

## COLLECTIONS:

### “It’s Not Magic”

**Jim Lehman**  
**Office of Court Administration**

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### *Texas Office of Court Administration*



- State Agency
- Created in 1977
- Chief Justice - Texas Supreme Court
- Provides Administrative & Technical Support
- Serves Approximately 2,600 Courts in the State
- (512) 463-1625

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### Four Part Presentation

- The Concept of Change
- The Value of Collections
- Proactive Strategies
- Collection Methods



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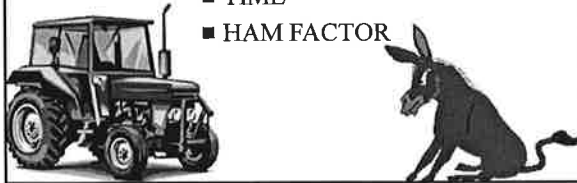
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“Change is often not easily embraced but is almost always inevitable.”

- ATTITUDE
- KNOWLEDGE
- TIME
- HAM FACTOR



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### The Need To Change National Collections Rate Averages

- ACA 90%
- D&B 85%
- MED 70-80%
- Texas 61-65%



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### Quotation Station

"The failure to enforce court orders imposing fines and fees undermines the judicial system not simply because of the ensuing loss of revenue- but also because it diminishes respect for the courts and their roles."

*-California Chief Justice Ronald M. George*



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## THE ISSUE

“Lack of compliance in paying court fines and fees denies a jurisdiction revenue and, more important, calls into question the authority and effectiveness of the court and the justice system.”

National Center for State Courts

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## Judicial Collection Approaches

- Blunt (Just Issue the Warrant)
- Benevolent ( $2P^2 = 0$ )
- Business (Calculated to Cultivate Compliance)

**It's Not Magic**



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## Quotation Station

“...a fine uncollected is an untaught lesson in accountability”.

*-Chief Justice Frank X. Gordon of the Arizona Supreme Court*

“A fine is punishment for a crime only if it is collected.”

*-Jim Lehman, PMd*



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## Principals of Understanding

- A fine is punishment and not a "BILL".
- The payment is the defendant's responsibility.
- It is expected that the defendant must sacrifice to pay.
- The defendant must give payment the highest priority.
- The defendant must expect consequences if payment is not made.
- The defendant needs to understand the consequences.
- The payment is a Court Order, a sentence which may not be convenient.
- A court is not where people prefer to spend money. But, many people come to court with money.



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## Enforcement Model

### *"Best Practices Model"*

- Staff or staff time dedicated to collection activities.
- Expectation that all court costs, fees, and fines are generally due at the time of assessment (sentencing or judgment imposed date.)
- Defendants unable to pay in full on the day of sentencing or pleading are required to complete an application for extension of time to pay.
- Application information is verified and evaluated to establish an appropriate payment plan for the defendant.

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## Enforcement Model

### *"Best Practices Model"*

- Payment terms are usually strict.
- Alternative enforcement options (e.g., community service) are available for those who do not qualify for a payment plan.
- Defendants are closely monitored for compliance and action is taken promptly for non-compliance.
  - Telephone contact and letter notification when a payment is missed
  - Possible issuance of a warrant for continued non-compliance; and
  - Possible application of statutorily permitted collection remedies, such as non-renewal of driver's license or vehicle registration

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### Collection Tools

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### Collection Tools Statutory

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### Collection Tools Internet Services

- [usps.com](http://usps.com)
- [whitepages.com](http://whitepages.com)
- [accurint.com](http://accurint.com)
- [masterfiles.com](http://masterfiles.com)
- [tlo.com](http://tlo.com)
- [nstn.net](http://nstn.net)
- [publicdata.com](http://publicdata.com)
- [zabasearch.com](http://zabasearch.com)
- [phonevalidator.com](http://phonevalidator.com)
- [freetranslator.com](http://freetranslator.com)

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But Is It Just About Money?



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**Impact:  
Court, Criminal, Community**

- 8,239,905 Adult Criminal Cases Filed in 2013
- 5,445,733 Municipal Court Cases
- Approximately **66%** of all cases filed.

***"The impact of fine enforcement for your community, and how defendants view the justice system is primarily established by municipal courts."***

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**Keys to Success**

- Judicial Understanding & Commitment
- Simplicity (*kiss*)
- Internal Communication & Cooperation
- Investment in Quality Staffing & Training
- Investment in & Efficient Use of Technology



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# *The Collections Team*

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## **Collection Improvement Program Office of Court Administration**

### **Collection Improvement Program Overview**

The Office of Court Administration's (OCA) Collection Improvement Program (CIP) is a set of principles and processes designed to assist cities and counties with collecting court costs, fees, and fines assessed against persons convicted of (or placed on deferred adjudication or deferred disposition for) misdemeanor or felony charges when they are not prepared to pay all court costs, fees, and fines, at the time of assessment and when time to pay is requested.

The CIP began over a decade ago as a voluntary model. In 2005, the 79th Texas Legislature recognized the importance of expanding the collection of court-ordered payments by adding **Article 103.0033** to the **Code of Criminal Procedure**. This statute requires cities with a population of 100,000 or more, and counties with a population of 50,000 or more, to implement a collection improvement program that conforms to a model developed by OCA and designed to improve in-house collections through the application of best practices.

The key elements of the Program "model" are:

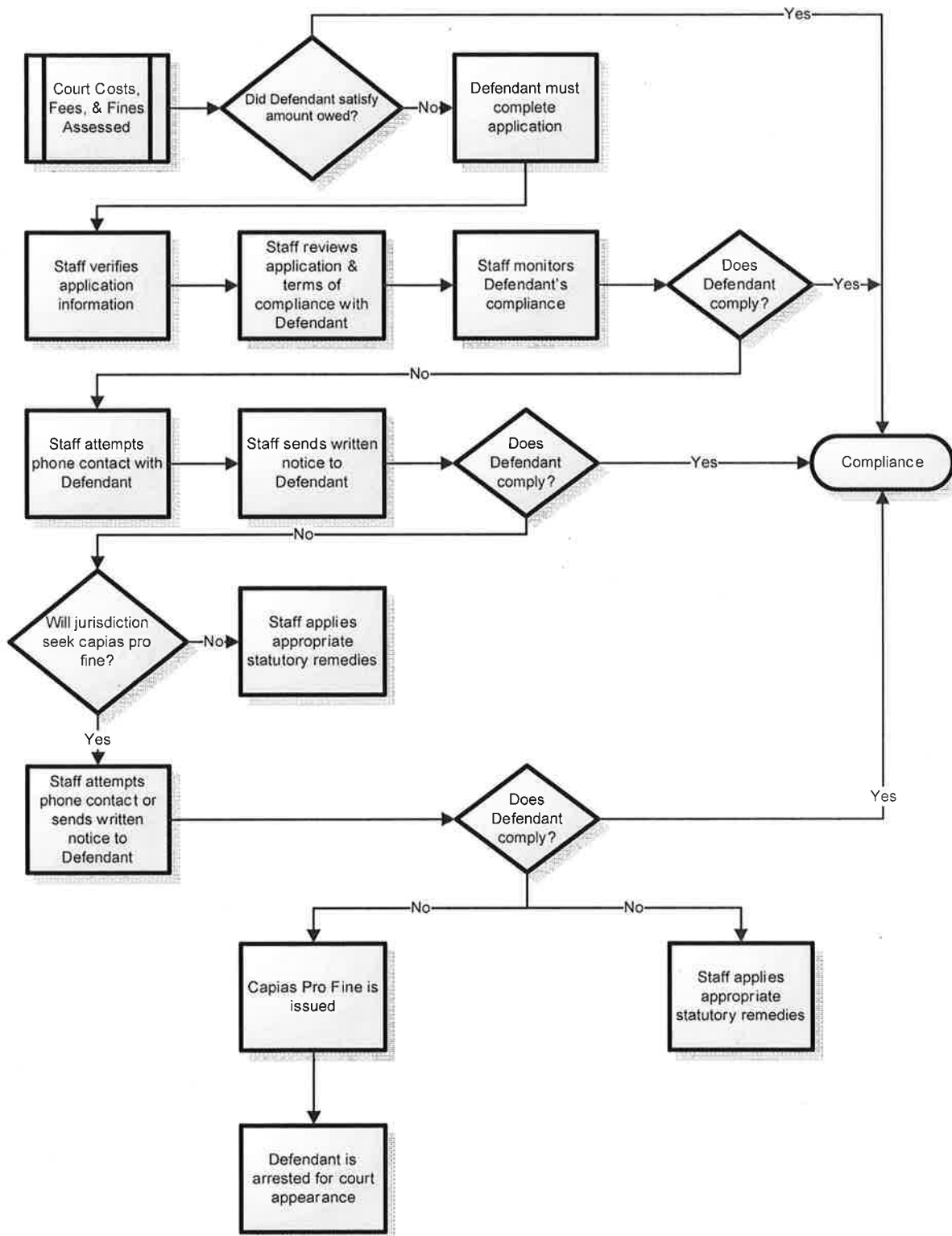
- Staff or staff time dedicated to collection activities.
- Expectation that all court costs, fees, and fines are generally due at the time of assessment (sentencing or judgment imposed date).
- Defendants unable to pay in full on the day of assessment are required to complete an application for extension of time to pay.
- Application information is verified and evaluated to establish an appropriate payment plan for the defendant.
- Payment terms are usually strict.
- Alternative enforcement options (e.g., community service) are available for those who do not qualify for a payment plan.
- Defendants are closely monitored for compliance, and action is taken promptly for non-compliance:
  - Telephone contact and letter notification are required when a payment is missed;
  - Possible issuance of a warrant for continued non-compliance; and
  - Possible application of statutorily permitted collection remedies, such as programs for non-renewal of driver's license or vehicle registration.
- A county or city may contract with a private attorney or a public or private vendor for the provision of collection services on delinquent cases (61+ days), after in-house collection efforts are exhausted.

In order to facilitate the application of the CIP, the "best practices" model was configured to a rules format for implementation and these rules were formally adopted by the Texas Judicial Council and published in the **Texas Administrative Code Title 1 Part 8 Chapter 175**.



# Collection Improvement Model

This model does not apply to defendants who have been determined to be indigent.



## **OCA Technical Support**

- Assist with Local Development
- Assist with Local Implementation
- Provide Training
- Monitor and Evaluate Performance
  - Evaluate & analyze program results
  - Make recommendations to maximize effectiveness and minimize cost.

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