

# NEWS RELEASE

ARIZONA SUPREME COURT

ADMINISTRATIVE OFFICE OF THE COURTS

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## **Task Force Issues Detailed Report on Justice for All, Fair Courts**

PHOENIX – The Task Force on Fair Justice for All has issued its report detailing 11 core principles and 65 annotated recommendations to improve Arizona’s system for imposing court-ordered sanctions and for making pretrial release decisions.

“The Task Force members were united in agreement that there should be consequences for violating the law,” said Task Force co-chair and Administrative Office of the Courts Director Dave Byers. “But they also agreed that fines and civil penalties should not promote a cycle of poverty by imposing excessive amounts or restricting one’s ability to be gainfully employed.”

The first half of the report covers fines and penalties, proposing a number of innovations designed to give people payment options or ways to mitigate fines if they are unable to make a lump-sum payment. The second half of the report encourages a shift from ‘money for freedom’ – systems based on money bail that unfairly penalize the poor by keeping them in jail if they cannot afford to post bail – to a system based on risk.

“High-risk defendants should not be released if they are likely to commit new crimes or otherwise pose a risk to their community,” Byers said. “At the same time, low-risk defendants should not remain in custody solely because they are poor.”

In March, Chief Justice Scott Bales called for the formation of the Task Force and directed its members to examine court-ordered fines, penalties, and pretrial release policies. The Chief Justice’s order said the group’s work should be guided by four core provisions:

1. People should not be jailed pending the disposition of charges merely because they are poor. Release decisions and conditions should protect public safety and ensure the defendant's appearance at future proceedings.
2. Consistent with the Arizona Constitution, people should not be jailed for failing to pay fines or other court-assessed financial sanctions for reasons beyond their control.
3. Court practices should help people comply with their court-imposed obligations.
4. Sanctions such as fees and fines should be imposed in a manner that promotes, rather than impedes, compliance with the law, economic opportunity, and family stability.

Byers said several of the recommendations would require support for changes to Arizona law by the legislature, modifications to court rules, or updated training and operational practices. The report's recommendations will be presented to a number of stakeholder groups and committees before being considered by the Arizona Judicial Council later this year.

A report summarizing the recommendations is at <http://www.azcourts.gov/Justice-for-All>.

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