

1 **THE JUDICIAL COURT OF THE TOHONO O’ODHAM NATION**

2
3 **IN RE:**

ADMINISTRATIVE ORDER

4 **CONVERTING FINES TO JAIL TIME**

No.: 2026-03

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7 For many years, the Court permitted the satisfaction of monetary fines imposed through
8 the service of jail time. This practice developed, in part, to address the financial realities many
9 defendants face, and to provide an efficient way to resolve court-imposed obligations where
10 immediate payment was unlikely.

11 The Court recognizes that this approach was adopted and administered in good faith, with
12 the intent of balancing accountability with practical hardship. The Court further recognizes the
13 service and judgement of those who implemented this practice over the past decades.

14 At the same time, evolving legal standards, best practices in criminal justice
15 administration, and a continuing commitment to fairness and proportionality now compel a
16 uniform policy that separates financial obligations from custodial sanctions.

17 **POLICY**

18 **I. Effective on the date of this Order, monetary fines, fees, and other financial penalties**
19 **shall not be satisfied through jail without legal authority.**

20 **II. Prohibition on Conversion**

21 No judge, whether full time or *pro tempore*, shall order, permit, or administer the
22 conversion of unpaid fines, fees, or costs into a term of jail, whether calculated on a per day basis
23 or otherwise, unless expressly authorized by Legislative Council action.

24 **III. Independent Sentencing Authority Preserved**

25 Nothing in this Order restricts a judge’s authority to impose jail as a lawful and
independent component of a sentence where authorized by law and supported by the facts of the

1 case. Similarly, nothing in this Order restricts a judge's authority to impose a fine as a lawful and
2 independent component of a sentence where authorized in law and supported by the facts of the
3 case. However, jail shall not be used as a substitute for, or means of discharging, a financial
4 obligation unless expressly permitted by resolution or act of the Legislative Council.

5 **IV. Outstanding Balances**

6 Financial obligations shall remain enforceable through lawful collection mechanisms,
7 subject to applicable law and due process protections.

8 **V. Ability to Pay Considerations and Alternatives**

9 A. Judges are encouraged to consider a defendant's financial circumstances when
10 imposing fines and when addressing nonpayment of such fines, consistent with
11 applicable law.

12 B. Payment plans may be available where appropriate and defendants can make those
13 payment arrangements with the Clerk of Court.

14 C. Where permitted by law, judges may authorize community service or other non-
15 custodial alternatives as a means of addressing financial obligations, provided such
16 alternatives are voluntary, proportionate, and clearly defined.

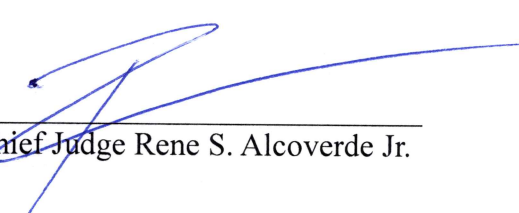
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18 **IMPLEMENTATION**

19 I. This Order takes effect on the date of signature.

20 II. This policy applies to all cases adjudicated on or after the effective date. Judges
21 are encouraged to review existing cases for consistency with this policy.

22 III. Court Administration must develop and distribute procedures, forms, and training,
23 as necessary, to implement this Order uniformly.

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25 Dated and entered: April 23, 2026.



Chief Judge Rene S. Alcoverde Jr.