



# Compliance Techniques

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Austin Municipal Court

# Why is compliance important ...

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- Lack of penalty
- Integrity of judicial orders / court
- Clear outstanding cases
- Increase revenue
- Part of collection program
- Maintain traffic / public safety
- Other

# What are the keys ...

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- Make it as easy as possible for defendants to handle cases
- Handle cases as quickly as possible
- Do what you say
  - Enhanced consequences
- Don't let up
- Voluntary compliance is easier / less costly than enforced compliance
- Other

# Compliance Techniques ...

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- Analyze entire life of your cases to see if your court can process them **easier, faster, certain**
- Figure out where you are:
  - Diagram with timeline the basic activities' processes
- Figure out where to go:
  - Brainstorm compliance opportunities
  - What is needed to implement opportunities
  - Choose and implement improvements (pilot)
  - Measure and analyze results

# Case Initiation ...

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- Multiple page citations or handouts that include major violation fines, extensive information and return envelopes\*
- Electronic ticket writers (Technology Fund)
- Get someone else to enter them
- Citation information entered into case management system ASAP
  - 24 hours
  - Overnight
  - Immediately upon issuance

# Appearance Date ...

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- How many days?
  - Faster is better
- What date?
  - Actual date more effective than general date
- Pre-appearance date phone call or mailer
  - Can irritate customers, but can also get thanked due to other collection techniques

# Immediate Customer Contact ...

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- Information other than citation
  - Internet applications – info, payments
    - [www.ci.austin.tx.us/court](http://www.ci.austin.tx.us/court)
    - [www.alvin.tx.citygovt.org](http://www.alvin.tx.citygovt.org)
  - IRV (phone) – info, payments
    - Austin's system: 512-974-4800
  - Actual telephone operators – info, payments
- In-person appearance
  - “Empower” clerks as much as possible
  - Multiple court locations (substations)

# Personal Customer Service ...

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- Customer Service Representatives:
  - Confidence – must know what they are doing and the customer needs to believe it
  - Courtesy and professionalism at all times
  - Assume defendants CAN and WILL pay
  - Keep control of the conversation
    - Tell the customer what needs to be done
    - Answer customer questions, but don't "lead"
    - Get "commitment" from defendant
- Hours of service
- Nice to have adequate number of employees 😊



# Payments ...

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- Make payment as easy as possible
  - In Person or Mail
  - Drop Box
  - Through Western Union
  - Credit Cards – in person or phone or WEB
  - Check drafts
  - Personal checks
  - Other?

# Payment Plans ...

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- Judges to set general guidelines
  - If meet guidelines, small application\* and payment
  - If cannot meet guidelines, more complicated and time consuming application (nuisance factor)
- Defendant to complete financial statement for plan\*
  - Bring in “proof”
  - Call to verify phone number, employment
  - Connection to credit bureau
- Give payment books or send monthly reminders
- See dedicated clerk who is good at this for processing

# Delinquent Notice ...

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- Defendant fails to contact court by initial appearance date\*
- Automate printing if possible from case management system (Technology Fund)
- Include:
  - English and Spanish (or other)
  - Return envelope (Postage pre-paid not needed)
  - Options and other info to facilitate compliance
  - Bar code (if system can read them) (Tech Fund)
    - Go directly to case when customer comes in
    - Immediately mark “bad addresses” without even opening the envelope\*

# Pre-Warrant Phoning ...

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- Generate list (or pull files) of delinquent cases after appearance date
- Attempt pre-warrant telephone contact:
  - To resolve case
  - To verify address information
  - Leave message if no direct contact
- Integrate automatic call system to case management system to make calls and leave messages
  - Purchase equipment (Tech Fund)
  - Internet service

# Pre-Docket Phoning ...

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- Call prior to appearance and/or trial docket
  - Increase appearance rate
  - Sometimes defendant pays
- Can be automated with call system
  - Equipment
  - Internet service

# “Skip Tracing”...

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- Bar coded notices may be scanned into the computer system if mail is returned
  - Batch FTP updates OR individually research
- Enter results of phone contacts into computer system
- Skip tracing sources:
  - Internet – Individual lookup and batched
  - Local Utility – Electric, Water, Gas Customers
  - Texas Employment Office
  - Police Department
  - Vendors

# Failure to Appear ...

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- File “Violation of Promise to Appear”
  - Subtitle C citations
  - Affidavit by employee
  - Can issue warrant
- File “Failure to Appear”
  - Non-Subtitle C citations or on scheduled dockets
  - Affidavit by employee
  - Can issue warrant
- Code Enforcement
  - Cannot issue VPTA or FTA if citation issued by non-peace officer unless ordinance on file in home rule city

# Tiered Fine Schedule ...

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- Tiered fine schedule (2, 3, more)
  - Higher fine (% or \$) if no appearance is made by appearance date or other specified time
  - Applicable to all violations (signed or not; number of violations per citation)
- This program may replace the “Violation of Promise to Appear” (VPTA) program or in addition to it
  - Separate charge with fine & court costs
  - Lower cost for defendant with same or more income for court (less for state)



# Capias (Warrant of Arrest) ...

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- Letters automatically generated from the case management system, signed by law enforcement\*
  - Get with Judge about when to add \$50 fee
  - Get with Judge about when to add \$25 special fee for VPTA and FTA
- Attempt telephone contact to achieve immediate resolution
  - Failure to respond may lead to warrant issuance and defendant's arrest

# FTA Program ...

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- DPS (Omnibase) Failure To Appear program
  - Notification sent to DPS to place hold on Driver's license issuance/renewal
  - Report non-appearance and non-compliance
  - DPS sends notice to defendant
- Discuss with city attorney
  - Law says must pay for dismissals

# Registration Holds ...

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- Contract with TxDOT or County Tax Assessor/Collector to withhold vehicle registration renewal if have traffic warrant
  - Name on warrant and name on registration must match
  - Decide what to do with multiple owners
  - Need process
- Tax Assessor/Collectors are generally reluctant for political reasons and may charge

# “Your Time Is Up” Notice ...

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- Send notice\* when an event date passes such as:
  - Failure to make payment after receiving extension
  - Defaulting on a payment plan
  - Failure to appear at revocation or show cause hearing
  - Failure to comply with other court orders
- Automate if possible from case management system
- Include
  - English and Spanish (or other)
  - Return envelope (Not necessary to postage pre-pay)
  - Options and other information to facilitate compliance
  - Bar code (if system can read them)
    - Go directly to case when customer comes in
    - Immediately mark “bad addresses” without even opening the envelope

# Capias Pro-Fine ...

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- Issued on cases with past due judgments
- Telephone contact is attempted to achieve immediate resolution
  - Failure to respond may lead to warrant issuance and defendant's arrest

# Pre-Warrant Research ...

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- May want to research defendant with warrant prior to sending officer to serve\*:
  - Defendant name and known aliases, race, sex, D.O.B., height, weight, hair and eye color, verified home address, etc.
    - Address verified through utility records, police data base, skip tracing efforts, etc.
  - TCIC/NCIC, DL, Vehicle check
  - Any known premise hazards
- Maximizes officer time

# City Marshals/Warrant Officers ...

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- Dedicated to arresting persons with outstanding warrants
- Process arrestees brought to Court or jail
- May want to consider:
  - Take non-cash payments in the field
  - Authorize arrestee to call Court or go online to take credit card payments
  - Leave door hangers if defendants not at home\*

# External Collection Agency ...

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- Contract with a vendor to collect aged cases
  - Collects on cases with judgments
  - Locates and may get pleas on cases without judgments
  - May need Council approval
- Send “Last Chance” notice\* prior to sending to agency
- Collection fee added
  - Definitely on adjudicated cases; check with Judge / City Attorney / Law Dept. on unadjudicated cases
  - Be involved with negotiating contract
    - Payment to vendor (30% of original balance, not 30% of the balance vendor is collecting)
    - Partial payment handling; especially on warrants



# Special Events/Projects ...

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- Warrant Round Ups (versus Amnesty)
  - Single jurisdictions, Multi-jurisdictional, Statewide
  - Incentives
- Warrant Saturations
  - Mini warrant round ups (partial city) with or w/o notices
- Special mailings and phone campaigns
  - Click It or Ticket
  - Spotlight on Speeders
  - Pulling over Parkers
  - You may be eligible ...
  - Etc.

# Other Programs ...

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- Report to other states using the Non-Resident Violator Compact
- DIC-81 filed on delinquent youth cases
- Youth programs with dedicated staff
  - Juvenile case manager fund
- Consider higher cost on discretionary DSCs or deferred dispositions after appearance date
  - More retained revenue

# Start Now ...

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- Try piloting certain techniques
  - Keep track of outcome
    - **Easier, Faster, Certain**
- Use pilot outcomes to request resources
  - It's budget time
- Implement new techniques
  - Keep track of success
  - Share information
- Then take another step

# Compliance Summary ...

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## Do Something ...

- If you can't take a big step, take a small step.
- If you can't take a small step, take a tiny step.
- Take action and you will no longer merely think you can do it. After even the smallest step, you'll know for sure.

- Ralph Marston

# Facilitator Contact:

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- Austin Municipal Court

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