



## **Fees and Charges Report**

**Date:** April 7, 2025

**To:** Audit, Finance, and Enterprise Committee

**Through:** Scott Butler, Assistant City Manger

**From:** Stephen Umpleby, Presiding City Magistrate  
Shawn Haught, Court Administrator

**Subject:** Municipal Court Update to Schedule of Fees and Charges, Citywide

### **Purpose and Recommendation**

The Municipal Court is proposing a Court Monitoring Fee for individuals sentenced to probation and individuals convicted of driving under the influence (DUI).

### **Background**

On April 7, 2025, the Mesa City Council will consider a new City Code Section 1-12-10 entitled "Court Monitoring Fee" authorizing the Court to assess a court monitoring fee in the Schedule of Fees and Charges. The Court is proposing to set this Court Monitoring Fee at seventy dollars (\$70.00). The fee is intended to fund the salaries and administrative costs for court monitoring officers (CMOs) to reduce recidivism.

Currently, the Court employs one CMO that monitors high-risk defendants convicted of domestic violence offenses (DV). This CMO regularly communicates with these defendants to ensure they understand their terms of probation, any barriers to compliance with their terms of probation, status of and takeaways from their scheduled DV classes, ways to avoid victim contact, and encourages individuals to set up payment plans with the Court to pay their fines and fees (part of their terms of probation). The Prosecutor's Office could refer more defendants convicted of DV, but the CMO currently has 600 active cases and cannot take on more.

Compared to national averages, defendants who are monitored by the Court's CMO have a lower recidivism rate for new DV offenses. However, this high-risk population is only a small percentage of the total number of defendants who could benefit from court monitoring, as there are many defendants who have been convicted of non-DV offenses and/or DUI offenses. The Court believes similar results can be achieved in these other cases with additional court monitoring. Additional CMOs would allow the Court to expand its monitoring of high-risk defendants convicted of DV, as well as the monitoring of other high-risk defendants placed on unsupervised probation or who were convicted of a DUI

offense. The CMOs would monitor these defendants to ensure that they are complying with the terms of their probation or sentence. Though additional CMOs would not cover every defendant on probation or convicted of a DUI, the proposed fee allows the Court to triage and monitor the most urgent cases. Consequently, this expansion of monitored compliance would result in a safer community and significantly aid defendants in their rehabilitation.

## **Discussion**

The Court is proposing the assessment of a Court Monitoring Fee to offset the costs associated with the monitoring of individuals sentenced to probation or sentenced for DUI convictions. By authorizing the proposed Court Monitoring Fee, the City of Mesa will undertake a pivotal step towards enhancing public safety and ensuring accountability for individuals convicted of DUI and other offenses.

## **Methodology**

The proposed \$70 Court Monitoring Fee would be assessed on all defendants placed on probation or sentenced for DUI offenses. This amount is based on historical collection rates and the projected number of cases meeting the monitoring criteria. The intention is to fund CMO positions while ensuring the fee remains as low as possible.

The annual cost per CMO, which includes employee-related expenses, is estimated at \$90,156.

To ascertain a conservative Court Monitoring Fee to cover the cost of CMO positions, the Court examined the number of cases that fit the monitoring criteria involving DUI cases and cases sentenced to probation, which were 3,480 cases in 2022, 3,524 cases in 2023, and 4,416 cases in 2024. Applying this same monitoring criteria, the Court then analyzed collection rate data for 2021–2024. The average collection rate is 36%, with the highest rate being 43%.

Notably, the Court recently augmented its collections team and increased its reliance on the collections arm of the Arizona Judicial Branch's Fines/Fees and Restitution Enforcement ("FARE") Program. FARE is a statewide initiative developed to assist courts with the compliance of monetary court orders. Courts can assign outstanding debt stemming from civil traffic, criminal traffic, and criminal violations. The program is a public/private partnership between the State of Arizona Administrative Office of the Courts (AOC), the Motor Vehicle Division, Arizona Department of Revenue, Arizona Lottery, Arizona Department of Gaming and a private vendor. Accordingly, the Court is confident that these efforts will increase its collections rate, projecting a conservative 45% collection rate in 2025.

The amount the Court collects in 2025 will depend on when cases resolve after the section becomes effective. Only those DUI and probation cases filed after the section adoption date would be eligible for court monitoring. The amount of time for those cases to reach a resolution is dependent on the nature of the case.

Based on the case increase rate from 2022 through 2024, the Court projects there will be 4,774 monitoring-eligible cases in 2025, and 5,209 in 2026. Based on a conservative 45%

collection rate, and levying a \$70 court monitoring fee, the Court would collect \$150,381.00 in 2025, and \$164,083.50 in 2026. These projections are based on a full calendar year.

### **Alternatives**

Add a Court Monitoring Fee amount that is less or greater than recommended.

Do not add a Court Monitoring Fee.

### **Fiscal Impact**

The proposed Court Monitoring Fee is forecasted to generate approximately \$150,381.00 based on sentencing information from 2024.

### **Effective Date**

If the Mesa City Council votes on April 21, 2025 to approve the new City Code Section 1-12-10 authorizing a Court Monitoring Fee in the Schedule of Fees and Charges, this new Section will become effective on May 22, 2025, thirty days after adoption. The City Council will be voting on the Schedule of Fees and Charges on June 16, 2025, after City Code Section 1-12-10 is effective, after which point this fee would go into effect July 1, 2025.

### **Coordinated With**

The Municipal Court coordinated with the City Attorney's Office and the Office of Management and Budget.

## Fees & Charges Schedule – Key

### Heading Configuration

|  |
|--|
| <b><u>Schedule of Fees &amp; Charges</u></b> |
| <b>Department</b>                            |
| Contact Information                          |
|  |
| <b>HEADING 1</b>                             |
| HEADING 2                                    |
| <i>Heading 3</i>                             |
| Description of Fee                           |
| Description of Fee 2                         |

### Font Indications

| Font                     | Font Indications                                      |
|--------------------------|---|
| Regular Font             | Existing fee or language                              |
| <del>Strikethrough</del> | Fee or language will be deleted from the Fee Schedule |
| <b>BOLD CAPS</b>         | Language is being added to Fee Schedule               |
| <b>Bold</b>              | New or increased Fee Amount                           |

**Schedule of Fees & Charges**

**Exhibit A – Municipal Court**

**Department: Municipal Court**

| <b>Description of Service</b>                           | <b>Current Fee Range</b> | <b>Proposed Fee Range</b> | <b>Unit</b>     | <b>Total Fiscal Impact</b> | <b>Notes</b>   |
|---|--------------------------|---------------------------|-----------------|----------------------------|--|
| <b>COURT MONITORING FEE FOR DUI AND PROBATION CASES</b> |                          | <b>\$70.00</b>            | <b>PER CASE</b> | \$150,381                  | Ordinance for City Code Section 1-12-10 entitled "Court Monitoring Fee" being considered by City Council on April 7, 2025. |

**Estimated Total Annual Fiscal Impact:                    \$150,381**