



# EFFECTIVE PENALTY ENFORCEMENT

## A REVIEW OF THE IMPACT OF CURRENT FINE DEFAULT STRATEGY AND SERVICES

JULY 2021

### WHAT ARE FINE PENALTIES AND HOW ARE THEY ENFORCED?

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Anyone who pleads guilty to or is convicted of a criminal offence can be ordered to pay a financial penalty by a Judge within a specified time. The Judge can also make a collection order for action to be taken by the Fine Collection and Enforcement Service (FCS) within the Northern Ireland Courts and Tribunals Service (NICTS) if the financial penalty is not paid in time.

A person can be summoned back to court where a Judge has a range of powers to deal with them and recover the outstanding amount including imposing a period of imprisonment to clear the financial penalty. The financial penalty can include a fine, offender levy, compensation and costs. Fixed Penalty Notices (FPNs) issued by the Police Service of Northern Ireland (PSNI) are also financial penalties.

In 2019 monetary penalties were ordered in 3.4% of Crown Court convictions and 57% of Magistrates' Court convictions in Northern Ireland. A robust and effective enforcement process is required when someone fails to pay a financial penalty to maintain public confidence in the criminal justice system.

### WHAT DID WE LOOK AT?

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The FCS within the NICTS collected unpaid fines and FPNs under the authority of the court.

Inspectors examined how the FCS Collection Officers used their powers to enforce the collection orders made by the court at the time the financial penalty was imposed.

### WHO DID WE INSPECT?

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The inspection focused on the NICTS, the PSNI and the Northern Ireland Prison Service (NIPS). We also looked at the work of the Department of Justice (DoJ) in respect of its legislative role and policies linked to penalty enforcement.

### WHAT DID INSPECTORS FIND?

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- ▶ The Justice Act (Northern Ireland) 2016 provided various powers for FCS Collection Officers to enforce collection where a fine payment was in default and the sequencing of enforcement action.
- ▶ Fine default cases were actively managed in the FCS. There had been fewer Court sittings because of the COVID-19 pandemic and the numbers of cases being referred to the FCS was lower than normal.
- ▶ As processes became established and staff had become more acquainted with the legislation and procedures, FCS performance had improved. The amount of debt collected by the FCS had increased year-on-year. Since the FCS was created fewer people were paying their fines without some enforcement action but the number of fines paid following intervention by the FCS had increased significantly with £3.6 million in unpaid monetary penalties collected by the end of 2020.
- ▶ £13.4 million and about 52,600 unpaid fines that were outstanding since before 2018 still needed action and outcomes.

## WHAT DID INSPECTORS FIND?

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- ▶ Inspectors surveyed users of the service who had been in contact with Collection Officers, while there weren't many responses, those who did respond were generally satisfied that the FCS was meeting their needs.
- ▶ The number of fine defaulters committed to prison was reducing but remained significant.
- ▶ Supervised Activity Orders (SAOs) had been legislated and planned for but very few had been made.

## WHAT CAN BE DONE BETTER?

Inspectors made two strategic and five operational recommendations for improvement.

### At a leadership level (strategic level)

- ▶ The DoJ should re-examine the effectiveness of prioritising the SAO in statute, and produce an action plan to further reduce the numbers of people sent to prison for fine default.
- ▶ The NICTS should establish a temporary Legacy Fine Unit to deal with the backlog of £13.4 million outstanding legacy fine debt cases.

### On the ground (operational level)

- ▶ The DoJ should amend the Prison and Young Offenders Centre Rules (Northern Ireland) 1995.
- ▶ The NICTS should produce an action plan to obtain the required identity information from people when a collection order is made at Court.
- ▶ The NICTS should resource the FCS to deal with the backlog of outstanding cases that might be eligible for Universal Credit deductions.
- ▶ The NICTS should take prosecutions against employers who fail to comply with attachment of earnings legislation.
- ▶ The NICTS should amend its computer system to provide additional information on outstanding fine warrants.

## WHAT NEXT?

### Inspectors want to see:

- ▶ The NICTS and DoJ exploring why SAOs are not being made, prioritising action to address the high level of outstanding debt caused by outstanding legacy cases, the low summons service rate for fine default hearings, and the lack of good quality personal contact information for debtors.
- ▶ The PSNI had improved its performance in executing warrants and should utilise management information to focus attention on the execution of older and re-issued warrants.

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