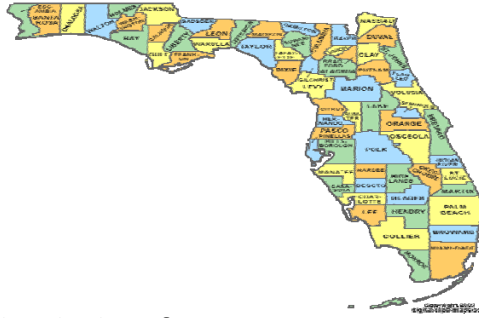


Principles of a COLLECTION COMPLIANCE PROGRAM



Florida Clerks of Court Operations Corporation

Russ Duncan
Court Compliance Specialist

The Ideal Compliance Program

- Purpose well-defined with Strong administrative Leadership and backing
- Clear line of responsibility / accountability
- Significant investment in quality staffing, *quality Professional Staffing are the driving force of a successful court collections program. The staff must be qualified and committed to excellence.*
- Significant investment in strategy /planning
- Creativity is encouraged

The Art of Compliance

The most effective compliance officer:

one who successfully encourages defendants that it is in their best interest to pay what they owe.

Key Elements

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

Goal Identification & Prioritization

- **Identify your goals**
- **Prioritize goals**
- **Identify factors that will facilitate achievement**
- **Identify those factors which would impede**
- **Use data to focus resources and goals**

Enforcement Plan Keys

- **Proper Prioritization of Court Costs, & Fines**
- **Uniform Collection Policy**
- **Clear Line of Responsibility**
- **Firm Realistic Goals & Targets**
- **Immediate Response to Default**
- **Severe & Timely Sanctions for Default**
- **Realistic Enforcement Options**

Compliance Performance

Consistent with the basic premises of fine administration, individual offenders must be made to pay their fines in order for society to have achieved its policy goals of punishment and deterrence and for the courts to maintain their own credibility

NCSC

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.”

NCSC

Principals of Understanding

- A fine is Punishment and not a “BILL”.
- The payment is the defendant’s responsibility.
- 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.
- Most people come to court with money.

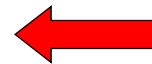
Best practices for compliance

- **Have written policies and procedures.**
- **Use and application for payment Extension**
- **Have Payment options. (30, 60 & 90 days +)**
- Review wage and bank, credit card information **to identify assets that could be used to pay the debt.**
- Contacting **default defendant within 72 hours.**
- **Contact by phone in all compliance efforts.**
- **Mailing reminder postcards to default defendant .**
- **legal actions, such as suspension of drivers license, collections vendor after 91 days.**

Defendant Categories

35 to 50% - *WILLS*

30 to 40% - *MIGHTS*



8 to 10% - *NOTS*

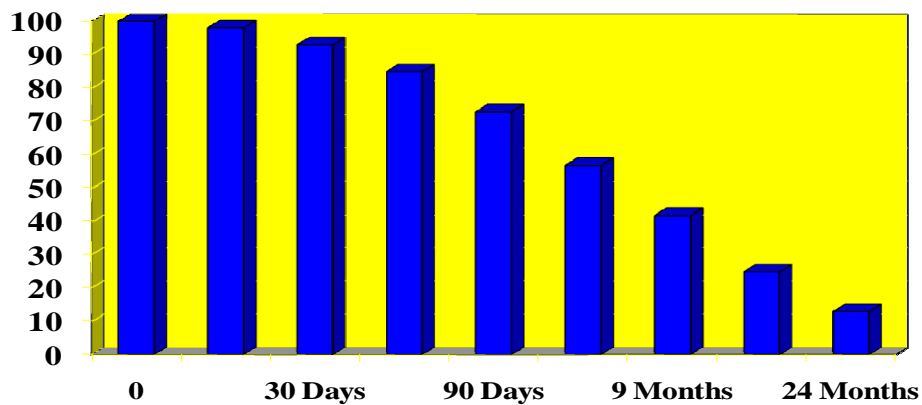


And is it just about “the” money?



**Abraham Lincoln said:
"Law without enforcement is only good advice."**

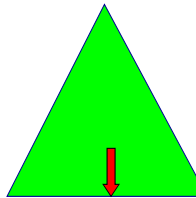
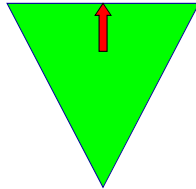
**“Every Day a Debt Remains
Uncollected the Likelihood It Will
Remain Uncollected Increases.”**



Collections Matrix

Private Sector Focus

\$



\$

Public Sector Focus

Disposition of an offense

- When and defendant cannot pay in full at time of judgment. This will result in a court cost and fines being paid on and payment plan to the Clerk of the Court.
- First, it is useful if the Clerk of the Court has a payment policy. Second, the court must **enforce** that policy.

The PAYMENT PLAN

- A one time fee of \$25 will be added to **each offense** on the 31st day after judgment. Each offense is subject to an additional \$25
- *The Clerk of the Court will allow time payments in the following increments based on the total fines owed at the time the court order / Judgment is entered.*
- **Total owed:** \$1 to \$300 \$150 every 30 days but must be paid in 60 days
- **Total owed:** \$301 to \$600 \$150 to \$200 every 30 days but must be paid in full in 90 days
- **Total Owed:** \$600 or \$1200 \$150 to \$300 every 30 days but must be paid in full in 120 days

Plan Tools



Applications

Warning Calls
Using IVR system



Interviews
Payment agreement

Suspend Driver
License



Warning Notice
"postcard"

COLLECTION
AGENT

NAME _____
 Last (Apellido) First (Primer Nombre) Middle (Segundo Nombre) Nickname/Maiden Name

Date of Birth _____ Drivers Lic. or ID No. _____ Social Security No. _____
 (Fecha de Nacimiento) (Numero de Licencia O de ID) (No. De Seguro Social)

Street Address _____

Direccion Number/Name Apt. / Lot City State Zip
 (Calle) (No. de Apartamento) (Ciudad) (Estado) (Codigo Postal)

Mailing Address _____

Direccion de envio P. O. Box or Street Apt. City State Zip
 (Calle) (No. de Apartamento) (Ciudad) (Estado) (Codigo Postal)

Phone _____ If no phone, number where you can be Reached and Whom _____
 (Telefono de su Casa) (Si ningun telefono, numero donde po dreemos comunicarnos con usted y con quien hablar)

Work Phone _____ Cell Phone or Pager # _____
 (Telefono de Trabajo) (Numero Celular)

Employer: _____
 Empleo: Nombre Direccion Ciudad Estado Código Postal

Salary _____ Bi Weekly _____ Monthly _____
 Sueldo Libre Por Quincena Mensua

List of Names, Addresses & Phone Numbers of Two (2) Personal References NOT Related to You:
 (Lista de nombres, las direcciones, y numeros de telefono de los referencias personales que no sean familiares de usted):

Name _____ Street Address _____ Apt. _____ City & State _____ Zip _____ Phone _____ Years Known _____
 (Nombre) (Calle) (Ciudad, Estado) (Codigo postal) (telefono)

Name _____ Street Address _____ Apt. _____ City & State _____ Zip _____ Phone _____ Years Known _____
 (Nombre) (Calle) (Ciudad, Estado) (Codigo postal) (telefono)

Bank Account (Check all that apply) Checking _____ Savings _____ Other: _____ Available Balance: \$ _____
 (Cuenta Bancaria) (Cuenta corriente bancaria) (Ahorros) (Otro) (Saldo/Balance disponible)

Do you have Credit or Credit Card(s) available? Yes (Si) No Credit Limit(s) available to use \$ _____
 (Tiene Ud credito tarjeta de credito (tarjetas) disponible? (Limite disponible para utilizar)

VEHICLE ---Year: _____ Make: _____ Color _____ Lic #: _____

OFFICIAL NOTICE

CLERK OF THE CIRCUIT COURT

For Information, call

NOTICE

You have failed to make payment as agreed to resolve this offence filed in Court.

You must contact this office within 5 days of the date of this notice to resolve this matter or show cause why the court should not proceed with appropriate actions against you.

Your failing to respond may result in a WARRANT BEING ISSUED FOR YOUR ARREST. and suspension of drivers license

Enforcing judgments

- **Follow through is of critical importance in enforcing judgments.**
- **If a person is told that their license will be suspended if they don't pay as agreed, when they don't pay, suspend their license and then on the 91 day forward them to a collection agency.**

Timely follow thorough

- Remember that the critical aspects of enforcing a judgment are **timely notice** and **timely follow thorough**. Inform the person of what they must do and of the **consequences** if they fail; then, if the person fails, do what you said, and do it right away.

DOES IT WORK?

Word on the street

- Say what you going to do, do what you say. (your credibility is at stake)

THE RESULT

- Programs that have implemented this system or a variation of it have experienced an almost immediate effect on their rate of compliance. But the effect goes beyond the rate of compliance, when the defendants finds that a court is really serious about enforcing its judgments, then they tend to try to avoid situations that would bring them back before that Court. **Whatever the motivation, compliance enforcement as described above works.**

Benefits

- Enforces Compliance
- Increases Respect for Judicial System and your Court
- Increases Revenue
- Promotes Efficiency

*"A fine is punishment for a crime
only if it is collected"*

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