

**OCA**

#15  
**OFFICE OF COURT ADMINISTRATION  
Collection Improvement Program**



**Wise County  
Compliance Review  
June 2015**

**Cynthia Montes  
Regional Collections Specialist  
110 Hickory Street, Suite 226  
Denton, TX 76201  
940-349-2818  
cynthia.montes@txcourts.gov**





# OFFICE OF COURT ADMINISTRATION

David Slayton  
Administrative Director

TO: The Honorable J.D. Clark  
Wise County Judge

FROM: Jim Lehman  
Collections Program Manager

DATE: June 19, 2015

RE: Collection Improvement Program Implementation

Pursuant to Article 103.0033 of the Code of Criminal Procedure, your county was required to develop and implement a Collection Improvement Program (CIP) on or before April 1, 2012. The primary purpose of the program is to improve the collection of court costs, fees, and fines imposed in criminal cases. The law requires our agency to assist your county in implementing a program by providing training and assistance. Cynthia Montes, our regional collection specialist assigned to your county, reviewed your implementation plan, conferred with appropriate officials and staff, made site visits, provided training, and answered questions to fulfill our agency's responsibilities.

Article 103.0033 of the Code of Criminal Procedure also requires the Office of Court Administration (OCA) to conduct periodic audits to confirm that your county is conforming with the requirements relating to the program. This audit is conducted by a department of OCA that is separate and apart from the program technical assistance staff. If your county is found not in compliance by the OCA audit staff, it could forfeit certain fees it would ordinarily be able to retain.

To assist your program in identifying and correcting any deficiencies prior to the official audit conducted by the OCA audit staff, and to enable us to report on the status of the implementation of the Collection Improvement Program in the State to the Legislature, OCA program technical assistance staff have conducted an unofficial compliance review of your program. In our opinion, Wise County may not meet the requirements of the Collection Improvement Program unless it implements and maintains the recommendations outlined in our evaluation. A copy of our evaluation is enclosed, which indicates either compliance or non-compliance for each of the eleven (11) critical components of the program. Please note, **only through an official audit** can the Office of Court Administration confirm compliance with the requirements of the Collection Improvement Program.

OCA audit staff will contact you to schedule your official audit. To prepare for the official audit, your county must prepare a detailed, monthly report listing all adjudicated cases in which the defendant does not pay all court cost, fees, and fines in full on the date they are assessed, including those with payment plans or extensions. Your county should begin maintaining this report no later than thirty (30) days from the date of this letter and have it available for all periods prior to completion of the official compliance audit. Please note your county likely keeps that information currently.

OCA wants your program to succeed. Please contact Cynthia Montes at 940-349-2818, email: [cynthia.montes@txcourts.gov](mailto:cynthia.montes@txcourts.gov) or me at 512-936-0991, email: [jim.lehman@txcourts.gov](mailto:jim.lehman@txcourts.gov), if we can be of assistance.



cc: Ann McCuiston, County Auditor  
Brenda Rowe, District Clerk  
Billie Pittman, Chief Clerk, District Clerk  
Brooke Akins, 3<sup>rd</sup> Deputy Clerk, District Clerk  
Sherry Lemon, County Clerk  
Amanda Knox, Chief Deputy, County Clerk  
Judge Jan Morrow, Justice of the Peace 1  
Deanann Steinman, Chief Clerk, Justice of the Peace 1  
Judge Craig Johnson, Justice of the Peace 2  
Tammy Sosa, Chief Clerk, Justice of the Peace 2  
Judge Mandy L. Hays, Justice of the Peace 3  
Louise Cates, Criminal Clerk, Justice of the Peace 3  
Judge Clay Poynor, Justice of the Peace 4  
Kim Redman, Court Clerk, Justice of the Peace 4  
Cynthia Montes, OCA Regional Collections Specialist  
Greg Magness, OCA CIP Auditor



## Compliance Walk-through Report

County name: <b>Wise County</b>	Report Date: <b>3/2/15</b>
OCA Regional Collection Specialist: <b>Cynthia Montes</b>	OCA Collection Region: <b>#1. North</b>

### Overview

Your Regional Collections Specialist conducted a compliance walk-through. The purpose of this unofficial compliance walk-through is to prepare you for the actual audit which will be conducted by the Office of Court Administration's Collections Audit Staff at a future date in accordance with Criminal Code of Procedure Article 103.0033. A summary of the findings and recommendations follow below. If we can be of any further assistance please contact us.

### Summary of Programs in Your County

Collection Program (Courts Serviced)		Compliant		* Number of Courts Participating
		Is	Is Not	
1.	District Clerk Collections Department (271 <sup>st</sup> )	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
2.	County Clerk Collections Department (County Court at Law, County Court at Law No. 2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2
3.	Justice of the Peace Pct 1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
4.	Justice of the Peace Pct 2	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
5.	Justice of the Peace Pct 3	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
6.	Justice of the Peace Pct 4	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
7.		<input type="checkbox"/>	<input type="checkbox"/>	
8.		<input type="checkbox"/>	<input type="checkbox"/>	
9.		<input type="checkbox"/>	<input type="checkbox"/>	
10.		<input type="checkbox"/>	<input type="checkbox"/>	
11.		<input type="checkbox"/>	<input type="checkbox"/>	
12.		<input type="checkbox"/>	<input type="checkbox"/>	
*	Total of "Number of Courts Participating" may be greater that the <u>actual</u> total number of courts because some courts may be serviced by more than one program. For example: A district court may be serviced by two collection programs, one handling probation cases and one handling non probation cases. (The district court would be counted in both programs.)			

### Court Participation

- County has met the requirements - either 90 percent of all courts in the county, or all courts in the county except one court, have satisfied the requirements. Comment:
- County has **not** met the requirements - either 90 percent of all courts in the county, or all courts in the county except one court, have **not** satisfied the requirements. Comment:

### Summary of Findings

Wise County has seven (7) Courts ranging from the District Court level to the Justice of the

## **Compliance Walk-through Report**

Peace level. The District Clerk Collections Department has one (1) court as noted above that operate in their Collections Improvement Program. The County Clerks Collections Unit has two (2) courts that operate in its Collection Improvement Program. Each Justice of the Peace Court operates its own Collections Improvement Program.

**--Wise District Clerk Collections Department:**

Based on data from cases sampled during the review period, the Wise County District Clerk Collections Department was found to be in full compliance with all components of the Collections Improvement Program.

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Based on the data from cases sampled during the review period, the Wise County Clerk Collections Department was found to be in full compliance with all components of the Collections Improvement Program.

**--Wise County Justice of the Peace, Pct 1:**

Based on a review of cases sampled during the review period, the Wise County Justice of the Peace Pct 1, was found to be in full compliance with all components of the Collections Improvement Program.

**--Wise County Justice of the Peace, Pct 2:**

Based on the data from cases sampled during the review period, the Wise County Justice of the Peace Pct 2 was found to be below required performance levels on components 6 (Verification of App/Contact), 9 (Phone Call), and 10 (Mail Contact). The Court is encouraged to explore the use of automated mailing and calling programs, systems, or services that will be both efficient and cost effective.

**--Wise County Justice of the Peace, Pct 3:**

Based on the data from cases sampled during the review period, the Wise County Justice of the Peace Pct 3 was found to be in partial compliance with Component #5 (Application/Contact Info), #9 (Phone Call), and #11 (Capias Pro Fine Notice). Component #10 (Mail Contact) was found to be below required performance levels. The Criminal Clerk trained with Barbara Hancock, Chief Clerk for Denton County JP3, in June 2014 and made changes as of July 1, 2014 in order to improve procedures they had in place.

**--Wise County Justice of the Peace, Pct 4:**

Based on data from the cases sampled during the review period, the Wise County Justice of the Peace Pct 4 was found to be below required performance levels on Components#6 (Verification of App/Contact), #9 (Phone Call), #10 (Mail Contact), and #11 (Capias Pro Fine Notice). Component # 5 (Application/Contact Info), #7 (Interview), and #8 (Payment Terms) were found to be in partial compliance. The Court is encouraged to put a process together in order to be in compliance.

### **Recommendations**

Of the Courts mentioned, three are below required performance levels which include the Justice of the Peace Precinct 2, 3, and 4. They are encouraged immediately take the necessary steps to

## **Compliance Walk-through Report**

ensure compliance with all critical components in order to avoid failing an actual audit. By monitoring cases closely the Courts can take immediate action on missed payments; printing past due reports at least twice a month and properly documenting all efforts can ensure compliance. The Courts are also encouraged to look into automated calling and mailing systems that will be both efficient and cost effective.

Wise County is encouraged to vigilantly continue monitoring and evaluating its processes to ensure acceptable compliance levels are achieved. Managers are encouraged to conduct periodic self-audits to ensure compliance.

OCA staff will continue to provide guidance and assistance as required.



**Wise County**

**Calculation of Compliance Percentage \*  
Spot Check**

Exam	Apps. Taken	Contacts Verified	Inter-viewed	Payment Terms	Phone Contact	Mail Contact	Capias Notice
District Clerk Collections Department	96.67%	96.67%	96.67%	100.00%	100.00%	100.00%	0
County Clerk Collections Department	96.77%	90.32%	96.77%	96.77%	100.00%	100.00%	100.00%
Justice of the Peace, Pct 1	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Justice of the Peace, Pct 2	100.00%	100.00%	100.00%	100.00%	100.00%	0.00%	0
Justice of the Peace, Pct 3	75.00%	87.50%	97.50%	100.00%	75.00%	25.00%	50.00%
Justice of the Peace, Pct 4	54.55%	18.18%	63.64%	54.55%	9.09%	0.00%	0.00%
Compliance Percentage (Average of above)	<b>87.16%</b>	<b>65.45%</b>	<b>90.76%</b>	<b>91.89%</b>	<b>64.02%</b>	<b>54.17%</b>	<b>65.00%</b>

Notes:

1. This exam summarizes information from tabbed worksheets.
2. To be in compliance with Rule 175.5(c)(2), only one (1) of the components can be 50% while all others must be at least 80%. No percentage can be less than 50%.



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# Collection Improvement Program

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**Compliance Walk Through Review  
Wise County District Clerk's  
Collections Department**

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Office of Court Administration

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## Compliance Walk-Through Report

County or City Name: <b>Wise County</b>		
Collection Department or Court Name: <b>Wise County District Clerk Collections Department</b>		Date of Report: 1/28/15
Collection Department or Court location: 101 Trinity St., Decatur, Texas 76234		Walk-Through Date: 1/23/15
Contact Name: Billie Pittman	Contact Title: Deputy	Contact Phone Number: 940-627-5535
Regional Collection Specialist and Other OCA Participants: Cynthia Montes		OCA Phone Number: 940-349-2818

### Overview

Your Regional Collections Specialist conducted a compliance walk-through on the date given above. The purpose of this unofficial compliance walk-through is to prepare you for the actual audit which will be conducted by the Office of Court Administration's Compliance Auditors at a future date in accordance with Criminal Code of Procedure Article 103.0033. Our findings and recommendations follow below. If we can be of any further assistance please contact us.

### Component Review

Component	Compliant				Comments
1. Dedicated Staff	Yes <input checked="" type="checkbox"/>			No <input type="checkbox"/>	
2. Pay Plan Compliance Monitor	Yes <input checked="" type="checkbox"/>			No <input type="checkbox"/>	
3. Delinquent Cases	Yes <input checked="" type="checkbox"/>			No <input type="checkbox"/>	
4. Reporting	Yes <input checked="" type="checkbox"/>			No <input type="checkbox"/>	
5. Application/Contact Info	Yes <input checked="" type="checkbox"/>	Partial <input type="checkbox"/>	No <input type="checkbox"/>		
6. Verification of App/Contact	Yes <input checked="" type="checkbox"/>	Partial <input type="checkbox"/>	No <input type="checkbox"/>		
7. Interview	Yes <input checked="" type="checkbox"/>	Partial <input type="checkbox"/>	No <input type="checkbox"/>		
8. Payment Terms	Yes <input checked="" type="checkbox"/>	Partial <input type="checkbox"/>	No <input type="checkbox"/>		
9. Phone Call	Yes <input checked="" type="checkbox"/>	Partial <input type="checkbox"/>	No <input type="checkbox"/>		
10. Mail Contact	Yes <input checked="" type="checkbox"/>	Partial <input type="checkbox"/>	No <input type="checkbox"/>		
11. Capias Pro Fine Notice	Yes <input type="checkbox"/>	Partial <input type="checkbox"/>	No <input type="checkbox"/>		Not Applicable

### Summary of Findings

Based on data from cases sampled during the review period, the Wise County District Clerk Collections Department appears to be in compliance with all components of the Collections Improvement Program.

Although the Collections Department requires the defendant to fill out the financial information on the application, the department is not using that information to determine the payment plans. The program is taking the balance and dividing it by the number of months the defendant will be on probation minus the two months prior to it expiring.

### Recommendations

Our unofficial compliance walk-through found no major deficiencies however, the following are recommendations to improve the efficiency or effectiveness of the collection program.

## **Compliance Walk-Through Report**

Component # 8 (Payment Terms) Chapter 175.3(c)(4)(C) of the Texas Administrative Code States plans set by program staff shall meet the following time requirements:

- (i) In municipal and justice court cases, full payment within four (4) months of the assessment date.
- (ii) In county and district court cases involving community supervision, full payment at least two (2) months before expiration of the term of community supervision.
- (iii) In county and district court cases not involving community supervision and not involving incarceration, full payment within six (6) months of the assessment date.

Time requirements for payment plans set by a judge are within judicial discretion.

It was suggested that the Wise County District Clerk Collections Department take a look at the defendants financial information on the applications in order to determine a payment plan that best suites that defendant. By doing this, it will decrease the amount of time being spent on a case, increase revenue, and decrease the amount being spent on postage.

The program is encouraged to vigilantly continue monitoring and evaluating its processes to ensure acceptable compliance levels are achieved and maintained. OCA staff will continue to provide guidance and assistance as required.

### **To the Compliance Auditor**

Population samples for this review were acquired randomly by: running a query of cases adjudicated from March 1, 2014 through June 30, 2014.

It is recommended the Compliance Auditor acquire its sample population by: the same method unless instructed otherwise.

## COLLECTION PROGRAM SURVEY

County or City Name: **Wise County**

Collection Department or Court Name: <b>Wise County District Clerk Collections Department</b>		Survey Date: <b>12/23/14</b>
Collection Department or Court Location: <b>101 Trinity St., 1<sup>st</sup> Fl. Decatur, Texas 76234</b>		
Individual Completing Survey: <b>Billie Pittman</b>	Individual's Title: <b>Deputy</b>	Individual's Phone Number: <b>940-627-5535</b>
Contact Name, if Different From Above:	Contact's Title:	Contact's Phone Number:
List All Courts Handled By This Collection Department: <b>271<sup>st</sup> District Court</b>		
<input checked="" type="checkbox"/> Regional Collection Specialist: <input type="checkbox"/> Auditor:	<b>Cynthia Montes</b>	<input checked="" type="checkbox"/> WT Date: <b>1/23/15</b> <input type="checkbox"/> Audit Date:

### General Instructions

1. A separate "Collection Program Survey" is needed for each court or collection department. A city will have only 1 survey. A county may have more than 1 survey. For example, if a county has a separate collection department for all justice courts, another department for county courts, and another department for district courts, there will be 3 separate surveys.
2. Questions 1 - 4 relate to local program operations. For a city, all 4 requirements must be met to be in compliance. For a county, all 4 requirements must be met for either 90% of all criminal courts in the county, or all courts except 1 court, whichever is greater. If the city or county does not meet these 4 critical components, the auditor will ask only the "a." part of the remaining questions 5 - 11 and not pull any cases to examine.
3. Questions 5 - 11 relate to defendant communications. If, and only if, the city or county has met compliance for the 4 components related to local program operations, the reviewer/auditor will select, initially, 30 cases for each court or collection department to measure compliance for the 7 components related to defendant communications.

The "a." part of the survey will be completed by questioning the court/department administrator responsible for the program. Little factual evidence will be obtained for its completion.

The "b." part will include the gathering of facts that demonstrate whether the criteria have been met or not.

Full text governing the Collection Improvement Program can be found at: 1 TAC §§ 175.1 through 175.7 and Art. 103.0033, Code of Criminal Procedure.

### Dedicated Staff

1. Is there a minimum of one staff person in this court/department whose priority job function is collection activities? (The priority collection job function may be concentrated in one individual employee or distributed among two or more employees. The collection function need not require 40 hours per week of FTE time, but must be a priority.)

a.  Yes  No - Comment: \_\_\_\_\_

Who is responsible or who is your collection person? Brooke Akins

What is his/her title? Deputy Clerk

b. Is there a job description containing the essential job functions of collection activity?

Yes, there is a **written** job description (Attach a copy)

Yes, there is an **oral** job description (Although there is not a written one, the employee verbalizes job duties that contain the appropriate collection activities.)

No

Criteria met?  Yes  No - Comment:

#### DESCRIPTION OF THE PROCESS:

When the defendant cannot pay the court costs, fees, and fines *in full* at the time of assessment (sentencing or judgment imposed date), what happens? Payment plan

When the collection department services more than one court, is the process the same for each court or judge?  N/A  Yes  No - Explain: \_\_\_\_\_

Who is responsible for collection of court costs, fees, and fines? (Do not include collection of paid-in-full payments.)

<input type="checkbox"/> Collection/ Compliance Dept.	<input type="checkbox"/> CSCD	<input type="checkbox"/> County Clerk
<input checked="" type="checkbox"/> District Clerk	<input type="checkbox"/> Justice Court	<input type="checkbox"/> Municipal Court

Comments:

#### MANAGEMENT SYSTEMS:

What Case Management software do you use? Odyssey

What Collection software do you use? IPlow

### Payment Plan or Extension Compliance Monitoring

2. Is collection/compliance staff person(s) assigned to monitor compliance with payment agreements or extensions?

a.  Yes  No

Who does this? Brooke Akins

Is it in their job description or can staff verbalize their collection tasks/duties?

Yes  No

How is this done? Run Report

How is it documented? In IPlow

b. Is there an updated payment due list or a manual or electronic tickler system?

Yes  No

(Reviewer/auditor verified documentation or assignment to in-house staff; verified documentation of past due list, tickler system, or computerized system; observed the monitor compliance process.)

Criteria met?  Yes  No - Comment:

### Seriously Delinquent Cases

3. Does the court/department have a component designed to improve collection of balances more than 60 days past due?

a.  Yes

Describe the component(s): Compliance Hearings and Notices sent

Where is it documented? IPlow/Odyssey

No

b. Is there a documented process/component designed to improve collection of balances more than 60 days past due?  Yes  No

Criteria met?  Yes  No - Comment:

### Reporting

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

a.  Yes -  Reporting Monthly by the 20<sup>th</sup> of the next month

Reporting Annually

Who does the entry? Billie Pittman

No

b. Reporting?  Yes  No  N/A (Temporary waiver from this requirement)

Name of OCA staff providing verification: Cynthia Montes Date: 1/23/15

Criteria met?  N/A  Yes  No - Comment:

### Application/Contact Information

5. If a defendant is unable to pay in full on the day of assessment (sentencing or judgment imposed date), is an application used to determine a defendant's ability to pay or is current contact information obtained?

a.  Yes  No - Comment: \_\_\_\_\_

Is the application/contact info taken:  Immediately  2-5 days  6 days - 1 mo.

Does the application/contact information include?

		Item	Yes	No		
A p p l i c a t i o n	C o n t a c t i n f o	Home address	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
		Home phone number or primary contact phone number	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
		Employer's or source of support's	Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
			Address	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
			Phone number	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		Personal references (at least 2)		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		Signature or acknowledgement and date		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		Financial institutions and account balances		<input type="checkbox"/> N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Creditors, debt balances and payment amounts		<input type="checkbox"/> N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Stated income		<input type="checkbox"/> N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>

b.

	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
Is application/contact information completed within one month of assessment date?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attach a copy of the application form.

Criteria met?  Yes  Partial  No - Comment:

### Verification of Contact Information

6. Is the contact information verified?

a.  Yes  No - Comment: \_\_\_\_\_

Is the verification generally done:  Immediately  2-5 days  More than 5 days

Who conducts this verification? Brooke Akins

Is the home or contact phone verified?  Yes  No

Is employment or source of support verified?  Yes  No

How is it done? By phone

How is the verification documented? on app by initials and date

b.

	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
Is contact information verified within 5 days?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Criteria met?  Yes  Partial  No - Comment:

### Interview

7. Does the court/department conduct an in-person or telephone interview with the defendant either to review the application and determine an appropriate payment plan or to review the terms of the judge-imposed payment plan?

a.  Yes  No

Review is done:  Immediately  2-5 days  6-14 days

Who conducts the review? Brooke Akins/Billie Pittman

How is it done? In person

Is each interview/review documented?  Yes - Where? On application  
 No

b.

	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
Is date (within 14 days of receipt of application) and name of interviewer documented?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Auditor observed interview process in action?  Yes  No

Criteria met?  Yes  Partial  No - Comment:

### Payment Terms

8. Payment plans should require the highest payment amounts in the shortest period of time that the defendant can successfully make, considering the amount owed, the defendant's ability to pay, and the defendant's obligations for payment of any other court-mandated fees, including child support, victim restitution, and fees for drug testing, rehabilitation programs, or community supervision.

a. Describe what happens if I were to go to court and am unable to pay in full:

Payment plan established

Who sets the payment terms? Clerks

How is the payment plan determined? time of probation

b. Time requirements for payment plans set by a judge are within judicial discretion. If the judge does not set the terms, the time requirements are as follows:

(1). Municipal and Justice Court Cases:

Do the payment plans provide for full payment within four (4) months of the assessment date?

(2). County and District Court Cases:

(a). Defendants placed on community supervision:

Do the payment plans provide for full payment at least two (2) months before expiration of the term of community supervision?

(b). Cases not involving community supervision:

1. No incarceration - Do the payment plans provide for full payment within six (6) months of the assessment date?

2. Incarceration - No time requirement on payment plan.

	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
Payment Terms	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Criteria met?  Yes  Partial  No - Comment:

### Phone Contact

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

a.  Yes -  1-5 days  6-15 days  16 days - 1 month  
 No  
 Who does this? IPlow  
 How is it done? IPlow  
 Is there a record made of these phone calls?  Yes - Where? IPlow  
 No

	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
b. Phone contact for past-due payments within one month?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Criteria met?  Yes  Partial  No - Comment:

### Mail Contact

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

a.  Yes -  1-5 days  6-15 days  16 days - 1 month  
 No  
 Who does this? IPlow  
 How is it done? IPlow  
 Is there a record made of these notices?  Yes - Where? IPlow  
 No

	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
b. Written delinquency notice for past-due payments within one month?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attach a copy

Criteria met?  Yes  Partial  No - Comment:

### Capias Pro Fine Notice

11. Is a capias pro fine sought?

- a.  No - Justice Courts     No - County Courts     No - District Courts  
 Yes - Is either a pre- or post-capias pro fine phone call made or written notice sent to the defendant in addition to the efforts as detailed in items 9 and 10 when the defendant fails to respond to those efforts?  
 Notice Sent -  1-15 days     16 days - 1 month     Over 1 month  
 Who does this? \_\_\_\_\_  
 How is it done? \_\_\_\_\_  
 Is there a record made of these notices?  Yes - Where? \_\_\_\_\_  
 No

b.

	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
Capias pro fine phone call made or notice sent for past-due payments within one month of phone contact/mail notice in items 9 and 10 (whichever is later)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Attach a copy of the notice if a notice is sent

Criteria met?  Yes     Partial     No - Comment: N/A

## COLLECTION PROGRAM SURVEY

County or City Name: **Wise County**

Collection Department or Court Name: <b>Justice of the Peace, Pct. 1</b>		Survey Date: <b>12/5/14</b>	
Collection Department or Court Location: <b>205 N. State Street, Decatur, TX 76234</b>			
Individual Completing Survey: <b>Deanann Steinman</b>	Individual's Title: <b>Chief Clerk</b>	Individual's Phone Number: <b>940-627-1054</b>	
Contact Name, if Different From Above: <b>same as above</b>	Contact's Title: <b>same</b>	Contact's Phone Number: <b>same</b>	
List All Courts Handled By This Collection Department: <b>JP#1 only</b>			
<input checked="" type="checkbox"/> Regional Collection Specialist: <input type="checkbox"/> Auditor:	<b>Cynthia Montes</b>	<input checked="" type="checkbox"/> WT Date: <input type="checkbox"/> Audit Date:	<b>1/9/15</b>

### General Instructions

1. A separate "Collection Program Survey" is needed for each court or collection department. A city will have only 1 survey. A county may have more than 1 survey. For example, if a county has a separate collection department for all justice courts, another department for county courts, and another department for district courts, there will be 3 separate surveys.
2. Questions 1 - 4 relate to local program operations. For a city, all 4 requirements must be met to be in compliance. For a county, all 4 requirements must be met for either 90% of all criminal courts in the county, or all courts except 1 court, whichever is greater. If the city or county does not meet these 4 critical components, the auditor will ask only the "a." part of the remaining questions 5 - 11 and not pull any cases to examine.
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### Dedicated Staff

1. Is there a minimum of one staff person in this court/department whose priority job function is collection activities? (The priority collection job function may be concentrated in one individual employee or distributed among two or more employees. The collection function need not require 40 hours per week of FTE time, but must be a priority.)

a.  Yes  No - Comment: All three clerks, but clerk Pam is the primary.  
 Who is responsible or who is your collection person? Pam  
 What is his/her title? court clerk

b. Is there a job description containing the essential job functions of collection activity?  
 Yes, there is a **written** job description (Attach a copy)  
 Yes, there is an **oral** job description (Although there is not a written one, the employee verbalizes job duties that contain the appropriate collection activities.)  
 No

Criteria met?  Yes  No - Comment:

#### DESCRIPTION OF THE PROCESS:

When the defendant cannot pay the court costs, fees, and fines **in full** at the time of assessment (sentencing or judgment imposed date), what happens? Def. adv'd of financial agreement options or credit card payment; otherwise, court will pursue other avenues (OMNI and Collections Attorneys).

When the collection department services more than one court, is the process the same for each court or judge?  N/A  Yes  No - Explain: \_\_\_\_\_

Who is responsible for collection of court costs, fees, and fines? (Do not include collection of paid-in-full payments.)

<input type="checkbox"/> Collection/ Compliance Dept.	<input type="checkbox"/> CSCD	<input type="checkbox"/> County Clerk
<input type="checkbox"/> District Clerk	<input checked="" type="checkbox"/> Justice Court	<input type="checkbox"/> Municipal Court

Comments:

#### MANAGEMENT SYSTEMS:

What Case Management software do you use? Odyssey from Tyler Technology

What Collection software do you use? Odyssey

### Payment Plan or Extension Compliance Monitoring

2. Is collection/compliance staff person(s) assigned to monitor compliance with payment agreements or extensions?

a.  Yes  No  
Who does this? Pam  
Is it in their job description or can staff verbalize their collection tasks/duties?  
 Yes  No  
How is this done? Cross training, both manual & electronic tickler systems.  
How is it documented? in case events.

b. Is there an updated payment due list or a manual or electronic tickler system?  
 Yes  No

(Reviewer/auditor verified documentation or assignment to in-house staff; verified documentation of past due list, tickler system, or computerized system; observed the monitor compliance process.)

Criteria met?  Yes  No - Comment:

### Seriously Delinquent Cases

3. Does the court/department have a component designed to improve collection of balances more than 60 days past due?

a.  Yes  
Describe the component(s): Omnibase, Collections Attys of Linebarger, Goggin, Blair & Sampson LLC  
Where is it documented? individual case history/file  
 No

b. Is there a documented process/component designed to improve collection of balances more than 60 days past due?  Yes  No

Criteria met?  Yes  No - Comment:

### Reporting

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

a.  Yes -  Reporting Monthly by the 20<sup>th</sup> of the next month  
 Reporting Annually  
Who does the entry? Deanann, \*\*\*NOTE: Temporary Waiver for Justice Courts on the Monthly report. Reporting is to begin upon approval of OCA for software reporting changes.  
 No

b. Reporting?  Yes  No  N/A (Temporary waiver from this requirement)  
Name of OCA staff providing verification: \_\_\_\_\_ Date: \_\_\_\_\_

Criteria met?  N/A  Yes  No - Comment:

### Application/Contact Information

5. If a defendant is unable to pay in full on the day of assessment (sentencing or judgment imposed date), is an application used to determine a defendant's ability to pay or is current contact information obtained?

a.  Yes  No - Comment: \_\_\_\_\_

Is the application/contact info taken:  Immediately  2-5 days  6 days - 1 mo.

Does the application/contact information include?

		Item	Yes	No	
A C I O N	C O N T A C T	Home address	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		Home phone number or primary contact phone number	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		Employer's or source of support's	Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			Address	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			Phone number	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Personal references (at least 2)		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Signature or acknowledgement and date		<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Financial institutions and account balances <span style="float: right;"><input type="checkbox"/> N/A</span>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Creditors, debt balances and payment amounts <span style="float: right;"><input type="checkbox"/> N/A</span>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Stated income <span style="float: right;"><input type="checkbox"/> N/A</span>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	

b.

	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
Is application/contact information completed within one month of assessment date?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attach a copy of the application form.

Criteria met?  Yes  Partial  No - Comment:

### Verification of Contact Information

6. Is the contact information verified?

a.  Yes  No - Comment: \_\_\_\_\_

Is the verification generally done:  Immediately  2-5 days  More than 5 days

Who conducts this verification? Court clerks - Pam, Lynette and Deanann

Is the home or contact phone verified?  Yes  No

Is employment or source of support verified?  Yes  No

How is it done? Verbal with defendant and by clerk calling.

How is the verification documented? in case events & on application

b.

	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
Is contact information verified within 5 days?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Criteria met?  Yes  Partial  No - Comment:

### Interview

7. Does the court/department conduct an in-person or telephone interview with the defendant either to review the application and determine an appropriate payment plan or to review the terms of the judge-imposed payment plan?

a.  Yes  No

Review is done:  Immediately  2-5 days  6-14 days

Who conducts the review? Pam, Lynette or Deanann

How is it done? verbally if in person or by letter otherwise

Is each interview/review documented?  Yes - Where? case events  
 No

b.

	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
Is date (within 14 days of receipt of application) and name of interviewer documented?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Auditor observed interview process in action?  Yes  No

Criteria met?  Yes  Partial  No - Comment:

### Payment Terms

8. Payment plans should require the highest payment amounts in the shortest period of time that the defendant can successfully make, considering the amount owed, the defendant's ability to pay, and the defendant's obligations for payment of any other court-mandated fees, including child support, victim restitution, and fees for drug testing, rehabilitation programs, or community supervision.

- a. Describe what happens if I were to go to court and am unable to pay in full:  
Advise of appeal period, payment by debit or credit card on website; otherwise payment plan is offered or will pursue further action.  
 Who sets the payment terms? Judge  
 How is the payment plan determined? based on Def's ability.

b. Time requirements for payment plans set by a judge are within judicial discretion. If the judge does not set the terms, the time requirements are as follows:

(1). Municipal and Justice Court Cases:

Do the payment plans provide for full payment within four (4) months of the assessment date?

(2). County and District Court Cases:

(a). Defendants placed on community supervision:

Do the payment plans provide for full payment at least two (2) months before expiration of the term of community supervision?

(b). Cases not involving community supervision:

1. No incarceration - Do the payment plans provide for full payment within six (6) months of the assessment date?
2. Incarceration - No time requirement on payment plan.

	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
Payment Terms	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Criteria met?  Yes  Partial  No - Comment:

### Phone Contact

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

- a.  Yes -  1-5 days  6-15 days  16 days - 1 month  
 No

Who does this? Pam and Lynette

How is it done? by the clerks, no automatic dialer available.

Is there a record made of these phone calls?  Yes - Where? case history  
 No

	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
Phone contact for past-due payments within one month?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Criteria met?  Yes  Partial  No - Comment:

### Mail Contact

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

- a.  Yes -  1-5 days  6-15 days  16 days - 1 month  
 No

Who does this? Pam, Lynette

How is it done? Clerk sends by regular mail.

Is there a record made of these notices?  Yes - Where? case events  
 No

b.

	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
Written delinquency notice for past-due payments within one month?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attach a copy

Criteria met?  Yes  Partial  No - Comment:

### Capias Pro Fine Notice

11. Is a capias pro fine sought?

- a.  No - Justice Courts  No - County Courts  No - District Courts  
 Yes - Is either a pre- or post-capias pro fine phone call made or written notice sent to the defendant in addition to the efforts as detailed in items 9 and 10 when the defendant fails to respond to those efforts?

Notice Sent -  1-15 days  16 days - 1 month  Over 1 month

Who does this? \_\_\_\_\_

How is it done? \_\_\_\_\_

Is there a record made of these notices?  Yes - Where? \_\_\_\_\_  
 No

b.

	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
Capias pro fine phone call made or notice sent for past-due payments within one month of phone contact/mail notice in items 9 and 10 (whichever is later)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attach a copy of the notice if a notice is sent

Criteria met?  Yes  Partial  No - Comment: N/A





## **Wise County District Clerk**

From: Billie Pittman [billie.pittman@co.wise.tx.us]

Sent: Wednesday, March 18, 2015 7:59 AM

To: Cynthia Montes

Subject: RE: OCA Compliance Review

The Draft Overview Report looks good to me. I accept the review as presented.



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# Collection Improvement Program

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**Compliance Walk Through Review  
Wise County Clerk's  
Collections Department**

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Office of Court Administration

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## Compliance Walk-Through Report

County or City Name: <b>Wise County</b>		
Collection Department or Court Name: <b>Wise County Clerk Collections Department</b>		Date of Report: 1/7/15
Collection Department or Court location: 200 N Trinity, Decatur, Texas 76234		Walk-Through Date: 12/17/14
Contact Name: Amanda Knox	Contact Title: Chief Deputy Clerk	Contact Phone Number: 940-627-3351
Regional Collection Specialist and Other OCA Participants: Cynthia Montes		OCA Phone Number: 940-349-2818

### Overview

Your Regional Collections Specialist conducted a compliance walk-through on the date given above. The purpose of this unofficial compliance walk-through is to prepare you for the actual audit which will be conducted by the Office of Court Administration's Compliance Auditors at a future date in accordance with Criminal Code of Procedure Article 103.0033. Our findings and recommendations follow below. If we can be of any further assistance please contact us.

### Component Review

Component	Compliant				Comments	
1. Dedicated Staff	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>		
2. Pay Plan Compliance Monitor	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>		
3. Delinquent Cases	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>		
4. Reporting	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>		
5. Application/Contact Info	Yes	<input checked="" type="checkbox"/>	Partial	<input type="checkbox"/>	No	<input type="checkbox"/>
6. Verification of App/Contact	Yes	<input checked="" type="checkbox"/>	Partial	<input type="checkbox"/>	No	<input type="checkbox"/>
7. Interview	Yes	<input checked="" type="checkbox"/>	Partial	<input type="checkbox"/>	No	<input type="checkbox"/>
8. Payment Terms	Yes	<input checked="" type="checkbox"/>	Partial	<input type="checkbox"/>	No	<input type="checkbox"/>
9. Phone Call	Yes	<input checked="" type="checkbox"/>	Partial	<input type="checkbox"/>	No	<input type="checkbox"/>
10. Mail Contact	Yes	<input checked="" type="checkbox"/>	Partial	<input type="checkbox"/>	No	<input type="checkbox"/>
11. Capias Pro Fine Notice	Yes	<input checked="" type="checkbox"/>	Partial	<input type="checkbox"/>	No	<input type="checkbox"/>

### Summary of Findings

Based on data from cases sampled during the review period, the Wise County Clerk Collections Department appears to be in compliance with all components of the Collections Improvement Program. Although Component # 8 (Payment Terms) was found to be in compliance, the staff was advised that when exceeding the time requirements on payment plans, it is required for them to document the reason they are allowing additional time to pay.

Failure to address and correct this issue could result in the Department failing an actual audit.

### Recommendations

Our unofficial compliance walk-through found no major deficiencies however, the following are recommendations to improve the efficiency or effectiveness of the collection program.

## **Compliance Walk-Through Report**

Component # 8 (Payment Terms) Chapter 175.3(c)(4)(C) of the Texas Administrative Code States plans set by program staff shall meet the following time requirements:

- (i) In municipal and justice court cases, full payment within four (4) months of the assessment date.
- (ii) In county and district court cases involving community supervision, full payment at least two (2) months before expiration of the term of community supervision.
- (iii) In county and district court cases not involving community supervision and not involving incarceration, full payment within six (6) months of the assessment date.

Time requirements for payment plans set by a judge are within judicial discretion.

Although the Program was found to be in compliance with this component, they were reminded that in cases where they are allowing additional time to pay than what is required, it is imperative that they make the proper documentation.

The program is encouraged to vigilantly continue monitoring and evaluating its processes to ensure acceptable compliance levels are achieved and maintained. OCA staff will continue to provide guidance and assistance as required.

### **To the Compliance Auditor**

Population samples for this review were acquired randomly by: running a query of cases that were adjudicated from March 1, 2014 through June 30, 2014

It is recommended the Compliance Auditor acquire its sample population by: the same method unless instructed otherwise.

## COLLECTION PROGRAM SURVEY

Collection Department or Court Name: <b>County Clerk, Wise County</b>		Survey Date: <b>12/1/2014</b>
Collection Department or Court Location: <b>200 N Trinity, Decatur, Texas 76234</b>		
Individual Completing Survey: <b>Amanda Knox</b>	Individual's Title: <b>Chief Deputy Clerk</b>	Individual's Phone Number: <b>9406273351</b>
Contact Name, if Different From Above: <b>Same</b>	Contact's Title: <b>Same</b>	Contact's Phone Number: <b>Same</b>
List All Courts Handled By This Collection Department: <b>County Court at Law No. 1</b>		
<input checked="" type="checkbox"/> Regional Collection Specialist: <input type="checkbox"/> Auditor:	<b>Cynthia Montes</b>	<input checked="" type="checkbox"/> WT Date: <b>12/17/14</b> <input type="checkbox"/> Audit Date:

### General Instructions

1. A separate "Collection Program Survey" is needed for each court or collection department. A city will have only 1 survey. A county may have more than 1 survey. For example, if a county has a separate collection department for all justice courts, another department for county courts, and another department for district courts, there will be 3 separate surveys.
2. Questions 1 - 4 relate to local program operations. For a city, all 4 requirements must be met to be in compliance. For a county, all 4 requirements must be met for either 90% of all criminal courts in the county, or all courts except 1 court, whichever is greater. If the city or county does not meet these 4 critical components, the auditor will ask only the "a." part of the remaining questions 5 - 11 and not pull any cases to examine.
3. Questions 5 - 11 relate to defendant communications. If, and only if, the city or county has met compliance for the 4 components related to local program operations, the reviewer/auditor will select, initially, 30 cases for each court or collection department to measure compliance for the 7 components related to defendant communications.

The "a." part of the survey will be completed by questioning the court/department administrator responsible for the program. Little factual evidence will be obtained for its completion.

The "b." part will include the gathering of facts that demonstrate whether the criteria have been met or not.

Full text governing the Collection Improvement Program can be found at: 1 TAC §§ 175.1 through 175.7 and Art. 103.0033, Code of Criminal Procedure.

### Dedicated Staff

1. Is there a minimum of one staff person in this court/department whose priority job function is collection activities? (The priority collection job function may be concentrated in one individual employee or distributed among two or more employees. The collection function need not require 40 hours per week of FTE time, but must be a priority.)

a.  Yes  No - Comment: \_\_\_\_\_

Who is responsible or who is your collection person? Morgan Gyger

What is his/her title? Deputy County Clerk

b. Is there a job description containing the essential job functions of collection activity?

Yes, there is a **written** job description (Attach a copy)

Yes, there is an **oral** job description (Although there is not a written one, the employee verbalizes job duties that contain the appropriate collection activities.)

No

Criteria met?  Yes  No - Comment:

#### DESCRIPTION OF THE PROCESS:

When the defendant cannot pay the court costs, fees, and fines *in full* at the time of assessment (sentencing or judgment imposed date), what happens? A Payment Plan is established

When the collection department services more than one court, is the process the same for each court or judge?  N/A  Yes  No - Explain: \_\_\_\_\_

Who is responsible for collection of court costs, fees, and fines? (Do not include collection of paid-in-full payments.)

<input type="checkbox"/> Collection/ Compliance Dept.	<input type="checkbox"/> CSCD	<input checked="" type="checkbox"/> County Clerk
<input type="checkbox"/> District Clerk	<input type="checkbox"/> Justice Court	<input type="checkbox"/> Municipal Court

Comments:

#### MANAGEMENT SYSTEMS:

What Case Management software do you use? Tyler Technology Odyssey

What Collection software do you use? IPlow

### Payment Plan or Extension Compliance Monitoring

2. Is collection/compliance staff person(s) assigned to monitor compliance with payment agreements or extensions?

a.  Yes  No

Who does this? Amanda Knox and Morgan Gyger

Is it in their job description or can staff verbalize their collection tasks/duties?

Yes  No

How is this done? Morgan runs a weekly delinquent account report in Odyssey and monitors cases daily; Amanda runs a report weekly in iplow and performs weekly tasks

How is it documented? Due Diligence event in iplow and correspondence in Odyssey

b. Is there an updated payment due list or a manual or electronic tickler system?

Yes  No

(Reviewer/auditor verified documentation or assignment to in-house staff; verified documentation of past due list, tickler system, or computerized system; observed the monitor compliance process.)

Criteria met?  Yes  No - Comment:

### Seriously Delinquent Cases

3. Does the court/department have a component designed to improve collection of balances more than 60 days past due?

a.  Yes

Describe the component(s): Issue Capias Pro Fine/Warrant. The Sheriff's department does an annual warrant roundup. This is for all outstanding county warrants and not just one specific department. Continue to follow up with cases by sending out notices and making calls.

Where is it documented? iplow

No

b. Is there a documented process/component designed to improve collection of balances more than 60 days past due?  Yes  No

Criteria met?  Yes  No - Comment:

### Reporting

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

a.  Yes -  Reporting Monthly by the 20<sup>th</sup> of the next month  
 Reporting Annually

Who does the entry? Amanda Knox

No

b. Reporting?  Yes  No  N/A (Temporary waiver from this requirement)  
Name of OCA staff providing verification: Cynthia Montes Date: 12/17/14

Criteria met?  N/A  Yes  No - Comment:

### Application/Contact Information

5. If a defendant is unable to pay in full on the day of assessment (sentencing or judgment imposed date), is an application used to determine a defendant's ability to pay or is current contact information obtained?

a.  Yes  No - Comment: \_\_\_\_\_

Is the application/contact info taken:  Immediately  2-5 days  6 days - 1 mo.

Does the application/contact information include?

		Item	Yes	No		
A C I O N	C O N T A C T	Home address	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
		Home phone number or primary contact phone number	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
		Employer's or source of support's	Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
			Address	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
			Phone number	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		Personal references (at least 2)		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		Signature or acknowledgement and date		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		Financial institutions and account balances		<input type="checkbox"/> N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Creditors, debt balances and payment amounts		<input type="checkbox"/> N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Stated income		<input type="checkbox"/> N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
Is application/contact information completed within one month of assessment date?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attach a copy of the application form.

Criteria met?  Yes  Partial  No - Comment:

### Verification of Contact Information

6. Is the contact information verified?

a.  Yes  No - Comment: \_\_\_\_\_

Is the verification generally done:  Immediately  2-5 days  More than 5 days

Who conducts this verification? Deputy creating payment plan

Is the home or contact phone verified?  Yes  No

Is employment or source of support verified?  Yes  No

How is it done? verbally on the telephone

How is the verification documented? on the top of the payment plan application

	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
Is contact information verified within 5 days?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Criteria met?  Yes  Partial  No - Comment:

### Interview

7. Does the court/department conduct an in-person or telephone interview with the defendant either to review the application and determine an appropriate payment plan or to review the terms of the judge-imposed payment plan?

a.  Yes  No

Review is done:  Immediately  2-5 days  6-14 days

Who conducts the review? Deputy creating payment plan

How is it done? verbally

Is each interview/review documented?  Yes - Where? on payment plan application  
 No

b.

	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
Is date (within 14 days of receipt of application) and name of interviewer documented?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Auditor observed interview process in action?  Yes  No

Criteria met?  Yes  Partial  No - Comment:

### Payment Terms

8. Payment plans should require the highest payment amounts in the shortest period of time that the defendant can successfully make, considering the amount owed, the defendant's ability to pay, and the defendant's obligations for payment of any other court-mandated fees, including child support, victim restitution, and fees for drug testing, rehabilitation programs, or community supervision.

a. Describe what happens if I were to go to court and am unable to pay in full:

A payment plan is established

Who sets the payment terms? No one

How is the payment plan determined? payment plan must be completed prior to two months before termination of probation. The court sets a Compliance Hearing date and the defendant must either complete the payment plan prior to 2 months before term date and/or see the judge at the compliance hearing.

b. Time requirements for payment plans set by a judge are within judicial discretion. If the judge does not set the terms, the time requirements are as follows:

(1). Municipal and Justice Court Cases:

Do the payment plans provide for full payment within four (4) months of the assessment date?

(2). County and District Court Cases:

(a). Defendants placed on community supervision:

Do the payment plans provide for full payment at least two (2) months before expiration of the term of community supervision?

(b). Cases not involving community supervision:

1. No incarceration - Do the payment plans provide for full payment within six (6) months of the assessment date?

2. Incarceration - No time requirement on payment plan.

	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
Payment Terms	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Criteria met?  Yes  Partial  No - Comment:

### Phone Contact

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

a.  Yes -  1-5 days  6-15 days  16 days - 1 month

No

Who does this? Amanda Knox

How is it done? iPlow Automated Voice Notification (AVN)

Is there a record made of these phone calls?  Yes - Where? Due Diligence log on case in iPlow

No

	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
b. Phone contact for past-due payments within one month?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Criteria met?  Yes  Partial  No - Comment:

### Mail Contact

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

- a.  Yes -  1-5 days  6-15 days  16 days - 1 month  
 No

Who does this? Amanda Knox

How is it done? iplow Reports Cases with status of "Send"; review "Send" cases and mail notices based on report

Is there a record made of these notices?  Yes - Where? Due Diligence log in case in iplow

No

b.	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
Written delinquency notice for past-due payments within one month?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attach a copy

Criteria met?  Yes  Partial  No - Comment:

### Capias Pro Fine Notice

11. Is a capias pro fine sought?

- a.  No - Justice Courts  No - County Courts  No - District Courts  
 Yes - Is either a pre- or post-capias pro fine phone call made or written notice sent to the defendant in addition to the efforts as detailed in items 9 and 10 when the defendant fails to respond to those efforts?

Notice Sent -  1-15 days  16 days - 1 month  Over 1 month

Who does this? Monica Bishop

How is it done? Warrant issued by CCL#1 Judge Cude; notice of Capias Pro Fine submitted with Warrant

Is there a record made of these notices?  Yes - Where? Case Event in Odyssey  
 No

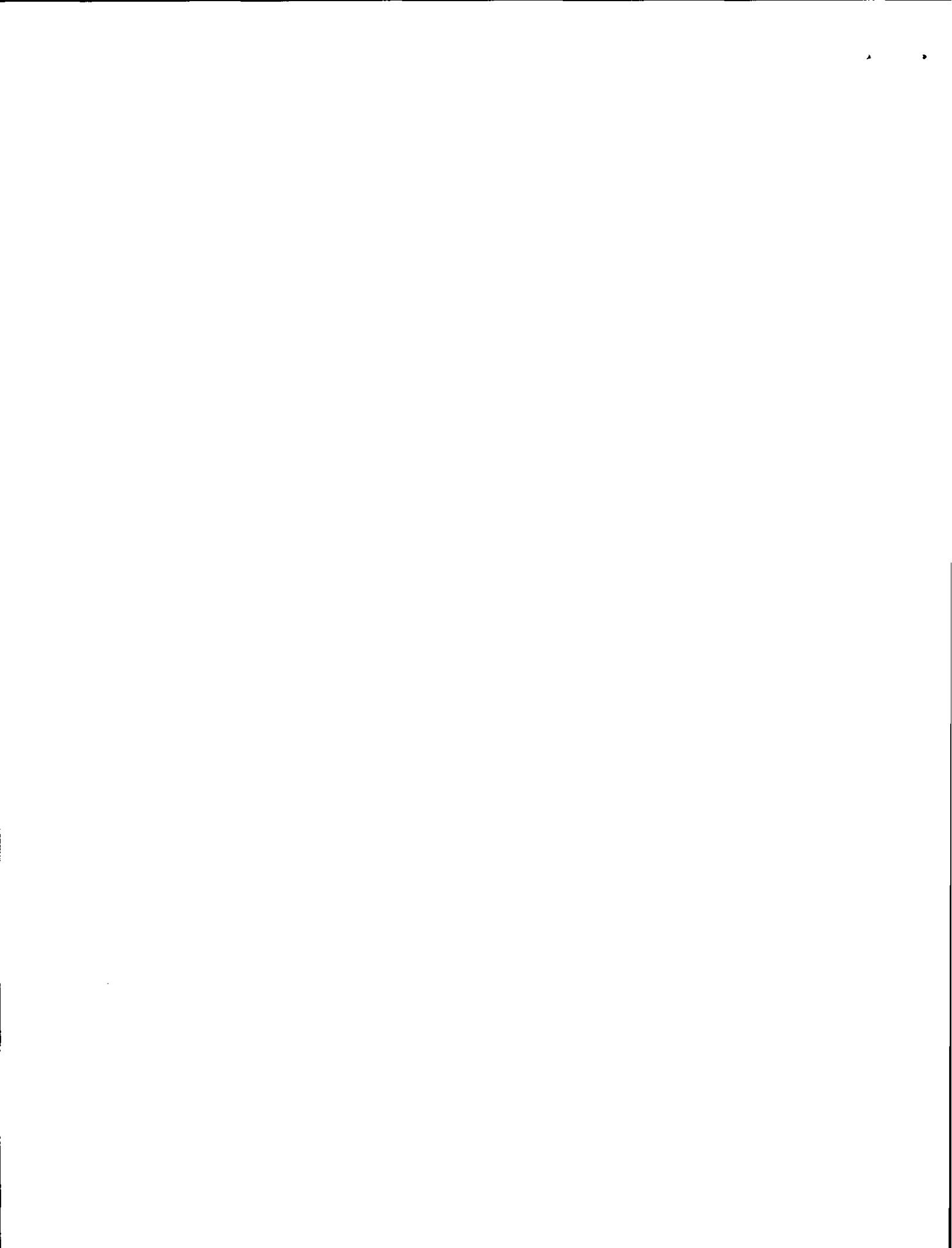
b.	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
Capias pro fine phone call made or notice sent for past-due payments within one month of phone contact/mail notice in items 9 and 10 (whichever is later)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attach a copy of the notice if a notice is sent

Criteria met?  Yes  Partial  No - Comment:







## Wise County Clerk

From: Amanda Knox [amanda.knox@co.wise.tx.us]  
Sent: Monday, March 23, 2015 9:28 AM  
To: Cynthia Montes; sherry.lemon@co.wise.tx.us  
Cc: monica.bishop@co.wise.tx.us; Morgan Gyger  
Subject: RE: OCA Compliance Review

Cynthia,

Thank you for emailing the reports as well as verbally clarifying about #4 of the Collection Program Survey. The Calculation of Compliance Percentage information that you emailed is correct (Wise County Clerk); the Collection Program Survey is correct with the clarification that the County Clerk's office is reporting both monthly by the 20th and annually (#4) (you advised the survey only wants to make sure monthly reporting is being done); the Compliance Walk-Through Report appears satisfactory with the exception that under "Summary of Findings" I request that you change the wording from Wise County Collections Department to Wise County Clerk Collections Department as there are five other Wise County offices that maintain their own Collection Improvement Program.

When you submit your findings to the County Judge (jdclark@co.wise.tx.us) will you please also include the County Clerk (sherry.lemon@co.wise.tx.us), County Auditor (auditor@co.wise.tx.us), and myself?

Thank you for your assistance in the Walk-Through Review back in December and thank you for your recommendations. Those recommendations were implemented immediately.

Thank you.

Sherry Lemon



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# Collection Improvement Program

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**Compliance Walk Through Review  
Wise County Justice of the Peace 1**

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Office of Court Administration

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## Compliance Walk-Through Report

County or City Name: <b>Wise County</b>		
Collection Department or Court Name: <b>Wise Justice of the Peace, Pct 1</b>		Date of Report: 1/28/15
Collection Department or Court location: 205 N State St., Decatur, Texas 76234		Walk-Through Date: 1-9-15
Contact Name: Deanann Steinman	Contact Title: Chief Clerk	Contact Phone Number: 940-627-1054
Regional Collection Specialist and Other OCA Participants: Cynthia Montes		OCA Phone Number: 940-349-2818

### Overview

Your Regional Collections Specialist conducted a compliance walk-through on the date given above. The purpose of this unofficial compliance walk-through is to prepare you for the actual audit which will be conducted by the Office of Court Administration's Compliance Auditors at a future date in accordance with Criminal Code of Procedure Article 103.0033. Our findings and recommendations follow below. If we can be of any further assistance please contact us.

### Component Review

Component	Compliant				Comments		
1. Dedicated Staff	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>			
2. Pay Plan Compliance Monitor	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>			
3. Delinquent Cases	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>			
4. Reporting	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>			
5. Application/Contact Info	Yes	<input checked="" type="checkbox"/>	Partial	<input type="checkbox"/>	No	<input type="checkbox"/>	
6. Verification of App/Contact	Yes	<input checked="" type="checkbox"/>	Partial	<input type="checkbox"/>	No	<input type="checkbox"/>	
7. Interview	Yes	<input checked="" type="checkbox"/>	Partial	<input type="checkbox"/>	No	<input type="checkbox"/>	
8. Payment Terms	Yes	<input checked="" type="checkbox"/>	Partial	<input type="checkbox"/>	No	<input type="checkbox"/>	
9. Phone Call	Yes	<input checked="" type="checkbox"/>	Partial	<input type="checkbox"/>	No	<input type="checkbox"/>	
10. Mail Contact	Yes	<input checked="" type="checkbox"/>	Partial	<input type="checkbox"/>	No	<input type="checkbox"/>	
11. Capias Pro Fine Notice	Yes	<input type="checkbox"/>	Partial	<input type="checkbox"/>	No	<input type="checkbox"/>	Not Applicable

### Summary of Findings

Based on data from cases sampled during the review period, the Wise County Justice of the Peace, Precinct 1, appears to be in compliance with all components of the Collections Improvement Program.

### Recommendations

The Wise County Justice of the Peace, Precinct 1 is encouraged to continue its proactive approach in order to maintain its compliance levels. Our unofficial compliance walk-through found no major deficiencies.

OCA staff will continue to provide guidance and assistance as required.

## **Compliance Walk-Through Report**

### **To the Compliance Auditor**

Population samples for this review were acquired randomly by: running a query of cases that were adjudicated from January 1, 2014 through June 30, 2014.

It is recommended the Compliance Auditor acquire its sample population by: the same method unless instructed otherwise.

## COLLECTION PROGRAM SURVEY

Collection Department or Court Name: <b>Wise County</b>		Survey Date: <b>2/25/15</b>
Collection Department or Court Location: <b>200 Rook Ramsey Dr, Decatur, Texas 76234</b>		
Individual Completing Survey: <b>Tammy Sosa</b>	Individual's Title: <b>Office Manager</b>	Individual's Phone Number: <b>940-626-4206</b>
Contact Name, If Different From Above:	Contact's Title:	Contact's Phone Number:
List All Courts Handled By This Collection Department: <b>Justice of the Peace, Precinct 2</b>		
<input checked="" type="checkbox"/> Regional Collection Specialist: <input type="checkbox"/> Auditor:	<b>Cynthia Montes</b>	<input checked="" type="checkbox"/> WT Date: <input type="checkbox"/> Audit Date: <b>12/19/2014</b>

### General Instructions

1. A separate "Collection Program Survey" is needed for each court or collection department. A city will have only 1 survey. A county may have more than 1 survey. For example, if a county has a separate collection department for all justice courts, another department for county courts, and another department for district courts, there will be 3 separate surveys.
2. Questions 1 - 4 relate to local program operations. For a city, all 4 requirements must be met to be in compliance. For a county, all 4 requirements must be met for either 90% of all criminal courts in the county, or all courts except 1 court, whichever is greater. If the city or county does not meet these 4 critical components, the auditor will ask only the "a." part of the remaining questions 5 - 11 and not pull any cases to examine.
3. Questions 5 - 11 relate to defendant communications. If, and only if, the city or county has met compliance for the 4 components related to local program operations, the reviewer/auditor will select, initially, 30 cases for each court or collection department to measure compliance for the 7 components related to defendant communications.

The "a." part of the survey will be completed by questioning the court/department administrator responsible for the program. Little factual evidence will be obtained for its completion.

The "b." part will include the gathering of facts that demonstrate whether the criteria have been met or not.

Full text governing the Collection Improvement Program can be found at: 1 TAC §§ 175.1 through 175.7 and Art. 103.0033, Code of Criminal Procedure.

### Dedicated Staff

1. Is there a minimum of one staff person in this court/department whose priority job function is collection activities? (The priority collection job function may be concentrated in one individual employee or distributed among two or more employees. The collection function need not require 40 hours per week of FTE time, but must be a priority.)

a.  Yes  No - Comment: \_\_\_\_\_

Who is responsible or who is your collection person? Tammy Sosa

What is his/her title? Office Manager

b. Is there a job description containing the essential job functions of collection activity?

Yes, there is a **written** job description (Attach a copy)

Yes, there is an **oral** job description (Although there is not a written one, the employee verbalizes job duties that contain the appropriate collection activities.)

No

Criteria met?  Yes  No - Comment:

#### DESCRIPTION OF THE PROCESS:

When the defendant cannot pay the court costs, fees, and fines *in full* at the time of assessment (sentencing or judgment imposed date), what happens? Def fills out application in order to determine payment plan or extension

When the collection department services more than one court, is the process the same for each court or judge?  N/A  Yes  No - Explain: \_\_\_\_\_

Who is responsible for collection of court costs, fees, and fines? (Do not include collection of paid-in-full payments.)

<input type="checkbox"/> Collection/ Compliance Dept.	<input type="checkbox"/> CSCD	<input type="checkbox"/> County Clerk
<input type="checkbox"/> District Clerk	<input checked="" type="checkbox"/> Justice Court	<input type="checkbox"/> Municipal Court

Comments:

#### MANAGEMENT SYSTEMS:

What Case Management software do you use? Odyssey

What Collection software do you use? N/A

### Payment Plan or Extension Compliance Monitoring

2. Is collection/compliance staff person(s) assigned to monitor compliance with payment agreements or extensions?

a.  Yes  No

Who does this? Tammy Sosa

Is it in their job description or can staff verbalize their collection tasks/duties?

Yes  No

How is this done? Run report once a week

How is it documented? In Odyssey

b. Is there an updated payment due list or a manual or electronic tickler system?

Yes  No

(Reviewer/auditor verified documentation or assignment to in-house staff; verified documentation of past due list, tickler system, or computerized system; observed the monitor compliance process.)

Criteria met?  Yes  No - Comment:

### Seriously Delinquent Cases

3. Does the court/department have a component designed to improve collection of balances more than 60 days past due?

a.  Yes

Describe the component(s): Omnibase

Where is it documented? Odyssey

No

b. Is there a documented process/component designed to improve collection of balances more than 60 days past due?  Yes  No

Criteria met?  Yes  No - Comment:

### Reporting

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

a.  Yes -  Reporting Monthly by the 20<sup>th</sup> of the next month

Reporting Annually

Who does the entry? \_\_\_\_\_

No

b. Reporting?  Yes  No  N/A (Temporary waiver from this requirement)

Name of OCA staff providing verification: \_\_\_\_\_ Date: \_\_\_\_\_

Criteria met?  N/A  Yes  No - Comment: OCA Financial Analyst and Tyler Tech working on resolving issues

### Application/Contact Information

5. If a defendant is unable to pay in full on the day of assessment (sentencing or judgment imposed date), is an application used to determine a defendant's ability to pay or is current contact information obtained?

a.  Yes  No - Comment: \_\_\_\_\_

Is the application/contact info taken:  Immediately  2-5 days  6 days - 1 mo.

Does the application/contact information include?

	Item		Yes	No	
A C I C T I O N	Home address		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Home phone number or primary contact phone number		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Employer's or source of support's	Name		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Address		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Phone number		<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Personal references (at least 2)		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Signature or acknowledgement and date		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Financial institutions and account balances	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Creditors, debt balances and payment amounts	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Stated income	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
Is application/contact information completed within one month of assessment date?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attach a copy of the application form.

Criteria met?  Yes  Partial  No - Comment:

### Verification of Contact Information

6. Is the contact information verified?

a.  Yes  No - Comment: \_\_\_\_\_

Is the verification generally done:  Immediately  2-5 days  More than 5 days

Who conducts this verification? Tammy Sosa

Is the home or contact phone verified?  Yes  No

Is employment or source of support verified?  Yes  No

How is it done? Accurint

How is the verification documented? On application

	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
Is contact information verified within 5 days?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Criteria met?  Yes  Partial  No - Comment: Was not being documented

### Interview

7. Does the court/department conduct an in-person or telephone interview with the defendant either to review the application and determine an appropriate payment plan or to review the terms of the judge-imposed payment plan?

a.  Yes  No  
 Review is done:  Immediately  2-5 days  6-14 days  
 Who conducts the review? Tammy Sosa/ all clerks  
 How is it done? in person  
 Is each interview/review documented?  Yes - Where? application  
 No

	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
Is date (within 14 days of receipt of application) and name of interviewer documented?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Auditor observed interview process in action?  Yes  No

Criteria met?  Yes  Partial  No - Comment:

### Payment Terms

8. Payment plans should require the highest payment amounts in the shortest period of time that the defendant can successfully make, considering the amount owed, the defendant's ability to pay, and the defendant's obligations for payment of any other court-mandated fees, including child support, victim restitution, and fees for drug testing, rehabilitation programs, or community supervision.

a. Describe what happens if I were to go to court and am unable to pay in full:  
Fill out application and payment plan is determined by either Judge or Clerk.  
 Who sets the payment terms? Judge or Clerk  
 How is the payment plan determined? Financial Info

b. Time requirements for payment plans set by a judge are within judicial discretion. If the judge does not set the terms, the time requirements are as follows:

(1). Municipal and Justice Court Cases:  
 Do the payment plans provide for full payment within four (4) months of the assessment date?

(2). County and District Court Cases:

(a). Defendants placed on community supervision:  
 Do the payment plans provide for full payment at least two (2) months before expiration of the term of community supervision?

(b). Cases not involving community supervision:

1. No incarceration - Do the payment plans provide for full payment within six (6) months of the assessment date?
2. Incarceration - No time requirement on payment plan.

	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
Payment Terms	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Criteria met?  Yes  Partial  No - Comment:

**Phone Contact**

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

- a.  Yes -  1-5 days  6-15 days  16 days - 1 month  
 No

Who does this? All clerks

How is it done? By phone

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

b.	<u>Yes</u> 80% to 100%	<u>Partial</u> 50% to 79%	<u>No</u> Less than 50%
Phone contact for past-due payments within one month?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Criteria met?  Yes  Partial  No - Comment:

**Mail Contact**

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

- a.  Yes -  1-5 days  6-15 days  16 days - 1 month  
 No

Who does this? All clerks

How is it done? By mail

Is there a record made of these notices?  Yes - Where? Odyssey  
 No

b.	<u>Yes</u> 80% to 100%	<u>Partial</u> 50% to 79%	<u>No</u> Less than 50%
Written delinquency notice for past-due payments within one month?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Attach a copy

Criteria met?  Yes  Partial  No - Comment:

### Capias Pro Fine Notice

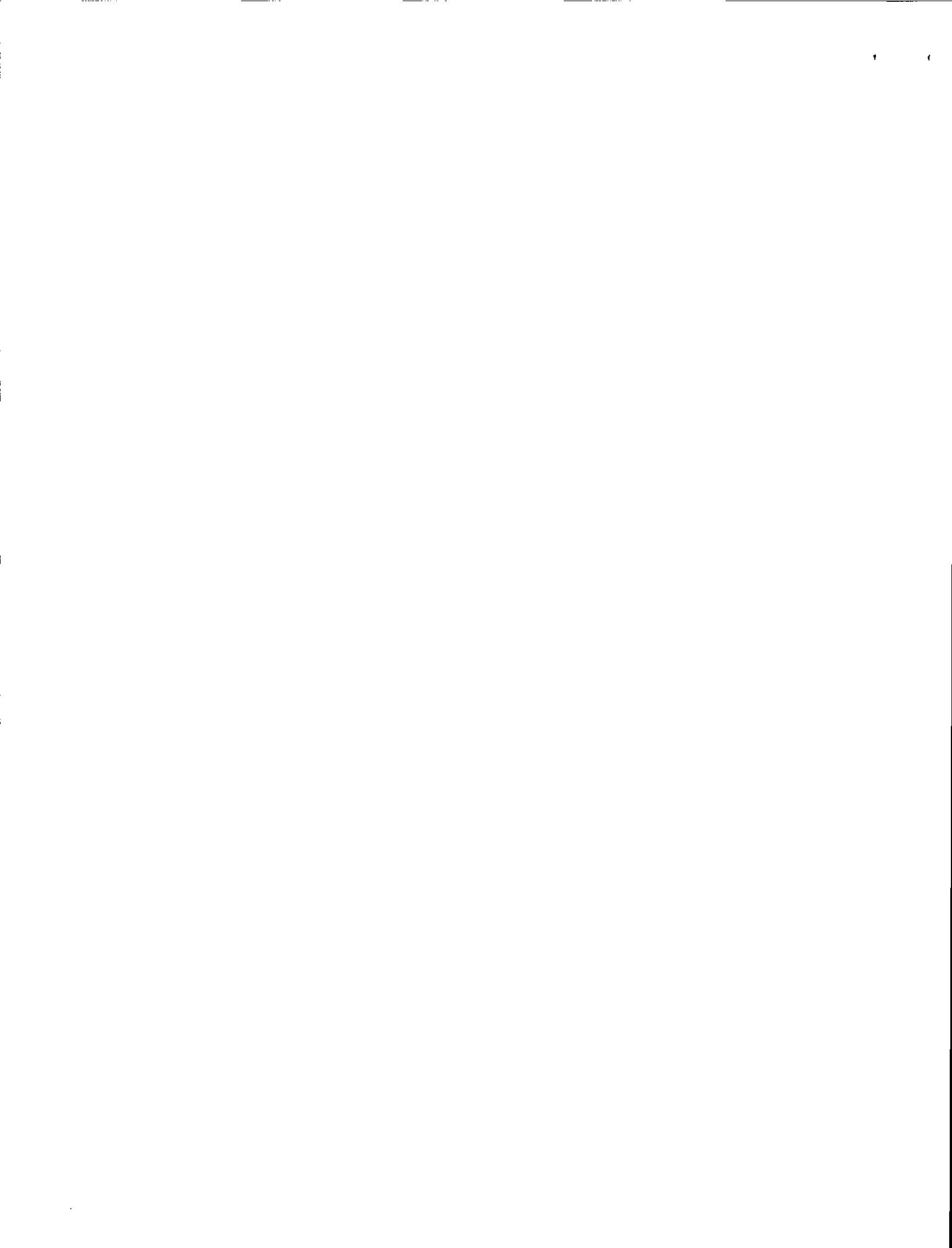
11. Is a capias pro fine sought?

- a.  No - Justice Courts     No - County Courts     No - District Courts  
 Yes - Is either a pre- or post-capias pro fine phone call made or written notice sent to the defendant in addition to the efforts as detailed in items 9 and 10 when the defendant fails to respond to those efforts?  
 Notice Sent -  1-15 days     16 days - 1 month     Over 1 month  
 Who does this? \_\_\_\_\_  
 How is it done? \_\_\_\_\_  
 Is there a record made of these notices?  Yes - Where? \_\_\_\_\_  
 No

b.	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
Capias pro fine phone call made or notice sent for past-due payments within one month of phone contact/mail notice in items 9 and 10 (whichever is later)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attach a copy of the notice if a notice is sent

Criteria met?  Yes     Partial     No - Comment: N/A







## Wise County Justice of the Peace, Precinct 1

From: Deanann Steinman [deanann.steinman@co.wise.tx.us]

Sent: Tuesday, March 24, 2015 10:16 AM

To: Cynthia Montes

Cc: jan.morrow@co.wise.tx.us

Subject: RE: OCA Compliance Review

Good Morning Ms. Montes,

The Judge has reviewed the Compliance Survey, Compliance WT Form and Compliance WT Worksheet and accepts them as submitted; however, if you would please note that our office has had a change in staff and that Pam retired as of December 14, 2014 and we now have a new clerk named Holly who joined our staff recently. Judge Morrow suggests that in addition to the County Judge that the Wise County Auditor would most likely appreciate receiving a copy as well.

Thank you,

Deanann S.

Chief Clerk, Wise County JP1



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# Collection Improvement Program

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**Compliance Walk Through Review  
Wise County Justice of the Peace 2**

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Office of Court Administration

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## Compliance Walk-Through Report

County or City Name: <b>Wise County</b>		
Collection Department or Court Name: <b>Justice of the Peace, Precinct 2</b>		Date of Report: 2/25/15
Collection Department or Court location: 200 Rook Ramsey Dr., Decatur, Texas 76234		Walk-Through Date: 12/19/2014
Contact Name: Tammy Sosa	Contact Title: Office Manager	Contact Phone Number: 940-626-4206
Regional Collection Specialist and Other OCA Participants: Cynthia Montes		OCA Phone Number: 940-349-2818

### Overview

Your Regional Collections Specialist conducted a compliance walk-through on the date given above. The purpose of this unofficial compliance walk-through is to prepare you for the actual audit which will be conducted by the Office of Court Administration's Compliance Auditors at a future date in accordance with Criminal Code of Procedure Article 103.0033. Our findings and recommendations follow below. If we can be of any further assistance please contact us.

### Component Review

Component	Compliant				Comments		
1. Dedicated Staff	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>			
2. Pay Plan Compliance Monitor	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>			
3. Delinquent Cases	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>			
4. Reporting	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>			
5. Application/Contact Info	Yes	<input checked="" type="checkbox"/>	Partial	<input type="checkbox"/>	No	<input type="checkbox"/>	
6. Verification of App/Contact	Yes	<input type="checkbox"/>	Partial	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	
7. Interview	Yes	<input checked="" type="checkbox"/>	Partial	<input type="checkbox"/>	No	<input type="checkbox"/>	
8. Payment Terms	Yes	<input checked="" type="checkbox"/>	Partial	<input type="checkbox"/>	No	<input type="checkbox"/>	
9. Phone Call	Yes	<input type="checkbox"/>	Partial	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	
10. Mail Contact	Yes	<input type="checkbox"/>	Partial	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	
11. Capias Pro Fine Notice	Yes	<input type="checkbox"/>	Partial	<input type="checkbox"/>	No	<input type="checkbox"/>	Not Applicable

### Summary of Findings

Based on data from cases sampled during the review period, the Wise County Justice of the Peace Precinct 2 appears to be in compliance with components 1-3, 5, 7, and 8 of the Collections Improvement Program. However, program efforts on components #6 (Verification of App/Contact), # 9 (Phone Call), and #10 (Mail Contact) are inconsistent and below required performance levels. The court is not reporting but is working their case management software vendor to improve the accuracy of their monthly collection report.

Failure to address and correct this issue could result in the Court failing an actual audit.

### Recommendations

The Court is encouraged to immediately take steps to ensure compliance with components 6 (Verification of Application), 9 (Phone Call), and 10 (Mail Contact). Failure to fully comply with these components could result in failure of an actual compliance audit. The following are recommendations to improve the efficiency or effectiveness of the collection program.

## **Compliance Walk-Through Report**

Component #4 (Reporting) Chapter 175.3(b)(4) of the Texas Administrative Code requires the program to report its collection activity data to OCA at least annually in a format approved by OCA.

Component #6 (Verification of Applications) Chapter 175.3(c)(2) of the Texas Administrative Code requires within five days of receiving the data, program staff must verify both the home or contact phone number and the employer or source of support, if applicable. Verification may be conducted by reviewing written proof of the contact information, by telephoning the contacts, or by using a verification service. Verification must be documented by identifying the person conducting it and the date.

Although I believe this component was being done, it was not properly documented and therefore was found to be below required performance levels. The Court staff understands that the verification process must be documented by identifying the person conducting it and the date it was done.

Component #9 (Phone Call) Chapter 175.3(c)(5) of the Texas Administrative Code requires that within one month of a missed payment, a phone call must be made to a defendant who has not contacted the program staff.

The time frame that was reviewed was during the time that Judge Terri Lynn Johnson passed away. Due to this tragedy, the Court was closed for some time and follow up was not done. The Court staff understand the importance of the follow up on delinquent cases and it is believed that the Court is doing all due diligence and making proper documentation.

Component #10 (Mail Notice) Chapter 175.3(c)(6) of the Texas Administrative Code requires that within one month of a missed payment, a written delinquency notice must be sent to a defendant who has not contacted the program staff. Program rules allow for this process to also be automated and the court is encouraged to explore the use of mailing programs, systems, or services that will be both efficient and cost effective.

The time frame that was reviewed was during the time that Judge Terri Lynn Johnson passed away. Due to this tragedy, the Court was closed for some time and follow up was not done. The Court staff understands the importance of the follow up on delinquent cases and it is believed that the Court is doing all due diligence and making proper documentation.

The program is encouraged to vigilantly continue monitoring and evaluating its processes to ensure acceptable compliance levels are achieved and maintained. OCA staff will continue to provide guidance and assistance as required.

### **To the Compliance Auditor**

Population samples for this review were acquired randomly by: running a query of adjudicated cases from February 1, 2014 through June 30, 2014.

## **Compliance Walk-Through Report**

It is recommended the Compliance Auditor acquire its sample population by: the same method unless instructed otherwise.







## Justice of the Peace, Precinct 2

From: Tammy Sosa [Tammy.sosa@co.wise.tx.us]

Sent: Thursday, April 02, 2015 8:06 AM

To: Cynthia Montes

Subject: FW: OCA Compliance Review

Our problems were #6 verification #9 phone calls, and #10 mail outs.

Thank you for allowing us to view the report with the Audit Section. Upon being made aware of the process requirements of the Collections Improvement Program our office has made the following changes.

Initialing each section of the payment plan application was stressed as part of the verification process. When I verify the phone numbers with existing documents within the county I did not initial the application to indicate the verification was in fact verified on the same day the application was received.

We are getting our feet back on the ground and feel that the fog has lifted since the untimely and tragic death of Judge Terri Lynn Johnson on April 26, 2014. Judge Terri Johnson's death created some unforeseen difficulties which some errors on our part.

We are moving forward with our new Judge, Judge Craig D. Johnson. We are back on track, mailing notices to defendants to appear at the court, which has resulted in Judge Craig Johnson conducting 388 show cause hearings since January 01, 2015 with non-compliant defendant, not only with payment plans but also with plea hearings on cases where no plea or contact has been made to the court.

Judge Craig Johnson has corrected the service issue with Lexis-Nexis Accurint program so that I am able to verify not only the address and phone number of the defendant, but also the references, emergency contacts phone numbers and addresses. The Accurint program that we use has enabled this office to close out several delinquent cases and non-compliant payment plans including one defendant that had not completed her payment plans and continued receiving new traffic cases totaling to the court over \$3000.00. We look forward to the next audit with a positive attitude that Justice of the Peace Pct. 2 will be in full compliance and above average with our Collections Improvement Program.

We are cautiously hopeful that Tyler Technology Odyssey Program will have all the problems fixed so that we will be able to submit the report in a

timely fashion since we are 4 years behind with no control over when the system will be working. Our County Judge and County Commissioners are currently in discussions concerning problems with the Odyssey program and possible solutions. Thank you

Tammy Sosa  
Office Manager  
Judge Craig Johnson  
Justice of the Peace, Pct. 2  
Wise County

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# Collection Improvement Program

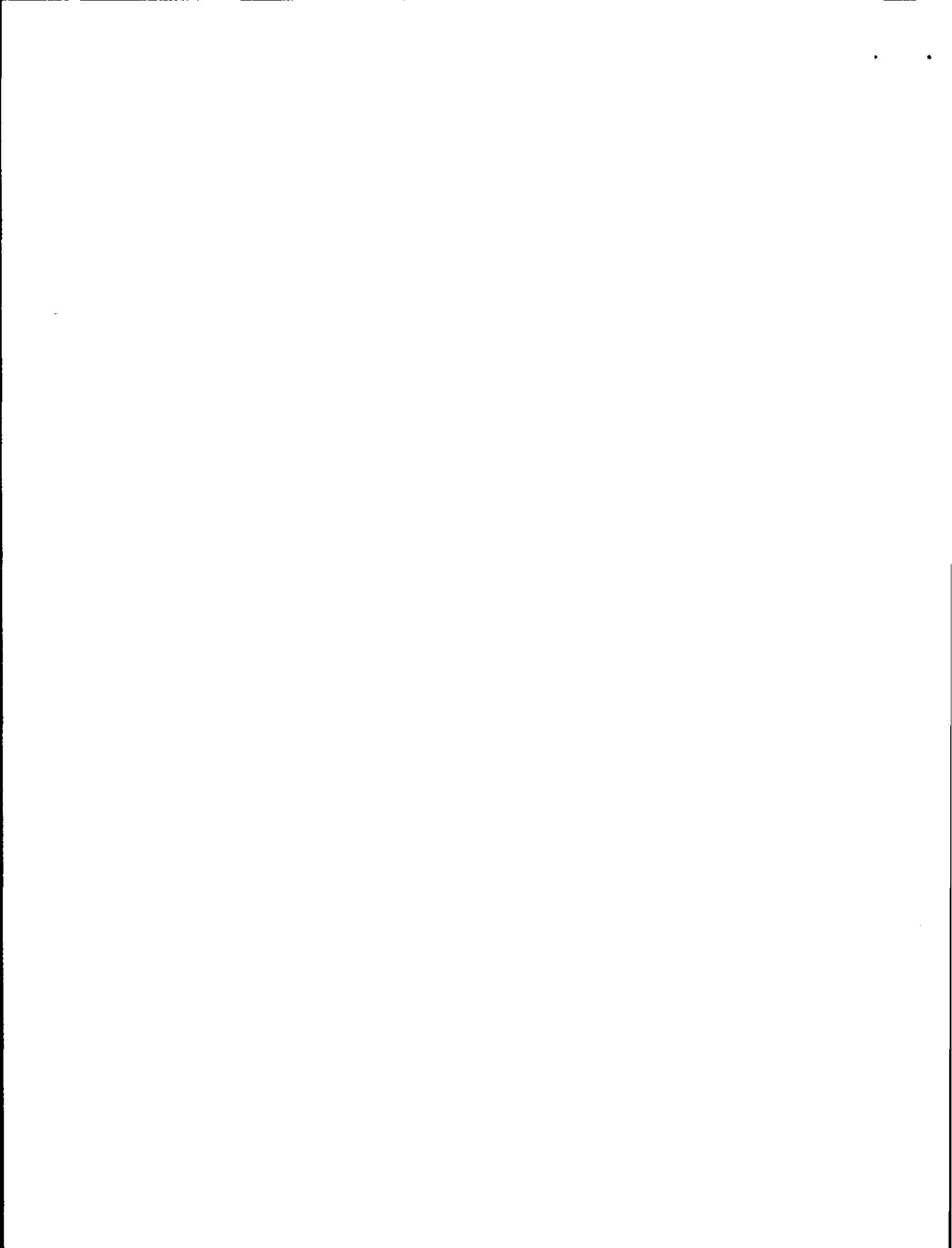
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**Compliance Walk Through Review  
Wise County Justice of the Peace 3**

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Office of Court Administration

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## Compliance Walk-Through Report

<b>County or City Name:</b> Wise County		
<b>Collection Department or Court Name:</b> Justice of the Peace, Precinct 3		<b>Date of Report:</b> 2/23/15
<b>Collection Department or Court location:</b> 125 N F.M. 730 Boyd, TX 76023		<b>Walk-Through Date:</b> 12/18/14
<b>Contact Name:</b> Louise O. Cates	<b>Contact Title:</b> Criminal Clerk	<b>Contact Phone Number:</b> 940-433-2969
<b>Regional Collection Specialist and Other OCA Participants:</b> Cynthia Montes		<b>OCA Phone Number:</b> 940-349-2818

### Overview

Your Regional Collections Specialist conducted a compliance walk-through on the date given above. The purpose of this unofficial compliance walk-through is to prepare you for the actual audit which will be conducted by the Office of Court Administration's Compliance Auditors at a future date in accordance with Criminal Code of Procedure Article 103.0033. Our findings and recommendations follow below. If we can be of any further assistance please contact us.

### Component Review

Component	Compliant				Comments
1. Dedicated Staff	Yes <input checked="" type="checkbox"/>			No <input type="checkbox"/>	
2. Pay Plan Compliance Monitor	Yes <input checked="" type="checkbox"/>			No <input type="checkbox"/>	
3. Delinquent Cases	Yes <input checked="" type="checkbox"/>			No <input type="checkbox"/>	
4. Reporting	Yes <input type="checkbox"/>			No <input checked="" type="checkbox"/>	
5. Application/Contact Info	Yes <input type="checkbox"/>	Partial <input checked="" type="checkbox"/>	No <input type="checkbox"/>		
6. Verification of App/Contact	Yes <input checked="" type="checkbox"/>	Partial <input type="checkbox"/>	No <input type="checkbox"/>		
7. Interview	Yes <input checked="" type="checkbox"/>	Partial <input type="checkbox"/>	No <input type="checkbox"/>		
8. Payment Terms	Yes <input checked="" type="checkbox"/>	Partial <input type="checkbox"/>	No <input type="checkbox"/>		
9. Phone Call	Yes <input type="checkbox"/>	Partial <input checked="" type="checkbox"/>	No <input type="checkbox"/>		
10. Mail Contact	Yes <input type="checkbox"/>	Partial <input type="checkbox"/>	No <input checked="" type="checkbox"/>		
11. Capias Pro Fine Notice	Yes <input type="checkbox"/>	Partial <input checked="" type="checkbox"/>	No <input type="checkbox"/>		

### Summary of Findings

Based on data from cases sampled during the review period, the Wise County Justice of the Peace, Precinct 3 appears to be in compliance with components #'s 1-3, and 6-8 of the Collections Improvement Program. However, program efforts on components #5 (Application/Contact Info), #9 (Phone Call), #10 (Mail Contact), and #11 (Capias Pro Fine Notice) are inconsistent and below required performance levels. The court is not reporting but is working with their case management software vendor to improve the accuracy of their monthly collection report.

Failure to address and correct this issue could result in the Court failing an actual audit.

### Recommendations

The Court is encouraged to immediately take steps to ensure compliance with components 5 (Application/Contact Info), 9 (Phone Call), 10 (Mail Contact), and 11 (Capias Notice). Failure to fully comply with these component(s) could result in failure of an actual compliance audit.

## **Compliance Walk-Through Report**

Our unofficial compliance walk-through found no major deficiencies however, the following are recommendations to improve the efficiency or effectiveness of the collection program.

Component #4 (Reporting) Chapter 175.3(b)(4) of the Texas Administrative Code requires the program to report its collection activity data to OCA at least annually in a format approved by OCA.

OCA Financial Analyst and Tyler Tech are working together in order to correct issues with the Monthly Collections Activity Report.

Component # 5 (Application or Contact Information) Chapter 175.3(c)(1) of the Texas Administrative Code states that for plans set by a judge, defendant must provide or acknowledge contact information and program staff must document it. In other cases, defendant must provide a signed or acknowledged application for extended payment that includes both contact information and payment ability information. Programs may use a single form for both contact information and payment ability information, and the required information must be obtained within one month of the assessment date.

Of the 16 cases reviewed, 4 cases showed that the application was missing the two required references. The Court staff was advised that in cases where they are unable to get two references they must make documentation as to what their efforts were in trying to retrieve the references in order to stay in compliance. This should not happen often and the staff understands that the references are a requirement because if at any point they are unable to get a hold of the defendant this will be their form of contact.

Component #9 (Phone Call) Chapter 175.3(c)(5) of the Texas Administrative Code requires that within one month of a missed payment, a phone call must be made to a defendant who has not contacted the program staff.

Of the 16 cases reviewed, only 4 cases required follow up in the form of a phone call. Of those four cases, one case showed that the phone contact was not done timely. The Court staff understands that the phone call needs to be done within one month of the missed payment.

Component #10 (Mail Notice) Chapter 175.3(c)(6) of the Texas Administrative Code requires that within one month of a missed payment, a written delinquency notice must be sent to a defendant who has not contacted the program staff. Program rules allow for this process to also be automated and the court is encouraged to explore the use of mailing programs, systems, or services that will be both efficient and cost effective.

Of the 16 cases reviewed, only 4 cases required follow up in the form of a past due notice. Of the 4 cases, 3 showed that the past due notice was either not done or not done timely. The Court staff understands that the past due notice must be done within one month of the missed payment.

Component #11 (Capias Notice) Chapter 175.3(c)(7) of the Texas Administrative Code requires that if a capias pro fine will be sought; the program must make another phone call or send another written notice to the defendant with one month of the last contact effort.

## **Compliance Walk-Through Report**

Of the 16 cases reviewed, only 4 cases required follow up in the form of either a pre-capias pro fine notice or a phone call. Of those 4 cases, 2 showed that this component was either not done or not done timely. The Court staff understands that this component must be done within one month of the last contact effort by either making a call or sending a notice and documenting it.

The program is encouraged to vigilantly continue monitoring and evaluating its processes to ensure acceptable compliance levels are achieved and maintained. OCA staff will continue to provide guidance and assistance as required.

### **To the Compliance Auditor**

Population samples for this review were acquired randomly by: running a query of cases that were adjudicated from June 1, 2014 through December 31, 2014.

It is recommended the Compliance Auditor acquire its sample population by: the same method unless instructed otherwise.



## COLLECTION PROGRAM SURVEY

Collection Department or Court Name: <b>Justice of the Peace Pct 3</b>		Survey Date: <b>12/5/2014</b>
Collection Department or Court Location: <b>125 N F.M. 730 Boyd, TX 76023</b>		
Individual Completing Survey: <b>Louise O. Gates</b>	Individual's Title: <b>Criminal Clerk</b>	Individual's Phone Number: <b>940-433-2969</b>
Contact Name, If Different From Above:	Contact's Title:	Contact's Phone Number:
List All Courts Handled By This Collection Department: <b>JP3</b>		
<input checked="" type="checkbox"/> Regional Collection Specialist: <input type="checkbox"/> Auditor:	<b>Cynthia Montes</b>	<input checked="" type="checkbox"/> WT Date: <input type="checkbox"/> Audit Date: <b>12/18/14</b>

### General Instructions

1. A separate "Collection Program Survey" is needed for each court or collection department. A city will have only 1 survey. A county may have more than 1 survey. For example, if a county has a separate collection department for all justice courts, another department for county courts, and another department for district courts, there will be 3 separate surveys.
2. Questions 1 - 4 relate to local program operations. For a city, all 4 requirements must be met to be in compliance. For a county, all 4 requirements must be met for either 90% of all criminal courts in the county, or all courts except 1 court, whichever is greater. If the city or county does not meet these 4 critical components, the auditor will ask only the "a." part of the remaining questions 5 - 11 and not pull any cases to examine.
3. Questions 5 - 11 relate to defendant communications. If, and only if, the city or county has met compliance for the 4 components related to local program operations, the reviewer/auditor will select, initially, 30 cases for each court or collection department to measure compliance for the 7 components related to defendant communications.

The "a." part of the survey will be completed by questioning the court/department administrator responsible for the program. Little factual evidence will be obtained for its completion.

The "b." part will include the gathering of facts that demonstrate whether the criteria have been met or not.

Full text governing the Collection Improvement Program can be found at: 1 TAC §§ 175.1 through 175.7 and Art. 103.0033, Code of Criminal Procedure.

### Dedicated Staff

1. Is there a minimum of one staff person in this court/department whose priority job function is collection activities? (The priority collection job function may be concentrated in one individual employee or distributed among two or more employees. The collection function need not require 40 hours per week of FTE time, but must be a priority.)

a.  Yes  No - Comment: \_\_\_\_\_  
 Who is responsible or who is your collection person? Louise O. Cates, Cristina Torres  
 What is his/her title? Criminal Clerk

b. Is there a job description containing the essential job functions of collection activity?  
 Yes, there is a **written** job description (Attach a copy)  
 Yes, there is an **oral** job description (Although there is not a written one, the employee verbalizes job duties that contain the appropriate collection activities.)  
 No

Criteria met?  Yes  No - Comment:

**DESCRIPTION OF THE PROCESS:**

When the defendant cannot pay the court costs, fees, and fines *in full* at the time of assessment (sentencing or judgment imposed date), what happens? FINANCIAL AGREEMENT IS OFFERED AS AN OPTION

When the collection department services more than one court, is the process the same for each court or judge?  N/A  Yes  No - Explain: \_\_\_\_\_

Who is responsible for collection of court costs, fees, and fines? (Do not include collection of paid-in-full payments.)

<input type="checkbox"/> Collection/ Compliance Dept.	<input type="checkbox"/> CSCD	<input type="checkbox"/> County Clerk
<input type="checkbox"/> District Clerk	<input checked="" type="checkbox"/> Justice Court	<input type="checkbox"/> Municipal Court

Comments:

**MANAGEMENT SYSTEMS:**

What Case Management software do you use? ODYSSEY

What Collection software do you use? N/A

### Payment Plan or Extension Compliance Monitoring

2. Is collection/compliance staff person(s) assigned to monitor compliance with payment agreements or extensions?

a.  Yes  No

Who does this? LOUISE O. CATES

Is it in their job description or can staff verbalize their collection tasks/duties?

Yes  No

How is this done? WEEKLY REVIEW OF CASES ON A FINANCIAL AGREEMENT

How is it documented? ODYSSEY - EVENTS AND SPREADSHEET

b. Is there an updated payment due list or a manual or electronic tickler system?

Yes  No

(Reviewer/auditor verified documentation or assignment to in-house staff; verified documentation of past due list, tickler system, or computerized system; observed the monitor compliance process.)

Criteria met?  Yes  No - Comment:

### Seriously Delinquent Cases

3. Does the court/department have a component designed to improve collection of balances more than 60 days past due?

a.  Yes

Describe the component(s): Omnibase. Phone Call, Show Cause, No Show, JUDGMENT (10 DAY APPEAL AND 10 DAY MAIL BOX RULE) FEES ADDED CAPIAS PRO FINE ISSUED ON 21<sup>ST</sup> DAY

Where is it documented? IN ODYSSEY AND WRITTEN ON FILE

No

b. Is there a documented process/component designed to improve collection of balances more than 60 days past due?  Yes  No

Criteria met?  Yes  No - Comment:

### Reporting

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

a.  Yes -  Reporting Monthly by the 20<sup>th</sup> of the next month  
 Reporting Annually

Who does the entry? LOUISE - NOTE: WE HAVE NOT BEEN ABLE TO ENTER MONTHLY REPORTS Due TO PROGRAMING ISSUES

No

b. Reporting?  Yes  No  N/A (Temporary waiver from this requirement)  
Name of OCA staff providing verification: \_\_\_\_\_ Date: \_\_\_\_\_

Criteria met?  N/A  Yes  No - Comment:

### Application/Contact Information

5. If a defendant is unable to pay in full on the day of assessment (sentencing or judgment imposed date), is an application used to determine a defendant's ability to pay or is current contact information obtained?

a.  Yes  No - Comment: \_\_\_\_\_

Is the application/contact info taken:  Immediately  2-5 days  6 days - 1 mo.

Does the application/contact information include?

		Item	Yes	No	
A p p l i c a t i o n	C o n t a c t i o n	Home address	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		Home phone number or primary contact phone number	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		Employer's or source of support's	Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			Address	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			Phone number	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Personal references (at least 2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		Signature or acknowledgement and date	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Financial institutions and account balances	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Creditors, debt balances and payment amounts	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Stated income	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
Is application/contact information completed within one month of assessment date?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Attach a copy of the application form.

Criteria met?  Yes  Partial  No - Comment:

### Verification of Contact Information

6. Is the contact information verified?

a.  Yes  No - Comment: \_\_\_\_\_

Is the verification generally done:  Immediately  2-5 days  More than 5 days

Who conducts this verification? LOUISE CATES, CRISTINA TORRES OR KAREN RICHARDSON

Is the home or contact phone verified?  Yes  No

Is employment or source of support verified?  Yes  No

How is it done? BY PHONE

How is the verification documented? IN ODYSSEY & INITIALED AND DATED

	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
Is contact information verified within 5 days?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Criteria met?  Yes  Partial  No - Comment:

### Interview

7. Does the court/department conduct an in-person or telephone interview with the defendant either to review the application and determine an appropriate payment plan or to review the terms of the judge-imposed payment plan?

a.  Yes  No

Review is done:  Immediately  2-5 days  6-14 days

Who conducts the review? LOUISE CATES, CRISTINA TORRES OR KAREN RICHARDSON

How is it done? IN PERSON OR BY PHONE

Is each interview/review documented?  Yes - Where? IN ODYSSEY  
 No

b.

	<u>Yes</u> 80% to 100%	<u>Partial</u> 50% to 79%	<u>No</u> Less than 50%
Is date (within 14 days of receipt of application) and name of interviewer documented?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Auditor observed interview process in action?  Yes  No

Criteria met?  Yes  Partial  No - Comment:

### Payment Terms

8. Payment plans should require the highest payment amounts in the shortest period of time that the defendant can successfully make, considering the amount owed, the defendant's ability to pay, and the defendant's obligations for payment of any other court-mandated fees, including child support, victim restitution, and fees for drug testing, rehabilitation programs, or community supervision.

a. Describe what happens if I were to go to court and am unable to pay in full:

CLERK OFFERS FINANCIAL AGREEMENT

Who sets the payment terms? CLERK

How is the payment plan determined? INTERVIEW DEFENDANT BY LISTENING TO THEIR FINANCIAL SITUATION - PAY DATES ETC TO HELP DETERMINE WHEN PAYMENTS CAN BE RESONABLY MADE AND TRY TO SET IT UP IN THE LEAST AMOUNT OF TIME TO AVOID LATE FEE. 30 DAYS OR LESS AND NO MORE THAN 4 MONTHS.

b. Time requirements for payment plans set by a judge are within judicial discretion. If the judge does not set the terms, the time requirements are as follows:

(1). Municipal and Justice Court Cases:

Do the payment plans provide for full payment within four (4) months of the assessment date?

(2). County and District Court Cases:

(a). Defendants placed on community supervision:

Do the payment plans provide for full payment at least two (2) months before expiration of the term of community supervision?

(b). Cases not involving community supervision:

1. No incarceration - Do the payment plans provide for full payment within six (6) months of the assessment date?

2. Incarceration - No time requirement on payment plan.

	<u>Yes</u> 80% to 100%	<u>Partial</u> 50% to 79%	<u>No</u> Less than 50%
Payment Terms	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Criteria met?  Yes  Partial  No - Comment:

### Phone Contact

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

- a.  Yes -  1-5 days  6-15 days  16 days - 1 month  
 No

Who does this? LOUISE CATES

How is it done? BY PHONE

Is there a record made of these phone calls?  Yes - Where? ODYSSEY-EVENTS  
 No

b.

	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
Phone contact for past-due payments within one month?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Criteria met?  Yes  Partial  No - Comment:

### Mail Contact

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

- a.  Yes -  1-5 days  6-15 days  16 days - 1 month  
 No

Who does this? LOUISE CATES

How is it done? BY MAIL

Is there a record made of these notices?  Yes - Where? ODYSSEY - EVENTS  
 No

b.

	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
Written delinquency notice for past-due payments within one month?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Attach a copy

Criteria met?  Yes  Partial  No - Comment:

### Capias Pro Fine Notice

11. Is a capias pro fine sought?

- a.  No - Justice Courts    No - County Courts    No - District Courts  
 Yes - Is either a pre- or post-capias pro fine phone call made or written notice sent to the defendant in addition to the efforts as detailed in items 9 and 10 when the defendant fails to respond to those efforts?  
 Notice Sent -  1-15 days    16 days - 1 month    Over 1 month  
 Who does this? LOUISE CATES  
 How is it done? BY MAIL  
 Is there a record made of these notices?  Yes - Where? ODYSSEY  
 No

b.

	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
Capias pro fine phone call made or notice sent for past-due payments within one month of phone contact/mail notice in items 9 and 10 (whichever is later)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Attach a copy of the notice if a notice is sent

Criteria met?  Yes    Partial    No - Comment:





## Wise County Justice of the Peace, Precinct 3

From: Louise Cates [louise.cates@co.wise.tx.us]  
Sent: Wednesday, March 25, 2015 11:46 AM  
To: Cynthia Montes  
Cc: Mandy Hays  
Subject: FW: OCA Compliance Review

Hi Cynthia,

We have reviewed the draft evaluation and following are a few comments regarding the report:

Component 9 Phone Call - In some cases this is due to scheduling for Show Cause. We have added an additional call to the process to be in compliance

Component 10 Mail Contact - We do have a late pay letter notice that is mailed out as part of our process.

Component 11 Capias Pro Fine Notice - This component has improved. We mail out final judgment allowing time for final appeal. And, again schedule for Show Cause that results in final judgment can have a lag time. Also, once they are in Capias then we mail out notification card.

The report clearly reflects a total of only 16 cases (qualified for analysis) that span from June 1, 2014 through Dec 31, 2014. Since we don't have a high volume of financial agreements, we tend to incorporate Show Cause Hearings along with other court scheduling to accommodate our office processes and procedures. This would account for some of the "partial" compliance.

Thank you for your assistance and please let me know if you have any questions.

Louise O. Cates  
Court Clerk  
Wise County Pct.3  
(940) 433-2969  
(940) 433-3062



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# Collection Improvement Program

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**Compliance Walk Through Review  
Wise County Justice of the Peace 4**

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Office of Court Administration

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## Compliance Walk-Through Report

County or City Name: <b>Wise County</b>		
Collection Department or Court Name: <b>Justice of the Peace, Precinct 4</b>		Date of Report: 2/23/15
Collection Department or Court location: 1007 13 <sup>th</sup> St., Ste. 109, Bridgeport, Texas 76426		Walk-Through Date: 12/15/14
Contact Name: <b>Kim Redmen</b>	Contact Title: <b>Court Clerk</b>	Contact Phone Number: 940-683-4244
Regional Collection Specialist and Other OCA Participants: <b>Cynthia Montes</b>		OCA Phone Number: 940-349-2818

### Overview

Your Regional Collections Specialist conducted a compliance walk-through on the date given above. The purpose of this unofficial compliance walk-through is to prepare you for the actual audit which will be conducted by the Office of Court Administration's Compliance Auditors at a future date in accordance with Criminal Code of Procedure Article 103.0033. Our findings and recommendations follow below. If we can be of any further assistance please contact us.

### Component Review

Component	Compliant				Comments	
1. Dedicated Staff	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>		
2. Pay Plan Compliance Monitor	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>		
3. Delinquent Cases	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>		
4. Reporting	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>		
5. Application/Contact Info	Yes	<input type="checkbox"/>	Partial	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
6. Verification of App/Contact	Yes	<input type="checkbox"/>	Partial	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
7. Interview	Yes	<input type="checkbox"/>	Partial	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
8. Payment Terms	Yes	<input type="checkbox"/>	Partial	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
9. Phone Call	Yes	<input type="checkbox"/>	Partial	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
10. Mail Contact	Yes	<input type="checkbox"/>	Partial	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
11. Capias Pro Fine Notice	Yes	<input type="checkbox"/>	Partial	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

### Summary of Findings

Based on data from cases sampled during the review period, the Wise County, Justice of the Peace, Precinct 4 appears to be in compliance with components #'s 1-3 of the Collections Improvement Program. However, program efforts on components #5 (Application/Contact Info), #6 (Verification of App/Contact), #7 (Interview), #8 (Payment Terms), #9 (Phone Call), #10 (Mail Contact), and #11 (Capias Pro Fine Notice) are inconsistent and below required performance levels.

Failure to address and correct this issue could result in the Court failing an actual audit.

### Recommendations

The Court is encouraged to immediately take steps to ensure compliance with components 5 (Application/Contact Info), 6 (Verification of Application), 7 (Interview), 8 (Payment Terms), 9 (Phone Call), 10 (Mail Contact), and 11 (Capias Notice). Failure to fully comply with these

## **Compliance Walk-Through Report**

components could result in failure of an actual compliance audit. The following are recommendations to improve the efficiency or effectiveness of the collection program.

**Component #4 (Reporting)** Chapter 175.3(b)(4) of the Texas Administrative Code requires the program to report its collection activity data to OCA at least annually in a format approved by OCA.

The Wise County Justice of the Peace offices are working with Tyler Tech to correct issues that were found on the Monthly Collections Activity Reports. Berny Schiff, OCA Financial Analyst, is working with them and providing assistance.

**Component # 5 (Application or Contact Information)** Chapter 175.3(c)(1) of the Texas Administrative Code states that for plans set by a judge, defendant must provide or acknowledge contact information and program staff must document it. In other cases, defendant must provide a signed or acknowledged application for extended payment that includes both contact information and payment ability information. Programs may use a single form for both contact information and payment ability information, and the required information must be obtained within one month of the assessment date.

Of the 11 cases reviewed, 5 case files were missing an application. In some cases when the defendant had prior cases from years before, the Court would not require the defendant to either update the existing application or fill out a new application. Court staff understand that a defendant should either update an application or fill out a new one in order to be in compliance with this component.

**Component #6 (Verification of Applications)** Chapter 175.3(c)(2) of the Texas Administrative Code requires within five days of receiving the data, program staff must verify both the home or contact phone number and the employer or source of support, if applicable. Verification may be conducted by reviewing written proof of the contact information, by telephoning the contacts, or by using a verification service. Verification must be documented by identifying the person conducting it and the date.

Of the 11 cases reviewed, 5 case files were missing an application and 4 others were missing the documentation showing that the court staff verified the contact information. The staff understand that the verification needs to be documented by identifying the person conducting it and the date it was done.

**Component #7 (Interview)** Chapter 175.3(c)(3) of the Texas Administrative Code requires the program within 14 days of receiving an application or a judge-imposed payment plan, program staff must conduct an in-person or telephone interview with the defendant either to review the application and determine an appropriate payment plan or to review the terms of the judge-imposed payment plan. Interviews must be documented by indicating the name of the interviewer and date of the interview.

**Component # 7 (Interview)** was found to be in partial compliance due to the missing applications. The staff understands that the interview process must be documented and therefore an application must be in the file.

## **Compliance Walk-Through Report**

Component # 8 (Payment Terms) Chapter 175.3(c)(4)(C) of the Texas Administrative Code States plans set by program staff shall meet the following time requirements:

- (i) In municipal and justice court cases, full payment within four (4) months of the assessment date.
- (ii) In county and district court cases involving community supervision, full payment at least two (2) months before expiration of the term of community supervision.
- (iii) In county and district court cases not involving community supervision and not involving incarceration, full payment within six (6) months of the assessment date.

Time requirements for payment plans set by a judge are within judicial discretion.

The Court currently has a standing order in place but of the 11 cases reviewed, 5 cases showed that the payment plans that were set up were not according to the standing order. The court needs to either set up every payment plan as to what their standing order shows or do away with the standing order and start using an application verses a contact form. By using an application, the defendant will be required to give all their financial information in order to determine a payment plan that best suites that defendant.

Component #9 (Phone Call) Chapter 175.3(c)(5) of the Texas Administrative Code requires that within one month of a missed payment, a phone call must be made to a defendant who has not contacted the program staff.

Of the 11 cases reviewed, 10 cases showed that the follow up in the form of a phone call was not done or done after the time frame of within 30 days of default. Staff understand that a past due phone call is required to be done within one month of delinquency.

Component #10 (Mail Notice) Chapter 175.3(c)(6) of the Texas Administrative Code requires that within one month of a missed payment, a written delinquency notice must be sent to a defendant who has not contacted the program staff. Program rules allow for this process to also be automated and the court is encouraged to explore the use of mailing programs, systems, or services that will be both efficient and cost effective.

Of the 11 cases reviewed, 11 cases showed that the follow up in the form of a mail notice was either not done or not done within the time frame of within 30 days of default. Staff understand that a past due notice is required to be mailed out within one month of delinquency.

Component #11 (Capias Notice) Chapter 175.3(c)(7) of the Texas Administrative Code requires that if a capias pro fine will be sought; the program must make another phone call or send another written notice to the defendant within one month of the last contact effort.

Of the 11 cases reviewed, 10 cases required follow up in the form of either a pre-capias phone call or pre-capias notice. Of the 10 cases, 9 were missing the proper follow up. Staff understand that they are required to make another phone call or send another written notice to the defendant within one month of the last contact effort.

The program is encouraged to vigilantly continue monitoring and evaluating its processes to ensure acceptable compliance levels are achieved and maintained. OCA staff will continue to provide guidance and assistance as required.

## **Compliance Walk-Through Report**

### **To the Compliance Auditor**

Population samples for this review were acquired randomly by: running a query of cases that were adjudicated from August 1, 2013 through June 30, 2014.

It is recommended the Compliance Auditor acquire its sample population by: the same method unless instructed otherwise.

## COLLECTION PROGRAM SURVEY

Collection Department or Court Name: Wise County Justice of the Peace, Pct 4		Survey Date: 12/3/14
Collection Department or Court Location: 1007 13 <sup>TH</sup> STREET, SUITE 109, BRIDGEPORT TX 76426		
Individual Completing Survey: KIM REDMAN	Individual's Title: COURT CLERK	Individual's Phone Number: 940-683-4244
Contact Name, If Different From Above:	Contact's Title:	Contact's Phone Number:
List All Courts Handled By This Collection Department: JUSTICE COURT JP4		
<input checked="" type="checkbox"/> Regional Collection Specialist: <input type="checkbox"/> Auditor:	Cynthia Montes	<input checked="" type="checkbox"/> WT Date: 12/15/14 <input type="checkbox"/> Audit Date:

### General Instructions

1. A separate "Collection Program Survey" is needed for each court or collection department. A city will have only 1 survey. A county may have more than 1 survey. For example, if a county has a separate collection department for all justice courts, another department for county courts, and another department for district courts, there will be 3 separate surveys.
2. Questions 1 - 4 relate to local program operations. For a city, all 4 requirements must be met to be in compliance. For a county, all 4 requirements must be met for either 90% of all criminal courts in the county, or all courts except 1 court, whichever is greater. If the city or county does not meet these 4 critical components, the auditor will ask only the "a." part of the remaining questions 5 - 11 and not pull any cases to examine.
3. Questions 5 - 11 relate to defendant communications. If, and only if, the city or county has met compliance for the 4 components related to local program operations, the reviewer/auditor will select, initially, 30 cases for each court or collection department to measure compliance for the 7 components related to defendant communications.

The "a." part of the survey will be completed by questioning the court/department administrator responsible for the program. Little factual evidence will be obtained for its completion.

The "b." part will include the gathering of facts that demonstrate whether the criteria have been met or not.

Full text governing the Collection Improvement Program can be found at: 1 TAC §§ 175.1 through 175.7 and Art. 103.0033, Code of Criminal Procedure.

### Dedicated Staff

1. Is there a minimum of one staff person in this court/department whose priority job function is collection activities? (The priority collection job function may be concentrated in one individual employee or distributed among two or more employees. The collection function need not require 40 hours per week of FTE time, but must be a priority.)

a.  Yes  No - Comment: \_\_\_\_\_

Who is responsible or who is your collection person? KIM REDMAN

What is his/her title? COURT CLERK

b. Is there a job description containing the essential job functions of collection activity?

Yes, there is a **written** job description (Attach a copy)

Yes, there is an **oral** job description (Although there is not a written one, the employee verbalizes job duties that contain the appropriate collection activities.)

No

Criteria met?  Yes  No - Comment:

#### DESCRIPTION OF THE PROCESS:

When the defendant cannot pay the court costs, fees, and fines *in full* at the time of assessment (sentencing or judgment imposed date), what happens? SET UP PAY PLAN

When the collection department services more than one court, is the process the same for each court or judge?  N/A  Yes  No - Explain: \_\_\_\_\_

Who is responsible for collection of court costs, fees, and fines? (Do not include collection of paid-in-full payments.)

<input type="checkbox"/> Collection/ Compliance Dept.	<input type="checkbox"/> CSCD	<input type="checkbox"/> County Clerk
<input type="checkbox"/> District Clerk	<input checked="" type="checkbox"/> Justice Court	<input type="checkbox"/> Municipal Court

Comments:

#### MANAGEMENT SYSTEMS:

What Case Management software do you use? ODYSSEY

What Collection software do you use? ODYSSEY

### Payment Plan or Extension Compliance Monitoring

2. Is collection/compliance staff person(s) assigned to monitor compliance with payment agreements or extensions?

a.  Yes  No

Who does this? KIM REDMAN

Is it in their job description or can staff verbalize their collection tasks/duties?

Yes  No

How is this done? REPORTS

How is it documented? ELECTRONICALLY AND PAPER

b. Is there an updated payment due list or a manual or electronic tickler system?

Yes  No

(Reviewer/auditor verified documentation or assignment to in-house staff; verified documentation of past due list, tickler system, or computerized system; observed the monitor compliance process.)

Criteria met?  Yes  No - Comment:

### Seriously Delinquent Cases

3. Does the court/department have a component designed to improve collection of balances more than 60 days past due?

a.  Yes

Describe the component(s): Omnibase/PRE WARRANT CARDS MAILED

Where is it documented? ELECTRONICALLY & PAPER

No

b. Is there a documented process/component designed to improve collection of balances more than 60 days past due?  Yes  No

Criteria met?  Yes  No - Comment:

### Reporting

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

a.  Yes -  Reporting Monthly by the 20<sup>th</sup> of the next month  
 Reporting Annually

Who does the entry? \_\_\_\_\_

No

b. Reporting?  Yes  No  N/A (Temporary waiver from this requirement)

Name of OCA staff providing verification: \_\_\_\_\_ Date: \_\_\_\_\_

Criteria met?  N/A  Yes  No - Comment:

### Application/Contact Information

5. If a defendant is unable to pay in full on the day of assessment (sentencing or judgment imposed date), is an application used to determine a defendant's ability to pay or is current contact information obtained?

a.  Yes  No - Comment: \_\_\_\_\_

Is the application/contact info taken:  Immediately  2-5 days  6 days - 1 mo.

Does the application/contact information include?

		Item	Yes	No	
A C I O N  A P P L I C A T I O N	C O N T A C T	Home address	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		Home phone number or primary contact phone number	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		Employer's or source of support's	Name	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			Address	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			Phone number	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Personal references (at least 2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		Signature or acknowledgement and date	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Financial institutions and account balances	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>	
	Creditors, debt balances and payment amounts	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>	
	Stated income	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>	

	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
Is application/contact information completed within one month of assessment date?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Attach a copy of the application form.

Criteria met?  Yes  Partial  No - Comment: \_\_\_\_\_

### Verification of Contact Information

6. Is the contact information verified?

a.  Yes  No - Comment: \_\_\_\_\_

Is the verification generally done:  Immediately  2-5 days  More than 5 days

Who conducts this verification? COURT CLERK

Is the home or contact phone verified?  Yes  No

Is employment or source of support verified?  Yes  No

How is it done? VERBAL

How is the verification documented? ELECTRONICALLY & PAPER

	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
Is contact information verified within 5 days?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Criteria met?  Yes  Partial  No - Comment: \_\_\_\_\_

### Interview

7. Does the court/department conduct an in-person or telephone interview with the defendant either to review the application and determine an appropriate payment plan or to review the terms of the judge-imposed payment plan?

a.  Yes  No  
 Review is done:  Immediately  2-5 days  6-14 days  
 Who conducts the review? CLERK  
 How is it done? VERBALLY  
 Is each interview/review documented?  Yes - Where? ON APPLICATION  
 No

	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
Is date (within 14 days of receipt of application) and name of interviewer documented?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Auditor observed interview process in action?  Yes  No

Criteria met?  Yes  Partial  No - Comment:

### Payment Terms

8. Payment plans should require the highest payment amounts in the shortest period of time that the defendant can successfully make, considering the amount owed, the defendant's ability to pay, and the defendant's obligations for payment of any other court-mandated fees, including child support, victim restitution, and fees for drug testing, rehabilitation programs, or community supervision.

a. Describe what happens if I were to go to court and am unable to pay in full:  
OFFER PAYMENT PLAN  
 Who sets the payment terms? JOINT DISCUSSION  
 How is the payment plan determined? CLERK OR JUDGE

b. Time requirements for payment plans set by a judge are within judicial discretion. If the judge does not set the terms, the time requirements are as follows:

(1). Municipal and Justice Court Cases:  
 Do the payment plans provide for full payment within four (4) months of the assessment date?

(2). County and District Court Cases:

(a). Defendants placed on community supervision:  
 Do the payment plans provide for full payment at least two (2) months before expiration of the term of community supervision?

(b). Cases not involving community supervision:

1. No incarceration - Do the payment plans provide for full payment within six (6) months of the assessment date?
2. Incarceration - No time requirement on payment plan.

	Yes 80% to 100%	Partial 50% to 79%	No Less than 50%
Payment Terms	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Criteria met?  Yes  Partial  No - Comment:

**Phone Contact**

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

- a.  Yes -  1-5 days  6-15 days  16 days - 1 month  
 No

Who does this? CLERK/KIM

How is it done? PHONE CALL

Is there a record made of these phone calls?  Yes - Where? ODYSSEY & PAPER  
 No

b.

	<u>Yes</u> 80% to 100%	<u>Partial</u> 50% to 79%	<u>No</u> Less than 50%
Phone contact for past-due payments within one month?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Criteria met?  Yes  Partial  No - Comment:

**Mail Contact**

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

- a.  Yes -  1-5 days  6-15 days  16 days - 1 month  
 No

Who does this? CLERK/KIM

How is it done? PRE WARRANT CARD MAILED

Is there a record made of these notices?  Yes - Where? ODYSSEY & PAPER  
 No

b.

	<u>Yes</u> 80% to 100%	<u>Partial</u> 50% to 79%	<u>No</u> Less than 50%
Written delinquency notice for past-due payments within one month?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Attach a copy

Criteria met?  Yes  Partial  No - Comment:

### Capias Pro Fine Notice

11. Is a capias pro fine sought?

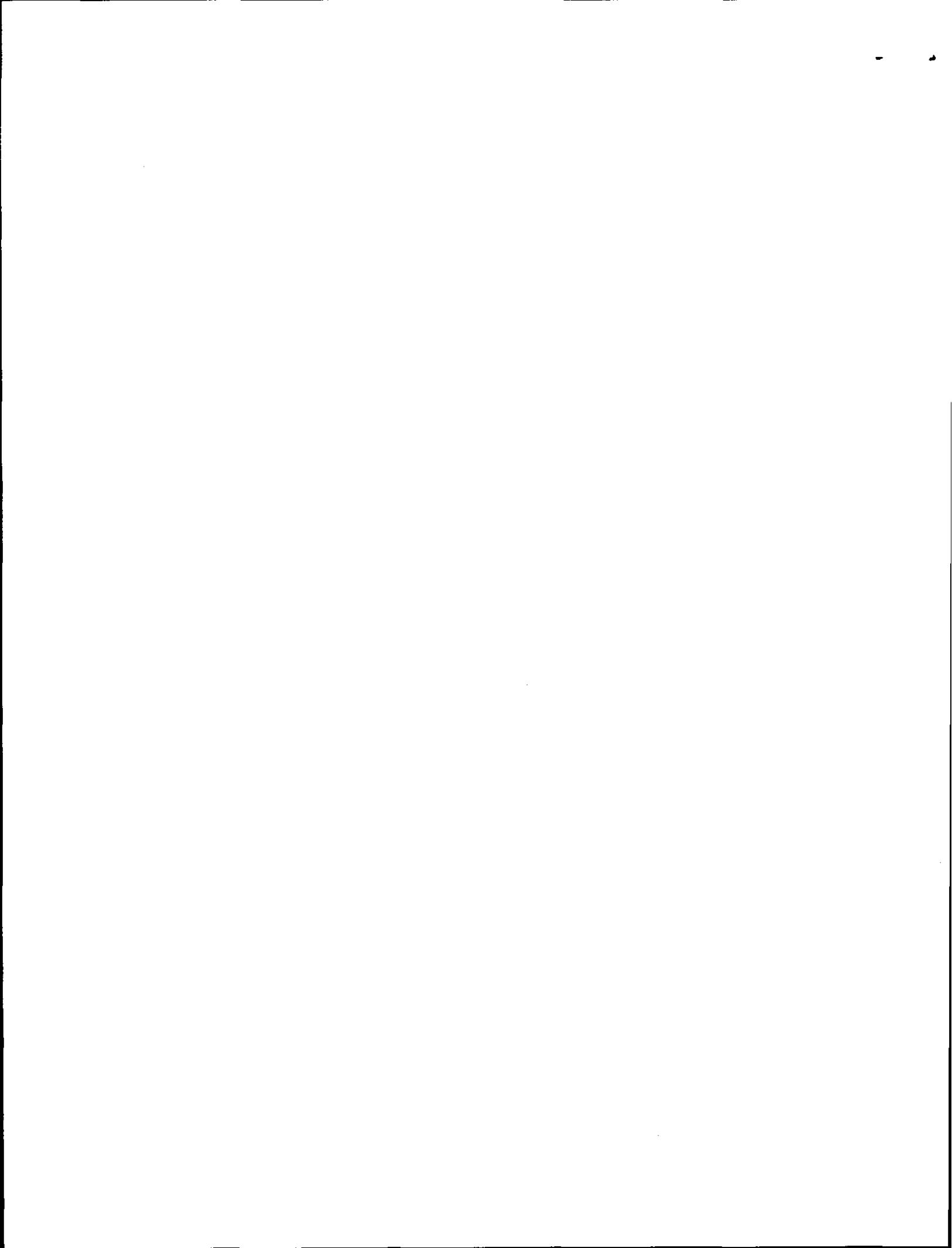
- a.  No - Justice Courts    No - County Courts    No - District Courts  
 Yes - Is either a pre- or post-capias pro fine phone call made or written notice sent to the defendant in addition to the efforts as detailed in items 9 and 10 when the defendant fails to respond to those efforts?  
 Notice Sent -  1-15 days    16 days - 1 month    Over 1 month  
 Who does this? CLERK/KIM  
 How is it done? NOTICE CARD/LETTER  
 Is there a record made of these notices?  Yes - Where? ODYSSEY & PAPER  
 No

b.

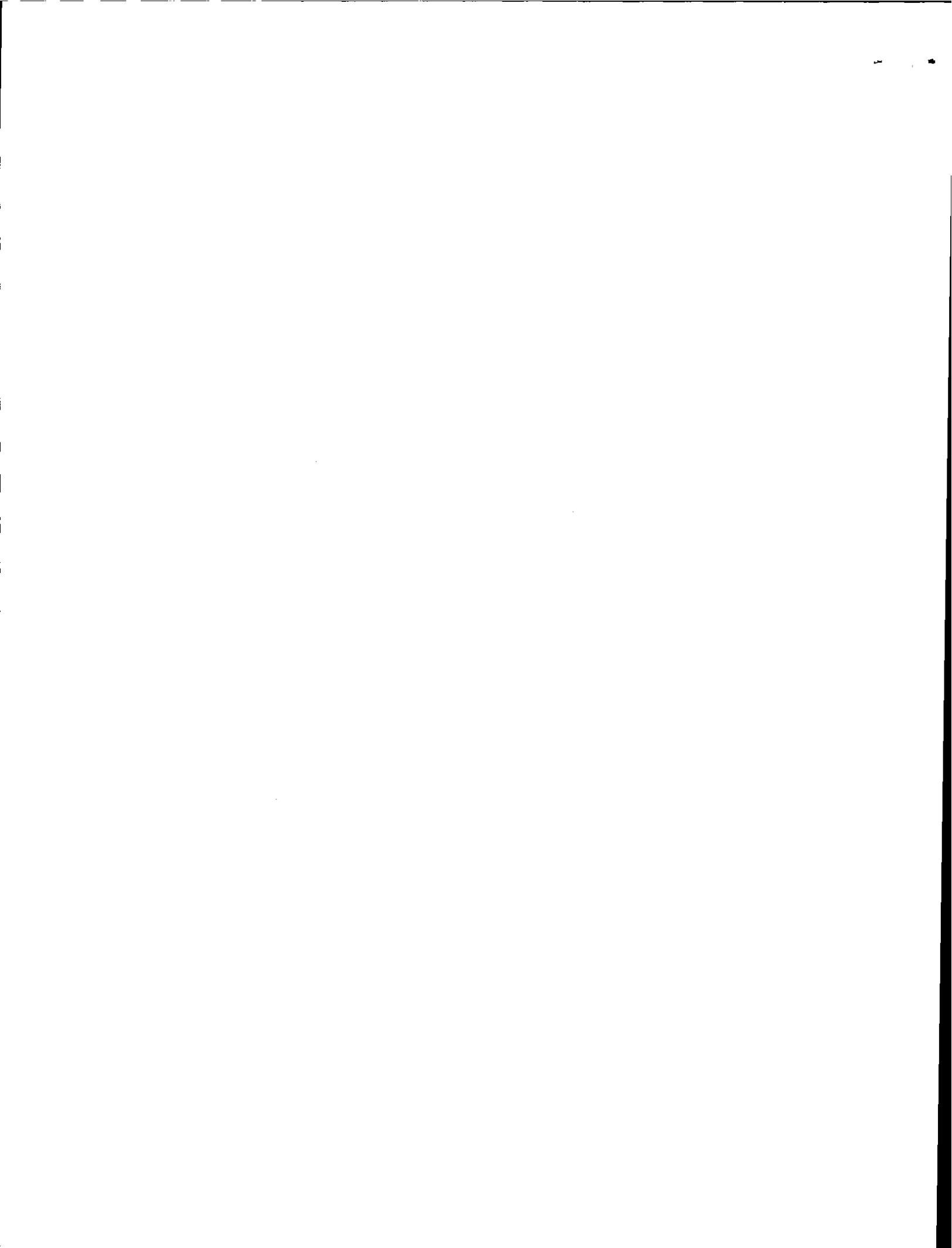
	<u>Yes</u> 80% to 100%	<u>Partial</u> 50% to 79%	<u>No</u> Less than 50%
Capias pro fine phone call made or notice sent for past-due payments within one month of phone contact/mail notice in items 9 and 10 (whichever is later)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Attach a copy of the notice if a notice is sent

Criteria met?  Yes    Partial    No - Comment:







## Wise County Justice of the Peace, Precinct 4

From: Kimberly Redman [kimberly.redman@co.wise.tx.us]

Sent: Wednesday, March 18, 2015 2:46 PM

To: Cynthia Montes

Subject: RE: OCA Compliance Review

Cynthia,

I have reviewed the report. There have been several things that we have changed since you were last here. I think we have corrected all of the items that you suggested. Our office doesn't have very many pay plan cases, so hopefully, we can stay on top of them.

Thank you, Kim Redman

Court Clerk

JP4 Wise County

