

Compliance Techniques


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Today ...

- Compliance and Collections
 - Definitions
 - Keys to Remember
 - Ideas
 - Data Entry to Special Events

Definitions ...

- Collections
 - Generally refers to money collected
 - OCA program for larger/county courts
- Compliance
 - Closing cases (in Texas ☺)
 - Sometimes judgments to warrants
 - Usually results in increased collections



Compliance Opportunities ...

- Look at all court operations for compliance opportunities*
 - Flow chart or diagram your efforts as if it is a separate process
- Keys
 - Faster is better
 - Easier is better
 - Regular contact is better
 - One step at a time (court)

Case Initiation ...

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



Appearance Date ...

- How many days?
 - Remember ... 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 compliance techniques

Immediate Customer Contact ...

- Information other than citation
 - Internet applications – info, payments
 - www.ci.austin.tx.us/court
 - www.alvin.tx.citygovt.org
 - IRV (phone) – info, payments
 - Actual people – info, payments
 - In-person appearance
 - “Empower” clerks as much as possible
 - Multiple court locations (substations)
 - Defendants respond to different medium
 - Especially age



Personal Customer Service ...

- 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
- Nice to have adequate number of employees ☺

Payments ...

- 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
 - How about personal checks?



Payment Plans ...

- 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*
 - Bring in "proof"
 - Call to verify phone number, employment
 - Connection to credit bureau
- See dedicated clerk ("compliance clerk") who is good at this for processing

Delinquent Notice ...

- Defendant fails to contact court by initial appearance date*
- Automate printing if possible from case management system (Technology Fund)
- Maybe 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 (Capias) Phoning ...

- 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 ...

- Call prior to appearance and/or trial docket
 - Increase appearance rate
 - Sometimes defendant pays
- Can be automated with call system
 - See previous slide
- Volunteers



“Skip Tracing” ...

- Skip tracing sources:
 - Internet – Individual lookup and batched
 - Local Utility – Electric, Water, Gas Customers
 - Texas Employment Office
 - Police Department
 - Vendors
- 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 case management system

VPTA and FTA ...

- 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 ...

- 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 VPTA or FTA filings 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) ...

- 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

"Your Time Is Up" Notice ...

- 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 printing if possible from case management system (Tech Fund)
- Maybe 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 ...

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



Pre-Service Research ...

- 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 ...

- 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*



FTA Program ...

- 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 may say must pay for dismissals

Registration Holds ...

- Contract with TxDOT or County Tax Assessor/Collector to withhold vehicle registration renewal if have traffic warrant
 - Must have notice on citation
 - Name on warrant and 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 or not honor hold placed by TxDOT directly



Collection Agency ...

- 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 ...

- Warrant Round Ups
 - Single jurisdictions
 - Multi-jurisdictional
- 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.

Warrant Round Up vs Amnesty ...

- Amnesty
 - Concentrated effort to enforce warrants by offering incentives to get voluntary compliance by defendants
- Warrant Round Up
 - Concentrated effort to enforce warrants without incentives



Amnesty Incentives ...

- Amnesty incentives
 - Financial based
 - Dismiss FTA or VPTA
 - Reduce fine (but not court costs, fees)
 - Freedom based
 - Period of time where won't make arrests while persons voluntarily handling warrants
- Waive warrant fee?
 - Shouldn't - Art. 102.011 C.C.P.
 - (a) - "A defendant convicted of a felony or a misdemeanor shall pay the following fees for services performed by a peace officer:
 - (a) (2) - \$50 for executing or processing an issued arrest warrant or capias ..."

Statewide becomes effective ...

- **The key to the success of a statewide Warrant Round is voluntary compliance**
 - Coordination among entities
 - Notices are sent
 - Defendants do NOT know there is no central class 'c' warrant database
 - Media awareness
 - Follow-up by law enforcement with arrests
- March 5, 2011
 - Notices mailed February 18th
 - NOTE: Date not to be given to media

WRU Get Ready Now ...

- **Budget now – Court and Law Enforcement**
 - Notices, overtime, extra help, ads, etc.
 - Next statewide probably March 5, 2011
- **Gather some statistics**
 - # warrants vs. # cleared vs. # arrests during non-round up time to compare to round-up
 - \$ collected on warrants
 - Other

Other Programs ...

- Report to other states using the Non-Resident Violator Compact
- DIC-81 filed on delinquent youth cases
- Consider higher cost on discretionary DSCs or deferred dispositions after appearance date
 - More retained revenue
- Inmate funds

Keys to Compliance ...

- Review and modify your processes and procedures because:
 - Faster is better
 - Easier is better
 - Regular contact is better
 - One step at a time (court)

Facilitator Contact:

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