

Collections - It's Not Rocket Science

Jim Lehman

Office of Court Administration

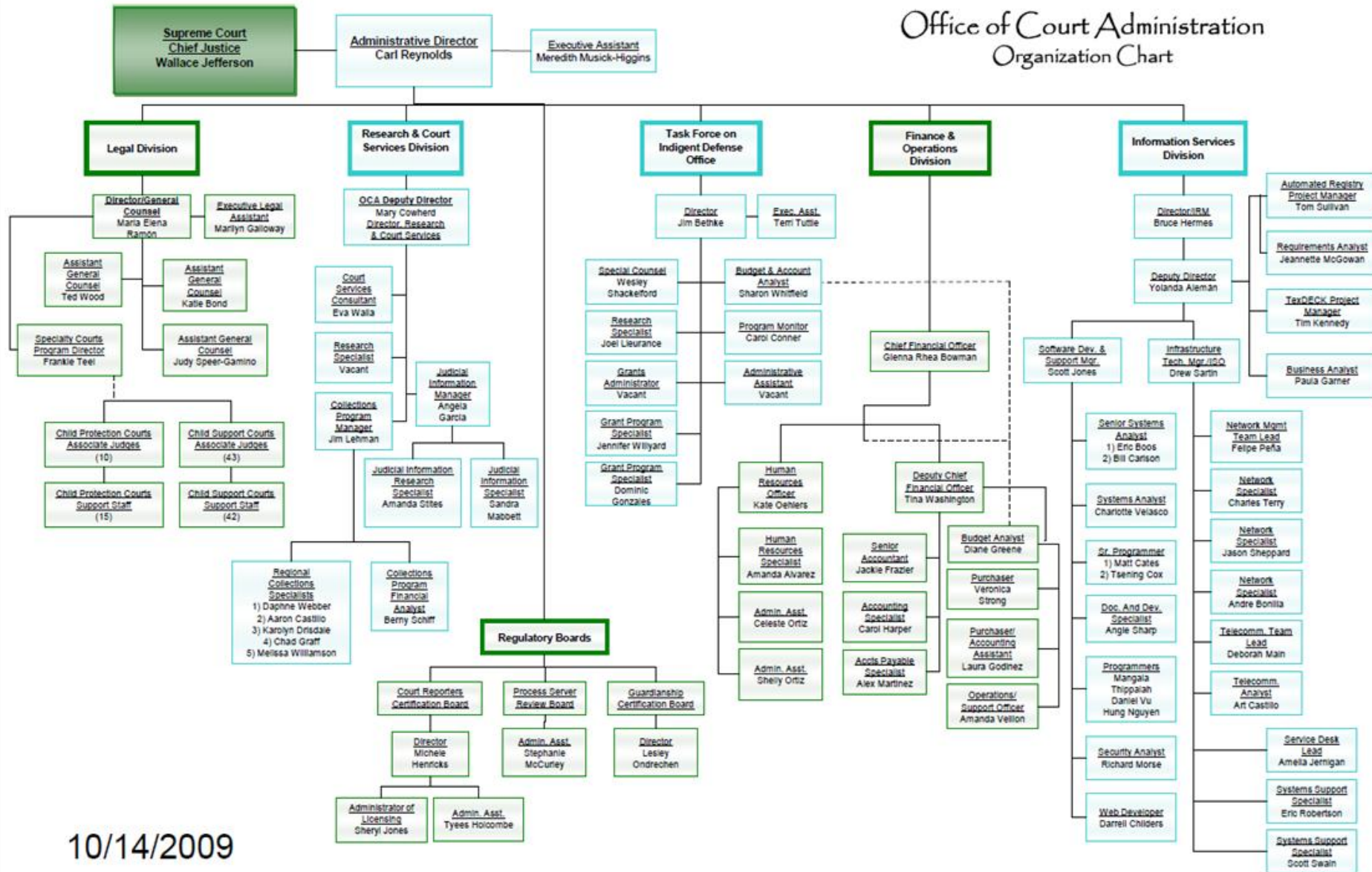


Texas Office of Court Administration



- **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**

Office of Court Administration Organization Chart



10/14/2009

Office of Court Administration

Programs and Projects

Legal	Research & Court Services	Task Force on Indigent Defense	Information Services	Regulatory Boards
Child Protective Courts	Judicial Information	Repaying Debts	TexDECK	Court Reporters
Child Support Courts	Collection Improvement Program	Criminal Justice Process Study	TAMES	Process Servers
	Weighted Caseload Project		Texas Path to NIEM	Guardianship Certification

Texas Indigent Defense Commission



Office of Court Administration

Publications, Forms, and Online Information







- Online Texas Judicial Directory
- Online Monthly Reports
- Standardized Felony Judgment Forms
- Official Uniform Model Jury Summons and Questionnaire
- Template for Competency Evaluations
- 2009 State of the Judiciary
- Annual Reports, Texas Judicial System
- Report on Judicial Salaries and Turnover
- Studies & Special Reports
- JCIT Reports and Publications
- Indigent Defense
- Guidelines for Gender Neutral Courtroom
- District Clerk Manual (2008 Edition)
- County Clerk Manual (2009 Edition)
- Court Financial Management Handbook for Cities
- Court Financial Management Handbook for Counties
- Filing Fees and Court Costs Charts





Office of Court Administration (OCA)

Austin, Texas

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-  [Message from the Director](#)
-  [Programs & Projects](#)
-  [Publications, Forms and Online Information](#)
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-  [Case Management and Collections Software](#)
-  [Requests for Records](#)
-  [Agency Contact & Location Information](#)
-  [OCA Divisions and Contacts](#)
-  [Agency Strategic Plan \[pdf\]](#)
-  [Agency Financial Information](#)
-  [Contracting Opportunities](#)
-  [Employment Opportunities](#)
-  [Report on Customer Service \[pdf\]](#)
-  [Compact with Texans](#)
-  [State Agency Energy Savings Program](#)
-  [Employee Information System \[pdf\]](#)
-  [Report Fraud, Waste or Abuse](#)

OCA IS A STATE AGENCY IN THE JUDICIAL BRANCH THAT OPERATES UNDER THE DIRECTION AND SUPERVISION OF THE SUPREME COURT OF TEXAS AND THE CHIEF JUSTICE AND IS GOVERNED PRIMARILY BY [CHAPTER 72 OF THE TEXAS GOVERNMENT CODE](#).

THE MISSION OF OCA IS...

TO PROVIDE RESOURCES AND INFORMATION FOR THE EFFICIENT ADMINISTRATION OF THE JUDICIAL BRANCH OF TEXAS

Resources for the judicial branch:

- For trial courts, [technical assistance](#), training, and [research](#) on court administration, and funding and standards for [indigent defense](#);
- For [appellate](#) and [specialty courts](#), information technology solutions and fiscal consultation;
- For [judicial branch regulatory boards and policymaking bodies](#), staffing and support; and
- For [specialty courts](#) and the [regional presiding judges](#), staffing and administration.

Information about the judicial branch:

- The judicial information website, [Texas Courts Online](#);
- Statistics and analysis of court information and case activity;
- Descriptions of court system structure and jurisdiction; and
- Reports and studies about the courts and judiciary.

www.courts.state.tx.us

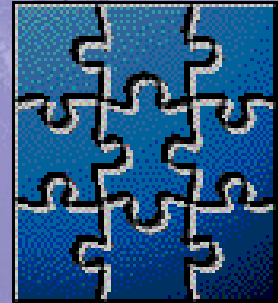
To view or print PDF files you must have the Adobe Acrobat® reader. This software may be obtained without charge from Adobe. [Download the reader from the Adobe Web site.](#)

Updated: 08-Mar-2010



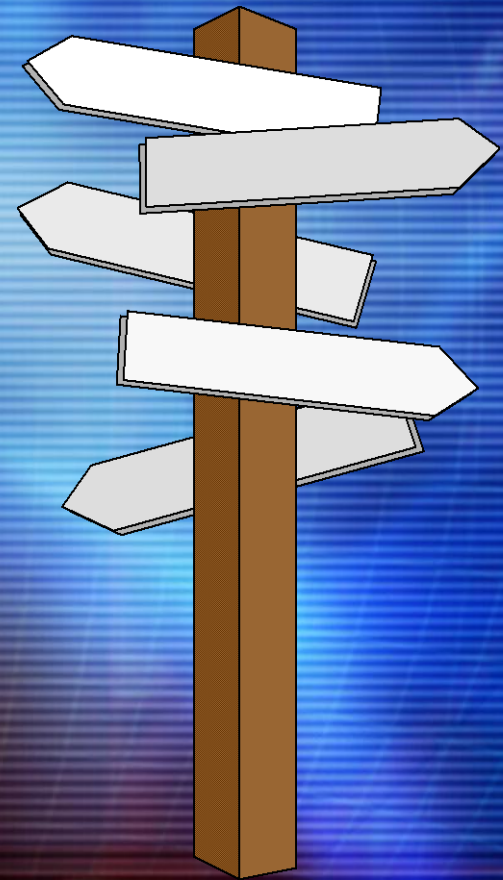
Four Part Presentation

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



The Need To Change National Collections Rate Averages

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



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.”

Warrant As the Answer

- 3.4 Million Class C's Issued in 2010
- 12 Prisoners Per Bed
- Third Largest U.S. City
- Larger than 20 States



The Real Cost of Extended Terms

\$50 Payment \$300 Assessment*

6 Payments

30 touches

2010 Fined 47,207 (City X)

30 percent pay plans

14,162 x 30 =

424,860 touches

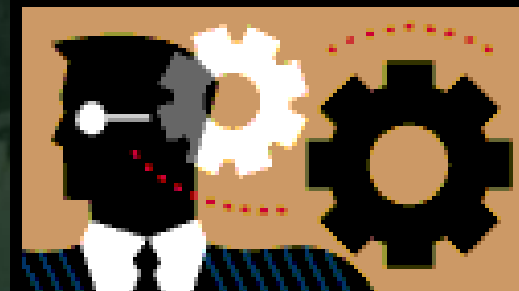
More than 7,000 hours

*If payment made as ordered



Judicial Collection Approaches

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





General Attitudes About Court Collections

- Court Philosophy

“These people can’t pay and its not my job.”

- Community Perception

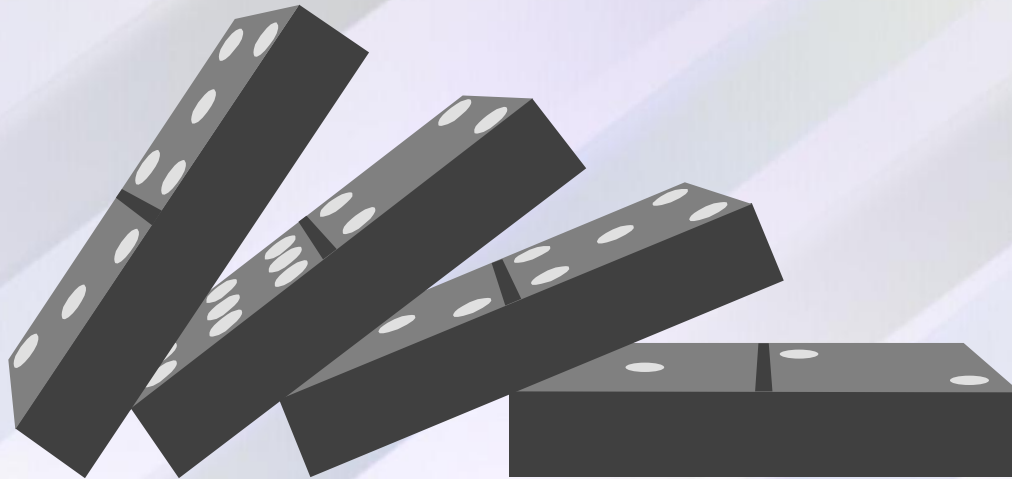
“They don’t expect us to pay and nobody cares.”

- Government

“We don’t have the time or money to invest.”

COMMON SIDE-EFFECTS

- Presumption- “Can’t Pay”
- Randomly Set Terms
- **Weak Follow Up**
- Warrant As Solution
- Credit/Recycle
- Low Priority – Expectations
- Perception - Inconsistent
- **High Default Rate**
- Expensive Often Ineffective
- Expensive & Ineffective

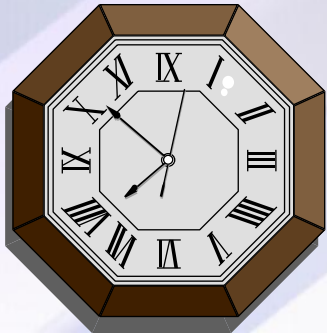


How People Pay

A Pay On Time. They Act At Once!

B A little late. They act after a little time passes.

C Whenever we choose. We never hear from these folks.



“By Contact Not Contract”



PLAYERS IN THE PROCESS

Court

Judge(s)

Enforcement

Court Administrators

Court Clerks

Probation

Pre-trial

Marshals

Sheriffs

Warrant Officers

Bailiffs

Offenders

Law Violators



Court's Collectors

Court Administrators

Court Clerks

Probation Officers

Pre-trial Staff

Marshals

Sheriffs

Warrant Officers

Bailiffs

Whoever



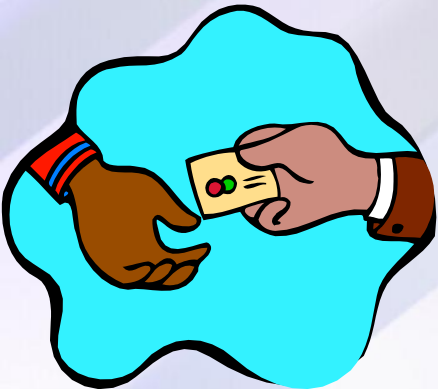
The Art of Collections

Collector

One who successfully encourages a debtor that it is in their best interest to pay what they owe.
(Not to be confused with a cashier)

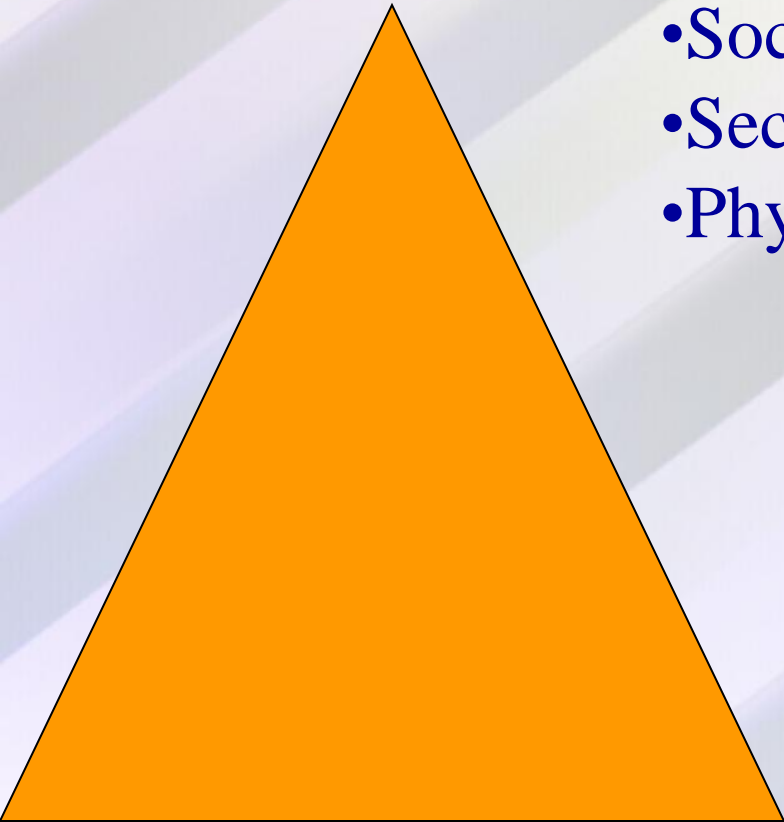
Key Elements

- 1. Ability**
- 2. Motivation**



Inside the Offender's Head

- Self-fulfillment (Don't Bother Me Now)
- Esteem (Do You Know Who I Am)
- Social (Will My Neighbors Find Out)
- Security (What About My Credit)
- Physical (Rent Is Due)



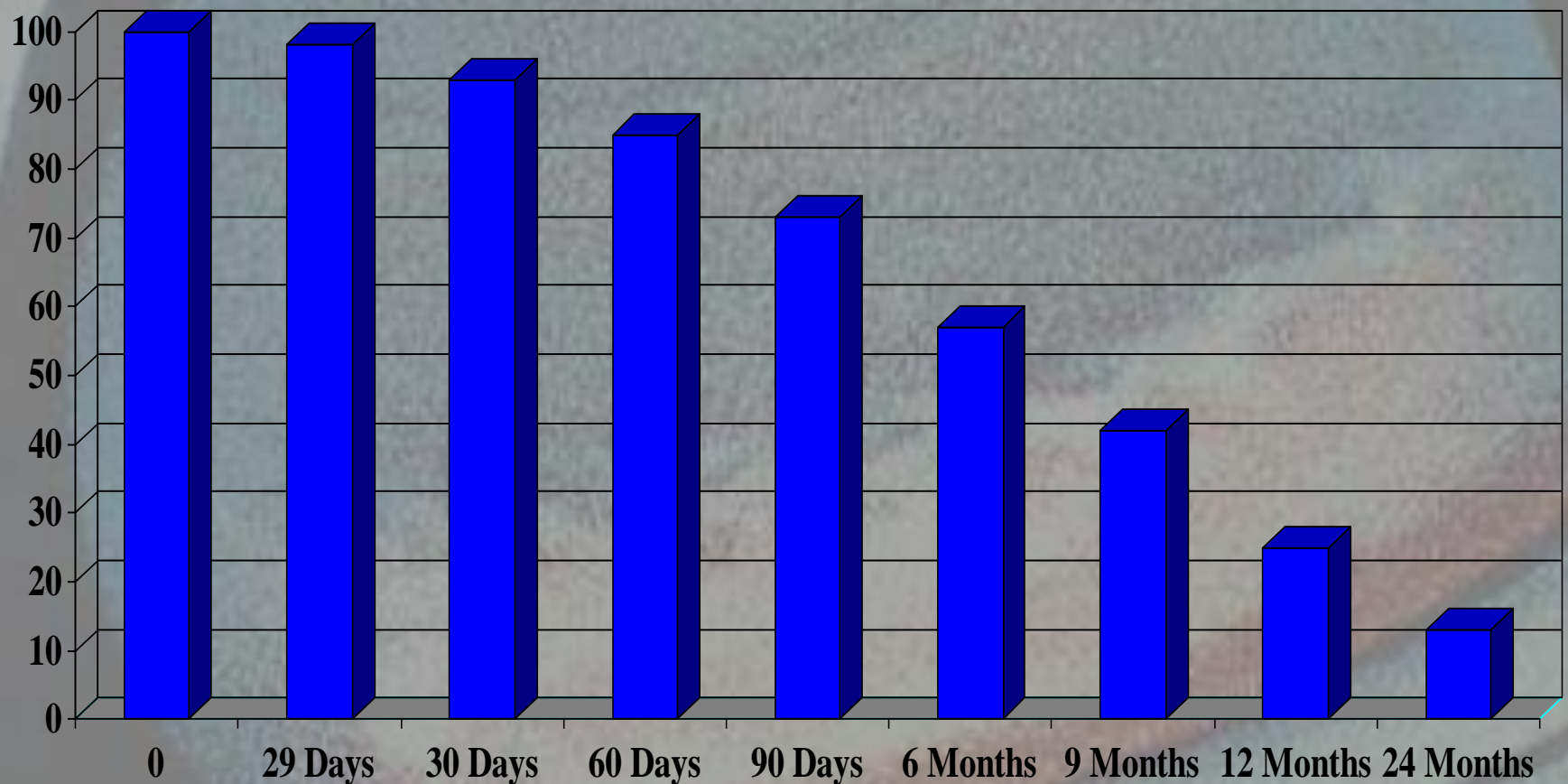
The Maslow Model

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.**



“Every Day A Debt Remains
Uncollected the Likelihood It Will
Remain Uncollected Increases.”





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.



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

Three C's of Enforcement

- Control – Required to manage.
- Contact - Required to connect.
- Consistency – Required to conclude.



Collection Windows & Remedies

- Pre-Appearance
- Appearance
- Non-Compliance/Default
- Pre-Capias Pro Fine
- Post Capias Pro Fine
- Phone Calls
- Notices (letters/postcards)
- Warrants
- Amnesty Programs
- Warrant Round Ups
- Non-renewal of DL
- Denial of Vehicle Reg.
- Civil Remedies





Collection Tools

Courtesy Cards

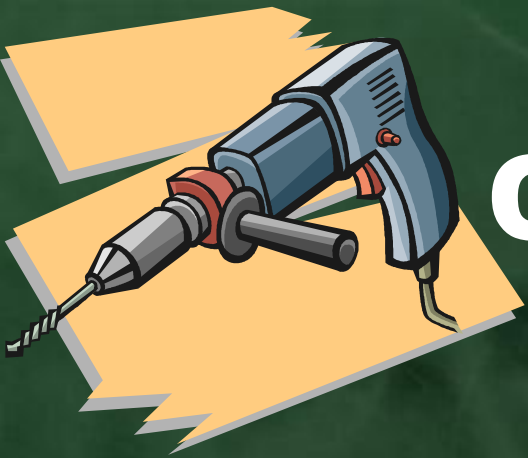
Warning Calls

Applications

Warning Cards

Interviews

Warrant Calls



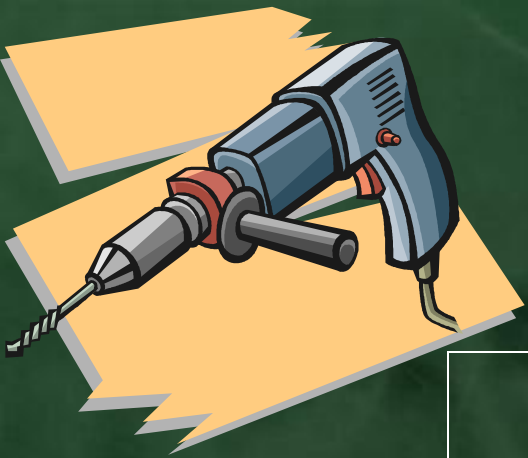
Collection Tools

Post Cards

**TDJC Print Shops
250@ \$15.50**

**Gary Beard-Marlin
254 883-5561**

**Wayne Wilkins-Hondo
830 426-5325**

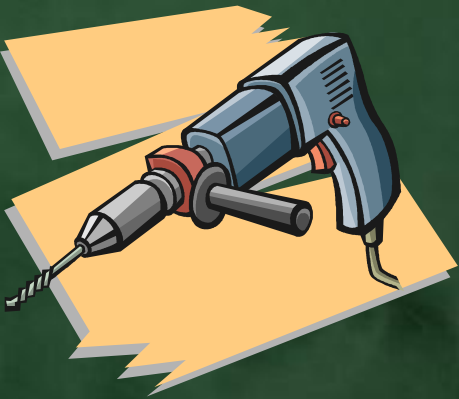


Collection Tools Statutory

**DPS-Omnibase
Texas Administrative Code
Title 37 Chapter 15**

**Scoff Law
Transportation Code 702.003**

**Inmate Money
Government Code 501.014**



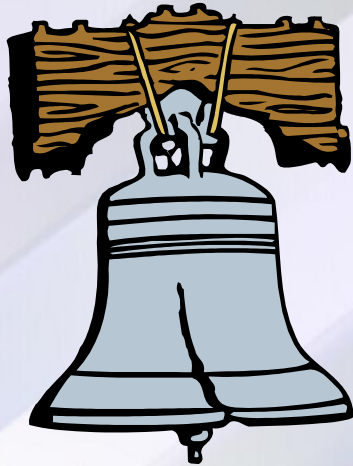
Collection Tools

Internet Services

- usps.com
- whitepages.com
- accurint.com
- masterfiles.com
- tlo.com
- nstn.net
- publicdata.com
- zabasearch.com
- phonevalidator.com
- freetranslator.com

The Impact of Unpaid Fines

- Loss of Public Revenues
- Decrease In Services
- Increase Taxes
- Weaker Government



Impact: Court, Criminal, Community

- 10,540,251 Adult Criminal Cases Filed in 2010
- 7,508,831 Municipal Court Cases
- Approximately **71.2%** 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.”

Keys to Success

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



The Collections Team

Cynthia Montes- North Region Daphne Webber- Central Region

Karolyn Drisdale- Houston Region Chad Graff- East Region

Aaron Castillo- South Region

Jim Lehman- Collections Program Mgr.

Office of Court Administration

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<http://www.courts.state.tx.us/oca>