

This is a sample form that will be used by the Comptroller’s auditors during their compliance review of the mandatory Collection Improvement Programs (Art. 103.0033, Code of Criminal Procedure). (You may use this form internally for a self audit/evaluation but a completed form should not be sent to the Comptroller.)

COLLECTIONS PROGRAM SURVEY

Name of City/County: _____

Taxpayer Number: _____

Date of Survey: _____

Name of Department/Court: _____

If Department, list all courts handled:

Individual answering survey (Collections Supervising Official):

Printed Name: _____

Signature: _____

Title: _____

*** Critical Components – All of these questions must be answered “Yes” and where applicable occur within the stated time period or the program is considered “Not in Compliance.”**

1. *Summary description of this office's or court's collection efforts for court costs, fees and fines. Is every court participating? Yes No

If no, complete this question, but do not complete remainder of questionnaire.

(Compliance measure requires all courts to participate.)

2. Does this department/court have uniform written policies and procedures for the collection of criminal court costs, fees, and fines?

manual memo flow chart Yes No

Other (describe):

Have policies been distributed to affected staff personnel?

Yes No

Attach a copy of the written procedures, along with a copy of a typical judge's order for a criminal case with court costs, fees, and fines.

Auditor verified written policies and procedures: _____ (date)

Cannot be verified

Notes: _____

3. * Is there a minimum of one full-time staff person or staff time equivalent in this court/ department whose priority job function is collection activities? (This may include county, city, or contract employees.)

Yes No

(Compliance measure requires a minimum of one such individual or dedicated time divided among multiple individuals.)

Please complete the following for all staff persons involved in collections activities:

Name	Job Title	Department /Court	Period (dates from/to)	% of time spent on collections

Changes in this pattern of staffing/personnel involvement? Yes No

Describe: _____

Do these individuals have written job descriptions? Yes No

If position is vacant, has the job vacancy notice been posted? Yes No

When posted? _____

Auditor verified written job description: _____ (date)

Cannot be verified:

Notes:

4. Is there an expectation that all court costs, fees, and fines are generally due at the time of sentencing or pleading?

Yes No

Are public notices of this expectation posted in affected areas for staff and defendants to see?

Yes No

Is notice of this expectation included in the Notice of Court Setting letter sent to defendants? (N/A for Class C misdemeanors)

Yes No

Auditor verified public notices or expectation in the Notice of Court Setting letter:
 _____ (date) Cannot be verified:

Notes: _____

5. *If a defendant is unable to pay in full on the day of sentencing or pleading, is an application used to determine a defendant's ability to pay or obtain current contact information?

Yes No

Immediately 2-5 days 6-30 days
(Application is required for compliance measure.)

<u>Does the application include:</u>	<u>YES</u>	<u>NO</u>
Home address	<input type="checkbox"/>	<input type="checkbox"/>
Home phone number	<input type="checkbox"/>	<input type="checkbox"/>
Employer's name and address	<input type="checkbox"/>	<input type="checkbox"/>
Employer's phone number	<input type="checkbox"/>	<input type="checkbox"/>
Banks and account balances	<input type="checkbox"/>	<input type="checkbox"/>
Creditors, balances, payment amounts	<input type="checkbox"/>	<input type="checkbox"/>
Personal references (at least 2)	<input type="checkbox"/>	<input type="checkbox"/>
Stated income	<input type="checkbox"/>	<input type="checkbox"/>
Acknowledgement statement	<input type="checkbox"/>	<input type="checkbox"/>
Defendant's signature	<input type="checkbox"/>	<input type="checkbox"/>

(All the above required for compliance measure)

Are defendants required to sign application, or are exceptions noted on the signature line? Yes No

(Compliance measure requires a signature or exception noted.)

If signature not obtained, please explain why: _____

Attach a copy of the typical application used.

Auditor verified uniform application: _____ (date) Cannot be verified:

Notes: _____

6. *Is the information provided in the application verified?

Yes No

Immediately 2-5 days

(Verification is required for compliance measure.)

Is home or contact phone verified? Yes No

Is employment or source of support verified? Yes No

Who conducts this verification? _____

How is this done?

By phone bank statement database

Other: please describe: _____

How is the verification of information documented? _____

Auditor observed verification process: _____ (date)

Cannot be verified:

Notes: _____

7. *Does the court/department conduct a one-on-one review of the application with the defendant to determine an appropriate payment plan for the defendant or review terms for compliance?

Yes No

Immediately 2-5 days

(Compliance measure requires a review of the application with the defendant within 5 days after submission.)

Please explain how this review is done? _____

Who conducts this review? _____

Is there written documentation of this review process? Yes No

If yes, please describe: _____

Did auditor observe review process in action? Yes No

If yes, date(s) observed: _____

Cannot be verified:

Notes: _____

8. *Does this court/department generally have strict payment terms/goals for defendants unable to pay in full on the day of sentencing or pleading? (One example is: For misdemeanors - 50% of the total amount due must be paid within 48 hours, 80% within 30 days, and 100% within 60 days. For felonies - the payment terms are generally shorter than the term of community supervision/deferred adjudication or parole. Payment terms for state jail felonies should be similar to other felonies except payment terms should generally begin after release. Please note these are examples only. Any payment terms established or ordered by the court acting within its statutory authority or discretion is acceptable.)

Yes No

- percentage amounts due within X number of days
- based on defendant's ability to pay (financial evaluation)
- based on defendant's payroll pay schedule
- payment terms generally shorter than community supervision/deferred adjudication /parole
- other, please explain: _____
(*Strict pay-out terms required for compliance measure.*)

Describe how the typical payment plan is structured, including typical length of plan and terms. _____

Are defendants required to sign pay-out agreement, or are exceptions noted on the signature line? Yes No
(*Compliance measure requires a signature or exception noted.*)

If signature not obtained, please explain why: _____

Attach copy of typical payment plan used.

Auditor verified pay-out agreements are signed: _____ (date)

Cannot be verified:

Notes: _____

9. *Is a collections/compliance staff person assigned to monitor compliance with payment agreements?

Yes No

(*Compliance measure requires assignment to monitor compliance.*)

Auditor verified documentation of assignment to in-house staff:

_____ (date) *Cannot be verified:*

Auditor verified documentation of past due list or tickler system for follow up:

_____ (date) *Cannot be verified:*

Notes: _____

10. *Is a phone call made to the defendant when a payment is not paid on the due date?

Yes No

Immediately 2-5 days 6-30 days

(Compliance measure requires a phone call to be made within 30 days after payment is past due and no contact from defendant. This process must be overseen by in-house staff. Phone calls may be made by an automated system.)

Is there a record made of these phone calls? Yes No

If yes, where are these notations made? _____

Auditor verified notations of phone calls: _____ (date)

Cannot be verified:

Notes: _____

11. *Is a delinquency notice sent to the defendant when a payment is not paid on the due date?

Yes No

Immediately 2-5 days 6-30 days

(Compliance measure requires a notice to be sent within 30 days after payment is past due and no contact from defendant. This process must be overseen by in-house staff. Delinquency notices may be sent by an automated system.)

Is there a record made of these delinquency notices? Yes No

How many delinquency notices are mailed to a defendant? _____

How often? _____

Are any of these notices sent certified mail? Yes No

Auditor verified delinquency notices and certified mail: _____ (date)

Cannot be verified:

Notes: _____

12. *Is a pre-warrant phone call made or notice sent to the defendant when the defendant fails to respond to the collection efforts as detailed in Question 11?

Yes No

Immediately 2-5 days 6-30 days

(Compliance measure requires that an additional phone call be made or delinquency notice be sent within 30 days after final delinquency notice - Question 11. This process must be overseen by in-house staff. Pre-warrant phone calls may be made or delinquency notices may be sent by an automated system.)

Is there a record made of the phone call/notice? Yes No

If yes, where are these notations made? _____

Auditor verified notations of these phone calls/notices: _____ (date)

Cannot be verified:

Notes:

13. Is a warrant generally issued when a pre-warrant phone call or delinquency notice has failed to bring a satisfactory response?

Yes No

Immediately 2-5 days 6-30 days 31-60 days

Is a warrant documented in the defendant's record? Yes No

If yes, where are these notations made? _____

Auditor verified notations of warrants? _____ (date)

Cannot be verified:

Notes: _____

14. Does this court/department use law enforcement officers to contact or serve warrants on defendants who have failed to make their payments?

Yes No

Is there a record made of these activities? Yes No

Auditor verified notations of law enforcement activities: _____ (date)
Cannot be verified:

Notes:

15. Is a post-warrant phone call made or a notice sent if there has been no response from defendant after issuance of the warrant?

Yes No

Immediately 2-5 days 6-30 days more than 30 days

Is the phone call/notice documented? Yes No

Auditor verified notations of these phone calls/notices? _____ (date)
Cannot be verified:

Notes:

16. Does this court/department allow for alternative enforcement options, such as community service, for those who are unable to pay?

Yes No

What alternative enforcement options other than community service are used?

If community service or other alternative enforcement option, what dollar amount credit is used per day?

Community Service \$ _____

Other alternative enforcement options \$ _____

How is this credit documented? _____

Where is this credit documented in the defendant's record?

Does a collections staff person monitor the defendant's community service or other alternative enforcement option participation? Yes No

Are there written procedures addressing the determination of the inability to pay? Yes No

Auditor verified notations of credits given: _____ (date)

Cannot be verified:

Auditor verified procedures addressing inability to pay: _____ (date)

Cannot be verified:

Notes: _____

17. Does this court/department use statutorily permitted collection remedies at least for Class C misdemeanors?

Yes No

Which ones:

Non-renewal of driver's license (*Texas Transportation Code, Chapter 706, authorizes the Texas Department of Public Safety (DPS) to contract with political subdivisions to deny the renewal of an individual's driver's license for failure to appear or failure to pay or satisfy a judgment ordering payment of a fine and cost in a matter involving an offense that a court has jurisdiction of under Chapter 4, Code of Criminal Procedure. DPS has contracted with Omnibase, a private vendor, to implement this system.*)

Date contracted with DPS: _____

If using this Failure to Appear/Pay option, does the defendant's record indicate that the case was submitted to Omnibase? Yes No

Non-renewal of vehicle registration (*Texas Transportation Code, Section 502.185, provides that a county assessor-collector or the Texas Department of Transportation may refuse to register a motor vehicle if the assessor-collector or the department receives information that the owner of a vehicle owes the county money for a fine, fee, or tax that is past due.*) (*And Texas Transportation Code, Section 702.003 provides that a county assessor-collector or the Texas Department of Transportation may refuse to register a motor vehicle if the assessor-collector or the department receives under a contract with the city information that a defendant has an outstanding warrant for failure to appear or failure to pay a fine on a complaint that involves the violation of a traffic law.*)

If using the non-renewal registration option, does the defendant's record indicate that the case was submitted to TxDOT? Yes No

18. Does this court/department use an outside vendor for collection activities after adjudication?

Yes No

When are cases assigned to the outside vendor?

Immediately 1-30 days 31-60 days 61-90 days
90-120 days more than 120 days

Name of vendor:

When was this contract begun?

Changes in vendors (please describe):

What documentation is maintained in defendant's file when case is transferred to outside vendor?

Attach copy of collections contract with vendor/attorney.

Auditor verified documentation on cases transferred: _____ (date)

Cannot be verified:

Notes:

19. If this court/department does not use an outside vendor for seriously delinquent cases, does the department have a process for locating and pursuing seriously delinquent defendants?

Yes No

How many days after payment is past due is this process initiated? _____

Describe the process used for seriously delinquent cases:

What documentation is maintained in seriously delinquent defendant's file documenting locating or pursuing efforts? _____

Auditor verified documentation on seriously delinquent cases: _____ (date)

Cannot be verified:

Notes:

20. *Is this court/department reporting in the approved format to the Office of Court Administration updated information regarding the collections activity?

Yes No

Is the program reporting monthly? Yes No

Is the program reporting annually? Yes No

(Compliance measure requires reporting in an approved format at least annually, updated information regarding the program.)

Auditor verified reporting: _____ (date)

Cannot be verified:

Notes:

Signatures:
City/County
employee: _____

Comptroller
Representative: _____

Date: _____

THIS SURVEY HAS BEEN APPROVED AS TO FORM AND CONTENT BY THE OFFICE OF COURT ADMINISTRATION FOR THE PURPOSES PROVIDED IN THE CODE OF CRIMINAL PROCEDURE, ARTICLE 103.0033.