (PPS)<sup>1</sup>;
  - the Probation Board for Northern Ireland (PBNI); and
  - the Youth Justice Agency of Northern Ireland (YJA).
- 1.7 All these agencies have a duty to ensure that their processes are as efficient and effective as possible in order to maximise compliance with the requirements of the Court. Ministers have made clear the importance they attach to improvement in the area of fine enforcement, stating that: “*Fine default must be tackled as a matter of priority. The current enforcement system is an inappropriate and expensive use of police resources. And while committal to custody in the event of default may need to be retained as an ultimate sanction, imprisonment should not be the standard punishment for fine default. Rather than resorting to imprisonment the goal is to establish a system that tries to encourage payment and deals with default in a more flexible and innovative way*”<sup>2</sup>.
- 1.8 In 2005 the Criminal Justice Board (CJB) recognised these issues in its consideration of a policy options discussion paper on the Review of the Sentencing Framework for Northern Ireland, which included proposals on

alternatives to custody for fine default. As a result a Fine Default Working Group (FDWG) was established in the autumn of 2006.

- 1.9 The FDWG includes representation from the PSNI, NICtS, NIPS, PBNI and the Northern Ireland Office (NIO). It was set up to examine alternative methods to both improve the payment rate on fine warrants and evaluate alternative collection methods and penalties other than committal to prison. Their work and that of others has led to the issue in July 2008 of *Fine Default in Northern Ireland: A Consultation*, which set out proposals for change<sup>3</sup>. The NIO reported a low level of response to the consultation exercise, and is currently reviewing options. It seems likely, as things stand, that the Government will not legislate on the matter at Westminster, but will refer it to the Northern Ireland Assembly (NIA) upon the devolution of policing and criminal justice, if that proceeds as hoped.

### **Roles and responsibilities**

- 1.10 A concern for Inspectors was the extent to which there was a lack of clarity concerning responsibility for ensuring compliance. Although responsible by statute for enforcement, the PSNI has increasingly taken the view that

1 The PPS has only a limited involvement in enforcement. Its main concerns are to lead evidence and to make submissions with regard to the exercise of judicial discretion in the granting of bail or other court orders, at the judicial level, with questions such as whether bail should be granted in the first place, though it does issue summonses for non-appearance in court.

2 *Fine Default in Northern Ireland: A Consultation*, issued July 2008. Foreword by Paul Goggins MP, Minister of State at the NIO, and David Hanson MP, then Minister of State at the Ministry of Justice with responsibility for the NICtS.

3 Other work has been undertaken in relation to the 2008 consultation paper on *Alternatives to Prosecution*, which reviewed extending the scope of fixed penalty notices and the possibility of introducing prosecutorial fines in Northern Ireland. These may provide alternative ways of providing appropriate penalties for low level offending and avoid the cost of court hearings, but their impact on the total number of penalties requiring to be enforced is not easy to assess.

'fine chasing' is not a core function of the police. They find it particularly inappropriate to have to enforce fines for non-payment of TV licence fees. This view of enforcement as a 'non-core function', combined with greater operational demands on police resources, has resulted in the issue of fine default receiving limited priority in most police Districts. In response the NICtS has taken its own measures to improve compliance, developing a programme to improve the effectiveness of fine collection in the early days after the due time for payment has elapsed.

***The new fine collection arrangements in the Northern Ireland Court Service***

A Fine Collection Pilot looking at outstanding fines (excluding fixed penalties) prior to the issue of warrants commenced on 12 November 2007 at Laganside Courts in Belfast. The interventions by fines officers commenced after the expiry of the period allowed for payment by the court, normally 28 days. The Integrated Court Operating System (ICOS) was used to provide a daily warrant list to allow intervention to put an enforcement block for a further 10 days on those warrants due for issue and to commence the chasing of those cases on the list for the pilot areas. The process that was designed involved an initial search for a relevant telephone number for the defendant using ICOS, the EJO database and BT.com. If a number was found, contact was made and payment encouraged within three days of the call. Subsequent follow-up would depend on payment and would be via reminder and final letters within the additional days

scheduled on ICOS. If a telephone number was not found, a reminder letter would issue allowing five days for payment. If no payment was received after that period, a final letter would issue. If no payment was received within a further five days, a warrant would issue for enforcement by the police. The pilot scheme was considered a success and as a result these arrangements have now been mainstreamed in the NICtS and is being part funded for 2009-10 by the PSNI. The latest performance report has shown that 16.1% more debtors were making payment and a 42.8% reduction in the number of warrants being issued to PSNI for subsequent enforcement.

- 1.11 Whilst the new arrangements should improve the overall fine enforcement situation it is clear that the PSNI will have to change their approach to enforcement work. Inspectors have had sight of the new service procedures for dealing with warrants and summonses which are about to be issued service-wide. The new procedures reaffirm the importance of enforcement and build in improved accountability mechanisms which should ensure that this issue receives higher priority with operational officers.
- 1.12 As it stands the system for enforcement is disjointed and suffers from an absence of strategic leadership. Other than the requirements of legislation, Inspectors were unable to find references by any of the agencies to a Northern Ireland enforcement strategy or a comprehensive understanding of roles, responsibilities and





accountabilities. In terms of priorities for enforcement management across the CJS, Inspectors found a general ambiguity about how the enforcement system is managed across the agencies. During fieldwork concerns were raised with Inspectors around issues such as:

- what is the enforcement system attempting to achieve?;
- who sets the priorities and applies standards?;
- how is the enforcement system controlled?;
- who 'champions' enforcement across the CJS and at the CJB?;
- the accuracy and completeness, level of record keeping and updating arrangements for both manual and IT systems used within agencies;
- what systems are used by agencies to communicate with each other?;
- how are decisions about outcomes determined and communicated?;
- what CJS training is provided for staff across all agencies involved in the enforcement processes?;
- how information/intelligence is shared between the agencies?; and
- what performance measures exist to monitor effectiveness and standards of consistency across the different districts and agencies?


While Inspectors found some examples of good inter-agency working, there was little evidence of inter-agency plans with documented targets and milestones to manage the enforcement processes across the CJS.

- 1.13 There is tension between the need to have local practices in response to local needs and resources, and the

need for consistency across the system. The dynamics of the enforcement system changed in 2007 with the development of the NICtS new Integrated Court Operating System (ICOS) and the creation of the Customer Services Centre based in Londonderry/Derry Courthouse which processes all warrants from one central point. Also in 2007 there was a rationalisation of PSNI District Command Units (DCUs) from 29 to eight, which impacted on enforcement organisational structures. Nevertheless Inspectors were told that the likelihood of an individual having to pay a fine still varied by geographical area, depending on the degree to which individual police Districts prioritised the function.

### ***Training and operational guidance***

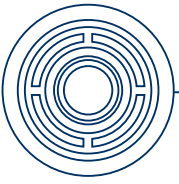
- 1.14 Inspectors interviewed staff of all the agencies to ascertain if enforcement operational guidance was clear, comprehensive, up-to-date and effectively communicated. Evidence suggested there is a significant variation in terms of guidance. There are well established instructions detailed in the NICtS's ICOS manual, and other guidance was available in the form of notices and circulars specific to each agency. There is no ready source of information available across the agencies to facilitate co-operative working on enforcement.
- 1.15 Inspectors found staff across the agencies had concerns about the adequacy of resources experienced in enforcement processes. Inspectors also found limited training initiatives - mostly induction-type courses within agencies, that outlined enforcement



processes at a stage when people had yet to experience the practice of enforcement. Staff working on enforcement tasks from all agencies indicated that they would appreciate more structured training focusing on their own agency enforcement processes, legal requirements, possible outcomes with links to legislative authorities and awareness of roles of their partner organisations.

1.16 We return to these issues in the Chapter 3.





## CHAPTER 2:

# Monetary penalties



2.1 The monetary penalty order, which can include any or all of a fine, prosecution costs and compensation, is far the most frequently used penalty in Northern Ireland's courts. In 2008 just over 35,000 fines were imposed, the great majority in the magistrates' Court, with over 30,000 defendants receiving at least one fine. A total of £8.4 million in monetary penalties was imposed, and £6.3 million was collected.

2.2 About 45% of offenders pay their fines by the due date, and default warrants are issued for the remainder<sup>4</sup>. The PSNI is responsible for executing those warrants. About five per cent of offenders who are fined end up going to prison to discharge their fine<sup>5</sup>.

### *How Northern Ireland compares on fine collection*

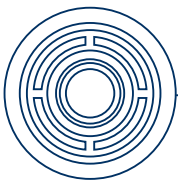
2.3 The starting point for the discussion of fine enforcement in Northern Ireland is different from that in other jurisdictions. Elsewhere – in England and Wales, and particularly in urban centres in England – the problem has been a very low level of compliance, which has threatened to discredit the use of fines. The accounts of the Ministry of Justice (formerly the Lord Chancellor's Department) have regularly been qualified by the National Audit Office (NAO) because of the proportion of fines uncollected. That is why England and Wales, and Scotland, have been moving towards stronger administrative procedures for collection of fines. This includes the appointment of Fine Enforcement

**Table 1: Fines imposed in Northern Ireland Courts in 2008**

	High Court	Crown Court	Magistrates' Court	Total
Number of fines imposed	5	1,232	33,906	35,143
Amount of fines imposed (£'000)	2	776	7,656	8,434

4 The magistrate's and Crown Court Orders and their associated rules are used as authority for the majority of warrants issued, but older legislation is still applicable, such as the Fines (Ireland) Act 1851 and the Criminal Justice Act (NI) 1945.

5 The arithmetic is complicated, because offenders often collect more than one fine in the course of a year; they may be imprisoned more than once in a year, and they may discharge more than one fine with the same period of imprisonment.



Officers with wide powers to attach earnings and benefits and to seize cars and other goods.

### **Administrative fine enforcement**

In recent years, neighbouring jurisdictions in England, Wales and Scotland have created a largely administrative fine recovery system. The Courts Act 2003 and the Criminal Proceedings (Reform) (Scotland) Act 2007 provided the statutory basis for the new systems. The court makes a Collection Order when imposing the fine. Enforcement then passes to the administrative level with a Fines Enforcement Officer allocated to manage each case. They can use unique powers to allow further time for payment, make deductions from benefit, make attachment of earnings orders and request monies from bank accounts. In addition, further powers allow vehicles belonging to the defaulter to be seized, clamped or to refer the case back to court. The court has a number of further sanctions including ordering the disposal of the vehicle, increasing the amount of the fine, ordering driver disqualification, imposing a Supervised Activity Order or sentence of imprisonment for default as a last resort.

- 2.4 Maintaining the credibility of the financial penalty is clearly crucial. If judges were to lose confidence in the effectiveness of fine enforcement there would be a risk of their diverting to alternative sentences, including custody, which would be much more expensive to administer.
- 2.5 However, the position in Northern Ireland is different from in the other jurisdictions. In Northern Ireland the level of compliance is comparatively high. The consultation paper<sup>6</sup> states that about 45% of fines are paid on the due date and another 50% are paid as a result of enforcement. Another way of looking at it is from the accounts of the NICtS, which show that the proportion of fines unaccounted for, i.e. neither paid nor cleared in some other way, is less than five per cent. 'Cleared in some other way' includes some unexecuted warrants returned by the police: about eight per cent of warrants are returned unexecuted. But even taking that into account, the enforcement system in Northern Ireland has in the order of 90% effectiveness – a degree of system integrity much higher than in the other jurisdictions.
- 2.6 The driver for change in Northern Ireland has come not so much from the NICtS (though it is naturally keen to achieve as high a compliance rate as possible, because its performance is reflected in its accounts) but from the police, who regard fine enforcement as a poor use of their time, and from the NIPS, who have to process about 2000 fine defaulters each year for what are usually very short sentences. Defaulters constitute nearly 30% of prison admissions each year, and they are a burden on the prison system. Ministers have acknowledged that the system is in need of reform and have made it clear that prison should be reserved for the most serious prisoners; that imprisonment for default is 'Dickensian' and as a matter of social policy should be prevented; and that particular types of offenders

<sup>6</sup> Paragraph 1.7 and footnote 2.



**Table 2: Fines in the Crown Court and in the magistrates' Court in Northern Ireland (£'000)**

	2004-05	2005-06	2006-07	2007-08	2008-09
Opening balance	5,381	6,419	6,403	7,132	7,904
Amounts imposed	8,592	8,409	8,689	11,363	8,295
Fines cleared by payment	-5,577	-5,970	-5,747	-8,552	-6,092
Fines cleared by other means <sup>7</sup>	-1,977	-2,455	-2,213	-2,039	-2,552
Closing balance	6,419	6,403	7,132	7,904	7,555

– women and ‘can’t pays’ rather than ‘won’t pays’ – can suffer unduly.

2.7 However, it is arguable that Northern Ireland achieves its high level of compliance precisely because of the degree of involvement of the police and the Prison Service. Imprisonment for non-payment of fines is used much more sparingly in most other jurisdictions. The question is whether the same level of compliance (or better) can be achieved by other means. For example, by the use of administrative systems of enforcement as in England, Wales and Scotland and alternative sanctions at the end of the process, such as the Supervised Activity Orders which are being introduced under the Criminal Justice Order 2008.

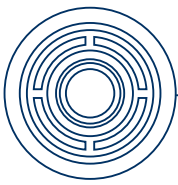
comparatively cheap to administer. If they have a drawback it is that it is hard to prevent them having disproportionate impact on the less well off. For someone on benefit a fine of £100 – even with four or five months to pay – may take virtually all of their disposable income, and it is scarcely possible for the courts to replicate that effect on defendants with greater means. Impositions on juveniles are a particular problem, often having to be paid by a hard-pressed single parent who had no part in the offence<sup>8</sup>.

2.9 The task of the judiciary is not an easy one. The Courts have to strike a balance between the appropriate penalty and the ability of the offender to pay. They seek to assess the means of defendants, but judges told us that the information to guide them is not always available. Many defendants do not attend court and are convicted in their absence. Even when means enquiry forms are completed by defendants they are not always reliable, and the court staff are not in

**The information needs of the system**

2.8 Fines are a mainstay of the criminal justice system. They have the advantages of being easily understood as a deterrent, convenient for the great majority of offenders and

<sup>7</sup> This section of the accounts includes prison certification of clearance of monies, reductions of amounts on appeal and clearances by a competent authority, remittals of jury fines and returns of unexecuted warrants by PSNI for remittal.  
<sup>8</sup> Fines are also imposed on people who have been called to jury service but who have failed to attend without a reasonable excuse. Only a minority of these fines end up being enforced: the police are reluctant to take action to enforce them. Distress warrants are sometimes issued, but Inspectors' understanding is that they are rarely if ever enforced.



a position to validate the information supplied. Inspectors would suggest that it should be made clear to defendants that in the absence of a carefully completed means enquiry form, the Courts will assume that they are able to pay any fine promptly and in full.

2.10 The Inspectorate may not comment on judicial matters, but the support provided to the judiciary is not caught by that embargo. The testimony of court officials is that getting the level of the fine right – making sure it is an appropriate but affordable sanction – is key to success in collecting the fine. Her Majesty’s Inspectorate of Court Administration (HMICA) in England and Wales have laid stress on the importance of putting the best possible information before the courts<sup>9</sup>. Inspectors therefore support the measures outlined in the consultation paper to improve the availability of information to the courts<sup>10</sup>.

**We recommend that:**

- **arrangments should be made to ensure that the Court and the court staff responsible for pursuing fines obtain the fullest possible information both about the financial circumstances of the defendant and his (or her) contact details, but also about any fines outstanding. Completion of a means enquiry form should be mandatory;**
- **the offender’s fine payment history should be accessible to**

**the Prosecution, to the Courts and to enforcement staff via the Causeway system; and**


- **there should be no doubt about the ability of the criminal justice system (under Data Protection legislation) to use any information held by the agencies, including information supplied for the purposes of a legal aid application, for the purpose of fine enforcement.**

2.11 Information about means is only one part of the picture. The courts also need to know what fines a defendant has already outstanding, and whether he or she has defaulted in the past. It is clear that the courts in England and Wales are better supplied with this information than our own. Judges told Inspectors that they would find more information helpful, and it would also be a benefit to the court staff responsible for pursuing fines when they are not paid promptly. There is scope for the Causeway IT system (the inter-agency criminal justice information system for Northern Ireland) to carry details of an offender’s payment record, and it is hoped that a report on fine payment history will be available from January 2010.

2.12 One of the main problems the Inspectorate identified in its fieldwork was the poor state of record keeping. Information about fine defaults is scattered in a variety of paper-based information systems and is not in a usable form. Police records are

<sup>9</sup> *A Review of Financial Penalty Enforcement Practices in Magistrates’ Courts in England and Wales*, HM MCSI (now HMICA), February 2005.

<sup>10</sup> There are issues of data protection which need to be clarified. The law is interpreted differently in Northern Ireland than in England and Wales, where a broader view is taken of what sorts of data it is legitimate for agencies to share in the interests of effective enforcement.



held in local stations and are not centralised anywhere, and the NIPS's computer system (PRISM) does not talk to the NICtS's system<sup>11</sup>. The Public Prosecution Service for Northern Ireland (PPS) told us that it was not always easy for it to be sure that it had the best, up-to-date address for a defendant, because it did not have access to the PSNI's ICIS computer system. There is a particular problem for all the agencies in keeping track of the addresses of migrant workers.

2.13 The NICtS maintains a record of fines imposed and warrants raised on its IT system, ICOS, but ICOS does not show whether warrants have been physically handed to the police for execution. In addition the PSNI and the NIPS do not always inform the Court Service about developments. A common source of confusion is that one period of imprisonment can discharge several fines concurrently (that is a problem in itself, not just a source of confusion).

2.14 As regards the past performance of a defendant in relation to the payment of fines, it is for the NICtS to maintain the records of offenders' payment histories, and in principle, it is for the PPS to ensure that the attention of the court is drawn to defendants who have defaulted in the past, and for whom, the court might therefore wish to consider an alternative sentence this time. But much of the

time this does not happen, because the information is not available. At the time of this inspection the NICtS staff involved in enforcement were not able to access archived information about the past history of an offender, but that will change from January 2010.

### **Collecting the fine**

2.15 The procedure for fine collection is basically as follows:

1. When a fine is imposed the Court will usually grant 28 days for payment, though it may allow payment to be staged over as long as 12 months. Fines imposed on Republic of Ireland (RoI) residents, migrants, foreign nationals and persons of no fixed abode may be required immediately<sup>12</sup>.
2. When the date for payment is passed a warrant will be prepared but will be held for up to two weeks before being issued. In that time, the court office will attempt to contact the defaulter by telephone and will issue a written reminder, and then, if necessary, a second reminder.
3. If there is a positive response but the defaulter seeks time to pay, the court officer may go back to the District Judge to seek authorisation for an extension of time or a revised schedule of payments.
4. If not, the court officer will issue the warrant. It will be a

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11 For example, the NIPS's Prison Service's PRISM system uses a different, more detailed classification of offences. The Prison Service also told us that it would be helpful if the NICtS's ICOS system could retain the same numbers for defendants when they moved from the magistrates' to the Crown Court: they needed the unique identifier which the Causeway IT system will provide.

12 District Judges in the magistrates' Court are often pragmatic about the imposition of small fines on such people, gearing them to the amount of money a defendant can be expected to have on them at the time and ordering payment "forthwith". There is a danger that migrants may sometimes as a result end up in custody in circumstances where a Northern Ireland resident would receive a fine with time to pay; but if there is an element of injustice in that, it is hard to see what else could be done.





'committal' warrant, which requires the offender to make payment on pain of being arrested and taken into custody.

5. The warrant goes to a local police station, where a Constable will have the responsibility for serving it. He or she will be expected to make three attempts, as with a summons. Failing that, the warrant will remain in the police station for a year before being returned to the NICtS.
6. A District Judge may write off a fine if they conclude that there is no prospect of enforcing it, but they will not do so without evidence that the police have made due efforts to execute the warrant.
7. The warrant Constable has some discretion in dealing with the offender's response to the warrant. The Constable may accept payment on the spot; may set a date for payment; may agree terms with the defaulter, such as half this week and half next; or may end up arresting the offender and taking him or her direct to prison<sup>13</sup>.
8. Once someone reaches prison, it is not unknown for partners or other relations to arrive shortly after committal and offer to settle the debt. The prison can accept the fine, and it can alter the date of release. Each day in custody reduces the amount of the fine due.

2.16 The Inspectorate's fieldwork showed that there are a number of problems with this system. The initial stage, where the court office is reminding the defaulter and encouraging him to pay, has been considerably improved in the past couple of years. A new system of reminders before the warrant is issued piloted in 2007-08 has reduced the number of warrants having to be issued and therefore, the use of police time and even of imprisonment. The NICtS has learnt from the techniques for fine collection which have been developed in England and Wales, where court staff have received training (from commercial debt collection agencies) in how to conduct 'assertive' interviews<sup>14</sup>, and this training is now being rolled out on a jointly funded basis with the PSNI for 12 months.

2.17 The main difference in Northern Ireland seems to be the low rate of success of phone calls, and Inspectors were told that only one call in 10 was getting through. There is therefore a reliance on letters as the prime means of reminding defaulters. Court staff told Inspectors that they often found it difficult to get hold of phone numbers in the first place. Inspectors would suggest that more could be done to collect contact details from defendants at the same time as they are asked to complete a means enquiry form. There will always be gaps in the system, because a number of fines are imposed without the

13 It seems to be the practice that officers do not accept payment once they have set out on a visit to arrest a defaulter. It might be helpful sometimes if they could do so, though clearly a visit to arrest is of a different character from a visit to collect payment.

14 Although the consensus is in favour of the new system, and Inspectors on balance concur with that view, there are some who argue that it has reduced the pressure for prompt payment. Critics would say that the new system is too generous with offers of extension of time to pay, and that regular offenders are 'playing the system'. Others regret the centralisation of fine enforcement in the NICtS, arguing that local fine clerks used to be a point of personal contact with offenders, which increased the chances of compliance.

defendant being present in court, but more could be done to maintain a database of contacts.

- 2.18 Another difference in England is that the court service ‘fine chasers’ establish contact with their clients more quickly than in Northern Ireland. There is not the same standard practice of granting 28 days for payment – fines are more usually due at once – so the process of collection can start immediately. This gives the court staff a psychological advantage of striking while the iron is hot, and it is something the judiciary may wish to consider in this jurisdiction. Inspectors recommend that:
- **the NICtS should do whatever it can to reduce the need for warrants to be issued and for further sanctions to be imposed, building on best practice in other jurisdictions. It has made excellent progress on this in recent years, and it needs to maintain and strengthen these efforts; and**
  - **subject to judicial discretion, the norm should be that fines should be payable within seven days, instead of the current 28 days, to enable court staff to establish contact with defaulters as quickly as possible.**

### ***The role of the police in enforcement***

- 2.19 NICtS officials allege that most of the problems in enforcement arise when the warrant is passed to the police. They say that warrant execution is regarded as a low priority by the PSNI. They blame an alleged decrease

in police effort in recent years for ‘the current high level of fines outstanding’. They say that the police at local level ‘cherry pick’ which warrants they want to execute (to meet their targets) on the basis of which are going to be easiest and closest at hand, leaving the harder cases untouched. They claim that warrants go missing and some are returned to the NICtS unopened. They say that there are warrants that have been outstanding for years, in some cases against people who have since died. The NICtS’s ICOS system shows about 40,000 warrants outstanding, whereas the police can only account for around 24,000. The recently issued PSNI service procedures on Warrants and Summonses should ensure that this situation receives a higher priority and includes accountability measures to raise performance within police Districts.

- 2.20 This discrepancy raises some questions:
- have warrants been properly processed and executed but records not updated?;
  - have warrants gone astray?;
  - have some warrants been suppressed or recalled for a variety of reasons, but records not updated?;
  - has the authority to remit, receipts and paper work gone missing?;
  - could some fraudulent abuse of the system have occurred?; and
  - how reliable is the information produced through each agency’s system?
- 2.21 The discrepancy in records may be due to a breakdown in communication, including paper





receipt exchange: between the PSNI and NIPS (person receipt: person lodged by police with prison) and also between the NIPS and NICtS. There is a lot of confusion about the various paper receipts circulating in the system, which often seem to go astray. The PSNI does not have a central register of outstanding money warrants detailing all warrants in their possession and the status of execution. Instead, the police are reliant on locally held information in registers or on spreadsheets and in some police Districts, an information sheet attached to the warrant.

2.22 Part of the difficulty has arisen from each police District operating its own procedures for dealing with warrants. Inspectors found some had moved onto an electronic spreadsheet to record details and movement of warrants. This spreadsheet was then available to Officers via the PSNI Intranet. It is not clear that the transfer of all the older warrants from hard copy to spreadsheet has been achieved successfully. In addition, some Districts never moved towards this electronic system with others trying it, but resorting back to hard copy records after a brief period. Causeway DSM1 was expected to be available in November 2009. This linkage between the police and the Courts will include a specific area for the handling of all types of warrants. When the system goes live, the Courts when operational, will retain the original warrant document with PSNI receiving a 'view only' version of it. Electronic messages will allocate the execution of the warrant to a specific OCMT and then on to an officer for service. Service will be


reported back electronically to the Courts. Officers expressed concern about the accuracy levels when the current list of warrants held on ICOS is migrated on to the PSNI's NiCHE system.

2.23 Both organisations are looking at the best way to manage the problem. Inspectors were informed that the PSNI has agreed a system with NICtS where they will actively be writing to PSNI and requesting hard copy warrants as they become one year old. PSNI will return hard copy warrants to courts, which will then cancel the warrant and, if appropriate, have it reissued under the new electronic procedures. This in theory should see all hard copy (pre DSM1) outstanding fine warrants resolved within just over a year of Causeway DSM1.

2.24 However, whatever detailed criticisms may be made of the system, the fact remains that it is achieving an overall compliance rate of the order of 90%. Many of the problems are essentially ones of information management, and there is an urgent need for a proper reconciliation of the figures. But there is still scope for the police to improve their performance.

### **The role of the police in fine enforcement**

2.25 Most police officers Inspectors spoke to did not see the execution of committal warrants as a priority. They tended not to see fine enforcement as a core police function, and they often did it somewhat reluctantly, regarding it as a species of debt collection. Inspectors found one or two



admirable exceptions in the form of officers who regarded warrant execution as a useful aspect of neighbourhood policing and a point of contact with the community, but that was a minority view. We recommend that **the PSNI should continue to be responsible for dealing with the persistent defaulter. They should see it as an integral part of Policing with the Community, enabling them to demonstrate publicly that the law is being enforced.**

### **Alternatives to police enforcement**

2.26 It is sometimes suggested that the responsibility should be taken away from the PSNI and given to another agency, or contracted out, up to the point where the police have to be called upon to arrest the defaulter as a last resort and bring him/her back before the Court. Ministers are actively considering a potentially civilianised model for Northern Ireland and have tasked officials to provide possible options which would be the subject of further consultation. In England and Wales greater reliance is placed on distress warrants executed by bailiffs, but for historical reasons bailiffs have not (in recent years) been employed in Northern Ireland.

2.27 Another possibility, discussed in the consultation paper, is the attachment of earnings and benefits, though colleagues in the RoI caution against

it, saying that it has not proved particularly effective in their jurisdiction<sup>15</sup>. It can be difficult (and therefore costly) to administer. It is easiest to apply to those who are on benefit, though they are at present ruled out by the terms of Northern Ireland's Social Security legislation. Inspectors see attachment of earnings and benefits as a potentially useful tool, but not as a panacea.<sup>16</sup>

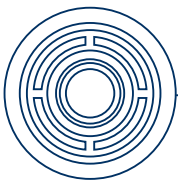
2.28 Money warrants are also issued for maintenance payments, which are civil debts. In all, 20 - 25% of money warrants are for civil debts. It is therefore understandable that the PSNI tend to see the whole exercise as debt collection. Maintenance payments are orders of the court and it is entirely proper that the police should enforce them, but they should not be confused with criminal sanctions. TV licence defaults are a special category. A large number of people each year – especially a high proportion of the women imprisoned for fine default – are sent to prison for non-payment (which is deemed to be evasion) of the TV licence. It was suggested to Inspectors that some criminal work might be passed to the Court Service's Enforcement of Judgments Office, which deals with civil matters. That would not be right for the generality of fines, but they could perhaps handle the enforcement of TV licences.

2.29 This Inspectorate believes that fines have to be kept distinct from civil

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15 Another option would be to engage HM Revenue and Customs (HMRC) to recover fines through the tax and tax credit system. Debts to the Revenue are the most similar in status to fine debts. That used to be ruled out because relatively few of those fined would have been on the Inland Revenue's database, but HMRC's coverage is now so extensive that it might be an option. However, HMRC would resist it strongly, and it would have to be a UK-wide approach, not just for Northern Ireland.

16 The possible use of attachment of earnings and benefits as a backstop to the enforcement system is discussed in Chapter 3.



debts, and that while there is much to be learnt from the private sector about the means of encouraging payment, it would be a mistake to treat them in the same way. Fines are orders of the court which must be obeyed absolutely.

2.30 One option would be that money warrants should be abolished. Instead, the pursuit of a fine should be the responsibility of the NICtS up to the point where a warrant has to be issued for the arrest of the defaulter. But Inspectors would be reluctant to make that recommendation. Inspectors see the pursuit of a fine through the execution of a committal warrant as a right and proper aspect of criminal enforcement, which is the role of the police. It should be viewed positively as an opportunity to interact with the community and show that the law is being enforced. Some officers told Inspectors that they would not want fine enforcement to be a part of *Policing with the Community* because it had a negative feel to it. But on the contrary, the community wants to see the law being enforced, and nothing is going to be as effective in terms of public confidence (leaving aside the effectiveness of fine enforcement) as a visit by a uniformed officer<sup>17</sup>.

2.31 The PSNI are particularly reluctant to execute distress warrants<sup>18</sup>, and Inspectors have more sympathy with them there. Distress warrants are in any case used rarely. They may very occasionally be useful, but the

Inspectorate would not recommend an extension of their use. Many of those who default have few possessions of marketable value, and the impact of having those possessions seized is likely to be disproportionate. It is hard to place a valuation on second-hand goods, and the police have difficulty in lodging them outside normal weekday working hours. Any cars defaulters may own are likely to be on hire-purchase, which creates additional complications, and for many a car has to be regarded as equivalent to the tools of their trade: any employment they may have or may seek is likely to depend upon it. Inspectors noted that the police's reluctance extends to distress warrants against businesses. We were told that such warrants were often returned marked 'No goods', and we heard of one warrant being returned saying that the police could not find the premises, even though they had been supplied with a map. **We recommend distress warrants should be used only very exceptionally against individuals.**

### **Imprisonment**

2.32 Some statistics on those imprisoned for fine default can be found in Appendix 1 to this report, but in brief:

- fine defaulters account for roughly 30% of all committals to prison;
- 87% of those are for fines of less than £600;
- in 45% of cases the original offence was a road traffic offence;

17 In fact the more usual practice is for officers to attend in plain clothes, using an unmarked car. Inspectors accept that it must be left to their discretion based on their knowledge of the area.

18 A distress warrant allows the person charged with its execution to take money and/or seize goods or property which can be held or re-sold to recover outstanding amounts.



- fine defaulters take up on average 25 to 30 prison places each day; and
- between the NIPS and the PSNI, over £1 million is spent in dealing with them each year.

2.33 Ministers have said that they want to reduce the use of custody for default. They have described it as a policy that must change, and said that they do not see it as part of the new Northern Ireland. They stress that this does not mean going soft on fine defaulters: far from it, but there has to be a better way of dealing with them. In England and Wales the National Enforcement Service has led the way in reforming the system for dealing with fine defaulters, and the Fine Default Working Group has recommended a similar approach here with a range of powers for Fine Enforcement Officers, including vehicle clamping and sale, attachment of earnings and deductions from

benefits, and periods of imprisonment, but not as a first resort. The proposals mirror best practice in operation in Scotland.

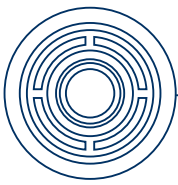
2.34 Northern Ireland is unusual in the routine use made of imprisonment as a final sanction for non-payment of fines. About 2000 people (both men and women) are sent to prison for non-payment each year. The sentences are usually very short, typically seven or 14 days, or less with remission (on average, as Table 3 shows, little more than a third of the sentence is served), so they never amount to more than 2 or 3% of the prison population at any one time. But the cost of admitting them, with all the administration that involves, is a burden on the NIPS<sup>19</sup>. Often prisoners who are in for other offences take the opportunity to add a few days to their sentences and clear their fines before they come out, as Figure 10 in Appendix 1 illustrates.

**Table 3: Average time served for fine default in 2007, 2006 and 2005**

Sentence	Average time served in days (2007)	% of time served (2007)	Average time served in days (2006)	% of time served (2006)	Average time served in days (2005)	% of time served (2005)
7 Days	2.5	36	2.5	36	2.5	36
14 Days	5	36	4.6	33	4.8	34
28 Days	10.2	36	10.7	38	9.9	35

*(Some fine defaulters benefit from more than 50% remission by virtue of the fact that part of the fine can be paid off to secure earlier release.)*

<sup>19</sup> The Prison Service told us that officers will bring defaulters in at any time, early or late, and it would be a material help to them if there could be a preferred time for defaulter committals that officers would attempt to keep to.



- 2.35 Fines are always concurrent, so the sentence that applies is the single highest sentence. An offender has been known to come in with 51 outstanding fines. If there are warrants for other outstanding fines out against them, defaulters can ask for them to be served on them in prison so that the fines can be discharged concurrently, but that does not happen automatically: the defaulter's solicitor has to ask for it.
- 2.36 It is well attested that many defaulters are relaxed about going to prison for a short period to free themselves from their fines<sup>20</sup>. Experienced offenders have got the timing of their custody down to a fine art so that it causes them minimum inconvenience<sup>21</sup>. It seems to Inspectors that the present system is the worst of all possible worlds: it is costly to the NIPS, it provides little incentive to defaulters to pay their fines, and on the contrary, it provides a positive incentive for them to opt for a period of custody.

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20 Or even a long period: Inspectors heard of one offender with a £50,000 fine who opted to stay in prison for an extra three or four months to discharge it.

21 If a prisoner is due for release on a Sunday, he gets out on the Friday before. The same principle applies to bank holiday weekends. Inspectors were told that Easter is a particularly favoured time for defaulters to hand themselves in.

## CHAPTER 3:

# Conclusion



- 3.1 The NICtS is to be commended for the work it has done in recent years to improve the fine collection procedure. Credit is due also to the Northern Ireland Criminal Justice Board, which has devoted considerable attention to this subject through its Fine Default Working Group. The consultation paper issued in July 2008 by the Minister of State for Northern Ireland and the Minister of State at the Ministry of Justice bears witness to that work.
- 3.2 Fines may be the lowest level of criminal sanction after a caution, but they are not unimportant. If they are not enforced, or seen to be enforced, public confidence in the system will be diminished and the courts may find themselves having to opt for other, more expensive, sentences.
- 3.3 In terms of total, overall compliance Northern Ireland has the most effective system of fine enforcement in these islands. There is scope for improvement to make it more efficient and more economical, but at this time Inspectors believe it would be a mistake to alter the basic structure.
- 3.4 The NICtS, the PSNI and the NIPS all have a part to play in maintaining a credible regime of fine enforcement. Police officers in particular need to understand that what they do in enforcement, even of relatively small penalties, is a key part of their function of maintaining the overall credibility of the criminal justice system. They may not like some of the tasks involved, but it is their plain duty to give them due attention. No other agency can perform that role.
- 3.5 It would be easier to convince the police of the essential criminal justice nature of this function if it were not bracketed with TV licence enforcement. Inspectors believe non-payment of TV licences, although technically a criminal offence, should be treated by analogy with civil court judgments and should not be subject to imprisonment<sup>22</sup>. We suggest **enforcement of the TV licence fee should be handled by the Enforcement of Judgments Office in Northern Ireland, not by the criminal justice system.**

<sup>22</sup> If the licence fee were treated like normal taxation there would be no question of a criminal sanction unless criminal intent were proved. HMRC seeks redress for non-payment (as opposed to deliberate evasion) of taxes by civil means, including if necessary bringing bankruptcy proceedings against a non-payer. Non-payment of the TV licence fee becomes a criminal offence only because it is automatically deemed to be evasion.






3.6 The criminal justice agencies need to work together and support one another in their enforcement responsibilities, rather than begrudging the work they have to do for one another. And information needs to be better managed right through from the point of sentencing, to the notification by the NIPS that a sentence has been served. This requires clear strategic leadership from the heads of all the agencies through the Northern Ireland Criminal Justice Board. There is also a need for joint, inter-agency training on the legislation and the procedures of enforcement, and for a common manual of guidance, as noted at paragraphs 1.14 and 1.15. Inspectors recommend **that the Criminal Justice Board should appoint an individual with a cross-agency responsibility for developing joint training and preparing a common manual of guidance on enforcement legislation and practice.**

3.7 Inspectors are clear that imprisonment for fine default must remain a backstop to the system, but agree that everything possible should be done to minimise its use. That means changing the structure of incentives to make it in the offender's interest to settle quickly, and removing any incentive to opt for imprisonment as an alternative to payment. Inspectors believe that more pressure earlier in the process, though it may appear Draconian, would save trouble and expense later. The public is used to strong measures being taken to recover normal commercial debts, and the imposition of criminal sanctions cannot afford to be less rigorous.

3.8 It is not for the Inspectorate to specify a new policy, but we believe that an effective structure of incentives might incorporate some, if not all, of the following features:

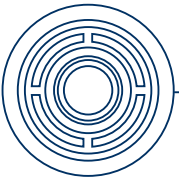
- Court Service Fines Officers will intervene immediately after a fine has been imposed to explain the consequences if payment is not made;
- The Court in setting the fine could offer a discount for early payment, this is common practice in relation to parking fines;
- If an extension of time to pay is sought, Fines Officers should have discretion to agree it without referring back to the Court, but only upon immediate payment of at least half of the amount due<sup>23</sup>;
- If a warrant has to be issued, the cost of that (i.e. something like the realistic cost to the NICtS and to the PSNI, not a notional sum) will be added to the fine;
- If the fine is still unpaid the defaulter will be imprisoned by reference to the increased amount now outstanding;
- Imprisonment will be an additional penalty for the further offence of failing to pay the original fine, and the fine will not be discharged by the period of imprisonment; and
- Any amount outstanding after imprisonment may be recovered through attachment of earnings or benefits (or, if it were possible, through the tax and tax credit system).

23 Inspectors learnt that this condition used to be the practice in the Omagh magistrates' court.



3.9 Inspectors are confident that if those were the rules, a far higher proportion of fines (currently only 45%) would be paid promptly; the need for enforcement action would be correspondingly reduced; and imprisonment for fine default would become a rarity. Even if some elements of these rules and not others were introduced, it could have a powerful effect on compliance. **Inspectors therefore suggest that a new, stricter regime for the payment of fines should be introduced, designed to maximise compliance and minimise recourse to police enforcement and imprisonment.**

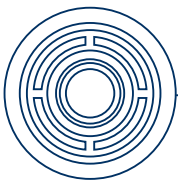




Section



# Appendices



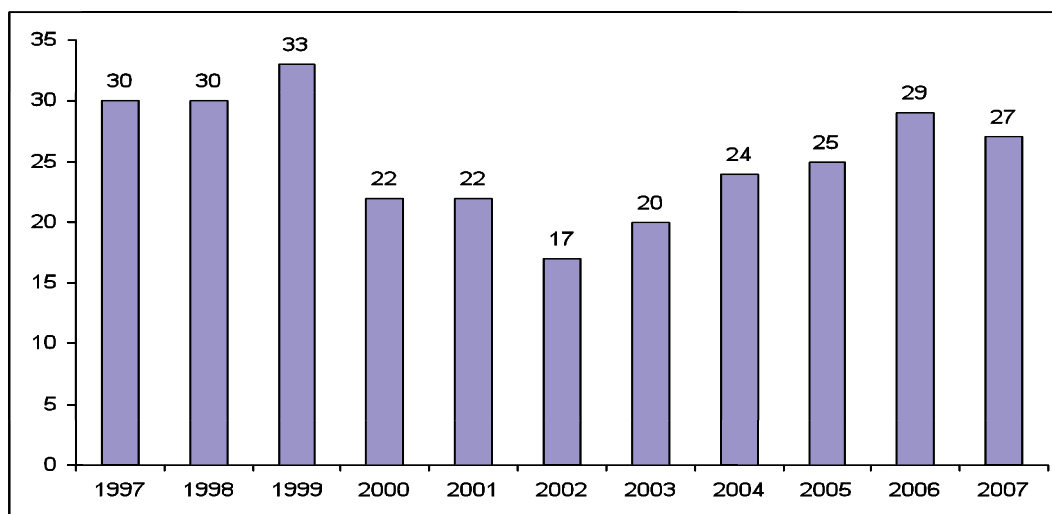
## Appendix 1: Imprisonment for fine default

The data below was obtained from the Northern Ireland Prison population in 2006, Research and Statistical Bulletin 4/2007. The NIPS also supplied CJI with monthly prison reports for 2005, 2006 and 2007. Due to some fine defaulters being imprisoned more than once during a month or year there is no easy reconciliation between the population figures and the reception figures.

### *The average population of fine defaulters*

The average fine defaulter population in 2007 was 27, two less than in 2006. Figure 1 shows that the average number of fine defaulters has fluctuated during the last decade, reaching a high of 33 in 1999 and a low of 17 in 2002. However, from 2002 the number of fine defaulters has steadily increased to 2006 before decreasing slightly in 2007. Proportionally, fine defaulters have constituted between 2% and 3% of the total average prison population during the last decade. The percentage of fine defaulters increases slightly to between 2% and 4% of the sentenced (removing those on remand) population.

**Figure 1: Average number of fine defaulters in Northern Ireland from 1997 to 2007**



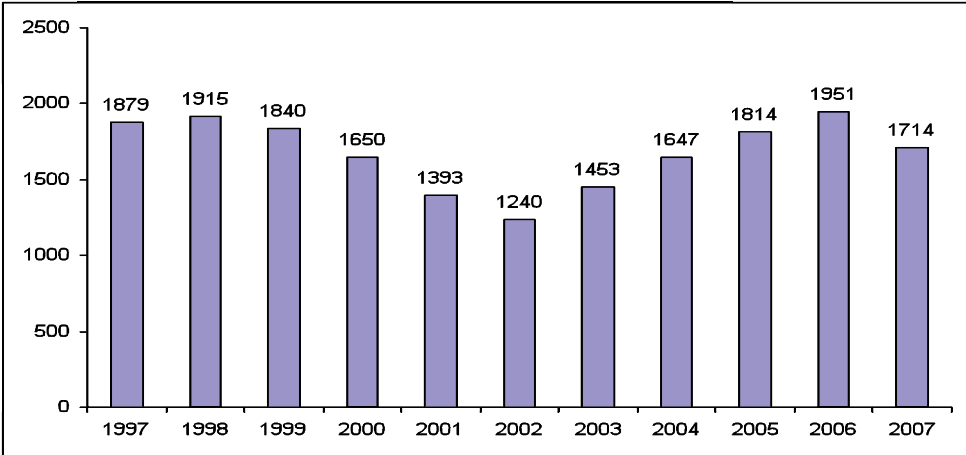
### *Fine defaulter receptions into prison*

Fine defaulters represent a small part of the overall average annual prison population due to the short duration of their time in prison (in 2006, the average time served for fine defaulters was four days). This short duration accounts for the relatively small average population of fine defaulters.

Figure 2 shows the number of fine defaulter receptions from 1997 to 2007. Although the number of receptions has fluctuated, there has been a steady increase from 1240 in 2002 to 1951 in 2006, before a decrease in 2007.



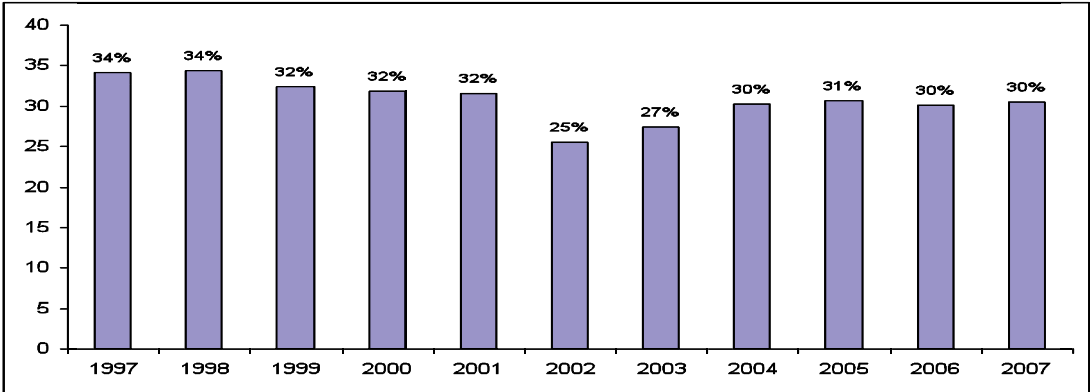
**Figure 2: Fine defaulter receptions in Northern Ireland**



***Fine defaulter receptions as a percentage of all receptions***

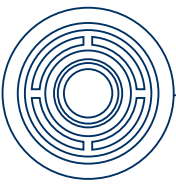
Figure 3 shows the percentage of fine defaulter receptions of all receptions for 1997 to 2007. The percentage fine default receptions range from 25% in 2002 to 34% in 1997 and 1998 of all receptions. The data for 2007 shows that the percentage of fine default receptions was recorded at 30%.

**Figure 3: Percentage of fine defaulter receptions of all receptions for 1997 to 2007**

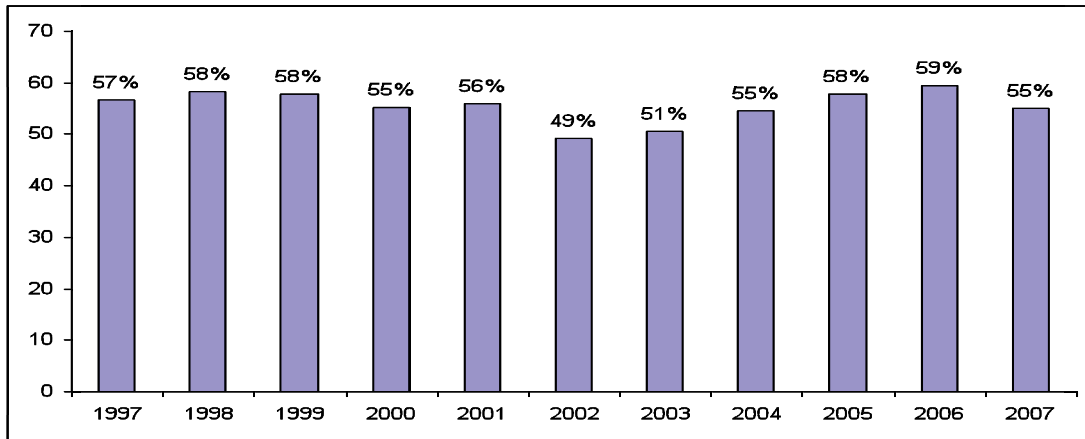


***Fine defaulter receptions as a percentage of sentenced receptions***

Figure 4 shows fine defaulters as a percentage of sentenced receptions ranges from 49% in 2002 to 59% in 2006. Over half (55%) of sentenced receptions were recorded as fine defaulters.



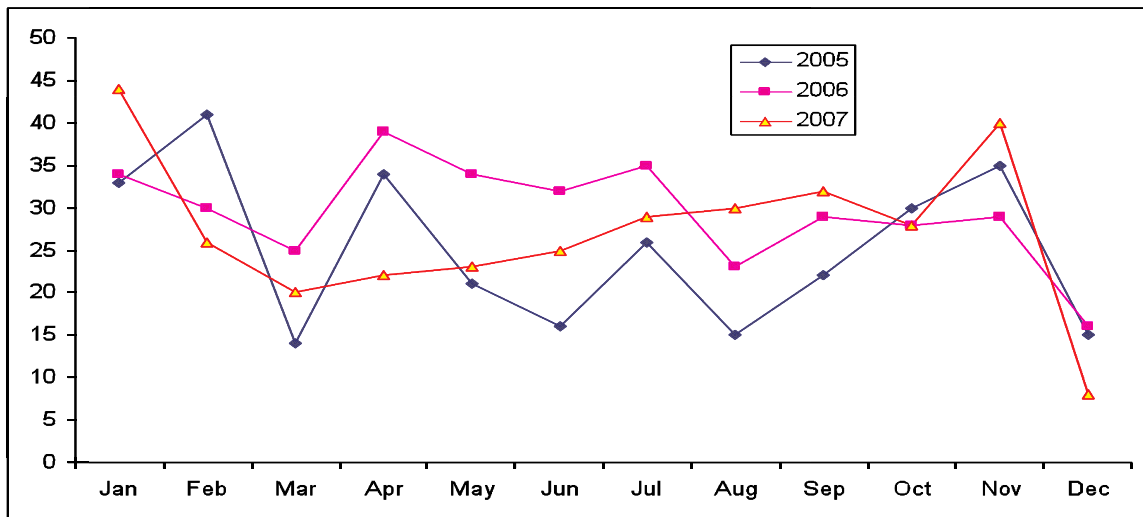
**Figure 4: Fine defaulters as a percentage of sentenced receptions**



**Average population of fine defaulters by month**

A low number of fine defaulters are recorded during December (15 in 2005, 16 in 2006 and 8 in 2007) compared to January (33 in 2005, 34 in 2006 and 44 in 2007).

**Figure 5: Average number of fine defaulters by month**

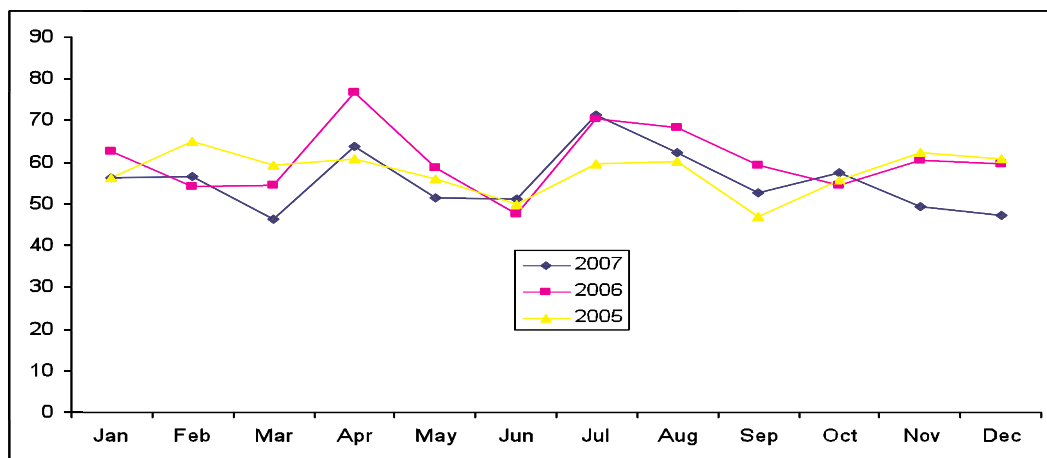


**Fine defaulter receptions by month**

Figure 6 shows the number of fine default receptions of all sentence receptions for each month in 2005, 2006 and 2007. There appear to be two main peak periods in April and July for all three years.



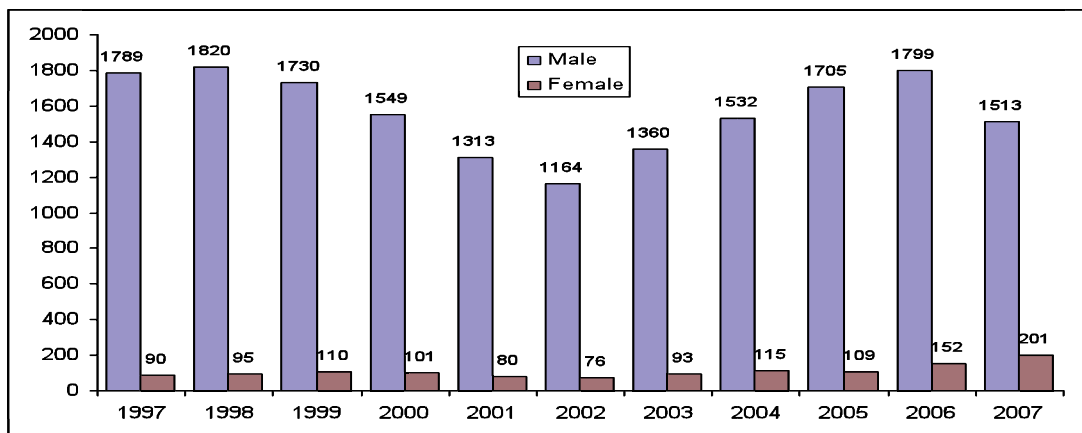
**Figure 6: Percentage of fine defaulter receptions by month**



**Gender of fine defaulters**

Figure 7 shows the number of male and female fine defaulters from 1997 to 2007. The absolute number of female defaulters is small in comparison to male defaulters, but it is a significant part of the female prisoner population.

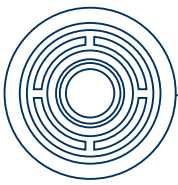
**Figure 7: The number of male and female fine defaulters from 1997 to 2007**



Proportionally females are more likely than males to be received for fine default. Forty per cent (1222) of the 3080 female receptions recorded between 1997 and 2007 were for fine default compared to 30% (17274) of the 57300 male receptions.

**Prison location of fine defaulter receptions**

All female fine defaulters are located in Hydebank Wood prison. All male fine defaulters are located in either Hydebank Wood YOC (young males) or Maghaberry Prison. A very small number of fine defaulters are located in Magilligan Prison.



### **General offences of fine defaulter receptions**

Over half (55%) of all fine defaulter receptions in 2006 were for motoring offences.

### **Fine default receptions by sentence length**

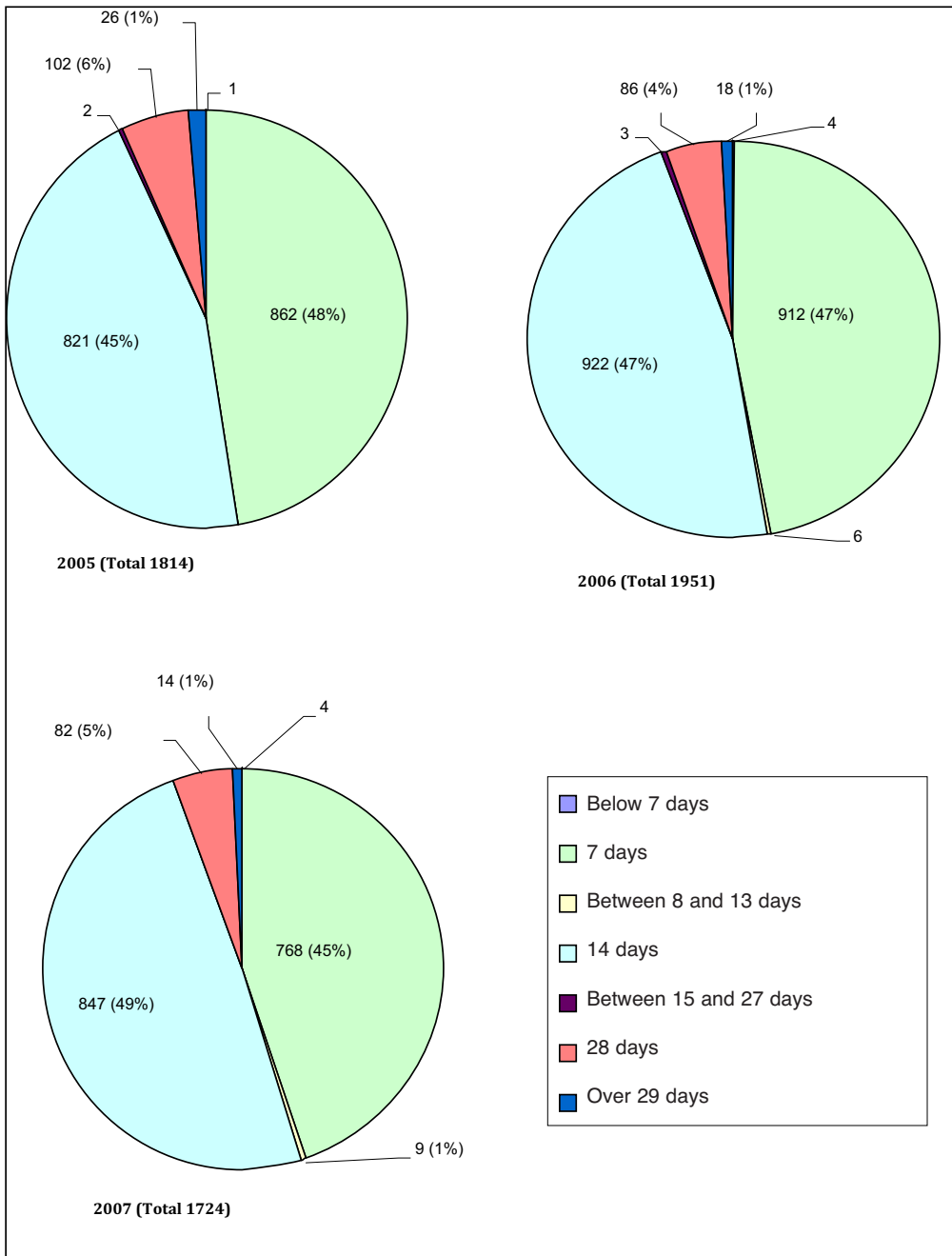
The most common sentences for fine default are 7, 14 or 28 days. Nearly half of receptions received a seven day sentence, indicating that the amount owed was below £200.

**Table 4: Fine defaulter receptions in 2006 by offence and by gender**

Offence class	Gender				Total	%
	Male	%	Female	%		
Violence against a person	123	7	13	9	136	7
Sexual	11	1	0	0	11	1
Burglary	11	1	0	0	11	1
Theft	93	5	9	6	102	5
Fraud & forgery	15	1	3	2	18	1
Criminal damage	129	7	9	6	138	7
Motoring offences	1009	56	62	41	1071	55
Drug offences	40	2	1	1	41	2
Other	368	20	55	36	423	22
Total	1799	100	152	100	1951	100

There are some gender differences with 56% of male defaulters committing a motoring offence compared to 41% of females.

**Figure 8: Fine default receptions by sentence length**







### Average time served

The table shows the average time served in 2005, 2006, and 2007 for fine defaulters given a sentence of 7, 14 or 28 days. From the table, on average between 34 and 38% of a sentence is served.

### Average time served in 2005, 2006 and 2007

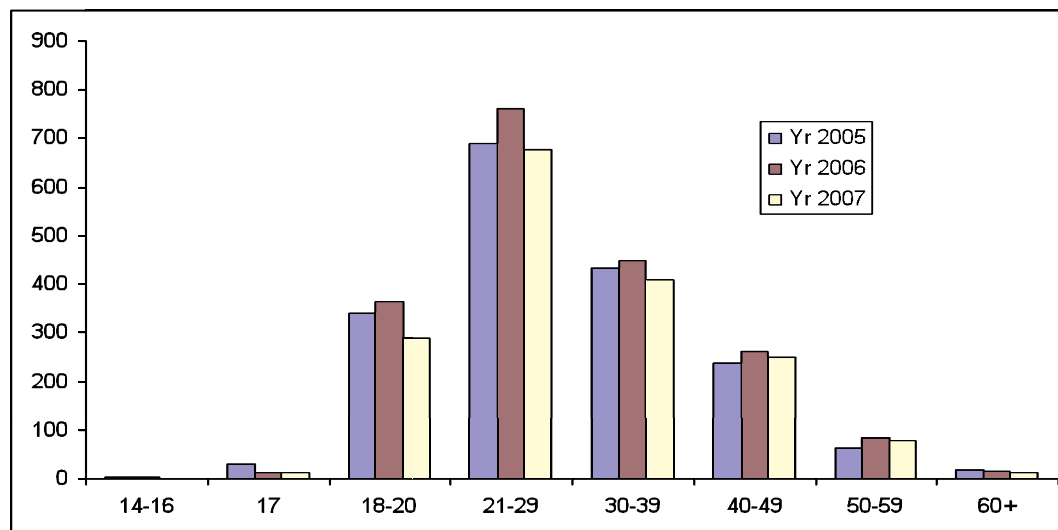
(shown as Table 3 in Chapter 2 of the report)

Sentence	Average time served (07)	% of time served (07)	Average time served (06)	% of time served (06)	Average time served (05)	% of time served (05)
7 Days	2.5	36	2.5	36	2.5	36
14 Days	5	36	4.6	33	4.8	34
28 Days	10.2	36	10.7	38	9.9	35

### Age of fine defaulters

The chart shows the number of fine defaulters by age group. The average age of fine defaulters in 2005 and 2006 was 30 years of age. The average age for fine defaulters in 2007 was 31 years of age.

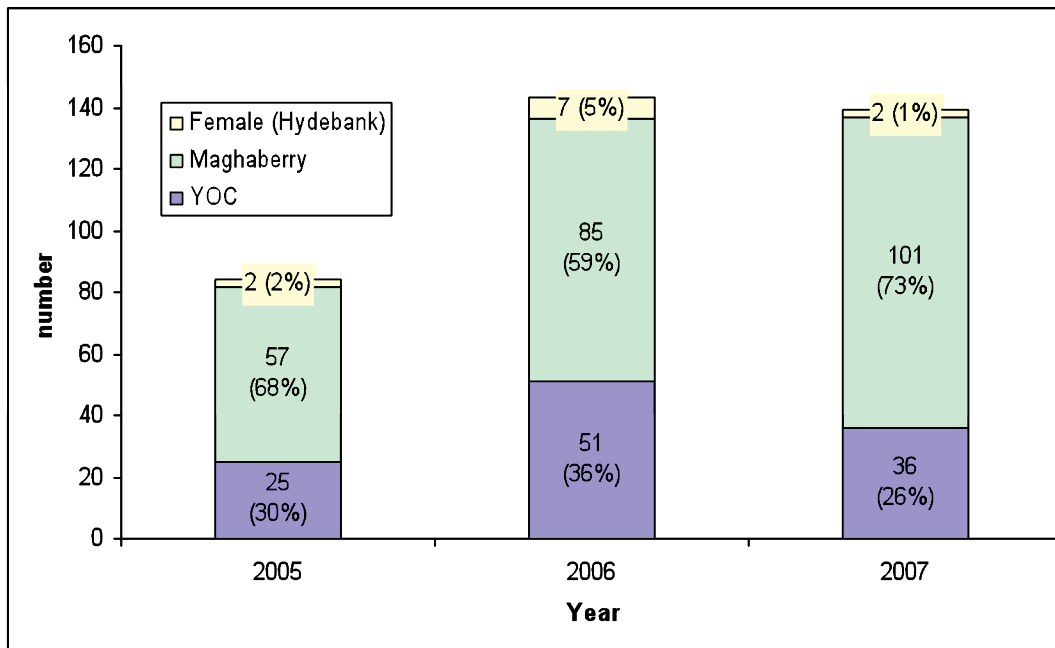
**Figure 9: Age of fine defaulters**



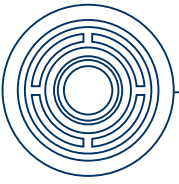
### **Prisoners discharged from remand straight to fine default**

The chart shows the number of prisoners in 2005, 2006 and 2007 that were discharged from remand straight to fine default.

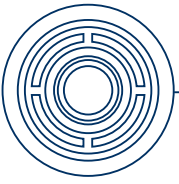
**Figure 10: Prisoners discharged from remand straight to fine default**




The number of fine defaulter prisoners discharged from remand straight to fine default as a percentage of all fine default receptions has increased from 5% in 2005, to 7% in 2006 and 8% in 2007.









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