

***THE FACTS ABOUT COLLECTION PRACTICES  
AT THE MESA MUNICIPAL COURT***

Court Executive Development Program

Institute for Court Management

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## **ABSTRACT**

Several Court Executive Development papers have focused on the topic of collections of court ordered fines and sanctions. The three primary collection practices these papers highlighted were dunning notices, financial interviewing and collection telephone calls. This research evaluates each collection practice to determine which is the most effective. A second piece of research attempts to determine the best practice for establishing a payment schedule.

The Mesa Municipal Court in Mesa, Arizona has an established collection program, administered by an in-house collection staff. The program is supported by an automated collection system fully integrated with the case management system. The source data used to evaluate each practice came from 12 months of data electronically extracted from the Court's computer system.

Dunning notices, financial interviews and collection telephone calls were segmented into timeframes to provide an accurate assessment of each practice's effectiveness. A Chi-square Goodness of Fit test was used to evaluate the demographic and economic characteristics of 200 defendants in order to determine a best practice for establishing a payment schedule.

The results were enlightening. Mesa Municipal Court has a 76% compliance rate with its payment schedules. Financial interviews proved to be the most effective way to collect fines and sanctions. Dunning notices were close behind. In terms of overall utility, the use of dunning notices is clearly the most cost effective practice. Telephone collection calls also proved effective, but, if one considers the expense of the staff, the return on investment made it the least cost effective practice.

The attempt to establish a best practice for setting payment schedules was not successful. Payment schedules should be established with the intent of giving the defendant the best opportunity to succeed.

## INTRODUCTION

This research seeks to answer two questions. **Which court collection practices are most effective? What is the best practice for establishing a payment schedule?**

This document provides objective and practical information on the effects of collection practices used at the Mesa Municipal Court. Courts may choose to use this document as a benchmark for their collection practices.

### Mesa Municipal Court

The Mesa Municipal Court is a limited jurisdiction court, meaning it handles ordinance violations, civil traffic violations and misdemeanors. Mesa is the third largest municipal court in Arizona. Examples of its annual volumes:

- more than 250,000 people enter the court;
- 168,000 incoming telephone calls are handled;
- over 100,000 cases are filed;
- and \$22,000,000.00 in receivables are managed.

### THE MESA MUNICIPAL COURT'S MISSION STATEMENT:

As the judicial branch of government, it is our mission to administer fair and impartial justice. We are committed to providing efficient, accurate, consistent and accessible services.

### VISION STATEMENT:

To become a **MODEL** court  
**Most**  
**Organized**  
**Dynamic**  
**Efficient**  
**Leading**

By excelling in innovation, quality and service that exceeds our community's expectation.

## **The History of the Collection Program**

### **THE COLLECTION DIVISION'S MISSION STATEMENT:**

*We are committed to providing proficient and adaptable services and maintaining professional interactions with the people we serve in a multi-dimensional environment while ensuring they fulfill their obligations to the Court.*

Mesa Municipal Court started its collection program in 1991. In 1992, a new case management system was moved into production, Automated Court Information System Tracking (ACIST). An automated collection application was created to interface with ACIST. The collection division has become an integral part of the Court and its culture. As the collection division was developed, people with collection experience were recruited. The collection system including the dunning notices, credit reporting, skip-tracing methods and telephone practices, are patterned after professional collection agencies.

### **Judges and Collections**

All Mesa Municipal Court magistrates are appointed to two-year terms for the first two appointments and four-year terms after the first two appointments. The Court's presiding magistrate is the department manager for business and reporting purposes. Magistrates exercise judicial independence; therefore, they do not have to support the collection program on an individual basis. The most significant determinant for success to any program is the support of the judges.

According to Presiding Magistrate Walter Switzer:

“For a system of justice to have credibility, a court must take reasonable steps to enforce all of its orders. Fine collection is one prong of a multi-pronged effort to bring accountability and to shape behavior. A court which does not reasonably enforce payments of fines when due can expect to have neither the respect of the defendants



who have been found guilty of misbehavior nor the community of law abiding citizens.”  
(Switzer, 2001) <sup>1</sup>

## **Implementing a Collection Program**

Instituting an automated collection system and hiring staff to perform a para-judicial function authorized by ARS § 13-808 improved the Court’s processes for enforcing court ordered fines and sanctions by providing operational efficiency. Automating processes to identify delinquency and generate the warrant for arrest document in misdemeanor cases improved accuracy and timeliness when initiating action for contempt.

By performing functions traditionally completed in the courtroom, the collection staff has developed into a true extension of the bench. They establish payment schedules, reschedule fines and sanctions, and initiate the contempt process by requesting warrants for arrest electronically through ACIST. Magistrates still review each case and issue warrants for arrest. Such a culture change did not occur overnight. It took several years to refine and gain court-wide acceptance of the collection practices as the way the Mesa Municipal Court does business.

## **Research Projects**

Two independent research projects were completed for this document. The research was categorized as Findings A and Findings B. Findings A answers the question; Which court collection practices are most effective? Findings B answers the question; What is the best practice for establishing a payment schedule?

## **Collection Practices – Findings A**

The research in Findings A reviews the primary collection practices. The practices are dunning notices, financial interviewing to evaluate a defendants’ ability to pay, and collection telephone calls.

The first section of Findings A examines the effectiveness of the dunning notices for:

- Civil Traffic Cases;
- Misdemeanor Cases;
- and Mass Mailings.

CIVIL TRAFFIC CASES: In the state of Arizona, a defendant who is issued a complaint for a civil traffic violation has three options:

- pay the sanction;
- attend Defensive Driving Course for a moving violation;
- or request a hearing or a continuance.

Pursuant to State Statute and the Supreme Court Rules of Court, when a defendant fails to respond, the defendant is adjudged responsible for the violation and a judgment is issued. When a judgment is issued, the defendant is given 30 days to pay the sanction. The Court's normal collection cycle is initiated for a defendant who fails to pay the sanction instituted by the judgment process within 30 days, or a defendant who fails to comply with an established payment schedule with the court. The collection cycle starts at 5:00 PM on the day the payment is due.

MISDEMEANOR CASES: When a defendant fails to comply with a payment schedule established by the court, the defendant may be held in contempt pursuant to ARS § 13-810. In order to avoid the issuance and execution of a warrant for arrest, the court initiates collection activity. The collection cycle starts at 5:00 PM on the day the payment is due.

MASS MAILING: A mass mailing campaign is written notification sent to a targeted group of defendants. This letter informs the defendants what will happen if the delinquency is not resolved. The two mass mailing campaigns evaluated in this study were the reporting of the delinquency to a national credit bureau and referring the case to a private collection agency.

The second section of Findings A examines the effectiveness of financial interviewing.

The interviewing categories are:

- financial interviews held in custody court at the Mesa Police Department jail;
- financial interviews held in the main court house – defendant not in custody;
- and financial interviews held over teleconferencing equipment – defendant was in custody at the County holding facility.

The third section of Findings A examines the effectiveness of telephone activity. The telephone activity categories are:

- incoming telephone calls when the defendant promised to pay the past due amount;
- outgoing telephone calls when the defendant promised to pay the past due amount;
- and outgoing telephone calls when a message is left for the defendant to return the call to the court.

Outgoing telephone calls were evaluated based on calls placed to the:

- defendant's residence;
- defendant's place of employment;
- and the defendant's references.

When a case becomes seven days delinquent, it is automatically assigned to a collection queue to be worked. A "collection queue" is an automated process that identifies cases that meet specific criteria for delinquency. When the criteria for delinquency are met, the case is programmatically assigned to a queue. The program to identify delinquency is run nightly. A Court Collection Specialist (CCS) initiates telephone calls to the defendants on the eighth day of delinquency.

Findings A evaluates dunning notices, financial interviewing and telephone collection calls to determine which one is the most effective practice. The effectiveness of each is determined by the amount of money credited for the practice. Determining the most effective practice will provide insight on how collection resources should be allocated.

### **Defendant Characteristics – Findings B**

A Chi-Square – Goodness of Fit Test was used to identify a best practice for establishing a payment schedule. The test is described in detail in the Methodology [Findings B] section of this document.

Defendant characteristic data was gathered from demographic and economic information the defendant provided on the financial statement. Terms of repayment were gathered from the payment schedule document established by the CCS. Cases were monitored over a four month period to determine compliance or non-compliance with the payment schedule.

The data was processed with the Statistical Package for the Social Sciences (SPSS). This analysis looked at one dependant variable and 19 independent variables. The dependant variable is compliance or non-compliance with the payment schedule. The variables were divided into five categories:

- case type;
- defendant characteristics;
- payment schedule;
- defendant's history with the court;
- and outcome [Status of the Case as of November 1, 2001].

Findings B evaluates defendant characteristics to determine a best practice for establishing payment schedules. Reviewing quantifiable characteristics associated with

defendants who comply with the payment schedule is necessary to establish a best practice.

Determining a best practice will provide insight for adjusting the financial interviewing process.

## **LITERATURE REVIEW**

### **Mesa Municipal Court**

The secondary research started with a review of the City of Mesa's collection performance audit completed by KPMG Consulting in September of 1999. The document complimented the Mesa Municipal Court for its current practices. It recommended referring debt, which was not being actively pursued by the court, to a collection agency. The audit was a qualitative assessment of policies and procedures compared to collection efforts at other courts. <sup>2</sup>

The second document reviewed was the Mesa Municipal Court's Queue Management Guide. The Guide provides direction to staff on establishing payment schedules through telephone contact with the defendant and details in-house procedures for updating the computer system. Portions of the Guide are listed in Appendix J, starting on page 101. <sup>3</sup>

### **Rules and Statutes Pertaining to Court Collections**

Research on Arizona Rules of Court and Arizona Revised Statutes pertaining to the collection of court ordered fines and sanctions was conducted on-line. The Superior Court of Arizona's web site was very user friendly, and the on-line information made the creation of Appendix B simple. In 2000, at the National Center for State Courts' Seventh National Court Technology Conference (CTC7), the Superior Court web site for Maricopa County, Arizona was ranked number three in the Top Ten Court Web Site Competition. <sup>4</sup>

### **Collection Agencies**

Renee Townsley with the Okanogan County District Court in Okanogan, Washington wrote a CEDP paper in May 2001. She evaluated whether it was more effective to establish an in-house collection program at a court or place cases with a private collection agency. Her

recommendation is to establish an in-house court collection program over a private collection agency. According to Ms. Townsley,

“Some functions should not be privatized, but remain under the direct control of the court. Only supportive functions that are outside of the core mission of the court are appropriate for outsourcing. Privatization, when properly implemented and monitored, is a viable option for courts to consider when making plans on ways to achieve their goals in a cost efficient manner.” (Townsley, 2001) <sup>5</sup>

The Supreme Court of Arizona’s Administrative Office of the Courts completed a survey on collection agencies in 2000. The survey asked courts about using a collection agency for the enforcement of court ordered fines. The information gathered in this survey proved more judgmental than factual. <sup>6</sup>

Many courts in Arizona’s Maricopa County refer debt to private collection agencies. Courts throughout the County report recovery rates from 13% to 54% for cases referred to a collection agency. An article published in the Arizona Republic focused on the effectiveness of collection agencies used by courts in Maricopa County. The article questioned the private collection agencies’ effectiveness. The article stated that the overall recovery rate for cases referred to a private collection agency was 3.4%. <sup>7</sup>

Kitz Daniels, with the Austin Municipal Court, wrote a 1997 CEDP paper on court collection practices. Her recommendation to establish an in-house collection program versus referring debt to a private collection agency was consistent with other recommendations. <sup>8</sup>

### **General Collection Papers**

Sally Hillsman, Joyce Sichel and Barry Mahoney wrote a very informative CEDP paper in 1984. The paper provided the history and reasoning for imposing financial sanctions. It also discussed the collecting of sanctions during that era. The same issues that existed in 1984 still

exist in 2001. Generally, courts do not have processes in place to enforce court orders and resources are limited. <sup>9</sup>

John T. Matthias, Gwendolyn H. Lyford, and Paul C. Gomez wrote a Handbook of Collection Issues and Solutions for their 1995 CEDP paper. This paper touched on several issues such as leadership and commitment, fine collection atmosphere, payment alternatives, and communications. Their discussion reinforced the five determinants of success for a collection program that will be discussed in the conclusion of this document. <sup>10</sup>

The Harvard Business Review (HBR) was issued to the 2001 CEDP class. Daniel Coleman wrote an article that was published in the HBR, What Makes a Leader. The behavior described in the article provided an example of the expected behavior for people with authority, who are working in professional environment such as the court system. The traits Mr. Coleman identified are referenced in the conclusion of this paper. <sup>11</sup>

Sonjia Lien's 2000, CEDP paper reviewed the process of financial evaluation of defendants for establishing a payment schedule. She emphasized that evaluating a defendant's ability to pay and follow-up collection activity were intricate pieces of a collection program. <sup>12</sup>

Michael Landrum's 1999 CEDP paper described practices that should be implemented for a collection program to be successful. The paper listed dunning notices, telephone contact with defendants and financial interviews. <sup>13</sup>

Two articles were reviewed on the concept of day fines. The day fines concept suggests that the amount of the fine imposed should be based on the defendant's net daily income. Arizona has mandatory sentencing, and the statutes would need to change for a day fine concept to be adopted. <sup>14</sup>, <sup>15</sup>

Barbara Lassiter wrote a CEDP paper on technology. Barbara's statement regarding the current day emphasis on the use of technology is quoted later in this document. <sup>16</sup>



Robert Tobin published a pamphlet in 1997, *An Overview of Court Administration in the United States*. The pamphlet gave inspiring direction to Court Administrators about their responsibility of running the business functions of the court. One of his statements concerning the administrative responsibility of the court is quoted in the conclusion of this document.<sup>17</sup>

In their article *Crime Does Not Pay, But Criminals May: Determinants Influencing the Imposition and Collection of Probation Fees*, David Olson and Gerard Ramker identified the characteristics of those who had probation fees imposed and paid. The research methodology and format for Findings B of this document are patterned after their article.<sup>18</sup>

### **Court Performance Standards**

The Court Performance Standards, as established by the National Center for State Courts, describes five performance areas, 22 standards and 68 measures. The two with the greatest impact on a collection environment are:

- 1.4 COURTESY, RESPONSIVENESS, AND RESPECT and
- 5.2 EXPEDITIOUS, FAIR, AND RELIABLE COURT FUNCTIONS.

This paper will now discuss how each of these performance standards influences the court's collection environment.

#### **1.4 COURTESY, RESPONSIVENESS, AND RESPECT**

Judges and other trial court personnel are courteous and responsive to the public, and accord respect to all with whom they come into contact.

Court staff and judges have a challenging communication responsibility. In the courtroom, judges have the advantage over staff since they are the people in authority. Outside of the courtroom, it is not uncommon for a person being served to refer to a member of court staff as a bureaucrat, display aggressive behavior or unleash emotion after a courtroom experience. Court staff is expected to be courteous, be responsive and to treat people with respect. The Mesa

Municipal Court's Collection staff are taught that people need to leave the court with the same dignity and respect that they came in with; establishing a payment schedule is a business transaction. Court staff must be skilled communicators. As public servants, they have a responsibility to exercise their authority with prudence. It can be a challenge to keep emotions out of an interaction and stay focused on the business of evaluating a defendant's ability to resolve an outstanding debt.

## 5.2 EXPEDITIOUS, FAIR, AND RELIABLE COURT FUNCTIONS

The public has trust and confidence that basic court functions are conducted expeditiously and fairly, and that court decisions have integrity.

Performance standard 5.2 defines the concept of fairness that courts should try to maintain. In any court, sentences are a reality. In cases where sentences are mandatory, an indigent defendant will receive the same sentence as a defendant in a higher income bracket. However, the terms of repayment may be different. Both defendants, regardless of economic or social class, are required to satisfy their debt with the court.

The court's responsibility of fairness extends beyond the obligation to the defendant. In certain cases, there are victims. In cases of theft, criminal damage and assault with physical injury, victims may experience monetary loss. The court needs to monitor the defendant's compliance with the order to ensure the obligation to the victim is fulfilled. <sup>19</sup>

## **METHODOLOGY [FINDINGS A]**

### **General Research Design**

Which collection practices are the most effective? Twelve months of data was collected with the assistance of the City of Mesa's Information Services Division (ISD). The data was evaluated to determine which collection practice is the most effective. Each time a transaction is performed, a letter generated, a financial interview performed or telephone contact attempted, it is electronically documented and stored in the defendant's file within ACIST.

ISD helped design a program to identify the efficiency of each action, including:

- the appropriate electronic code associated with each action;
- a time period for the action to be considered effective;
- when a payment was recorded within the designated effective period.

EXAMPLE – Dunning Notices: A late notice is generated on March 1, 2001, and is electronically documented in ACIST. The appropriate electronic code associated with this action is ML/LN. The translation is Mailed (ML) Late Criminal Notice (LN). Notices are programmatically logged when the form is generated. The designated effective period is seven days from the date of the notice generation or action. The notice would be credited for the payment if it was received on March 6, 2001.

EXAMPLE – Financial Interviews: Using this example, the first financial interview on the case is conducted on March 10, 2001 and is electronically documented in ACIST. The Court Collection Specialist (CCS) manually enters the codes for financial interviews after the interview is complete. The appropriate electronic code associated with this action is OI/CP. The translation is Original Interview (OI) Complete (CP). The designated effective period is seven days from the date of the interview or action. The interview would be credited for the payment if it was received on March 16, 2001.

EXAMPLE – Telephone calls: On March 20, 2001, a telephone call is placed to the defendant's residence and the defendant promises to pay \$150 in 10 days. The conversation is electronically logged. The CCS manually enters the codes. The appropriate electronic code associated with this action is TR/PP. The translation is Telephoned Residence (TR) Promise to Pay (PP). The designated effective period is 14 days from the date of the telephone call or action. The telephone contact would be credited for the payment if it was received on March 29, 2001.

A sample query is displayed in Appendix F, page 90.

The first collection practice reviewed was dunning notices. The dunning notices were divided into three categories Civil Traffic Cases, Misdemeanor Cases and Mass Mailings.

Dunning notices are electronically generated through ACIST at scheduled intervals based on the phase of the delinquency. When a dunning notice is generated, codes are programmatically recorded into the defendant's electronic case file. Ten notices were identified to evaluate.

<b>Civil Traffic Cases</b>	<b>Misdemeanor Cases</b>	<b>Mass Mailings</b>
Default Judgments	Late Notices	Collection Agency
Late Notices	Notice of Warrant For Arrest	Credit Bureau
Collection Agency/ Credit Bureau Notice	Collection Agency/ Credit Bureau Notice	
Notification from the Department of Motor Vehicle of the Suspended Driver License	Pre-Arrest Notice	

The second collection practice reviewed was financial interviewing. The interviews were separated into three categories:

- financial interviews held in custody court;
- financial interviews held in the primary court house – defendant not in custody;
- and financial interviews held over teleconferencing equipment when the defendant was in custody at the County holding facility. These interviews were tracked manually.

The third collection practice reviewed was collection telephone calls. Telephone activity was separated into three categories:

- incoming telephone calls where the defendant promised to pay;
- outgoing telephone calls where the defendant promised to pay;
- and telephone calls where a message was left for the defendant to call into the court.

Places telephone contact is evaluated are:

- defendant's residence;
- defendant's place of employment;
- and the defendant's references.

## FINDINGS A

### General information regarding the evaluation process

With the exception of the mass mailings, the date ranges evaluated for letters, financial interviews and telephone calls were:

	<u>1<sup>st</sup> Quarter</u>	<u>2<sup>nd</sup> Quarter</u>	<u>3<sup>rd</sup> Quarter</u>	<u>4<sup>th</sup> Quarter</u>
Start Date	<b>07/01/2000</b>	<b>10/01/2000</b>	<b>01/01/2001</b>	<b>04/01/2001</b>
End Date	<b>09/30/2000</b>	<b>12/31/2000</b>	<b>03/31/2001</b>	<b>06/30/2001</b>

The dollar amounts graphed in each area reflect the total amount of funds received and attributed to the specific action. Pursuant to ARS § 12-116 approximately 43% of all funds received by the Court are allocated to the state of Arizona as surcharges. The 43% allocation is not reflected.

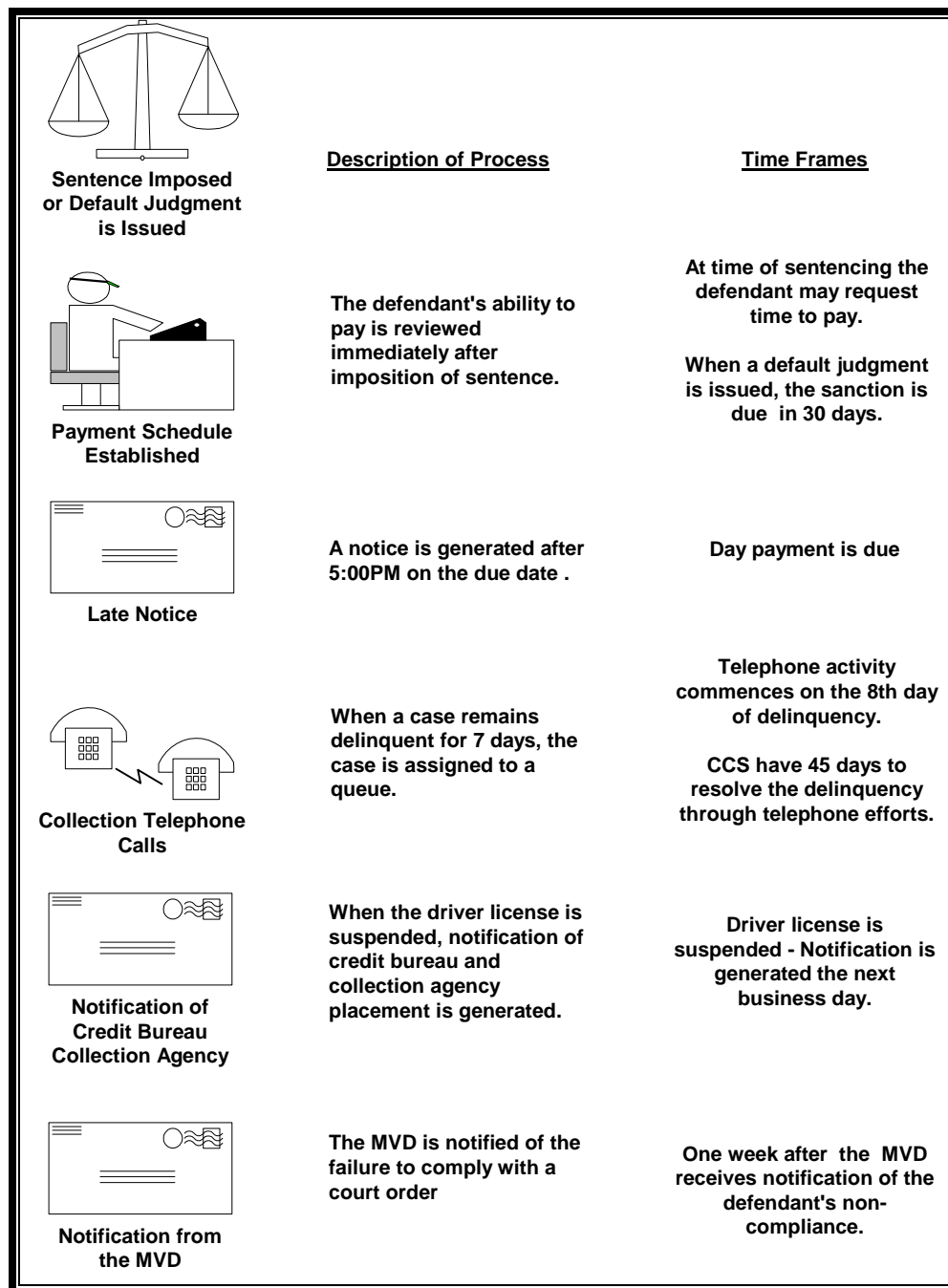
The cost recovery formula used to evaluate the success of dunning notices is:

- Total number of letters mailed x \$1.50 = Expense of Mailing
- Total amount of payment received / Expense of Mailing = Cost recovered per letter

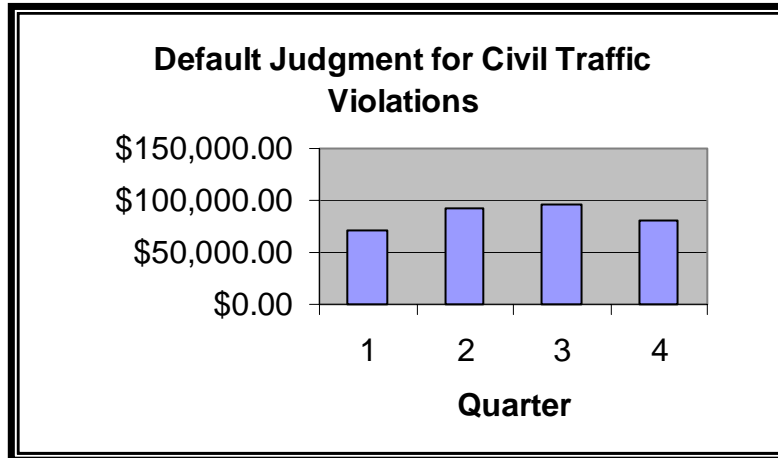
A complete explanation of the methodology used for Mass Mailings is in Appendix C, page 86.

In preparing this research, an effort was made to focus on the individual effectiveness of each practice. The intent of the collection process is to prompt the defendant to respond either to letters or to telephone calls. Since some collection actions are closely followed by another action, two actions may have been credited with the same payment.

## FLOWCHART FOR CIVIL TRAFFIC COLLECTION PROCESS



## Default Judgment Notification



See Appendix A Chart 3

### DESCRIPTION:

Pursuant to State Statute and Supreme Court Rules of Court, when a defendant fails to respond to a civil traffic complaint the defendant is adjudged responsible for the violation(s) and a judgment is issued. A defendant is given 30 days to pay the entire amount when a judgment is issued. A defendant may request payment arrangements or file a motion to set aside a default judgment pursuant to Rule 28 of Rules of Procedure for Traffic Cases.

### CRITERIA FOR GENERATING NOTICE:

The case must be adjudicated and specifically coded to identify a default judgment was issued. Payment must be posted to the case within 30 days of notice generation.

### EFFECTIVENESS:

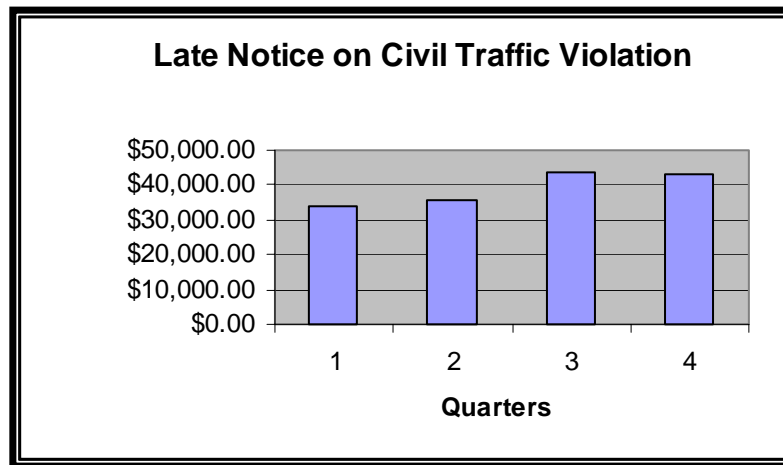
Total Amount Credited to Action: \$342,034.95

Response Rate: 23%

Average Cost Recovery Per Judgment Mailed: \$8.38



## Late Notice for a Payment of a Civil Traffic Case



See Appendix A Chart 4

### DESCRIPTION:

When a defendant fails to comply with the payment schedule established by the Court, a late notice is electronically generated and then mailed to the defendant. This is the first delinquent notification the Court issues to a defendant. The purpose is to remind the defendant of the obligation and potential consequences for non-payment. The notice is generated for cases that had a default judgment issued or payment schedule established. Late notices are sent each time a case becomes delinquent. The volume of late notices is very high. This is a possible indicator that many people do not make their payment until they receive a late notice.

### CRITERIA FOR GENERATING NOTICE:

The defendant is considered delinquent when the required payment amount is not received and posted by 5:00 PM on the date the payment is scheduled. Payment must be posted to the case within seven days of notice generation.

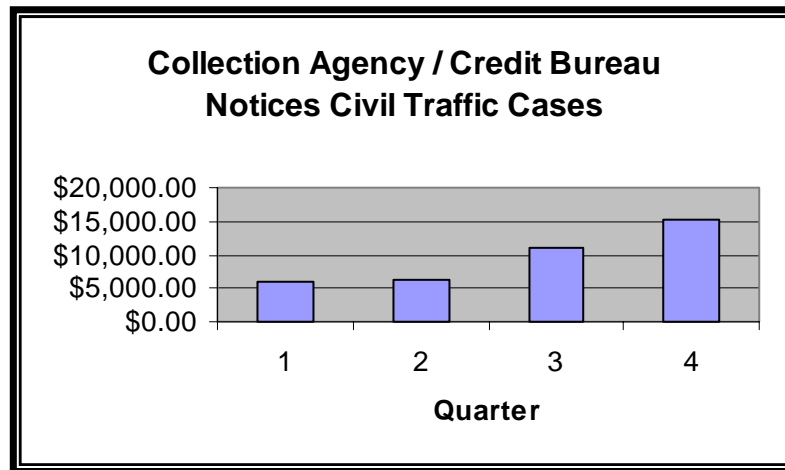
### EFFECTIVENESS:

Total Amount Credited to Action: \$156,583.95

Response Rate: 6%

Average Cost Recovery Per Letter Mailed: \$2.04

## Notification of Credit Report and Collection Agency for Civil Traffic Case



See Appendix A Chart 5

### DESCRIPTION:

When a defendant fails to respond to the late notice, telephone calls are initiated to convince the defendant to comply. Telephone efforts are exhausted when a defendant fails to respond to messages or keep commitments. A notice is electronically generated, then mailed to the defendant. This notice states that the case will be reported to a national credit bureau as a collection account and referred to a collection agency if the entire balance is not paid in two weeks. This notice is generated only once for all cases associated with the defendant.

### CRITERIA FOR GENERATING NOTICE:

The Court Collection Specialists (CCS) determines that collection efforts are exhausted and requests the driver license be suspended by manually entering designated codes into ACIST. Payments must be posted to the case within seven days of notice generation.

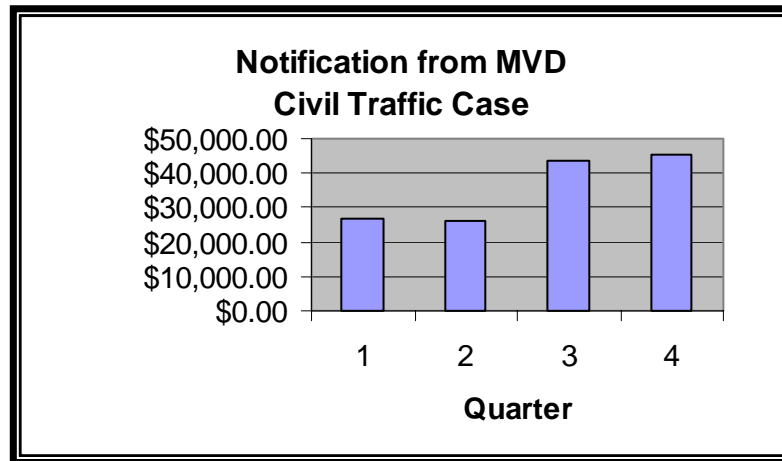
### EFFECTIVENESS:

Total Amount Credited to Action: \$38,787.20

Response Rate: 10%

Average Cost Recovery Per Letter Mailed: \$3.21

## Notification from the Arizona Department of Transportation's Motor Vehicle Division



See Appendix A Chart 6

### DESCRIPTION:

When collection efforts are exhausted, the Arizona Department of Transportation's Motor Vehicle Division (MVD) is notified that the defendant failed to comply with a court order pursuant to ARS § 28-1606. A magnetic tape is generated weekly and sent to MVD. The tape provides all of the required information for reporting in accordance with ARS § 28-1559. MVD then suspends the defendant's driver license. The defendant receives formal notification from MVD that the driver license is suspended. MVD notifies the defendant each time a suspension is placed on a driver license. <sup>20</sup>

### CRITERIA FOR GENERATING NOTICE:

The tape is up-loaded to the MVD database within seven days. Payments must be posted to the case within 30 days of the notice.

### EFFECTIVENESS:

Total Amount Credited to Action: \$142,084.63

Response Rate: 20%

Average Cost Recovery Per Letter Mailed: Notice mailed by MVD

## CIVIL TRAFFIC LETTER SERIES FINDINGS AND RECOMMENDATION

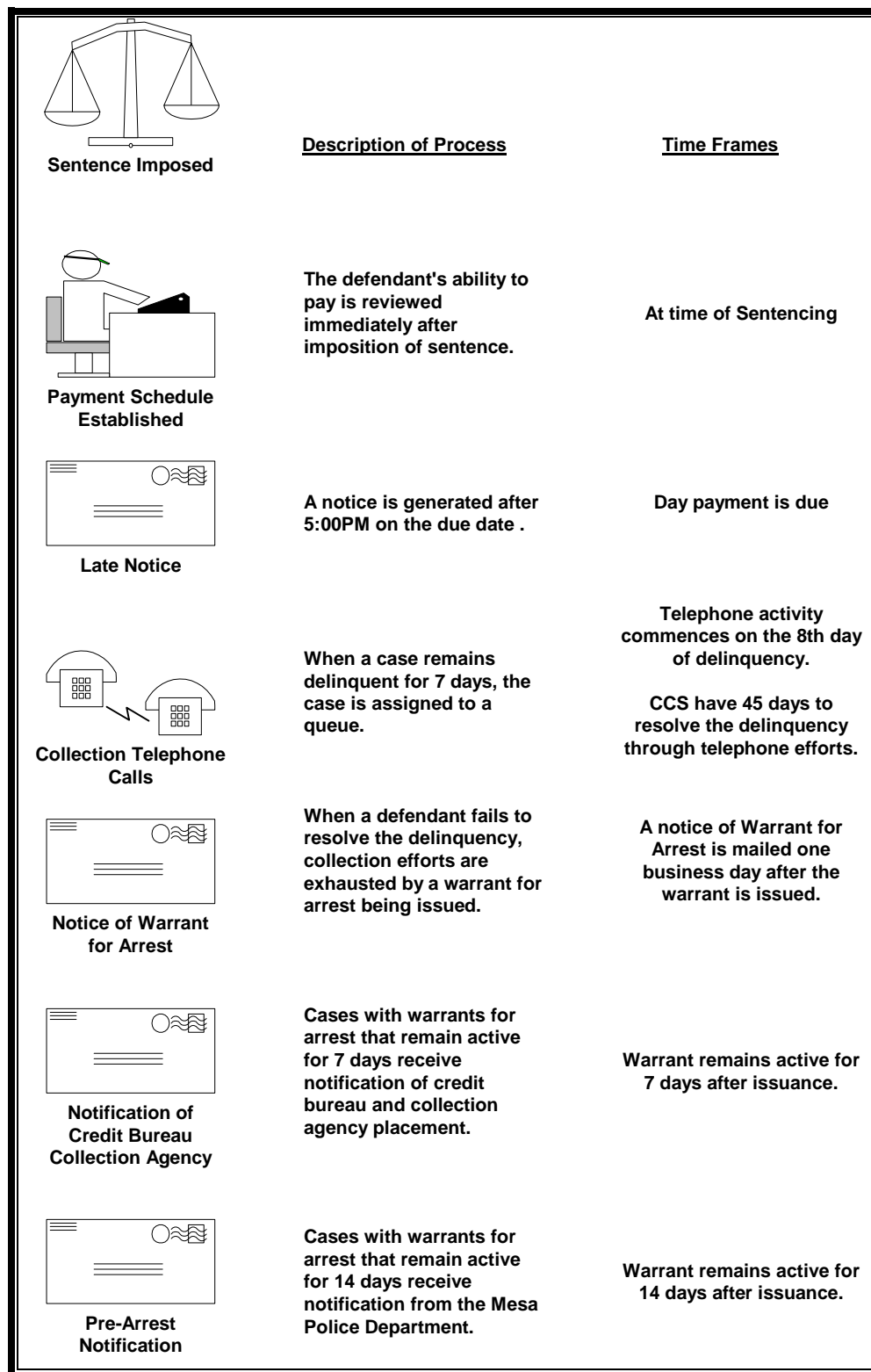
The results show that the two best responses are from the initial default judgment and the notification from the MVD. The two recommendations after examining the results for the dunning notices are:

- Decrease the time for the sanction to be due on the default judgment from 30 days to 15 days.
- Decrease the time a CCS has to resolve the delinquency, by telephone, on a civil traffic case from 45 days to 14 days and suspend the driver license sooner. There is no cost to the court for the notification from MVD, and there is a good percentage that responded when notification from MVD was received.

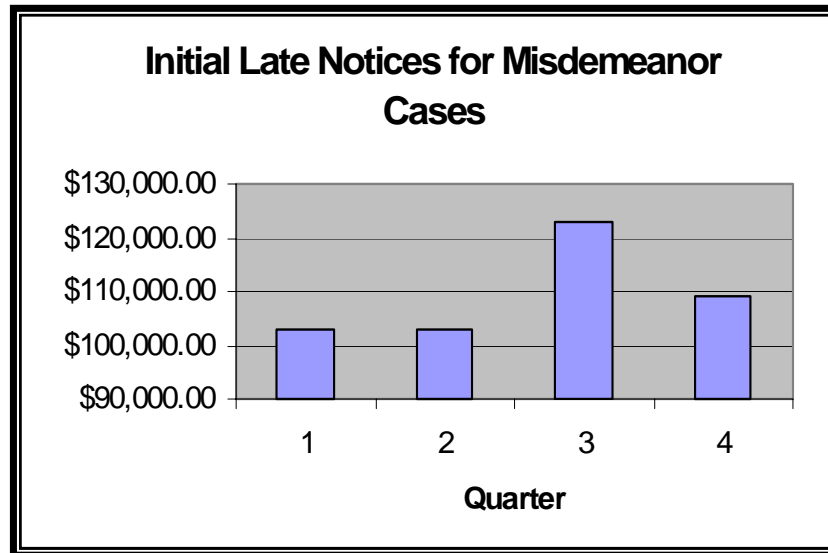
Total amount credited from mailings:

Default Judgments	\$342,034.95
Late Notices	\$156,583.95
Credit Bureau/Collection Agency	\$ 38,787.20
<u>Notification from MVD</u>	<u>\$142,084.63</u>
	\$679,490.73

## FLOWCHART FOR MISDEMEANOR COLLECTION PROCESS



## Late Notice for a Payment of a Misdemeanor Case



See Appendix A Chart 7

### DESCRIPTION:

When a defendant fails to comply with the payment schedule established by the Court, a late notice is electronically generated, then mailed to the defendant. This is the first delinquent notification a defendant receives from the Court. The purpose is to remind the defendant of the obligation and potential consequences for non-payment.

### CRITERIA FOR GENERATING NOTICE:

The defendant is considered delinquent when the specified payment amount is not received and posted to the case by 5:00 PM on the scheduled date the payment is due.

Payment must be posted to the case within seven days of notice generation.

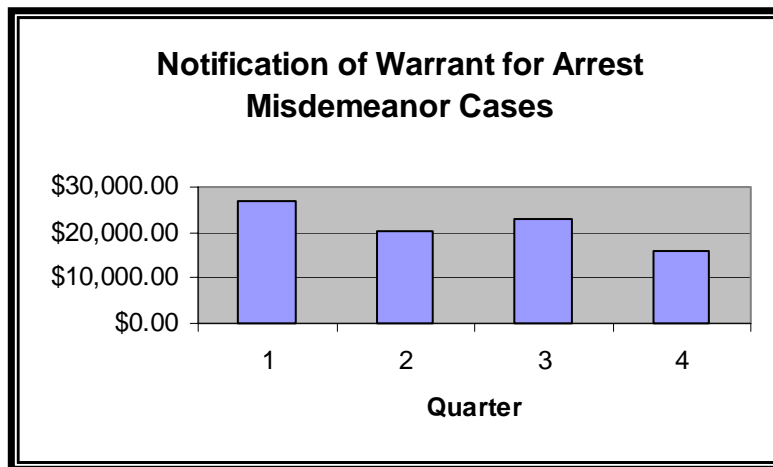
### EFFECTIVENESS:

Total Amount Credited to Action: \$438,070.63

Response Rate: 5%

Average Cost Recovery Per Letter Mailed: \$1.64

## Notice of Warrant for Arrest



See Appendix A Chart 8

### DESCRIPTION:

When a defendant fails to resolve the delinquency by making payment or rescheduling the payments, a CCS initiates the warrant for arrest process through ACIST. The warrant document is printed, matched with the file, and then forwarded to the judge for review and issuance. The issuance of the warrant is noted in ACIST by entering the appropriate codes. Notification that a warrant for arrest has been issued is automatically generated, and mailed to the defendant. The notification is generated each time a warrant for arrest is issued on a case.

### CRITERIA FOR GENERATING NOTICE:

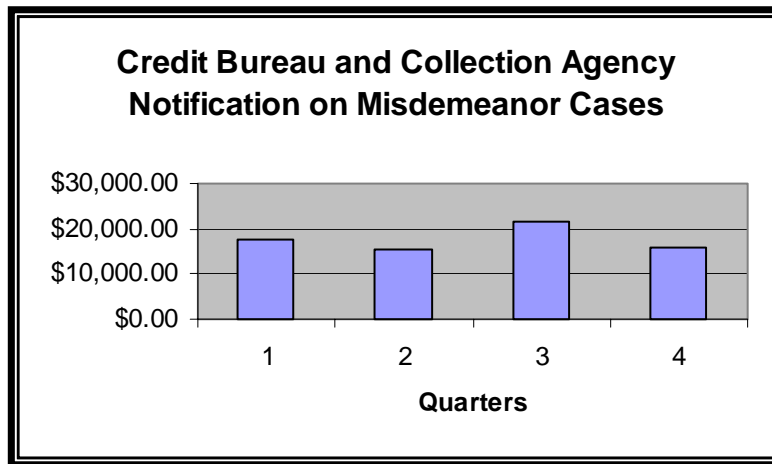
Payment must be posted to the case within seven days of the notice generation.

### EFFECTIVENESS:

Total Amount Credited to Action: \$85,856.10

Response Rate: 5%

Average Cost Recovery Per Letter Mailed: \$2.59

**Notification of Credit Report and Collection Agency for Misdemeanor Cases**

See Appendix A Chart 9

**DESCRIPTION:**

A notice is generated and mailed to a defendant that states the case will be reported to a national credit bureau as a collection account and referred to a collection agency if the entire balance is not paid in two weeks. This notice is generated only once. The defendant will not receive this notification if any other case reaches this stage of delinquency.

**CRITERIA FOR GENERATING NOTICE:**

The warrant remains outstanding for seven calendar days. Payment must be posted to the case within seven days of notice generation.

**EFFECTIVENESS:**

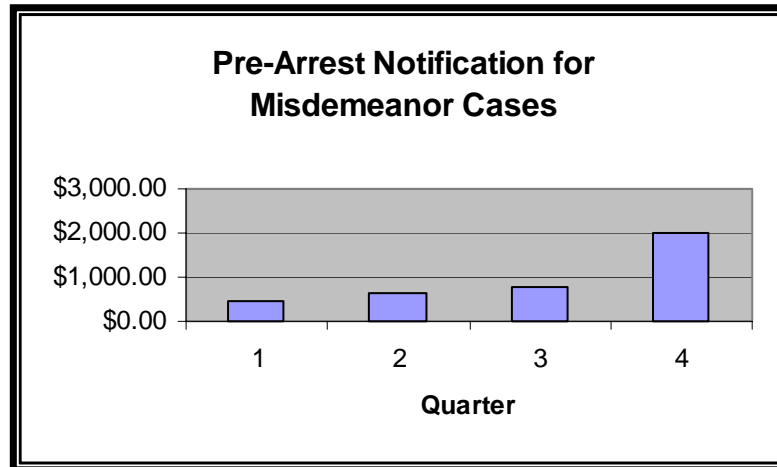
Total Amount Credited to Action: \$70,882.62

Response Rate: 6%

Average Cost Recovery Per Letter Mailed: \$3.07



## Pre-Arrest Notice



See Appendix A Chart 10

### DESCRIPTION:

A notice is electronically generated stating there is an active warrant for arrest, and the defendant must appear in court to avoid being arrested. The letter is generated for all cases with an active warrant for arrest, not just warrants issued for ARS § 13-810. It is printed on Mesa Police Department (MPD) letterhead and mailed in a MPD envelope. The Arizona Supreme Court Judicial Ethics Advisory Committee approved this collaborative effort between the Court and the MPD on August 3, 1995, in Opinion 95-15 that is listed in Appendix E, page 88. This notice is generated each time a warrant for arrest is issued and remains active for the designated period.

### CRITERIA FOR GENERATING NOTICE:

The warrant remains outstanding for 14 calendar days. Payment must be posted to the case within 14 days of notice generation.

### EFFECTIVENESS:

Total Amount Credited to Action: \$3,884.50

Response Rate: 1%

Average Cost Recovery Per Letter Mailed: \$0.38

## MISDEMEANOR LETTER SERIES FINDINGS AND RECOMMENDATION

Using percentages to evaluate the letter series for the misdemeanor cases indicates a minimal recovery rate. Of all of the written notices used, the Credit Bureau / Collection Agency notification is the most cost effective. The recommendations for the misdemeanor letter series are:

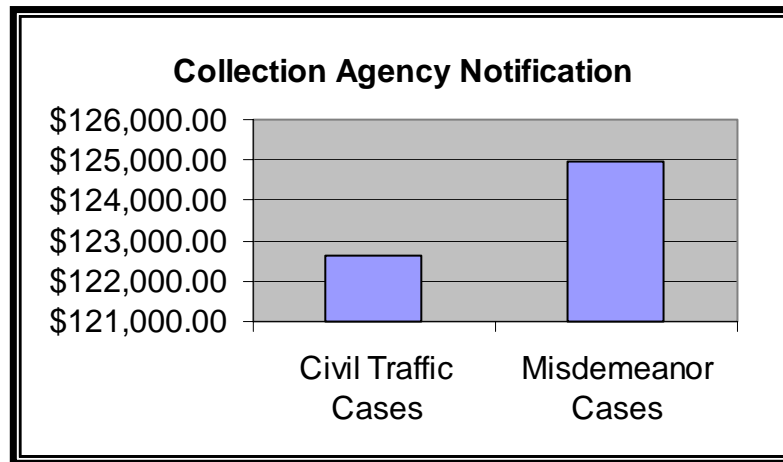
- Send the initial late notice on the third day of delinquency. This should reduce the number of letters generated as many people pay on the day the payment is due. Monitor the change to determine if most defendants wait to receive a notice before a payment is received. If it is determined that most defendants wait to receive a notice before payment is remitted, change the system to generate notices five days before the payment is due.
- Continue the notification of the warrant for arrest and incorporate the collection agency and credit bureau notification on the same notice.
- Cease the credit bureau and collection agency notification.
- Run further evaluation on the pre-arrest notice by focusing on warrants issued pursuant to ARS § 13-810. Isolating that warrant and determining the number of defendants who are rescheduling payments after the notice is generated will provide a more accurate assessment of the letter's effectiveness.

Total amount credited from mailings:

Late Notice	\$ 438,070.63
Notice of Warrant for Arrest	\$ 85,856.10
Credit Bureau/Collection Agency	\$ 70,882.62
<u>Pre-Arrest Notification</u>	<u>\$ 3,884.50</u>
	\$ 598,693.85

## MASS MAILING NOTICES

### Collection Agency Notification



See Appendix A Chart 1

#### DESCRIPTION:

This was a one-time mass mailing campaign. The notice informed the defendant that the case would be referred to a professional collection agency and an additional administrative fee for the expense of the agency would be assessed.

#### DATE RANGE:

Start Date **05/16/2001** End Date **06/08/2001**

Payment must be posted to the case within 30 days of the notice generation.

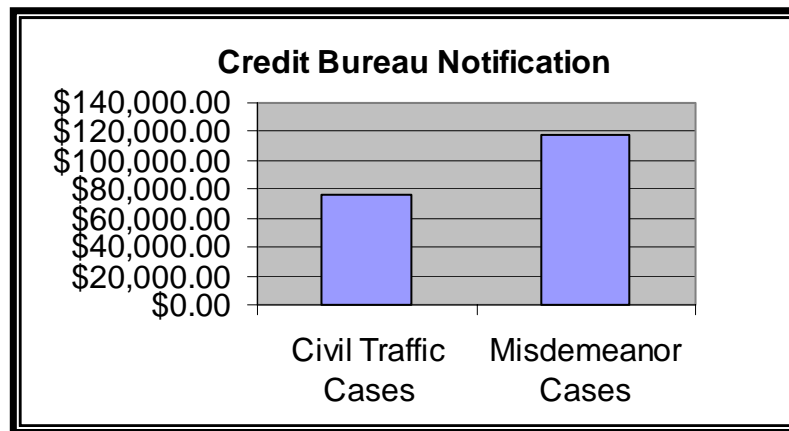
#### EFFECTIVENESS:

Total Amount Credited to Action: \$247,549.60

Response Rate: 10%

Average Cost Recovery Per Letter Mailed: \$5.07

## Credit Bureau Notification



See Appendix A Chart 2

### DESCRIPTION:

This was a one-time mass mailing campaign notified defendants that the delinquency would be reported to a national credit bureau as a collection account. The reporting of the delinquency could affect the defendant's future ability to borrow money.

### DATE RANGE:

Start Date **02/26/1998** End Date **03/25/1998**

Payments received within 30 days of notice generation.

### EFFECTIVENESS:

Total Amount Credited to Action: \$193,889.50

Response Rate: 6%

Average Cost Recovery Per Letter Mailed: \$5.00

### CRITERIA FOR GENERATING MASS MAILING NOTICES:

The cases must have been adjudicated and collection efforts exhausted.

## **MASS MAILING FINDINGS AND RECOMMENDATION**

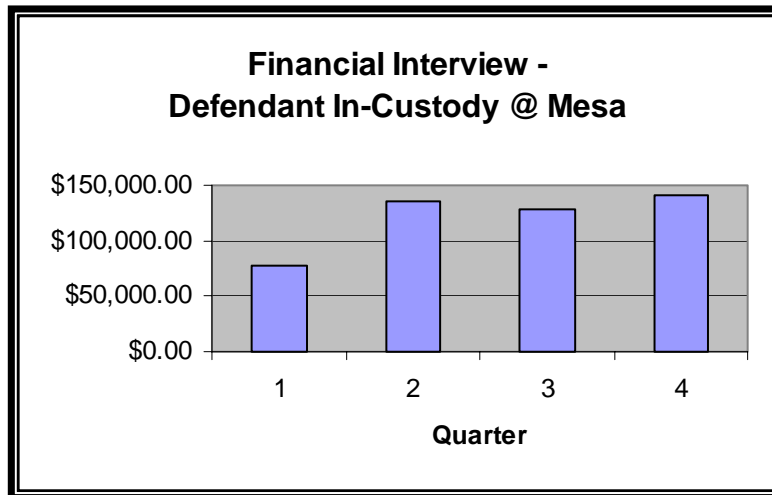
Mass mailings proved cost effective only when the proper automation is in place. The actual rate of return for each mailing ranged between \$2.43 and \$7.72 for each notice. This was a significant rate of return as the percentage of payments received was minimal in proportion to the number of notices mailed. Recommendations for mass mailings are:

- Establish a yearly mass mailing informing the defendants their debt is with a collection agency at an increased rate, and there is a possibility that the rate could be reduced if they make a court appearance.
- Establish a mass mailing for people who have lost their driving privilege. The notice would remind them of the consequences for driving on a suspended license. The emphasis of the letter should be that the sanction and the suspended driving privileges would not go away by the defendant ignoring the responsibility.
- Establish an annual notification for those who have an active warrant for arrest. The notification would include all warrants for arrest, not just warrants for arrest issued for ARS § 13-810. The emphasis of the letter should be that the fine and the warrant would not go away by the defendant ignoring the responsibility.

## FINANCIAL INTERVIEWING

### Financial Interviews at the Mesa City Jail

#### Custody Interviews



See Appendix A Chart 11

#### DESCRIPTION:

The defendant is held in custody at the Mesa Police Department (MPD) jail facility while the case is being adjudicated, or contempt proceedings for violation of ARS § 13-810 are being considered. A defendant may be serving jail time or may need time to find a job when released from custody. Payment schedules prepared in custody court may start 60 days from the date of financial interview.

#### CRITERIA FOR CATEGORY:

The case is adjudicated, a fine imposed and a payment schedule established. Payments must be posted to the case within 60 days of establishing the payment schedule.

#### EFFECTIVENESS:

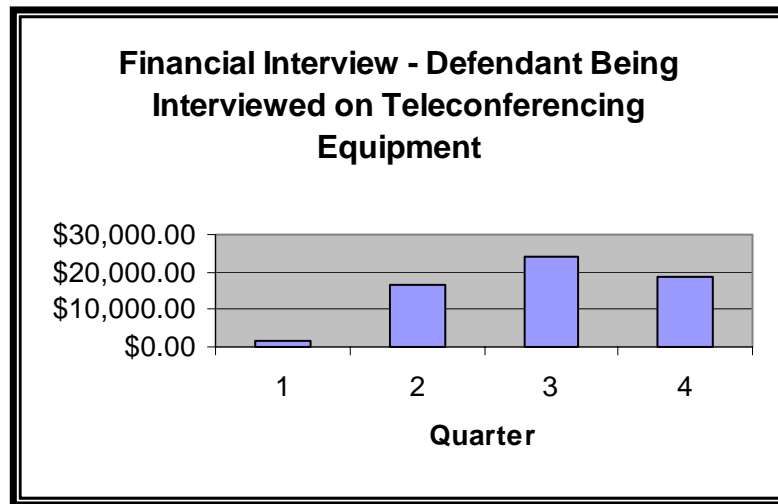
Total Amount Credited to Action: \$482,435.74

Percentage of Defendants Who Paid in Designated Period: 32% [60 days]

Average Amount Paid After Action: \$103.57

## Financial Interviews in Custody at the Maricopa County Sheriff's Office

### Custody Interviews over Teleconferencing Equipment



See Appendix A Chart 12

#### DESCRIPTION:

Because of the remote location of this facility, teleconferencing technology is used to conduct these financial interviews. The defendant is held in custody at the Maricopa County Sheriff's Office (MCSO) while the case is being adjudicated or contempt proceedings for violation of ARS § 13-810 are being considered. Since a defendant may be serving jail time or may need time to find a job when released from custody, the first payment could be due 60 days from the date of the financial interview.

#### CRITERIA FOR CATEGORY:

The case is adjudicated, a fine imposed and a payment schedule established. Payments must be posted to the case within 60 days of establishing the payment schedule.

#### EFFECTIVENESS:

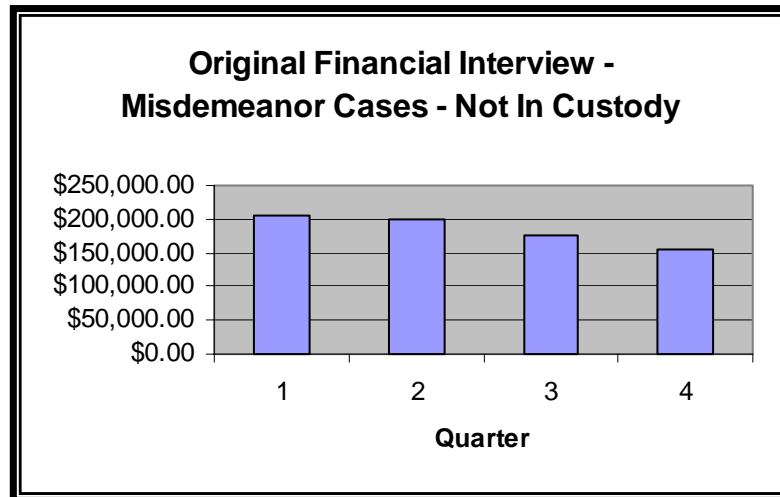
Total Amount Credited to Action: \$60,504.83

Percentage of Defendants Who Paid in Designated Period: 11% [60 days]

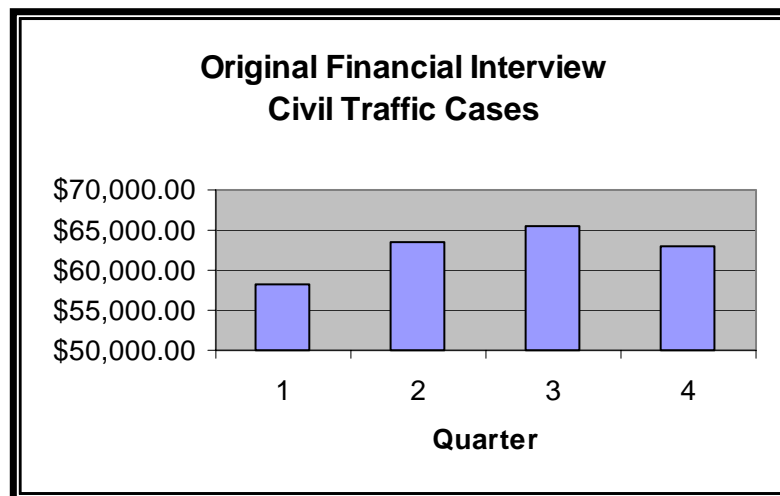
Average Amount Paid After Action: \$293.80

## Financial Interviews at the Main Court Building

### Financial Interviews for defendants not being held in custody Interviews Conducted at the Time of Sentencing – Original Interviews



See Appendix A Chart 13



See Appendix A Chart 14

#### DESCRIPTION:

The defendant submits to a financial review by completing a financial statement. The Court authorizes a payment schedule pursuant to ARS § 13-808. Payment schedules start within 30 days from the date of sentence, provided no unusual circumstance exists.



CRITERIA FOR CATEGORY:

The case was adjudicated in the main court building. A fine or sanction was imposed.

Payment must be posted to the case within 30 days of the established payment schedule.

EFFECTIVENESS:

Misdemeanor

Total Amount Credited to Action: \$737,311.05

Percentage of Defendants Who Paid in Designated Period: 35% [30 days]

Average Amount Paid After Action: \$55.90

EFFECTIVENESS:

Civil Traffic

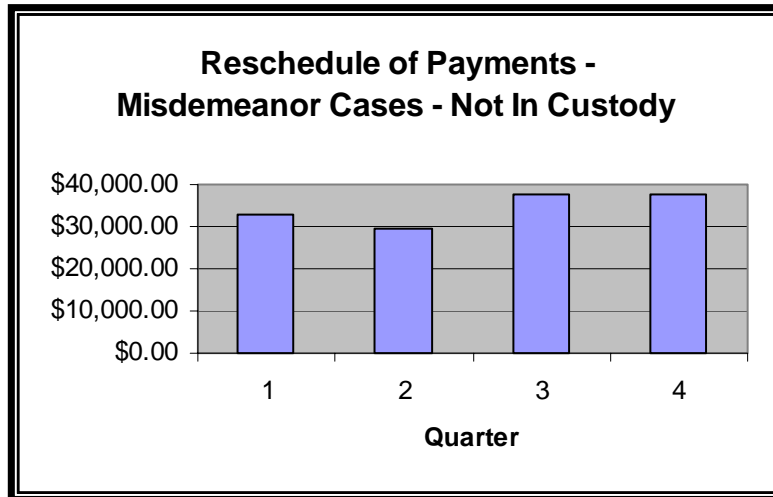
Total Amount Credited to Action: \$250,187.82

Percentage of Defendants Who Paid in Designated Period: 48% [30 days]

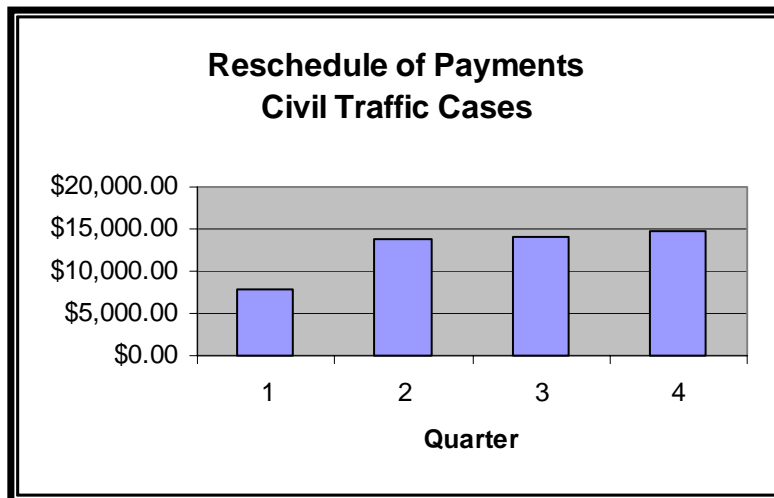
Average Amount Paid after Action: \$33.33

## Cases Rescheduled at the Main Court Building

### Financial Interview – Rescheduled Payments



See Appendix A Chart 15



See Appendix A Chart 16

#### DESCRIPTION:

The defendant cannot meet the prior payment schedule. A CCS has the authority to reschedule payments two times. There are three conditions warranting judicial review when a defendant requests that a fine be rescheduled:

- when the request is to have payments rescheduled three or more times;
- restitution is greater than 90 days past due;
- or a payment schedule would exceed the term of probation.

In misdemeanor cases 17% of the people made payments within 30 days of the reschedule and the average payment amount was \$47.74. In civil traffic cases 36% of the people made payments within 30 days of the reschedule and the average payment amount was \$29.08.

#### CRITERIA FOR CATEGORY:

The defendant proceeds through the financial review process and is authorized a new payment schedule pursuant to ARS § 13-810. Payment schedules start within 30 days from the date of financial interview, provided no unusual circumstance exists. Payments must be posted to the case within 30 days of the newly established payment schedule.

#### EFFECTIVENESS:

##### Misdemeanor

Total Amount Credited to Action: \$138,347.07

Percentage of Defendants Who Paid in Designated Period: 17% [30 days]

Average Amount Paid After Action: \$47.74

#### EFFECTIVENESS:

##### Civil Traffic

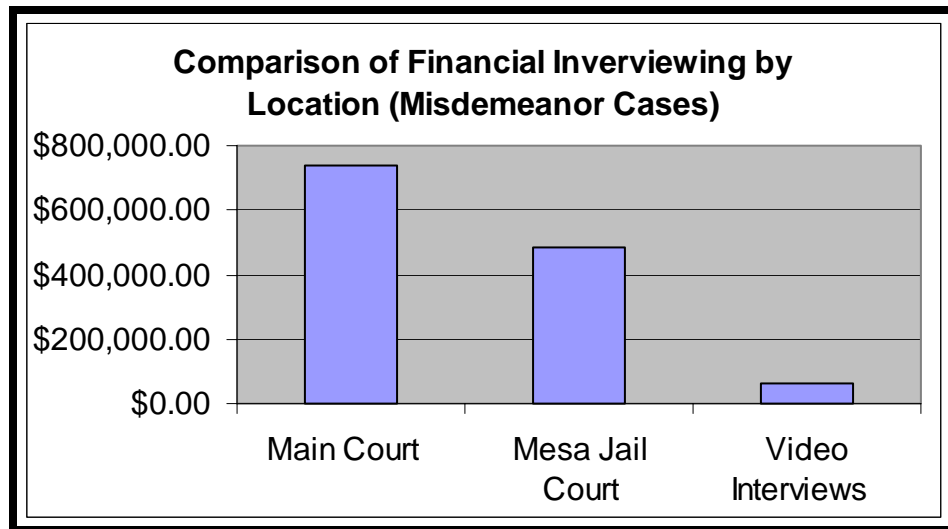
Total Amount Credited to Action: \$50,418.55

Percentage of Defendants Who Paid in Designated Period: 36% [30 days]

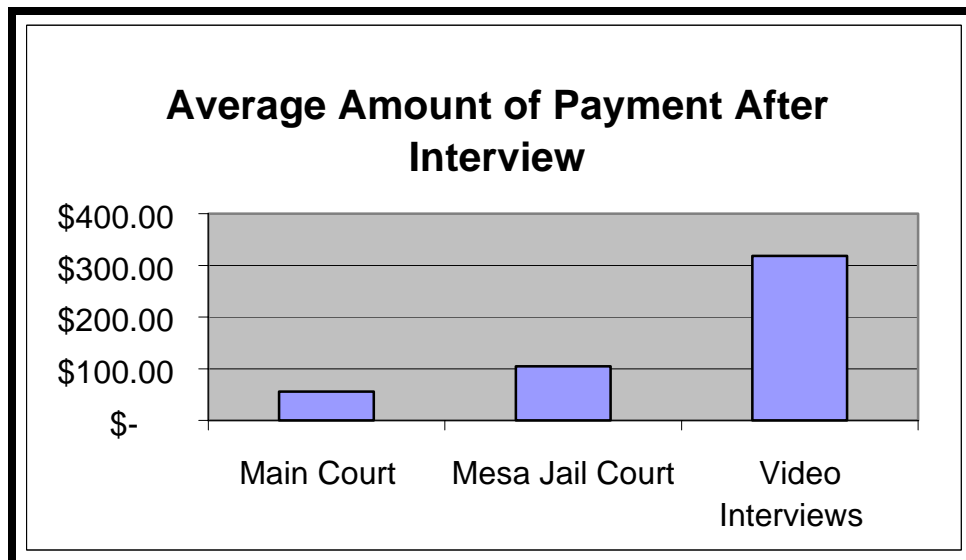
Average Amount Paid After Action: \$29.08

## FINANCIAL INTERVIEWING FINDINGS AND RECOMMENDATION

How much should one expect to collect from financial interviews?



Do not let the volume fool you.



Financial interviewing is the most effective practice. Defendants not in jail, average a \$55.00 payment within 30 days of interview compared to the defendants in the MCSO holding facility who average \$293.80 within 60 days of their financial interview.

Recommendations for financial interviewing are:

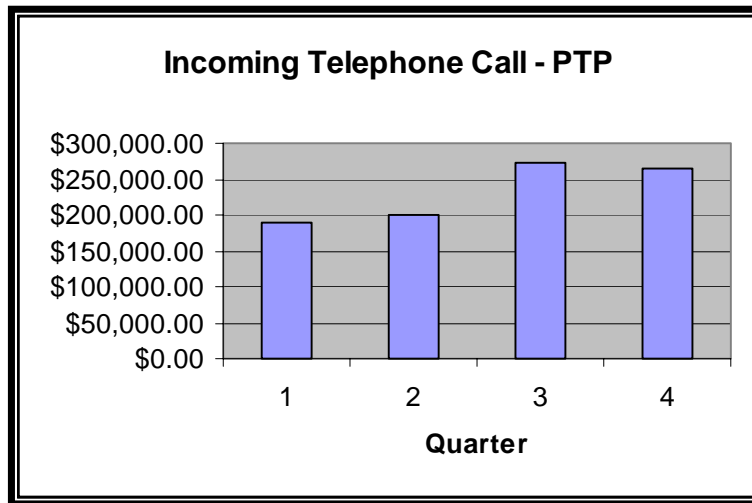
- Continue the financial interviews to evaluate the defendant's ability to resolve the debt with the court.
- Pursue access to the Department of Economic Security's database. The Internal Revenue Service uses this information to verify a client's employment and wage.
- Run a pilot program to pull a credit report for defendants who owe restitution. Defendants who have available funds on existing lines of credit would be ordered to use it to satisfy restitution.
- Run a pilot program to evaluate a defendant's ability to compensate the court for attorney fees when a public defender is assigned to the case.

Total amount credited from financial interviews; payments rescheduled at the main court were not included:

Mesa City Jail	\$ 482,435.74
Video Interviews from County Jail	\$ 60,504.83
Main Court – Misdemeanor	\$ 737,311.05
<u>Main Court - Civil Traffic</u>	<u>\$ 250,187.82</u>
	\$ 1,530,439.44

## TELEPHONE ACTIVITY

### Incoming Telephone Call from the Defendant - Promise to Pay (PTP)



See Appendix A Chart 17

#### DESCRIPTION:

The purpose of this survey was to evaluate the number of payment commitments met by the defendants when they called into the court. Determining whether the incoming calls were a response to a letter from the court or a telephone message left for the defendant proved problematic. Amounts associated with incoming telephone calls were not considered when evaluating the practice of collection telephone calls.

#### CRITERIA FOR CATEGORY:

The defendant calls into the court and promises to pay the amount due. Payment commitments are not typically extended over the telephone for more than 14 days from the date of the call. Payment must be posted to the case within 14 days from the commitment made during the telephone conversation.

#### EFFECTIVENESS:

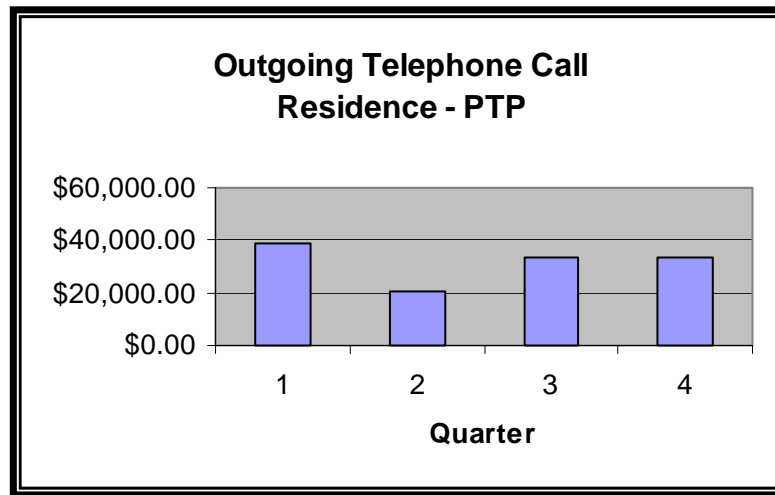
Total Amount Credited to Action: \$927,793.63

Percentage of Defendants Who Paid in Designated Period: 16% [14 days]

Average Amount Paid After Action: \$53.81

## Outgoing Collection Calls

### Telephone Residence - Promise to Pay (PTP)



See Appendix A Chart 18

#### DESCRIPTION:

This survey evaluates the number of payment commitments met by defendants when the CCS staff initiates a telephone call to the defendant's **residence**. A CCS calls the defendant's residence and the defendant promises to pay the amount due. Payment commitments are typically not extended over the telephone for more than 14 days from the date of the call.

#### CRITERIA FOR CATEGORY:

Payment must be posted to the case within 14 days from the commitment made over the telephone.

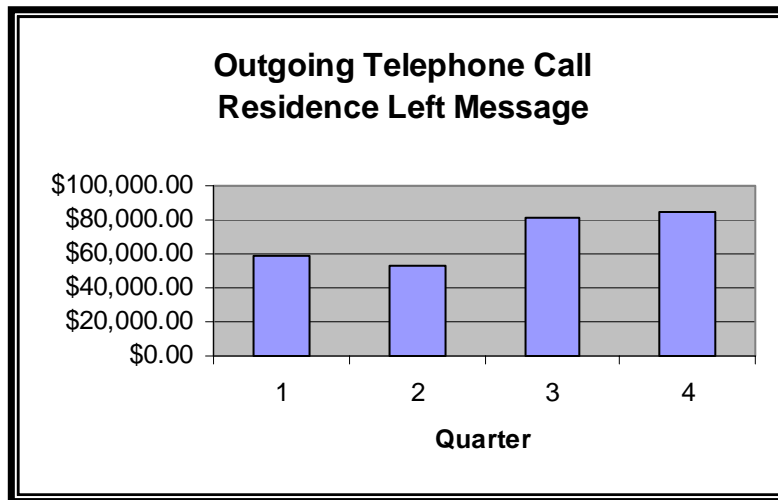
#### EFFECTIVENESS:

Total Amount Credited to Action: \$126,548.77

Percentage of Defendants Who Paid in Designated Period: 14% [14 days]

Average Amount Paid After Action: \$57.03

## Telephone Residence - Left Message



See Appendix A Chart 19

### DESCRIPTION:

This section evaluates the number of payments received when a message to call the court is left at the defendant's **residence** by a CCS. A CCS telephones the defendant's residence and the defendant makes payment within seven days of the call.

### CRITERIA FOR CATEGORY:

Payment must be posted to the case within seven days from the date the message was left at the defendant's residence.

### EFFECTIVENESS:

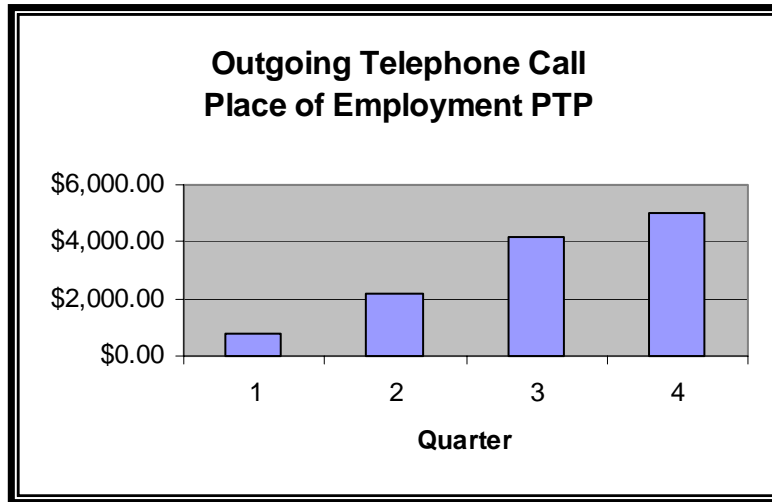
Total Amount Credited to Action: \$277,975.89

Percentage of Defendants Who Paid in Designated Period: 7% [7 days]

Average Amount Paid After Action: \$48.89



## Telephone Place of Employment Promise to Pay (PTP)



See Appendix A Chart 20

### DESCRIPTION:

This survey evaluates the number of payment commitments met when a CCS initiates a call to the defendant's **place of employment**. A CCS telephones the defendant's place of employment and the defendant promises to pay the amount due. Payment commitments are not typically extended over the telephone for more than 14 days from the date of the call.

### CRITERIA FOR CATEGORY:

Payment must be posted to the case within 14 days from the commitment made over the telephone.

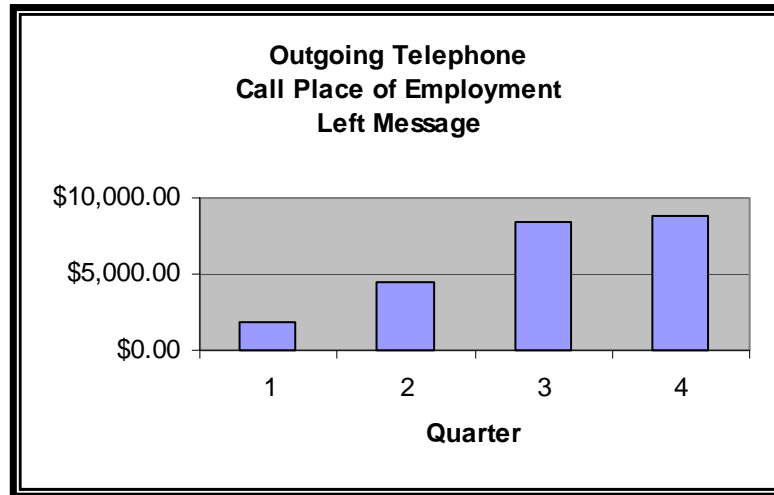
### EFFECTIVENESS:

Total Amount Credited to Action: \$12,153.60

Percentage of Defendants Who Paid in Designated Period: 15% [14 days]

Average Amount Paid After Action: \$49.05

## Telephone Place of Employment - Left Message



See Appendix A Chart 21

### DESCRIPTION:

This survey evaluates the number of payments received when a message to call the court was left at the defendant's **place of employment** by a CCS. A CCS calls the defendant's place of employment and the defendant makes payment within seven days of the call.

### CRITERIA FOR CATEGORY:

Payments must be posted to the case within seven days from the date the telephone message was left at the defendant's place of employment.

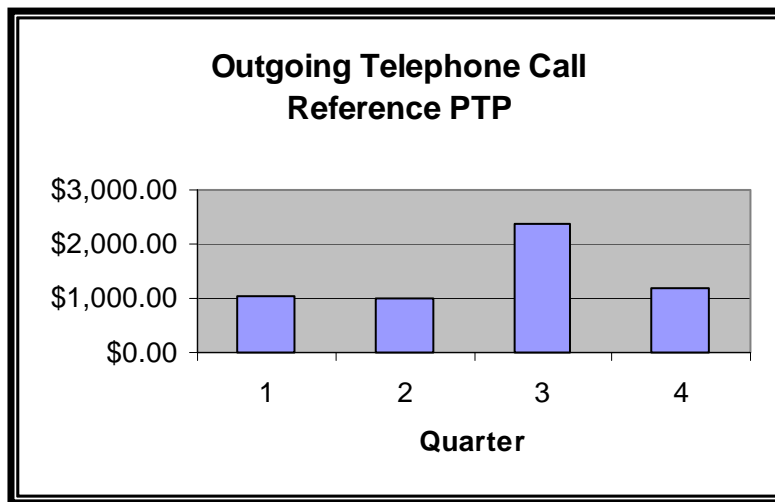
### EFFECTIVENESS:

Total Amount Credited to Action: \$23,548.25

Percentage of Defendants Who Paid in Designated Period: 8% [7 days]

Average Amount Paid After Action: \$49.95

## Telephone Reference - Promise to Pay (PTP)



See Appendix A Chart 22

### DESCRIPTION:

This survey evaluates the number of payment commitments met by the defendants when a CCS telephones a **reference**. A CCS calls the defendant's friend or relative and the defendant promises to pay the amount due. Payment commitments are not typically taken over the telephone for more than 14 days from the date of the call.

### CRITERIA FOR CATEGORY:

Payment must be posted to the case within 14 days from the commitment made over the telephone.

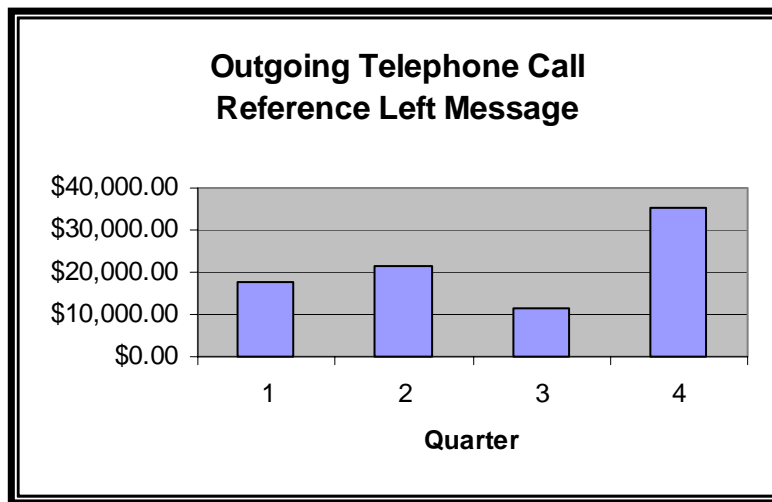
### EFFECTIVENESS:

Total Amount Credited to Action: \$5564.00

Percentage of Defendants Who Paid in Designated Period: 20% [14 days]

Average Amount Paid After Action: \$47.41

## Telephone Reference - Left Message



See Appendix A Chart 23

### DESCRIPTION:

This survey evaluates the number of payments received when a CCS leaves a message for the defendant to call the court with a **reference**. A CCS telephones the defendant's friend or relative and the defendant makes payment within seven days of the call.

### CRITERIA FOR CATEGORY:

Payment must be posted to the case within seven days from the date the telephone message was left with the defendant's reference.

### EFFECTIVENESS:

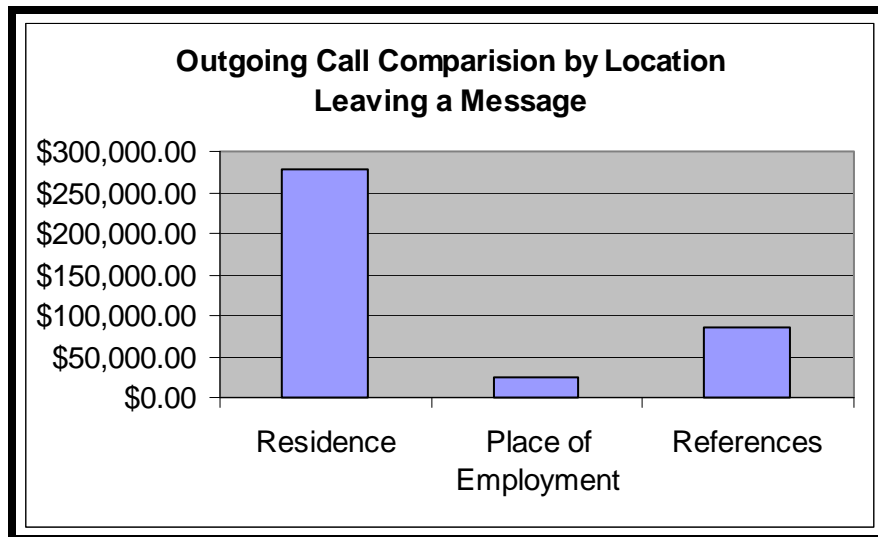
Total Amount Credited to Action: \$85,846.25

Percentage of Defendants Who Paid in Designated Period: 7% [7 days]

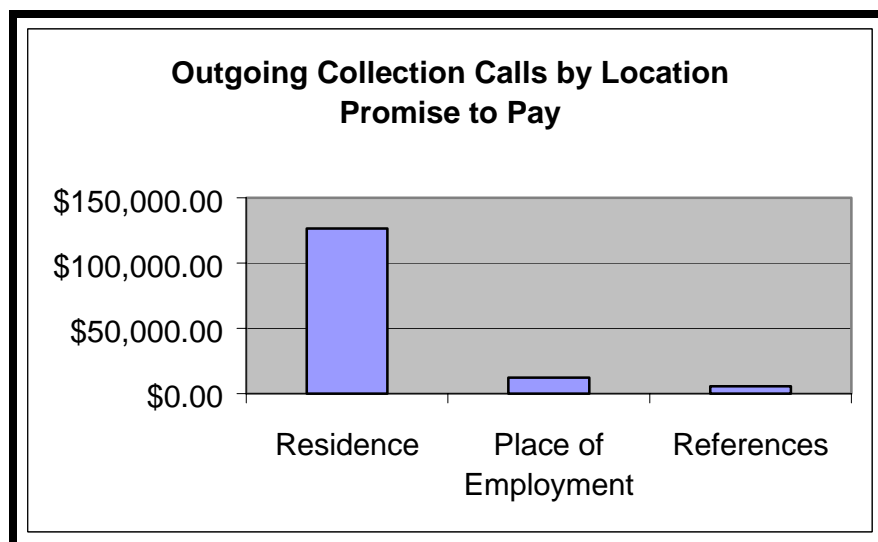
Average Amount Paid After Action: \$40.07

## TELEPHONE ACTIVITY FINDINGS AND RECOMMENDATION

**How effective do you think a telephone message is?**



**Where is the best location from which to receive a commitment to pay a fine?**



The telephone activity is a significant portion of the collection activity performed by staff. The low percentage of defendants who follow through with their commitments is disappointing.

Recommendations include:

- Reduce the number of telephone attempts to people with civil traffic violations.  
Only make one telephone call on civil traffic violations, then suspend the driver license if there is no response or a broken promise by the defendant. There is a 20% payment rate when a defendant receives notice of the suspension from the MVD.
- Exhaust collection efforts after a defendant fails to comply with a verbal commitment to pay because only 15% are following through with their commitments whether the defendant initiates the call to the court or the court calls the defendant.

Total amount credited for outgoing telephone calls:

PTP from Defendant @ Residence	\$ 126,548.77
Left Message @ Residence	\$ 277,975.89
PTP from Defendant @ Place of Employment	\$ 12,153.60
Left Message @ Place of Employment	\$ 23,548.25
PTP from Defendant @ a Reference Number	\$ 5,564.00
<u>Left Message @ a Reference Number</u>	<u>\$ 85,846.25</u>
	\$ 531,636.76

## **METHODOLOGY**

### **[FINDING B]**

#### **General Research Design**

A Chi-Square – Goodness of Fit Test was used to identify a best practice for establishing a payment schedule. The test evaluated proportional differences for defendants who complied with their payment schedule versus defendants who failed to comply with their payment schedule.

The court directs the defendant to the Collection Division when sentence is imposed at the Mesa Municipal Court and the defendant requests time to satisfy the debt. At Collections, the defendant completes a financial statement. A Court Collection Specialist (CCS) reviews the defendant's history with the court, and then evaluates the defendant's ability to resolve the debt based on the information the defendant provided on the financial statement.

Information regarding demographics and economic status of each defendant was extracted from the defendant's financial statement. The terms of repayment were extracted from the payment schedule completed by the CCS. Copies of the payment schedule and financial statement are in Appendix K, page 116. The information to determine compliance or non-compliance was manually extracted from ACIST. Cases were monitored over a four month period to determine compliance or non-compliance.

The data was entered into a statistics application called Statistical Package for the Social Sciences (SPSS). Denny Haywood, a statistician employed by the City of Mesa's Quality and Organizational Development Office, performed the statistical evaluation.

This analysis looked at one dependant variable and 19 independent variables. The dependant variable is compliance or non-compliance with the payment agreement.

Five categories of variables were established:

**1. Case Type – Independent Variable**

- a. Misdemeanor
- b. Civil traffic

**2. Defendant Characteristics – Independent Variable**

- a. Gender
- b. Age
- c. Employed
- d. Employment status
- e. Annual income

**3. Payment Schedule – Independent Variable**

- a. Amount of fine or sanction imposed
- b. Community service option authorized
- c. Payment amount
- d. Payment frequency
- e. Paid-in-full at sentencing

**4. Defendant's History with the Court – Independent Variable**

- a. First case with the court
- b. Prior warrant for non-payment of fine
- c. Driving privileges suspended in prior case
- d. Total number of cases with the court
- e. Are other cases active with the court
- f. How soon is the first payment due
- g. Did the defendant make the first payment as agreed

**5. Outcome – Dependent Variable**

- a. Driver license suspended – Non-compliance
- b. Warrant for arrest issued – Non-compliance
- c. Warrant for arrest issued and Driver license suspended – Non-compliance
- d. Paid-in-full – Compliance
- e. Paying as agreed – Compliance
- f. Rescheduled payments – Non-compliance
- g. Balance of fine/sanction suspended – Compliance

Two hundred cases were randomly selected: 102 civil traffic cases and 98 misdemeanor cases. The misdemeanor category includes driving under the influence, misdemeanor traffic and criminal cases.



## FINDINGS B

### Defendant Characteristics

The difference for compliance between case types proved statistically insignificant.

Misdemeanor cases had a 75% compliance rate and civil traffic cases, 78%. A comparison of

defendants by

gender shows

three times more

male defendants

than female.

There was no

difference in

compliance rate,

both at 77%.

Defendants

between 36 and

45 years of age

have a lower

compliance rate

than other age

Table 1 Comparison of Defendant Characteristics and Fine Imposed					
Characteristic		Count	Percent of Group	Complied	Non-Complied
Gender	Male	153	76.5	77	23
	Female	47	23.5	77	23
Age Group	<=25	81	40.5	80.2	19.8
	26-35	60	30.0	73.3	26.7
	36-45	43	21.5	67.4	32.6
	46-55	13	6.5	92.3	7.7
	>=56	3	1.5	100	0
Income	0 - \$5000	40	20.0	80.2	19.8
	\$5,001 - \$10,000	34	17.0	73.3	26.7
	\$10,001 - \$20,000	72	36.0	67.4	32.6
	\$20,001 - \$30,000	38	19.0	92.3	7.7
	\$30,000 - Greater	16	8.0	100	0
Employment	Employed	153	76.5	79.7	20.3
	Full time	118	59.0	79.7	20.3
	Part time	35	17.5	77.1	22.9
	Unemployed	47	23.5	66	34

groups. Defendants who listed their annual income between \$10,001 and \$20,000 have a 13% lower compliance rate than those who listed their income between 0 and \$5,000.

The most noticeable difference is employment status. There is a 14% difference in compliance rate between those who have jobs and those who are unemployed.

## Payment Schedule

Most payment schedules were established for a standard monthly payment between \$26 and \$50. An interesting observation is that only 2% of the people who requested time to resolve their debt were denied a payment schedule. This may indicate that defendants requesting a payment schedule actually need time to satisfy the debt.

People who received fines between \$201 and \$300 have a lower compliance rate than defendants with higher fines.

Table 2					
Comparison of Sentencing Characteristics and Fine Imposed					
Characteristic	Count	Percent of Group	Complied	Non-Complied	
Total Fine Imposed					
\$1 - \$200	64	32.0	75	25	
\$201 - \$300	53	26.5	67.9	32.1	
\$301 - \$400	25	12.5	92	8	
\$401 - \$500	5	2.5	100	0	
\$501- Greater	53	26.5	77.4	22.6	
Community Service Option					
Employed	27	13.5	77.8	22.2	
Unemployed	26	13.0	53.8	46.2	
Payment Amount					
\$1 - \$25	7	3.5			
\$26 - \$50	94	47.0			
\$51 - \$100	63	31.5			
\$101 - Greater	36	18.0			
Payment Frequency					
Weekly	6	3.0			
Bi-weekly	7	3.5			
Monthly	170	85.0			
Single	17	8.5			
Paid-in-Full @ Sentencing					
Paid	4	2.0			
Established Schedule	196	98.0			

Defendants who were unemployed and had approval to perform community service as an option to satisfy their debt have a non-compliance rate that is 22% higher than those who are employed and received the option.

## Defendant's History with the Court

First time defendants are more likely to comply with court orders than those who have a history with the court. Defendants with a history of contempt, warrants for arrest for non-payment have a compliance rate 13.5% lower than defendants who have not had a warrant issued before.

Defendants who had driving privileges suspended before have a comparable non-compliance

ratio to those defendants who had warrants for arrest.

Most defendants have one to three cases with the court. Twenty-three percent of the defendants have multiple cases active at the same time.

Table 3 Comparison of Court History					
		Count	Percent of Group	Complied	Non-Complied
<b>First Case with the Court</b>					
	Yes	119	59.5	81.5	18.5
	No	81	40.5	69.1	30.9
<b>Prior Warrant for Non-Compliance</b>					
	Yes	17	8.5	58.8	41.2
	No	65	32.5	72.3	27.7
	NA	118	59.0	81.4	18.6
<b>Driving Privileges Suspended Before</b>					
	Yes	24	12.0	62.5	37.5
	No	58	29.0	72.4	27.6
	NA	118	59.0	81.4	18.6
<b>Average Number of Cases with Court</b>					
	1 to 3	163	81.5		
	4 to 6	22	11.0		
	7 or More	15	7.5		
<b>Defendants with Multiple Active Cases</b>					
	Yes	46	23.0		
	No	37	18.5		
	NA	117	58.5		

## Outcome

Categories determined to be non-compliant are Driver License Suspended, Warrant for Arrest Issued, Warrant for Arrest and Driver License Suspended, and Rescheduled Payments. Twenty-four percent of the total sampling failed the test for compliance.

Table 5 Outcome		
Characteristic	Number of Defendants	Percent of Group
Driver License Suspended	19	9.5
Warrant for Arrest Issued	18	9
Warrant for Arrest and Driver License Suspended	4	2
Rescheduled Payments	7	3.5
Paid-in-full	29	14.5
Paying as Agreed	123	61.5

Only the defendants who paid their fine in full or those who were current with the original payment schedule after four months were considered compliant. Seventy-six percent of the defendants who completed a financial review and authorized a payment schedule by the collection staff met the criteria for compliance.

## Non-compliance Characteristics

Compliance is a challenge to predict. No characteristic by itself provides an opportunity to profile a non-complier. When independent variables are grouped, non-compliance is still a challenge. When

grouping age 36 to 45 and unemployment, non-compliance is at its highest rate of 60%.

The next indicator is a defendant who previously had a warrant for arrest. The non-compliance rate is 41.2 %.

Table 4.A Potential Criteria to Predict Non-Compliance			
Characteristic		Percentage	Defendants Meeting Criteria
<b>Prior Warrant OR 26-45 OR Unemployed</b>			
	Compliance	71.3	97
	Non-Compliance	28.7	39
<b>Age 36 - 45 OR Unemployed</b>			
	Compliance	70	56
	Non-Compliance	30	24
<b>Prior Warrant OR 36-45 OR Unemployed</b>			
	Compliance	68.5	61
	Non-Compliance	31.5	28
<b>Age 36- 45</b>			
	Complied	67.4	29
	Non-Compliance	32.6	14
<b>Unemployed</b>			
	Complied	66	31
	Non-Compliance	34	16
<b>Prior Warrant for Arrest OR Unemployed</b>			
	Compliance	64.4	38
	Non-Compliance	35.6	21
<b>Prior Warrant for Arrest</b>			
	Compliance	58.8	10
	Non-Compliance	41.2	7
<b>Age 36 - 45 AND Unemployed</b>			
	Compliance	40	4
	Non-Compliance	60	6

## DEFENDANT FINDINGS AND RECOMMENDATION

**Is there a good indicator that the defendant will not pay the fine?**

<b>Table 4.B</b> <b>Potential Criteria to Predict Non-Compliance</b>			
<b>Characteristic</b>		<b>Percentage</b>	<b>Defendants Meeting Criteria</b>
<b>Prior Warrant OR Unemployed OR Not First Case</b>			
	Complied	71.4	75
	Non-Compliance	28.6	30
<b>Prior Warrant AND Not First Case</b>			
	Compliance	69.1	56
	Non-Compliance	30.9	20
<b>26-45 AND Unemployed OR Prior Warrant OR First Case</b>			
	Compliance	68.1	62
	Non-Compliance	31.9	29
<b>Prior Warrant OR Unemployed OR Not First Case</b>			
	Compliance	64.4	38
	Non-Compliance	35.6	21
<b>26-45 AND Unemployed OR Prior Warrant OR Not First Case AND Unemployed</b>			
	Compliance	55.6	25
	Non-Compliance	44.4	20
<b>Age 26-45 AND Unemployed OR Prior Warrant</b>			
	Compliance	54.5	18
	Non-Compliance	45.5	15
<b>26-45 AND Unemployed OR Prior Warrant AND Unemployed</b>			
	Compliance	52.4	11
	Non-Compliance	47.6	10
<b>Age 26-45 AND Unemployed</b>			
	Complied	50	10
	Non-Compliance	50	10

The characteristics that demonstrated some consistency for non-compliance:

- age group 26 to 45;
- defendants who are unemployed;
- and defendants who previously had a warrant for arrest issued.

Recommendations for establishing payment schedules include:

- The age group should not be considered when establishing a payment schedule.
- To encourage compliance for defendants who are unemployed, the community service option should be authorized. At the Mesa Municipal Court, community service is credited at \$5.00 for each hour of service performed. The payment schedules that provide the community service option should be established as a regular payment schedule. The only difference is the defendant has an option of submitting a letter, provided by a non-profit organization, to the court that confirms community service was performed for the appropriate number of hours instead of a monetary payment. When a defendant has some ability to pay and the community service option is authorized, the payment amount should not be increased because community service is authorized. An example of this type of payment schedule is:

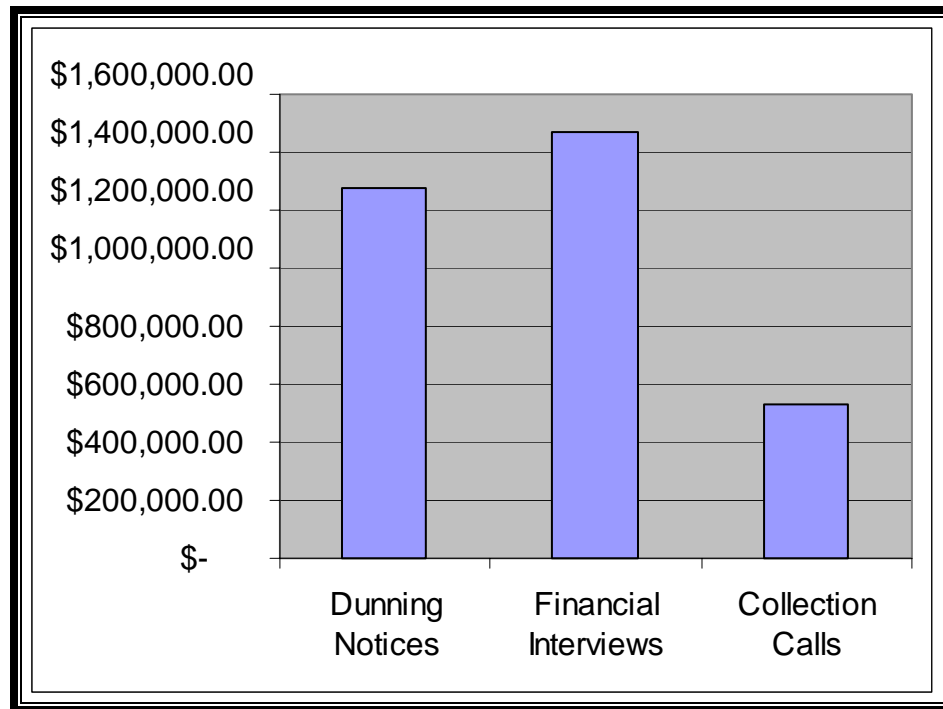
A CCS determines the defendant could reasonably pay \$20 each week as the defendant is working part time at day labor jobs. To ensure compliance, four hours of community service is authorized each week in lieu of monetary payment.

- Defendants who have a history of non-compliance should always have the first payment due within seven days of the imposition of sentence. The payment schedule should be weekly or bi-weekly instead of a standard monthly payment.
- Do further evaluation on the concept of day fines. The research should not focus on the amount of the fine being imposed. The concept should be evaluated to determine if basing a payment schedule on the defendant's net daily income would reduce collection efforts and increase compliance with court ordered fines.

## CONCLUSION

### Summary of Findings

The author found this research very informative. The answers to the questions were a little unexpected. Two answers were provided for the first question – **Which court collection practices are most effective?**



Financial interviewing proved to be the most effective practice. However, cost recovery rates for dunning notices make written notification the most affordable practice for collecting fines and sanctions.

Evaluating the defendants' characteristics to determine a pattern or profile that will help the court identify a best practice for establishing a payment schedule was gratifying. The question is – **What is the best practice for establishing a payment schedule?**

After reviewing the data, I have come to the conclusion that there is not one standard best practice for establishing payment schedules. The only recommendation is to establish a payment schedule or alternative option that will provide the best opportunity for the defendant to



succeed. There will always be the habitual offenders. Historically, the only way habitual offenders will satisfy their obligation to the court is when judicial action is taken and the judge holds the person in contempt.

### **Author's Perception of Required Determinants for a Successful Collection Program**

After researching other courts' collection practices, teaching collection classes, collecting court fines and speaking with others regarding their collection practices, I have come to the conclusion that to have an effective in-house collection program there are five determinants for success.

The first determinant for a successful collection program is the bench: the judges and magistrates employed by the court. The bench establishes the Court's culture for the collection of court ordered fines and sanctions. Certain courts do not feel it is appropriate to hold defendants in contempt for not meeting financial obligations to the court. Some judges may feel the mandatory sentences dictated by state statute or local ordinance are too high or not just. Judges may feel the court is not responsible for the follow through on a sentence the court has imposed.

Many courts are serious about enforcement programs, the role the collection division plays within the court, and its obligation to the community. The essential term is "serious." Judges need to understand that a collection of debt owed is a process. Being serious about a process is not necessarily a judicial statement, but good business. The bench must support the process or there is no process.

The second determinant for a successful collection program is the court staff. After the bench determines it wants to adopt and support a collection program and sets the parameters for the staff to work within, it is time to start assembling the crew. As in other collection environments, the people will be working assigned cases in a paraprofessional status. The

collection staff is an extension of the judiciary, so it is important that the court is represented well. Successful staff will exhibit several traits identified by Daniel Coleman and categorized as Emotional Intelligence:

Self-awareness, “the ability to recognize and understand their moods, emotions and drives, as well as their effect on others.”

Self-regulation, “the propensity to suspend judgment, to think before acting.”

Motivation, “a passion to work for reasons that go beyond money or status”

Empathy, “the ability to understand the emotional makeup of other people, skill in treating people according to their emotional reactions.”

Social skill, “an ability to find common ground and build rapport.” (Coleman, 1995) <sup>21</sup>

The capacity to understand statutes and rules that govern a judge’s decision will assist staff in understanding the concept of judicial discretion. People with a good attitude will reduce the chance of a negative sub-culture forming within the court. It is important to note that the Arizona Judicial Advisory Committee issued an opinion regarding the performance evaluation of collection staff. See Appendix E, Opinion 96-16, page 89.

The third determinant of a successful collection program is technology. In Barbara Lassiter’s 1998 CEDP paper, she placed current day emphasis on the use of technology.

“Technology is defined in Webster’s Collegiate Dictionary as “the totality of the means employed to provide objects necessary for human sustenance and comfort.” To most of us, technology refers to those new tools or devices that make a process or job task more effective, typically having to do with computers and electronics. Planning for information management in the court world today is paramount. Information is critical to problem solving and decision making as well as providing the impetus for better and more efficient customer service.” (Lassiter, 1998) <sup>22</sup>

Automation is a common sense issue. Funding and programming resources have a direct effect on any organization's ability to automate a process. The collection staff is responsible for being available to communicate face-to-face with defendants when evaluating their financial situation and engaging defendants in conversation over the telephone. The purpose of having an in-house collection staff is defeated when collection processes require staff to manually:

- determine which cases are delinquent versus an automated queuing system;
- update credit histories with the court versus an electronic transfer of information;
- fold, insert and mail late notices versus having the notices electronically generated in batch and processed through a mail service;
- or enter data when it could be electronically updated through a computer program.

When automation is neglected and manual collection processes are implemented, the role of the collection staff transitions to the role of a clerk. Availability of staff to communicate with defendants face-to-face and over the telephone is required for the success of a collection program.

The fourth determinant of a successful collection program is a collaborative effort with the enforcement agencies. The police department and the prosecutor's office fall under the executive branch of government. Some courts have a police officer assigned to the court as part of its collection function. Regardless of whether the police and court staff work side-by-side or are separated by location, there must be a collaborative effort between the organizations while maintaining the separation of powers.

The police department is responsible for identifying the resources needed to execute court orders, specifically orders issued for non-compliance or contempt. To establish a solid relationship with the police, law enforcement must trust the judge will do the right thing when a

defendant is brought before the court. This requires an educational process. Education will assist the police in understanding the rules and statutes a judge applies when considering whether or not to hold a defendant in contempt.

The fifth determinant for a successful collection program is an effective training program for the staff and judges. The program should provide a thorough review of the rules and statutes that govern the collection of court ordered fines and sanctions. Judges must know what authority they have to hold a defendant in contempt and what authorizes staff to establish a payment schedule. A common understanding of the rules and statutes not only increases general knowledge, it helps build relationships as knowledge fosters understanding. The success of the collection efforts must be communicated to the judges and staff.

### **Responsibility of Courts**

Robert W. Tobin wrote a booklet that was published by the National Center for State Courts entitled, *An Overview of Court Administrations in the United States*. In his booklet, Mr. Tobin made a statement that cannot be ignored. It applies to all courts whether they have an internal collection program or collections are referred to an outside agency. Mr. Tobin states:

“In this century, judicial leaders have recognized that the courts cannot truly claim to be a coequal third branch of government unless they have the ability and the authority to manage their internal operations.” (Tobin, 1997) <sup>23</sup>

Delinquent fines and sanctions from a business perspective are outstanding receivables. The court has a responsibility to manage its receivables. An enforcement program for the orders imposed by the court legitimizes the court as an independent branch of government while establishing institutional respect from the community that it serves.

## APPENDIX A

## CHARTS

Chart 1

Collection Agency Notification						
<b>05/16/2001</b> <b>06/08/2001</b>	Number of Notices Generated	Number of Payments Received	Dollar Amount Received	Percentage of defendants who Paid as a Result of the Notice	Average Amount per Payment	Cost Recovery for Mailing \$1.50/Mailing
Civil Traffic Cases	10588	1718	\$122,609.59	16%	\$ 71.37	\$ 7.72
Misdemeanor Cases	34306	1082	\$124,940.01	3%	\$ 115.47	\$ 2.43
<b>Totals</b>	<b>44894</b>	<b>2800</b>	<b>\$247,549.60</b>	<b>19%</b>	<b>\$ 186.84</b>	<b>\$ 10.15</b>
<b>Averages</b>	<b>22447.00</b>	<b>1400.00</b>	<b>\$ 123,774.80</b>	<b>10%</b>	<b>\$ 93.42</b>	<b>\$ 5.07</b>

Chart 2

Credit Bureau Notification						
<b>02/26/1998</b> <b>03/25/1998</b>	Number of Notices Generated	Number of Payments Received	Dollar Amount Received	Percentage of defendants who Paid as a Result of the Notice	Average Amount per Payment	Cost Recovery for Mailing \$1.50/Mailing
Civil Traffic Cases	8620	716	\$76,405.21	8%	\$ 106.71	\$ 5.91
Misdemeanor Cases	19187	787	\$117,484.29	4%	\$ 149.28	\$ 4.08
<b>Totals</b>	<b>27807</b>	<b>1503</b>	<b>\$193,889.50</b>	<b>12%</b>	<b>\$ 255.99</b>	<b>\$ 9.99</b>
<b>Averages</b>	<b>13903.50</b>	<b>751.50</b>	<b>\$ 96,944.75</b>	<b>6%</b>	<b>\$ 128.00</b>	<b>\$ 5.00</b>

Chart 3

Default Judgment						
Civil Traffic Cases	Number of Notices Generated	Number of Payments Received	Dollar Amount Received	Percentage of defendants who Paid as a Result of the Notice	Average Amount per Payment	Cost Recovery for Mailing \$1.50/Mailing
1st Quarter 07/01/00-09/30/00	8566	1329	\$71,492.98	16%	\$ 53.79	\$ 5.56
2nd Quarter 10/01/00-12/31/00	8668	1784	\$92,321.55	21%	\$ 51.75	\$ 7.10
3rd Quarter 01/01/01-03/31/01	7424	1834	\$97,023.42	25%	\$ 52.90	\$ 8.71
4th Quarter 04/01/01-06/30/01	4455	1418	\$81,197.00	32%	\$ 57.26	\$ 12.15
Totals	29113	6365	<b>\$342,034.95</b>	93%	\$ 215.71	\$ 33.53
Averages	7278.25	1591.25	\$ 85,508.74	23%	\$ 53.93	\$ 8.38

Chart 4

Late Notice						
Civil Traffic Cases	Number of Notices Generated	Number of Payments Received	Dollar Amount Received	Percentage of defendants who Paid as a Result of the Notice	Average Amount per Payment	Cost Recovery for Mailing \$1.50/Mailing
1st Quarter 07/01/00-09/30/00	12365	676	\$34,175.35	5%	\$ 50.56	\$ 1.84
2nd Quarter 10/01/00-12/31/00	13474	772	\$35,802.65	6%	\$ 46.38	\$ 1.77
3rd Quarter 01/01/01-03/31/01	13327	907	\$43,587.90	7%	\$ 48.06	\$ 2.18
4th Quarter 04/01/01-06/30/01	12072	853	\$43,018.05	7%	\$ 50.43	\$ 2.38
Totals	51238	3208	<b>\$156,583.95</b>	25%	\$ 195.42	\$ 8.17
Averages	12809.50	802.00	\$ 39,145.99	6%	\$ 48.86	\$ 2.04

Chart 5

Credit Bureau / Collection Agency						
Civil Traffic Cases	Number of Notices Generated	Number of Payments Received	Dollar Amount Received	Percentage of defendants who Paid as a Result of the Notice	Average Amount per Payment	Cost Recovery for Mailing \$1.50/Mailing
1st Quarter 07/01/00-09/30/00	1812	142	\$6,086.75	8%	\$ 42.86	\$ 2.24
2nd Quarter 10/01/00-12/31/00	1656	102	\$6,415.75	6%	\$ 62.90	\$ 2.58
3rd Quarter 01/01/01-03/31/01	2424	248	\$11,019.70	10%	\$ 44.43	\$ 3.03
4th Quarter 04/01/01-06/30/01	2042	295	\$15,265.00	14%	\$ 51.75	\$ 4.98
Totals	7934	787	\$38,787.20	39%	\$ 201.94	\$ 12.84
Averages	1983.50	196.75	\$ 9,696.80	10%	\$ 50.49	\$ 3.21

Chart 6

Notification from MVD						
Civil Traffic Cases	Number of Notices Generated	Number of Payments Received	Dollar Amount Received	Percentage of defendants who Paid as a Result of the Notice	Average Amount per Payment	Cost Recovery for Mailing \$1.50/Mailing
1st Quarter 07/01/00-09/30/00	3063	481	\$27,014.50	16%	\$ 56.16	\$ 5.88
2nd Quarter 10/01/00-12/31/00	2811	434	\$26,125.68	15%	\$ 60.20	\$ 6.20
3rd Quarter 01/01/01-03/31/01	3907	811	\$43,539.40	21%	\$ 53.69	\$ 7.43
4th Quarter 04/01/01-06/30/01	2688	799	\$45,405.05	30%	\$ 56.83	\$ 11.26
Totals	12469	2525	\$142,084.63	82%	\$ 226.87	\$ 30.77
Averages	3117.25	631.25	\$ 35,521.16	20%	\$ 56.72	\$ 7.69

Chart 7

Late Notices						
Misdemeanor Cases	Number of Notices Generated	Number of Payments Received	Dollar Amount Received	Percentage of defendants who Paid as a Result of the Notice	Average Amount per Payment	Cost Recovery for Mailing \$1.50/Mailing
1st Quarter 07/01/00-09/30/00	49230	2056	\$102,896.49	4%	\$ 50.05	\$ 1.39
2nd Quarter 10/01/00-12/31/00	49289	1989	\$103,057.14	4%	\$ 51.81	\$ 1.39
3rd Quarter 01/01/01-03/31/01	45240	2323	\$122,988.75	5%	\$ 52.94	\$ 1.81
4th Quarter 04/01/01-06/30/01	37160	2119	\$109,128.25	6%	\$ 51.50	\$ 1.96
Totals	180919	8487	<b>\$438,070.63</b>	19%	\$ 206.30	\$ 6.56
Averages	45229.75	2121.75	\$ 109,517.66	5%	\$ 51.58	\$ 1.64

Chart 8

Notice of Warrant for Arrest						
Misdemeanor Cases	Number of Notices Generated	Number of Payments Received	Dollar Amount Received	Percentage of defendants who Paid as a Result of the Notice	Average Amount per Payment	Cost Recovery for Mailing \$1.50/Mailing
1st Quarter 07/01/00-09/30/00	7062	294	\$26,935.29	4%	\$ 91.62	\$ 2.54
2nd Quarter 10/01/00-12/31/00	5929	214	\$20,163.72	4%	\$ 94.22	\$ 2.27
3rd Quarter 01/01/01-03/31/01	5644	332	\$22,856.19	6%	\$ 68.84	\$ 2.70
4th Quarter 04/01/01-06/30/01	3707	183	\$15,900.90	5%	\$ 86.89	\$ 2.86
Totals	22342	1023	<b>\$85,856.10</b>	19%	\$ 341.57	\$ 10.37
Averages	5585.50	255.75	\$ 21,464.03	5%	\$ 85.39	\$ 2.59



Chart 9

Credit Bureau / Collection Agency						
Misdemeanor Cases	Number of Notices Generated	Number of Payments Received	Dollar Amount Received	Percentage of defendants who Paid as a Result of the Notice	Average Amount per Payment	Cost Recovery for Mailing \$1.50/Mailing
1st Quarter 07/01/00-09/30/00	4670	252	\$17,866.00	5%	\$ 70.90	\$ 2.55
2nd Quarter 10/01/00-12/31/00	4093	184	\$15,446.22	4%	\$ 83.95	\$ 2.52
3rd Quarter 01/01/01-03/31/01	4184	297	\$21,653.50	7%	\$ 72.91	\$ 3.45
4th Quarter 04/01/01-06/30/01	2814	199	\$15,916.90	7%	\$ 79.98	\$ 3.77
Totals	15761	932	\$70,882.62	24%	\$ 307.74	\$ 12.29
Averages	3940.25	233.00	\$ 17,720.66	6%	\$ 76.93	\$ 3.07

Chart 10

Pre-Arrest Notice						
Misdemeanor Cases	Number of Notices Generated	Number of Payments Received	Dollar Amount Received	Percentage of defendants who Paid as a Result of the Notice	Average Amount per Payment	Cost Recovery for Mailing \$1.50/Mailing
1st Quarter 07/01/00-09/30/00	1000	7	\$432.00	1%	\$ 61.71	\$ 0.29
2nd Quarter 10/01/00-12/31/00	1479	12	\$645.00	1%	\$ 53.75	\$ 0.29
3rd Quarter 01/01/01-03/31/01	1473	16	\$785.00	1%	\$ 49.06	\$ 0.36
4th Quarter 04/01/01-06/30/01	2376	38	\$2,022.50	2%	\$ 53.22	\$ 0.57
Totals	6328	73	\$3,884.50	4%	\$ 217.75	\$ 1.50
Averages	1582.00	18.25	\$ 971.13	1%	\$ 54.44	\$ 0.38

Chart 11

Custody Court					
Financial Interview	Number of Interviews	Number of Payments Received Within <b>60-Days</b> of the Interview	Dollar Amount Received	Percentage of defendants who Paid as a Result of the Interview	Average Amount per Payment
1st Quarter 07/01/00-09/30/00	2998	859	\$77,889.54	29%	\$ 90.67
2nd Quarter 10/01/00-12/31/00	3679	1225	\$135,588.96	33%	\$ 110.68
3rd Quarter 01/01/01-03/31/01	3929	1272	\$128,503.12	32%	\$ 101.02
4th Quarter 04/01/01-06/30/01	3535	1255	\$140,454.12	36%	\$ 111.92
<b>Totals</b>	<b>14141</b>	<b>4611</b>	<b>\$482,435.74</b>	<b>130%</b>	<b>\$ 414.30</b>
<b>Averages</b>	<b>3535.25</b>	<b>1152.75</b>	<b>\$ 120,608.94</b>	<b>32%</b>	<b>\$ 103.57</b>

Chart 12

Teleconferencing Interview					
Financial Interview	Number of Interviews	Number of Payments Received Within <b>60-Days</b> of the Interview	Dollar Amount Received	Percentage of defendants who Paid as a Result of the Interview	Average Amount per Payment
1st Quarter 07/01/00-09/30/00	314	30	\$1,449.75	10%	\$ 48.33
2nd Quarter 10/01/00-12/31/00	358	39	\$16,616.50	11%	\$ 426.06
3rd Quarter 01/01/01-03/31/01	474	61	\$23,839.50	13%	\$ 390.81
4th Quarter 04/01/01-06/30/01	581	60	\$18,599.08	10%	\$ 309.98
<b>Totals</b>	<b>1727</b>	<b>190</b>	<b>\$60,504.83</b>	<b>44%</b>	<b>\$ 1,175.19</b>
<b>Averages</b>	<b>431.75</b>	<b>47.50</b>	<b>\$ 15,126.21</b>	<b>11%</b>	<b>\$ 293.80</b>

Chart 13

Original Payment Schedule - Defendant Not in Custody					
<b>Financial Interview - Misdemeanor Cases</b>	Number of Interviews	Number of Payments Received Within <b>30-Days</b> of the Interview	Dollar Amount Received	Percentage of defendants who Paid as a Result of the Interview	Average Amount per Payment
1st Quarter 07/01/00-09/30/00	13209	3858	\$206,797.91	29%	\$ 53.60
2nd Quarter 10/01/00-12/31/00	10649	3375	\$199,695.20	32%	\$ 59.17
3rd Quarter 01/01/01-03/31/01	8796	3095	\$175,934.04	35%	\$ 56.84
4th Quarter 04/01/01-06/30/01	6331	2869	\$154,883.90	45%	\$ 53.99
<b>Totals</b>	<b>38985</b>	<b>13197</b>	<b>\$737,311.05</b>	<b>141%</b>	<b>\$ 223.60</b>
<b>Averages</b>	<b>9746.25</b>	<b>3299.25</b>	<b>\$ 184,327.76</b>	<b>35%</b>	<b>\$ 55.90</b>

Chart 14

Original Payment Schedule					
<b>Financial Interview - Civil Traffic Cases</b>	Number of Interviews	Number of Payments Received Within <b>30-Days</b> of the Interview	Dollar Amount Received	Percentage of defendants who Paid as a Result of the Interview	Average Amount per Payment
1st Quarter 07/01/00-09/30/00	3998	1809	\$58,221.77	45%	\$ 32.18
2nd Quarter 10/01/00-12/31/00	4188	1919	\$63,579.86	46%	\$ 33.13
3rd Quarter 01/01/01-03/31/01	4109	1928	\$65,472.05	47%	\$ 33.96
4th Quarter 04/01/01-06/30/01	3302	1847	\$62,914.14	56%	\$ 34.06
<b>Totals</b>	<b>15597</b>	<b>7503</b>	<b>\$250,187.82</b>	<b>194%</b>	<b>\$ 133.34</b>
<b>Averages</b>	<b>3899.25</b>	<b>1875.75</b>	<b>\$ 62,546.96</b>	<b>48%</b>	<b>\$ 33.33</b>

Chart 15

Reschedule Payment Schedule - Defendant Not in Custody					
<b>Financial Interview - Misdemeanor Cases</b>	Number of Interviews	Number of Payments Received Within <b>30-Days</b> of the Interview	Dollar Amount Received	Percentage of defendants who Paid as a Result of the Interview	Average Amount per Payment
1st Quarter 07/01/00-09/30/00	5078	693	\$33,018.04	14%	\$ 47.65
2nd Quarter 10/01/00-12/31/00	4598	669	\$29,744.15	15%	\$ 44.46
3rd Quarter 01/01/01-03/31/01	4072	745	\$37,760.83	18%	\$ 50.69
4th Quarter 04/01/01-06/30/01	3941	785	\$37,824.05	20%	\$ 48.18
<b>Totals</b>	<b>17689</b>	<b>2892</b>	<b>\$138,347.07</b>	<b>66%</b>	<b>\$ 190.97</b>
<b>Averages</b>	<b>4422.25</b>	<b>723.00</b>	<b>\$ 34,586.77</b>	<b>17%</b>	<b>\$ 47.74</b>

Chart 16

Reschedule Payment Schedule					
<b>Financial Interview - Civil Traffic Cases</b>	Number of Interviews	Number of Payments Received Within <b>30-Days</b> of the Interview	Dollar Amount Received	Percentage of defendants who Paid as a Result of the Interview	Average Amount per Payment
1st Quarter 07/01/00-09/30/00	1000	303	\$7,843.75	30%	\$ 25.89
2nd Quarter 10/01/00-12/31/00	1317	431	\$13,858.00	33%	\$ 32.15
3rd Quarter 01/01/01-03/31/01	1316	501	\$14,041.10	38%	\$ 28.03
4th Quarter 04/01/01-06/30/01	1183	485	\$14,675.70	41%	\$ 30.26
<b>Totals</b>	<b>4816</b>	<b>1720</b>	<b>\$50,418.55</b>	<b>142%</b>	<b>\$ 116.33</b>
<b>Averages</b>	<b>1204.00</b>	<b>430.00</b>	<b>\$ 12,604.64</b>	<b>36%</b>	<b>\$ 29.08</b>

Chart 17

INCOMING COLLECTION CALLS					
Incoming Telephone Call from the Defendant (Promise to Pay)	Number of Telephone Calls	Number of Payments Received Within <b>14-Days</b> of the Commitment	Dollar Amount Received	Percentage of defendants who Paid as a Result of the Call	Average Amount per Payment
1st Quarter 07/01/00-09/30/00	25911	3520	\$190,426.14	14%	\$ 54.10
2nd Quarter 10/01/00-12/31/00	25160	3878	\$199,230.70	15%	\$ 51.37
3rd Quarter 01/01/01-03/31/01	28085	4988	\$272,168.77	18%	\$ 54.56
4th Quarter 04/01/01-06/30/01	25191	4818	\$265,968.02	19%	\$ 55.20
<b>Totals</b>	<b>104347</b>	<b>17204</b>	<b>\$927,793.63</b>	<b>66%</b>	<b>\$ 215.24</b>
<b>Averages</b>	<b>26086.75</b>	<b>4301.00</b>	<b>\$ 231,948.41</b>	<b>16%</b>	<b>\$ 53.81</b>

Chart 18

OUTGOING COLLECTION CALLS					
Telephone Residence (Promise to Pay)	Number of Telephone Calls	Number of Payments Received Within <b>14-Days</b> of the Commitment	Dollar Amount Received	Percentage of defendants who Paid as a Result of the Call	Average Amount per Payment
1st Quarter 07/01/00-09/30/00	3684	446	\$38,588.17	12%	\$ 86.52
2nd Quarter 10/01/00-12/31/00	3138	443	\$20,764.38	14%	\$ 46.87
3rd Quarter 01/01/01-03/31/01	5138	688	\$33,442.33	13%	\$ 48.61
4th Quarter 04/01/01-06/30/01	4511	732	\$33,753.89	16%	\$ 46.11
<b>Totals</b>	<b>16471</b>	<b>2309</b>	<b>\$126,548.77</b>	<b>56%</b>	<b>\$ 228.11</b>
<b>Averages</b>	<b>4117.75</b>	<b>577.25</b>	<b>\$ 31,637.19</b>	<b>14%</b>	<b>\$ 57.03</b>

Chart 19

OUTGOING COLLECTION CALLS					
<b>Telephone Residence (Left Message)</b>	Number of Telephone Calls	Number of Payments Received Within <b>7-Days</b> of the Telephone Call	Dollar Amount Received	Percentage of defendants who Paid as a Result of the Call	Average Amount per Payment
1st Quarter 07/01/00-09/30/00	18021	1158	\$58,823.67	6%	\$ 50.80
2nd Quarter 10/01/00-12/31/00	16618	1128	\$53,411.65	7%	\$ 47.35
3rd Quarter 01/01/01-03/31/01	21032	1649	\$81,333.61	8%	\$ 49.32
4th Quarter 04/01/01-06/30/01	20582	1755	\$84,406.96	9%	\$ 48.10
<b>Totals</b>	<b>76253</b>	<b>5690</b>	<b>\$277,975.89</b>	<b>30%</b>	<b>\$ 195.57</b>
<b>Averages</b>	<b>19063.25</b>	<b>1422.50</b>	<b>\$ 69,493.97</b>	<b>7%</b>	<b>\$ 48.89</b>

Chart 20

OUTGOING COLLECTION CALLS					
<b>Telephone Place of Employment (Promise to Pay)</b>	Number of Telephone Calls	Number of Payments Received Within <b>14-Days</b> of the Commitment	Dollar Amount Received	Percentage of defendants who Paid as a Result of the Call	Average Amount per Payment
1st Quarter 07/01/00-09/30/00	117	16	\$805.50	14%	\$ 50.34
2nd Quarter 10/01/00-12/31/00	313	48	\$2,207.00	15%	\$ 45.98
3rd Quarter 01/01/01-03/31/01	551	78	\$4,162.50	14%	\$ 53.37
4th Quarter 04/01/01-06/30/01	569	107	\$4,978.60	19%	\$ 46.53
<b>Totals</b>	<b>1550</b>	<b>249</b>	<b>\$12,153.60</b>	<b>62%</b>	<b>\$ 196.22</b>
<b>Averages</b>	<b>387.50</b>	<b>62.25</b>	<b>\$ 3,038.40</b>	<b>15%</b>	<b>\$ 49.05</b>

Chart 21

OUTGOING COLLECTION CALLS					
Telephone Place of Employment (Left Message)	Number of Telephone Calls	Number of Payments Received Within 7-Days of the Telephone Call	Dollar Amount Received	Percentage of defendants w ho Paid as a Result of the Call	Average Amount per Payment
1st Quarter 07/01/00-09/30/00	697	41	\$1,870.00	6%	\$ 45.61
2nd Quarter 10/01/00-12/31/00	998	91	\$4,476.05	9%	\$ 49.19
3rd Quarter 01/01/01-03/31/01	1558	136	\$8,356.00	9%	\$ 61.44
4th Quarter 04/01/01-06/30/01	2532	203	\$8,846.20	8%	\$ 43.58
<b>Totals</b>	<b>5785</b>	<b>471</b>	<b>\$23,548.25</b>	<b>32%</b>	<b>\$ 199.82</b>
<b>Averages</b>	<b>1446.25</b>	<b>117.75</b>	<b>\$ 5,887.06</b>	<b>8%</b>	<b>\$ 49.95</b>

Chart 22

OUTGOING COLLECTION CALLS					
Telephone Reference (Promise to Pay)	Number of Telephone Calls	Number of Payments Received Within 14-Days of the Commitment	Dollar Amount Received	Percentage of defendants w ho Paid as a Result of the Interview	Average Amount per Payment
1st Quarter 07/01/00-09/30/00	110	22	\$1,034.00	20%	\$ 47.00
2nd Quarter 10/01/00-12/31/00	92	21	\$999.00	23%	\$ 47.57
3rd Quarter 01/01/01-03/31/01	301	51	\$2,359.00	17%	\$ 46.25
4th Quarter 04/01/01-06/30/01	114	24	\$1,172.00	21%	\$ 48.83
<b>Totals</b>	<b>617</b>	<b>118</b>	<b>\$5,564.00</b>	<b>81%</b>	<b>\$ 189.66</b>
<b>Averages</b>	<b>154.25</b>	<b>29.50</b>	<b>\$ 1,391.00</b>	<b>20%</b>	<b>\$ 47.41</b>

Chart 23

OUTGOING COLLECTION CALLS					
Telephone Reference (Left Message)	Number of Telephone Calls	Number of Payments Received Within <b>7-Days</b> of the Telephone Call	Dollar Amount Received	Percentage of defendants w ho Paid as a Result of the Interview	Average Amount per Payment
1st Quarter 07/01/00-09/30/00	7018	342	\$17,800.50	5%	\$ 52.05
2nd Quarter 10/01/00-12/31/00	7724	469	\$21,411.90	6%	\$ 45.65
3rd Quarter 01/01/01-03/31/01	9955	796	\$11,540.50	8%	\$ 14.50
4th Quarter 04/01/01-06/30/01	9681	730	\$35,093.35	8%	\$ 48.07
<b>Totals</b>	<b>34378</b>	<b>2337</b>	<b>\$85,846.25</b>	<b>26%</b>	<b>\$ 160.27</b>
<b>Averages</b>	<b>8594.50</b>	<b>584.25</b>	<b>\$ 21,461.56</b>	<b>7%</b>	<b>\$ 40.07</b>



## **APPENDIX B**

### **Rules of Court and Arizona Revised Statutes Pertaining to Collection of Court Ordered Fines and Sanctions**

#### **CRIMINAL CASES**

##### **ARS §13-808 TIME AND METHOD OF PAYMENT OF FINES; CONDITIONS OF PROBATION; NO LIMITATION ON RESTITUTION AND OTHER ASSESSMENTS**

A. If a defendant is sentenced to pay a fine alone or in addition to any other sentence, the court, a probation officer, or a staff member designated by the court may grant permission for payment to be made within a specified period of time or in specified installments. If no such permission is embodied in the sentence the fine shall be payable immediately.

B. If a defendant sentenced to pay a fine, restitution, penalty, assessment, incarceration cost or surcharge is also sentenced to probation, the court shall make payment of the fine, restitution, penalty, assessment, incarceration cost or surcharge a condition of probation.

#### **Rule 26.12 FINES AND RESTITUTION**

Method of Payment-Installments. The court may permit payment of any fine or restitution, or both, to be made within a specified period of time or in specified installments. Restitution shall be payable as promptly as possible in light of the defendant's ability to pay.

##### **ARS § 13-810. CONSEQUENCES OF NONPAYMENT OF FINES, FEES, RESTITUTION OR INCARCERATION COSTS**

C. If the court finds that the defendant has willfully failed to pay a fine, fee, restitution or incarceration costs or finds that the defendant has intentionally refused to make a good faith effort to obtain the monies required for the payment, the court shall find that the default constitutes contempt and may do one of the following:

1. Order the defendant incarcerated in the county jail until the fine, fee, restitution or incarceration costs, or a specified part of the fine, fee, restitution or incarceration costs, is paid.
2. Revoke the defendant's probation, parole or community supervision and sentence the defendant to prison pursuant to law.
3. Enter an order pursuant to section 13-812. The levy or execution for the collection of a fine, fee, restitution or incarceration costs does not discharge a defendant who is incarcerated for nonpayment of the fine, fee, restitution or incarceration costs until the amount of the fine, fee, restitution or incarceration costs is collected.

D. If the court finds that the default is not willful and that the defendant cannot pay despite sufficient good faith efforts to obtain the monies, the court may take any lawful action including:

1. Modify the manner in which the restitution, fine, fee or incarceration costs are to be paid.
2. Enter any reasonable order, which would assure compliance with the order to pay.
3. Enter an order pursuant to section 13-812. The levy or execution for the collection of a fine, fee, restitution or incarceration costs does not discharge a defendant incarcerated for nonpayment of the fine, fee, restitution or incarceration costs until the amount of the fine, fee, restitution or incarceration costs is collected.

### **TIME LIMIT ON CONTEMPT**

#### **ARS § 12-865 ONE-YEAR LIMITATION ON CONTEMPT PROCEEDINGS; CONTEMPT PRECEDING NO BAR TO CRIMINAL PROSECUTION**

A. No proceeding for contempt shall be instituted against any defendant unless begun within one year from the date of the act complained of.

### **RESTITUTION**

#### **ARS §13-804 - RESTITUTION FOR OFFENSE CAUSING ECONOMIC LOSS; FINE FOR REIMBURSEMENT OF PUBLIC MONIES**

E. After the court determines the amount of restitution, the court or a staff member designated by the court, including a probation officer shall specify the manner in which the restitution is to be paid.

In deciding the manner in which the restitution is to be paid, the court or a staff member designated by the court, including a probation officer, shall make reasonable efforts to contact any victim who has requested notice pursuant to sections 13-4415 and 13-4417, shall take into account the views of the victim and shall consider the economic circumstances of the defendant.

In considering the economic circumstances of the defendant, the court shall consider all of the defendant's assets and income, including workers' compensation and social security benefits. The court shall make all reasonable efforts to ensure that all persons entitled to restitution pursuant to a court order promptly receive full restitution. The court may enter any reasonable order necessary to accomplish this.

## **JUVENILES**

### **ARS § 8-344 RESTITUTION PAYMENTS**

C. In ordering restitution pursuant to subsection A of this section, the court may order one or both of the juvenile's custodial parents to make restitution to the victim of the offense for which the juvenile was adjudicated delinquent or to the estate of the victim if the victim has died.

The court shall determine the amount of restitution ordered pursuant to this subsection, except that the amount shall not exceed the liability limit established pursuant to section 12-661 [\$10,000.00 limit]. The court may order a parent or juvenile who is ordered to pay restitution to satisfy the order in a lump sum or installment payments to the clerk of the court for disbursement to the victim or estate of the victim.

If the court orders the juvenile's parents to make restitution pursuant to this subsection, the court shall order the juvenile to make either full or partial restitution, regardless of the juvenile's insufficient earning capacity. The court shall not consider the ability of the juvenile's parents to pay restitution before making a restitution order.

### **ARS § 8-302 TRANSFER BETWEEN JUVENILE AND CRIMINAL COURTS**

D. If a juvenile reaches eighteen years of age during the pendency of a delinquency action or before completion of the sentence in any court in this state for an act that if committed by an adult would be a misdemeanor or petty offense or a civil traffic violation, the court shall transfer the case to the appropriate criminal court,

## **CIVIL TRAFFIC CASES**

### **ARS § 28-1601 FAILURE TO PAY CIVIL PENALTY; SUSPENSION OF PRIVILEGE TO DRIVE; COLLECTION PROCEDURE**

A. A defendant shall pay all civil penalties within thirty days from entry of judgment, except that if payment within thirty days will place an undue economic burden on a defendant, the court may extend the time for payment or may provide for installment payments. If the civil penalty is not paid or an installment payment is not made when due, the court may declare the entire civil penalty due and, if so, the court shall notify the department and the department shall promptly suspend the driver license or permit of the driver or the privilege of a nonresident to drive a motor vehicle in this state, until the civil penalty is paid.

### **ARS § 28-1596 TRAFFIC COMPLAINT; PROCEEDINGS**

A. A defendant served with a civil traffic complaint shall:

1. Appear at the time and place stated in the complaint, or may appear before the time, if so authorized by the court, and on the directions contained in the complaint.

2. Admit or deny the allegations of the complaint.

B. Allegations not denied at the time of appearance are deemed admitted. A fee shall not be charged for the appearance.

C. If the allegations are admitted, the court shall enter judgment for the state and shall impose a civil penalty. The defendant may admit the allegations with an explanation, and then the court shall enter judgment for the state and impose a civil penalty. In determining the civil penalty, the court shall consider the explanation submitted.

D. If the defendant denies the allegations of the complaint the court shall set the matter for a hearing. The hearing is informal and without a jury. At the hearing, the state is required to prove the violation charged by a preponderance of the evidence. Technical rules of evidence do not apply, except for statutory provisions relating to privileged communications. If the defendant elects to be represented by counsel the defendant shall notify the court at least ten days before the hearing date. Hearings may be recorded. If the court finds in favor of the defendant, the court shall enter an order dismissing the allegation. If the court finds in favor of the state, the court shall enter judgment for the state and shall impose a civil penalty.

E. If a resident of this state served with a civil traffic complaint alleging a violation of this title or if a nonresident served with a civil traffic complaint requiring suspension or revocation of a driver license under the laws of this state fails to appear at or before the time directed to appear or at the time set for a hearing by the court, the allegations in the complaint are deemed admitted, and the court shall enter judgment for this state, impose a civil penalty and report the judgment to the department.

F. A nonresident may satisfy the complaint served under subsection A by complying with the nonresident violator compact adopted by chapter 6, article 4 of this title, if applicable.

G. If a nonresident who is served with a civil traffic complaint that does not require a suspension or revocation of the nonresident's driver license pursuant to the laws of this state fails to appear at or before the time directed to appear or at the time set for a hearing by the court, the court shall report the nonappearance to the department pursuant to the provisions of the nonresident violator compact adopted by chapter 6, article 4 of this title.

#### Rule 28. Setting Aside Default Judgment

(a) For good cause shown, and upon terms the court deems just, the court may set aside a judgment entered upon a failure to appear. A motion to set aside the judgment shall be made in writing within 30 days after entry of judgment.

(b) At any time, the court shall set aside a judgment entered upon a failure to appear, if it appears to the court that the named defendant was not served a copy of the complaint, or for any other reason where necessary to prevent a manifest injustice.

## **APPEALS**

### **RULE 31.6 OF RULES OF CRIMINAL PROCEDURE**

A sentence to pay a fine or restitution shall be stayed pending appeal.

### **ARS §13-804D (APPEALS)**

D. Restitution payments that are ordered pursuant to section 13-603 and this section shall not be stayed if the defendant files a notice of appeal, and the payments may be held by the court pending the outcome of an appeal.

### **RULE 36 OF THE CIVIL TRAFFIC CASE**

Bond on appeal shall be in the amount of the civil sanction unless the lower court for good cause determines that the bond shall be set in a lesser amount

## **INFORMATION**

### **RULE 123 PUBLIC ACCESS TO THE JUDICIAL RECORDS OF THE STATE OF ARIZONA**

(3) Confidential and Defendant Financial Records. Documents containing social security, credit card, debit card, or financial account numbers or credit reports of an individual, when collected by the court for administrative purposes, are closed unless made public in a court proceeding or upon court order.

## APPENDIX C

### Cost Recovery for Mailings

The City of Mesa's Mail Services Division provided a cost analysis for the mass-mailings. Approximately, 44,000 letters were generated with an average of approx. 2,000 per business day. It takes 1 to 1.5 hours to process fold, insert, and meter 2000 pieces of mail. A mail services worker averages \$13.14 per hour.

- $44,000 \text{ [PIECES OF MAIL]} / 2000 \text{ [PIECES OF MAIL PROCESSED PER HOUR]} = 22 \text{ [HOURS]}$
- $22 \text{ [HOURS]} \times \$13.14 \text{ [HOURLY WAGE]} = \$289.08 \text{ [EMPLOYEE COSTS]}$
- $44,000 \text{ [PIECES OF MAIL]} \times .34¢ \text{ (POSTAGE)} = \$14,960.00$
- $\$14,960.00 \text{ [POSTAGE]} + \$289.08 \text{ [EMPLOYEE COSTS]} = \$15,249.08$
- $\$14,960.00 \text{ [POSTAGE]} + \$289.08 \text{ [EMPLOYEE COSTS]} = \$15,249.08$   
[COST OF MAILING]
- $\$15,249.08 \text{ [COST OF MAILING]} / 44,000 \text{ (PIECES OF MAIL)} = .35 ¢$   
[COST PER LETTER]

This analysis does not take into account the costs of programming or paper. The price of processing and mailing was adjusted to \$1.50 per notice to better reflect costs.

Cost recovery formula:

- $\text{Total number of letters mailed} \times \$1.50 = \text{Expense of Mailing}$
- $\text{Total amount of payment received} / \text{Expense of Mailing} = \text{Cost recovered per letter}$

## APPENDIX D

### Cost Recovery for Financial Interviews and Collection Telephone Calls

This appendix provides a cost recovery analysis for the financial interviewing functions and telephone call activity performed by the staff.

Total amount attributed to staff efforts: \$1,998,586.96

(÷) Cost of Staff and Supervision: 466,508.00

For each dollar spent on collection staff

the return on investment is: 4.28

Detail of analysis:

Cost of staff:

10 Collectors	\$	372,658.00
1 Lead	\$	43,850.00
<u>1 Court Supervisor</u>	<u>\$</u>	<u>50,000.00</u>
	\$	466,508.00

Amount attributed to staff efforts:

Original Interviews	\$	1,278,184.58
Reschedules (MT)	\$	138,347.07
Reschedules (CT)	\$	50,418.55
<u>Collection Calls</u>	<u>\$</u>	<u>531,636.76</u>
	\$	1,998,586.96

## **APPENDIX E**

Arizona Supreme Court Opinion 95-15  
Judicial Ethics Advisory Committee August 3, 1995

### **PARTICIPATING WITH POLICE IN JOINT PROJECT TO REDUCE OUTSTANDING WARRANTS ISSUE**

May a court cooperate with the police in sending a letter to persons with outstanding arrest warrants? Answer: Yes.

**FACTS:** A city court worked with a local police department to prepare a letter to send to defendants with outstanding arrest warrants. Court staff drafted the letter, and the police approved it. The letter, the purpose of which was to reduce the number of outstanding warrants, warned defendants of possible arrest. It was printed on police stationery and mailed by the city mailroom.

**DISCUSSION:** There is nothing improper in cooperation between the judiciary and law enforcement in this matter. The courts have the duty to issue warrants, and the police have the duty to execute them. See Rules 3.1, 3.2, Arizona Rules of Criminal Procedure. Police agencies and judicial employees necessarily work hand-in-hand in such matters.

We also find nothing improper in the purpose of the letter. The intent of the letter is to induce the recipients' appearance in court. The defendants are already obligated to appear, and the warning letter from the police merely advises defendants of the serious consequences that will follow if they continue to ignore court orders. Thus, neither the purpose of the letter nor the court's cooperation in preparing it impairs the independence of the judiciary (Canon 1). The appearance of propriety (Canon 2A) is not undermined by this type of joint effort.

Some judges were concerned that the court was involved in a letter which purports to be from the police. Clearly a judge should not be a party to misleading defendants, because such conduct would not promote "public confidence in the integrity and impartiality of the judiciary." (Canon 2A). But we do not believe that the letter is misleading. Its source is not misidentified, and although court staff prepared the text and provided a court telephone number for information, that is the extent of the judiciary's involvement. The text was approved by the police, who printed the letter on police stationery. The letters were actually mailed by the city mailroom, which—like the police—is apparently a part of the municipality's executive branch of government.

The content of the letter does not appear to be misleading either. The letter merely informs the recipient that there is an outstanding arrest warrant, that an officer has been assigned to the matter and directed to effectuate the arrest, that any police officer may execute the arrest, and that the matter can be resolved through the court. Assuming the truth of these assertions, the letter does not reflect adversely on the judiciary.

**REFERENCES:** Arizona Rules of Criminal Procedure, Rules 3.1 and 3.3. Arizona Code of Judicial Conduct, Canons 1 and 2A, (1993). This opinion is advisory only and is based on the specific facts and questions submitted by the person or organization requesting the opinion pursuant to Rule 82 of the Rules of the Supreme Court. For further information, contact the Judicial Ethics Advisory Committee, 1501 W. Washington Street, Suite 229, Phoenix, Arizona 85007.



Arizona Supreme Court Opinion 96-16  
Judicial Ethics Advisory Committee December 6, 1996

### **ASSIGNING FINES COLLECTION TO COURT EMPLOYEES WHOSE PERFORMANCE RATINGS ARE TIED TO QUOTAS ISSUE**

May a judge assign the collection of fines to court employees whose performance ratings are tied to the amount of payments collected regardless of a defendant's ability to pay? Answer: No.

**FACTS:** Under A. R. S. 13-808(A), a judge who orders a fine may designate a staff member to interview defendants and grant permission to pay fines by installment payments. In one court system, the collection staff is expected to follow minimum standards that require a fixed percentage of the fine to be collected on the sentencing day and an average monthly payment after that. The collection staff are court employees whose job ratings are based, at least in part, on their ability to achieve the standards.

**DISCUSSION:** A judge may not order a staff member or judicial employee to do what the judge is prohibited from doing. The system of minimum collection requirements has the appearance of a quota system. A judge cannot base a fine, or installment payments toward it, on a quota. Canon 1 of the Code of Judicial Conduct requires every judge to uphold the integrity and independence of the judiciary. As the commentary points out, this means acting "without fear or favor." Sentencing practices based upon a quota system bring into consideration factors which are arbitrary and apart from the offense and the offender.

In the Arizona Code of Judicial Conduct for Judicial Employees, Canon 3B requires that "Judicial employees shall perform their duties impartially, and shall not be influenced by . . . fear of criticism or reprisal." A system in which employees are expected to obtain a predetermined amount or percentage of a fine in order to meet job performance standards contradicts this canon.

The committee recognizes that the collection of fines is an important function and that the court system has been found wanting in the past. The committee does not find aggressive fine-collecting improper per se. What it does find improper is rating staff by numbers which may or may not reflect a defendant's ability to pay, and placing staff under pressure to take action which may not allow for individual case assessment.

**REFERENCES:** Arizona Code of Judicial Conduct, Canon 1, (1993). Arizona Code of Conduct for Judicial Employees, Canon 3B (1996). Arizona Revised Statutes, § 13-808( A). This opinion is advisory only and is based on the specific facts and questions submitted by the person or organization requesting the opinion pursuant to Rule 82 of the Rules of the Supreme Court. For further information, contact the Judicial Ethics Advisory Committee, 1501 W. Washington Street, Suite 229, Phoenix, Arizona 85007.

## APPENDIX F

### Description of Queries used to Extract Data For Dunning Notices – Financial Interviews - Telephone Activity

The query is directing the computer to identify all of the dunning notices, which were generated to notify the defendant that the case was going to be referred to a collection agency if the debt was not paid. The query achieves this by looking at specific fields in ACIST. The query looks to the video worksheet. The video worksheet is a record developed to track contact with the defendant. These records are added manually by court staff and electronically in specific situations. In this instance the video worksheet, entries/codes are ML/CA. The ML translates to an action of Mailed. The CA translates to a result of Collection Agency Notice. The next piece of the query looks for payments that were received and posted to the case in a specified period. The output identifies the number of notices generated and the amount of dollars received as a result of the letter being sent to the defendant.

#### MASS MAILING NOTICES

Collection Agency:

1. SELECT COUNT (\*), SUM (B.KTPM\_TOTPMT), 'PAYMENTS: '
2. FROM DBA.KTCO01 A, DBA.KTPM01 B
3. WHERE (A.KTCO\_MNINBR = B.KTPM\_MNINBR AND
4. A.KTCO\_CASENO =
5. B.KTPM\_CASENO) AND (A.KTCO\_CLACTN = 'ML' AND
6. A.KTCO\_RESULT = 'CA' AND
7. B.KTPM\_POSTDT BETWEEN A.KTCO\_CLACDT AND
8. A.KTCO\_CLACDT + 30 DAYS AND
9. A.KTCO\_CLACDT BETWEEN '&STARTDT ' AND '&ENDDATE ')
10. UNION
11. SELECT COUNT (\*), 0.00, 'KTCO RECS: '
12. FROM DBA.KTCO01
13. WHERE KTCO\_CLACTN = 'ML'
14. AND KTCO\_RESULT = 'CA'
15. AND KTCO\_CLACDT BETWEEN '&STARTDT ' AND
16. '&ENDDATE '

Video worksheet ACTION – KTCO\_CLACTN: ML

Video worksheet RESULT – KTCO\_RESULT: CA

Number of day out from KTCO\_CLACDAT: 30

**APPENDIX G****Civil Traffic Notices****Default Judgment**

THIS IS A COPY OF A JUDGMENT WHICH HAS BEEN ISSUED AGAINST YOU AS A RESULT OF YOUR FAILURE TO APPEAR ON A TICKET YOU RECEIVED ON 06/26/1999. PAYMENT MUST BE MADE WITHIN 30 DAYS OR THE COURT MAY ATTACH YOUR WAGES, BANK ACCOUNT, OR NON-EXEMPT PERSONAL PROPERTY; NOTIFY A CREDIT BUREAU ABOUT YOUR FAILURE TO PAY, PLACING YOUR FUTURE CREDIT AT RISK; NOTIFY THE AZ DEPARTMENT OF REVENUE TO ATTACH YOUR TAX REFUND; AND/OR SUSPEND YOUR DRIVER LICENSE.

199900039876  
RYAN JOHN DOE  
899 GREENWAY DRIVE  
MESA, AZ 85201

CHECKS AND MONEY ORDERS MADE PAYABLE TO MESA CITY COURT ARE ACCEPTED FOR PAYMENT BY MAIL. DO NOT MAIL CASH. A 24-HOUR DROP BOX IS LOCATED OUTSIDE THE COURT ENTRANCE. DO NOT LEAVE CASH IN THE DROP BOX. INCLUDE YOUR COMPLAINT OR DOCKET NUMBER ON YOUR CHECK OR MONEY ORDER. CASH, CHECKS, MONEY ORDERS, MASTERCHARGE, VISA AND DISCOVER ARE ACCEPTED FOR PAYMENT IN PERSON AT THE COURT BETWEEN 7:30 AM AND 5:00 PM. VISA, MASTERCHARGE, AND DISCOVER ARE ACCEPTED FOR PAYMENT BY TELEPHONE 24 HOURS A DAY

BOX IS LOCATED OUTSIDE THE COURT ENTRANCE. DO NOT DEPOSIT CASH.

245 W SECOND STREET  
MESA, AZ 85201-6599  
(480) 644-2255 7:30 AM TO 5:00 PM  
(480) 644-2936 FOR THE HEARING IMPAIRED  
\*\*\*\*\* JUDGMENT\*\*\*\*\*

STATE OF ARIZONA  
VS.  
RYAN JOHN DOE

DATE: 08/05/1999  
COMPLAINT NO: 0671729  
DOCKET NO: 1999039876

THE DEFENDANT HAVING FAILED TO APPEAR ON 07/22/1999, THE COURT HAS ORDERED JUDGMENT FOR THE STATE. THE DEFENDANT IS ORDERED TO PAY THE MESA MUNICIPAL COURT A CIVIL SANCTION IN THE AMOUNT OF \$658.00. IF THE DUE DATE FALLS ON A HOLIDAY OR A WEEKEND, PAYMENT IS DUE THE FIRST WEEKDAY FOLLOWING THE DUE DATE.

THE TOTAL AMOUNT LISTED ABOVE IS DUE ON OR BEFORE 09/04/1999.

IF THE TOTAL SANCTION AMOUNT IS NOT PAID WHEN DUE, YOUR DRIVER LICENSE MAY BE SUSPENDED UNTIL THE CIVIL SANCTION IS PAID.

## Late Notice



DATE: MONTH DD, CCYY (Print Date)

DOCKET NUMBER

FIRST NAME, LAST NAME

ADDRESS

CITY, ST ZIP-CODE

Dear FIRST NAME LAST NAME

You were found responsible for a civil traffic offense on the above docket number. You were ordered to pay a fine by MONTH DD, CCYY. As of the date of this notice, the court has not received your payment. A default judgment has been issued and the court is in the process of notifying the motor vehicle department to suspend your driver license.

The court may also notify a credit bureau about your failure to pay placing your future credit at risk, notify the Arizona Department of Revenue to attach your state tax refund, and place the unpaid balance with a private collection agency.

The total due to the court is \$#####. ##. Send or bring your payment with this notice to:

Mesa Municipal Court  
Payment Processing  
245 W. 2<sup>nd</sup> Street  
Mesa, AZ 85201

Office hours are 7:30 AM to 5:00 PM Monday through Friday. A payment drop box is also available on the wall outside the court exit. To pay by Visa, MasterCard or Discover Card call 480-644-2228.

**Credit Bureau / Collection Agency**



DATE: MONTH DD, CCYY (Print Date)

DOCKET NUMBER

FIRST NAME, LAST NAME  
ADDRESS  
CITY, ST ZIP-CODE

Dear FIRST NAME LAST NAME

Because your past due fines have not been paid, the Mesa Municipal Court will be notifying the credit bureau of your past due court fines two weeks from the date of this notice. Having a collection account listed on your credit history may affect your ability to borrow money in the future.

Your unpaid balance will be placed with a private collection agency. This will result in additional collection costs to you and contact from a collection agency.

The total due to the court is \$#####. ##. Send or bring your payment with this notice to:

Mesa Municipal Court  
Payment Processing  
245 W. 2<sup>nd</sup> Street  
Mesa, AZ 85201

Office hours are 7:30 AM to 5:00 PM Monday through Friday. A payment drop box is also available on the wall outside the court exit. To pay by Visa, MasterCard or Discover Card call 480-644-2228.

## Notification from the Arizona Department of Transportations Motor Vehicle Division

**Motor** Mail Drop 534M

**Vehicle** Motor Vehicle Division

### CORRECTIVE ACTION

**Division** PO Box 2100  
Phoenix, AZ 85001

Notice Date

License Number

Date of Birth

Action Type

Dear Customer:

The following action has been ordered in addition to any pervious actions taken against your record. Others actions, if any, will remain in effect until statutory requirements have been met or the cause for the action has been removed.

If you have any questions, pleas call Phoenix (602) 255-0072, Tucson (520) 629-9808, elsewhere in Arizona 800-251-5866, (TDD Hearing and Speech Impaired: Phoenix 712-3222, elsewhere 800-324-5425). Thank you.

Date Action Begins

Statutory Authority

Traffic Violation Date

Date Action Ends

Case Number

Traffic Violation Code

Date Eligible To End Action

Complaint Number

Court Name

**APPENDIX H**  
**Misdemeanor Notices**

**Late Notice**



DATE: MONTH DD, CCYY (Print Date)

DOCKET NUMBER

FIRST NAME, LAST NAME

ADDRESS

CITY, ST ZIP CODE

Dear FIRST NAME LAST NAME

You were found guilty of a misdemeanor offense. You were ordered to pay \$50.00 on 08/13/1999. As of the date of this notice, the court has not received your payment. To avoid further court action pursuant to ARS § 13-810, bring the past due amount of \$50.00 to:

Mesa city court  
245 w. 2<sup>nd</sup> street  
Mesa, AZ 85201

A payment drop box is also available on the wall outside the court entrance.

IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, CALL 644-2255.

\*\*\*\*\*INCLUDE THIS NOTICE WITH YOUR PAYMENT\*\*\*\*\*

## **Notice of Warrant for Arrest**

MESA MUNICIPAL COURT 245 W. 2<sup>ND</sup> ST.

MESA, AZ 602-644-2255

### **NOTICE OF WARRANT FOR ARREST**

JULY 30, 1999

DOCKET NUMBER: 1999044206  
NICHOLAS ALAN KARNES  
450 S ACACIA #1061  
MESA, AZ 85204

RE: BOND AMOUNT: 500.00

A warrant for your arrest has been issued and forwarded to the mesa police department.

You are subject to being arrested at any time while the warrant remains outstanding.

If your case had any traffic violations outstanding, we notified the department of motor vehicle to suspend your driving privileges.

The warrant can be canceled by posting the bond amount listed.

- Call (602) 644-2255 to use visa, MasterCard or discover to post the bond. A court date will be set when the bond is posted.
- An appearance in court can be made on Monday or Thursday morning by checking in at the customer service counter before 9:00am.



**Credit Bureau / Collection Agency**



DATE: MONTH DD, CCYY (Print Date)

DOCKET NUMBER

FIRST NAME, LAST NAME

ADDRESS

CITY, ST ZIP-CODE

Dear FIRST NAME LAST NAME

Because your past due fines have not been paid, the Mesa Municipal Court will be notifying the credit bureau of your past due court fines two weeks from the date of this notice. Having a collection account listed on your credit history may affect your ability to borrow money in the future.

Your unpaid balance will be placed with a private collection agency. This will result in additional collection costs to you and contact from a collection agency.

The total due to the court is \$#####. ##. Send or bring your payment with this notice to:

Mesa Municipal Court  
Payment Processing  
245 W. 2<sup>nd</sup> Street  
Mesa, AZ 85201

Office hours are 7:30 AM to 5:00 PM Monday through Friday. A payment drop box is also available on the wall outside the court exit. To pay by Visa, MasterCard or Discover Card call 480-644-2228.

## Pre-Arrest Notification



## PRE-ARREST NOTICE

DATE: MONTH DD, CCYY (Print Date)

DOCKET NUMBER

FIRST NAME, LAST NAME

ADDRESS

CITY, ST ZIP CODE

The Mesa Police Department has a warrant for your arrest issued by the Mesa Municipal Court. The warrant has been assigned to an officer who has been directed to arrest you.

Be advised that a warrant means that ANY police officer may arrest you.

To resolve this matter, go to the Mesa Municipal Court located at 245 W. 2<sup>nd</sup> Street in Mesa between 8:00 AM and 3:00 PM, Monday through Friday. If you need information call 644-4041.

**AVOID BEING ARRESTED AND JAILED BY A WARRANT OFFICER!**

Warrant Detail  
Mesa Police Department  
Police Department

## APPENDIX I

### Mass Mailing Notice

#### Collection Agency



DATE: MONTH DD, CCYY (Print Date)

DOCKET NUMBER

FIRST NAME, LAST NAME  
ADDRESS  
CITY, ST ZIP-CODE

Dear FIRST NAME LAST NAME

The Mesa Municipal Court will be referring your past due court fines to a private collection agency.

To avoid additional collection costs and contact by a collection agency you must pay the balance in full immediately.

The total due on this case is \$#####. ##. Send or bring your payment with this notice to:

Mesa Municipal Court  
Payment Processing  
245 W. 2<sup>nd</sup> Street  
Mesa, AZ 85201

Office hours are 7:30 AM to 5:00 PM Monday through Friday. A payment drop box is also available on the wall outside the court exit. To pay by Visa, MasterCard or Discover Card call 480-644-2228.

**Credit Bureau**



DATE: MONTH DD, CCYY (Print Date)

DOCKET NUMBER

FIRST NAME, LAST NAME

ADDRESS

CITY, ST ZIP CODE

Dear FIRST NAME LAST NAME

The Mesa Municipal Court will be notifying a National Credit Bureau of your past due court fines two weeks from the date of this notice. Having a collection account listed on your credit history may affect your ability to borrow money in the future.

The total due to the court is \$#####. ##. Send or bring your payment with this notice to:

Mesa Municipal Court  
Payment Processing  
245 W. 2<sup>nd</sup> Street  
Mesa, AZ 85201

Office hours are 7:30 AM to 5:00 PM Monday through Friday. A payment drop box is also available on the wall outside the court exit. To pay by Visa, MasterCard or Discover Card call 480-644-2228.

## **APPENDIX J**

### **Court Collections Guidelines**

**This is a living document. It was first created in October 1996, by Leonard Montanaro and has been updated by the Collection Division as processes and technology have changed. Faye Meyer, the current Court Supervisor assigned to the Collections division is responsible for the on-going updates.**

#### **Table of Contents**

Introduction to the Financial interview  
Interviewing  
Establishing a Payment Schedule  
Warrants  
Rescheduling  
Communicating with Defendants  
Introduction to Queue Management  
Automated Queue Assignment  
Manual Queue Assignment  
Dialog with Defendants  
Queue Roll-Out & Action  
Case Balances of \$20.00 or less  
Past Due Under \$2.00  
When To Exhaust A Case  
The Video Worksheet

## Introduction

The Interviewing Document was created to establish guidelines for setting payment schedules for defendants. The Guidelines are to promote uniformity in establishing payment schedules. Guidelines provide the interviewing staff with direction for their actions.

Incorporating the collections mission statement is essential to providing optimum service.

***We are committed to providing proficient and adaptable services and maintaining professional interactions with the people we serve in a multi-dimensional environment while ensuring they fulfill their obligations to the court.***

Interviewers are the first contact defendant's have with the court's collection system. The primary impression the defendant should have is that we are a group of professionals focused on debt collection. The interviewing experience should be a good indicator to the community that the Court will not tolerate delinquency in complying with court orders.

The custody court judge uses the video worksheet on a regular basis. He/She uses it for dialog purposes with defendants that he/she may hold in contempt. He/She relies on the *accuracy of the information* to make informed decisions about the effort a defendant puts forth to resolve the delinquency before a warrant for arrest is issued.

Making false or misleading entries into the Court's computer system may violate ARS 38-421. Specifically, falsifying a public record is a class 6 felony.

An interviewer is an empowered professional. Therefore, a person performing in the interviewing capacity has the responsibility to act diligently and in the best interest of the Court, as well as the defendant. Interviewers are responsible for informing defendants of the consequences of failing to comply with court orders.

## SEARCHING CRITERIA

- Search for defendant by Social Security Number.
- Search for defendant by Name.
- Search by partial name by "%".

1. Case Entry
2. Parking Notice Entry
3. Prosecutor Complaint Entry
4. Case/Name Inquiry Menu
- 5. Extended Inquiry Menu**
6. Case Update Menu

Select Indexed Inquiry:

1. Involvement: Name: , Code;
2. Citation : Citation No:
3. DR Number : DR Number:
4. Driver's Lic : Driver's Lic:
5. Social Sec No: Social Security Number: - -
6. License Plate: Tag No:
7. Appeal Index : Appeal Type; Trans Due Dt: / /
8. Payment Post : Post Date: / / thru / /  
: User ID: Pmnt Type; Trans Type;
9. Staff Tickler: Staff; Tickle Date: / / to / /
10. Past Due Coll: Status Date: / / thru / /  
: Collection Type:

When two or more queues were assigned dockets on the same defendant on the same day, check the video-worksheet for collection activity. The involvements would be added to the queue with the earliest activity.

When there are multiple master-name records, all master names must be assigned to one queue.

On terminated cases, check for open involvements. Involvements do not always close out when cases terminate.

## INTERVIEWING

### General Information

When there is an ability to pay the court fines on the day of sentencing, the fine is to be paid in full at that time, per the instructions on the defendant's bond card. If it is determined the defendant does not have the ability to pay the fine in full, the following section provides procedures for conducting interviews for those defendants.

Verify that the defendant has read and understands the fine information sheet. Every interview will begin with a name and social security number search. This will ensure that if other cases exist, they may all be handled at the same time. This will also ensure that active warrants will be identified and handled while the defendant is at the court. All information will be verified and updated with current information from the financial application.

Notify the defendant of any past due balances that need to be brought up to date and reschedule them if they meet the reschedule criteria.

When multiple master name files are identified for the same person, the master name records must be merged. This is done off the bridge and not during interviewing time.

The financial application should be as complete as possible. Be sure to use discretion when questioning the defendant about missing information on the financial application. For instance, a transient may not be able to provide four references or a permanent address. Someone just released from jail/prison may not be able to provide a lot information or have employment information.

Update the court records with the information from the financial application. Information entered in the Video worksheet such as OI CP or RS CP (see page 28, Action and Result codes) should be entered at the time of the financial interview. The information on the financial application will be the primary tool used in determining the defendant's ability to pay. When a defendant fails to pay the amount due as scheduled, the financial application can be used for contacting the defendant.

When the defendant agrees with the payment schedule, review the payment schedule with them and advise them of acceptable forms of payment:

- Cash
- Check (place docket # on check)
- Money Order (place docket # on money order)
- Visa, Master Card, Discover, American Express



Payments can be paid:

- In person in the Customer Service Division (must pull a number)
- Placed in the drop box (do not place cash in drop box)
- Mailed (payment must be received in the court by the due date)

Be certain to inform the defendant of the consequences for failure to pay as ordered by the court:

- Civil Traffic – Possible suspension of driving privileges
- Criminal/Misdemeanor – Possible for arrest

Forward all pertinent paperwork to the division that it came from so that updates can be done and the paperwork can be matched to the cite or file.

## **ESABLISHING A PAYMENT SCHEDULE**

### **Guidelines for Establishing Payment Schedules**

The interviewer's direction to the defendant will follow the instructions that were given to the defendant per the Civil Traffic Sanction Schedule Card, more commonly referred to as the Bond Card. The balance should be paid the day of court or pay the maximum amount possible. The interviewer can determine if the defendant has the means to pay the day of court by reviewing any available credit. A credit report may be pulled to determine if there is any available credit. The priority is to always have the defendant pay as much as possible the day of court and pay the remaining balance as soon as possible.

When it is determined the defendant has the ability to pay, it is recommended the defendant use 50% of the disposable income for their payment. The payment should be set as close to the defendant's pay periods as possible. Payments may be broken into single, weekly, bi-weekly or monthly payments.

Payments are to start as soon as possible (example: defendant's next pay day). Take into consideration the defendant's financial situations:

- Jail time to be served
- Financial requirements due to court orders
- Screening fees
- Counseling

When a cash bond is available, recommend that the bond be applied to the fine. If the defendant agrees, the judge must note this on the log in the case file.

## **COMMUNITY SERVICE OPTION**

When a defendant is found to be indigent or has proven their expenses exceed their income and are unable to work, community service may be granted. When community service is granted, make the defendant aware of the court instructions. Inform them verbally and give them a copy of the instructions.

CCS can authorize the community service option on civil traffic sanctions when the driving privileges have been suspended.

**Community Service hours cannot be applied to restitution, incarceration costs, public defender or service fees.**

## **ACTIVE WARRANTS**

Active warrants can be verified by reviewing the Defendant Status Screen (N.5). Bench Warrants (BW) should be quashed after the case has been rescheduled. The defendant must see the divisional Judge if more than three payment schedules have been done on a case. In the event the divisional Judge is not available, then have the defendant see a Judge that is available.

Defendants with active Arrest Warrants (AW) must always see the Judge that the defendant's case has been assigned. In the event the divisional Judge is not available, then have the defendant see a Judge that is available.

## **Taking a Defendant into Custody**

There may be times when there is not any Judge available and a defendant has an active warrant. In those cases, the defendant must be taken into custody. Follow the steps listed below when having a defendant taken into custody:

- Call the Security Guards at extension 4626 and notify them that a defendant is going to be taken into custody. Give them a physical description of the defendant.
- Call Mesa Police Department at extension 2211, answer any questions that may be asked regarding the defendant by using the warrant that is in the file.
- Be sure to have the defendant's case file and make a photocopy of the warrant.
- When a warrant officer arrives, give them the photocopy of the warrant.
- Place file in "Division 8 holding bin" located in collections. Also, note this in the video worksheet. The custody court clerks will know where to locate the file for custody court the next day.

## RESCHEDULING

The defendant must complete the financial application. It will be necessary for them to complete a "Request for Extension", if there are multiple dockets that need to be rescheduled.

While the defendant is completing the financial application, complete the name and social security number search and request all files that will need to be rescheduled. Always review the "Court Proceedings Log " located on the left of the file folder. Determine if the file meets the criteria to complete the reschedule process or if the defendant must see the judge.

### Required criteria for the defendant to see a judge:

- Noted in the "Court Proceedings Log" not to reschedule out of the courtroom. Refer to appropriate division.
- Restitution over 90 days delinquent
- Three payment schedules in the file
- The payment schedule goes beyond the "End of Probation" date

### Communicating With Defendant

It is important to keep the Court's mission statement in mind when dealing with defendants. ***As the judicial branch of government, it is our mission to administer fair and impartial justice. We are committed to providing efficient, accurate, consistent and accessible services.***

While dealing with the people we serve, all members of the court will treat them with respect. Our objective is to resolve the delinquency. ***As employees of the City, we are conscious of the special position of trust we hold, and are eager to continue to be worthy of it. We subscribe to this Code of Ethics as our daily guide for decision-making, job performance and service to our citizens, and proudly use it as our standard for continued improvement.***

**ABUSIVE DEFENDANTS**

When a defendant becomes abusive, inform them “I will assist you, however, I will not tolerate abusive language.” When a defendant continues to be abusive in language or attitude, the interviewer may call Security at 4626 or refer the defendant back into the courtroom to speak with the judge.

If the defendant requests to speak with a lead or supervisor, honor their request. If a lead or supervisor is not available in any division, ask the defendant if they would like to have a supervisor call them when they are available. Give the defendant your supervisor’s business card so the defendant may call and leave a message (voice-mail message) for a return call.

**COMPLAINTS ABOUT A MEMBER OF THE COLLECTION TEAM OR THE COLLECTION PROCESS:**

When speaking with a person and the conversation becomes a complaint about a fellow member of the collection division the appropriate response will be:

*The interviewer set the schedule based on the financial information provided by the defendant and the defendant’s previous history with the court. The defendant has a right to return to see the judge if no logical agreement can be reached.*

**PROCESS COMPLAINTS:** The collection efforts practiced at the Mesa Municipal Court are all authorized by statute. If you feel something is inappropriate, you may speak with the judge.

**COMPLAINTS ABOUT JUDGES:** You may come to court on (designated day) to speak with the judge. When a person requests to file a formal complaint about a judge, the call will be referred to the court administrator, or an available DCA.

**GENERAL COMPLAINTS ABOUT STAFF:** Do not become defensive and do not question the defendant about the decision. Be supportive, even when it appears the decision was not appropriate. Document the appropriate information. Inform the defendant you will look into the situation, and then get back with him or her. (When you are unsure of the direction you should take, contact your supervisor.)

## Introduction to Queue management:

The Queue Management Document was created to establish guidelines for collecting fines and sanctions by telephone. The Guidelines are to promote uniformity in collecting delinquent cases. Guidelines provide the Court Collection Specialist (CCS) staff with direction for their actions.

Incorporating the collections mission statement is essential to providing optimum service.

***We are committed to providing proficient and adaptable services and maintaining professional interactions with the people, we serve in a multi-dimensional environment while ensuring they fulfill their obligations to the court.***

The collection of delinquent cases is a difficult and tedious task. Swift follow-up and enforcing the consequences of failing to comply with court orders is a positive indicator to the community that the Court will not tolerate delinquency in complying with court orders.

A CCS has the responsibility to contact defendants by telephone to resolve outstanding delinquencies. **The telephone efforts are in place to prevent the issuance of arrest warrants, and suspension of driving privileges for failing to pay a fine/sanction.**

When a warrant for arrest is issued, the defendant is at risk of losing his/her liberty.

When driving privileges are suspended, the person may be taken into custody if he/she is stopped by a police officer, and determined to be driving on a suspended license.

The custody court judge uses the video worksheet on a regular basis. He/She uses it for dialog purposes with defendants that she may hold in contempt. He/She relies on *the accuracy of the information* to make informed decisions about the effort a defendant put forth to resolve the delinquency before a warrant for arrest was issued.

Making false or misleading entries into the Court's computer system may violate ARS 38-421. Specifically, falsifying a public record, a class 6 felony.

A CCS is an empowered professional. Therefore, a person acting in the capacity of a CCS has the responsibility to act diligently in the best interest of the Court, as well as the defendant.

## QUEUE ASSIGNMENT

### Automated assignment:

When a case becomes seven days past due, ACIST will assign the case to a collection queue automatically. (A collection queue is an automated process where cases that become delinquent are automatically assigned to a designated file.)

Criteria for assigning a case to a collection queue:

- ACIST reviews the case for any existing open queue involvement that is assigned to the master-name record.
- When there is an existing involvement, the case will be assigned to that queue.
- When no queue involvement exists, ACIST assigns the case by sequence.

### Dialog with the Defendants

It is important to keep the Court's mission statement in mind when dealing with defendants. ***As the judicial branch of government, it is our mission to administer fair and impartial justice. We are committed to providing efficient, accurate, consistent and accessible services.***

While dealing with a caller, all members of the court will treat the caller with respect. Our objective is to resolve the delinquency. ***As employees of the City, we are conscious of the special position of trust we hold, and are eager to continue to be worthy of it. We subscribe to this Code of Ethics as our daily guide for decision-making, job performance and service to our citizens, and proudly use it as our standard for continued improvement.***

Telephone communication may be the only contact we have with defendants. Maintaining professional communication requires us to control our vocal tone and stay focused on the purpose of the call. Rude and intimidating tactics will not be tolerated.

Incoming calls should average about three minutes in length, and outgoing calls should last about 90 seconds. The reason for the difference in call length is an incoming call requires a pro-active response. The caller has had the opportunity to formulate his/her questions. Outgoing calls require the person on the other end of the call to be reactive. Being reactive causes the conversation to be quicker and to the point.

### ABUSIVE CALLER

When a caller becomes abusive, the CCS will inform the caller, "I will assist you, however, I will not tolerate abusive language." When a caller continues to be abusive in language or attitude, the CCS will inform the caller "this call is being terminated, you need to come in and speak with the judge."

If the caller requests to speak with a lead or supervisor, transfer the call to whom is available. If a lead or supervisor is not available, ask the caller if they would like to leave a message (voice-mail message) for a return call.

### **COMPLAINTS ABOUT A MEMBER OF THE COLLECTION TEAM OR THE COLLECTION PROCESS:**

When speaking with a person and the conversation becomes a complaint about a fellow member of the collection division the appropriate response will be:

*The interviewer set the schedule based on the financial information provided by the defendant and the defendant's previous history with the court. The defendant has a right to return to see the judge if no logical agreement can be reached.*

PROCESS COMPLAINTS: The collection efforts practiced at the Mesa Municipal Court are all authorized by statute. If you feel something is inappropriate, you may speak with the judge.

COMPLAINTS ABOUT JUDGES: You may come to court on (designated day) to speak with the judge. When a person requests to file a formal complaint about a judge, the call will be referred to the court administrator, or an available DCA.

GENERAL COMPLAINTS ABOUT STAFF: Do not become defensive and do not question the defendant about the decision. Be supportive, even when it appears the decision was not appropriate. Document the appropriate information. Inform the caller you will look into the situation, and then get back with him or her. (When you are unsure of the direction you should take, contact your supervisor.)

### **SPEAKING WITH REFERENCES**

When there is not a number to make contact with the defendant, references **will be called**.

- References will be dealt with in a very polite and professional manner. Court records are open to the public. If we initiate a call and the person asks a question, answer it using your best discretion.
- When the reference requests we do not contact him/her in the future, we will comply with the Fair Debt Collection Practices Act.
- When there is not a current address or locate information, emphasis should be placed on obtaining the defendant's current address, telephone number and social security number from references.

## QUEUE ROLL-OUT & ACTION

KTD080M      CITY OF MESA - City Court System  
Collector Subsystem Menu

Enter Selection Parameters:

1. Collector User ID:    QUEUEA (Blank For All)
2. Queue List Start Name:
3. Past Due Days - From: 000 thru 000
4. Queue List Status - Enter a "Y" next to selection(s)
  - 2<sup>nd</sup>    **Current Hold Date**
  - 1<sup>st</sup>    **New Roll Outs**
  - 3<sup>rd</sup>    **Continuing Assigned Cases**

**Cases will be displayed automatically when the user signs into the respective queue.**

Cases should be reviewed to ensure that there are no open motions, correspondence or future court dates which would impede the collecting of the case(s). This is accomplished by reviewing the EVENT SELECT (N.2). Screen.

"Promised Payments" (PP) this category should be worked first, everyday.  
(These display before recent delinquent cases)  
[Reschedules (RS) have been requested to display like the PP result code]

"New Roll Out" should be worked second. This should be completed within three days of first appearing in the queue.

"Current Hold Date" will be the third category to be worked. Hold dates should not be older than one week.

"Continuing Assigned Cases" is the last category to be worked.

## TIME FRAMES FOR WORKING THE CASES

**DAY ONE:** When a defendant does not pay the fine by 5:00 PM the day it is due, a late notice will be generated and mailed to the address on record (if there is a "Y" in the return mail indicator, a notice will not be sent).



**DAY SEVEN:** When the case remains delinquent for seven days it will rollout into the queues. At this point, calls should commence. A “**new roll-out**” case should have the first call placed within three days of the initial rollout.

- Steps to take on first day that a case is in the new roll out:

-Call home phone number and work phone number listed

- The goal of the call will be to secure a payment commitment by the defendants next pay date, not to exceed 14 calendar days from the date of the call or advise the defendant to reschedule the payments if the current payment plan can not be adhered to. Notify the defendant of the consequences of failing to keep the commitment.
- Follow-up calls on broken promises will be at the discretion of the CCS. Callbacks to defendants with a history of having warrants or broken promises are not required.
- When a message is left for a defendant, emphasize the importance of the call. Ask fact find questions.

-When disconnected call directory assistance

-Call all references listed and leave a message for the defendant

-When no references are listed use the Cole's directory, Utilities, PIMS or

other appropriate skip tracing methods to locate the defendant.

-The use of credit bureaus, social traces and retraces should be utilized when other skip tracing methods have been exhausted (see Credit Bureau procedures). The exception is when there is a need to obtain a social security number.

## **RESOLVING DELINQUENCY WHEN TALKING WITH DEFENDANT:**

- Pay the entire amount of fine or sanction
- Pay the amount of fine or sanction that is delinquent
- Come to court to reschedule payments
- After collection efforts and the defendant does not resolve the delinquency within 30 days, the case will be processed for a warrant or license suspension.

**Defendants who have histories of failing to appear would receive one courtesy call informing them the case is being processed for warrant or license suspension.**

## QUEUE FOLLOW-UP/MAINTENANCE

The follow-up date is based on the “result” code that is entered by the collector after an action has taken place. These periods have been predetermined and will be automatically set by the system upon the “result” field being populated.

- Left messages (LM) will queue up in two to four days.
- No answers (NA) will queue up in one day.
- Promise to Pay (PP) will queue up based on the hold date that is entered.
- Pending Action (QQ) will queue up in 14 days.
- Collection Question (CQ) will queue up in 10 days. (Collection Specialist)
- Financial Question (FQ) will queue up in seven days. (Customer Service)
- Credit Bureau (BR) will queue up in seven days.
- Information (IF) will queue up at the back of the collection queue without a workdate.

**BY DAY THIRTY:** By the 30<sup>th</sup> day of delinquency, cases need to be resolved by payment, reschedule or by utilizing an enforcement tool for non-compliance. Circumstances may cause a case to remain in the queue longer than 30 days.

**The only cases that should be greater than 30 days are:**

- Cases with upcoming court dates
- Cases with outstanding correspondence
- Cases where the cite/file is unable to be located

## **Case Balances of \$20.00 or Less**

Normal collection efforts will be made by the CCS working cases with balances of \$20.00 or less. Once a CCS has determined the case is not collectable:

EXAMPLES: skip-trace unsuccessful, defendant refuses to pay balance, defendant disputes balance. The CCS will use the Collection Question (CQ) report to have the cases pulled and forwarded to the appropriate judge for the order.

**Judge Switzer has directed that all cases with balances of less than \$20.00 be routed to the assigned judge to determine if a warrant for arrest will be issued, driving privileges will be suspended, or the balance will be suspended. Civil traffic and parking citations will be routed to an Administrative Hearing Officer.**

Cases where the judge has ordered the balance suspended will be forwarded to the financial area. Cases that have been ordered for warrant and suspension will be processed in the collection division.

## **Past due Under \$2.00**

It is the CCS's discretion whether to contact a defendant regarding a past due that is \$2.00 or less. The CCS may determine a telephone call is necessary to advise the defendant to increase the amount of their next payment to avoid future past due amounts.

## **When to Exhaust a Case**

### **What if the cite can't be found to process civil traffic suspensions?**

The collector will use "UL CQ" as the action and result code when requesting a search for an unable to locate cite. The case will then appear on the CQ report which will notify the court specialists to search again for the cite. The court specialist will enter UL/QQ if the cite cannot be found, this will set the case out to a future date. This may occur over a 90-day period with three unsuccessful attempts to locate a civil traffic citation to suspend driving privileges. The collector may then exhaust the case by using the appropriate result codes in the video-worksheet. "UL EX" is the action and result code to be used when the cite cannot be found. The "EX" result code will remove a case from a collector's queue.

When there is an NSF check, the case should not be exhausted as quickly. Several attempts should be made to locate the cite.

### **What Cases can be Exhausted**

Public Defender fees, Juvenile cases, and Seat-belt violations are the types of cases where the only recourse for non-payment is a derogatory credit rating or intercepting state tax refunds (must have social security number). Therefore, it is the collector's discretion when to exhaust. "OT EX" is the action and result code.

## APPENDIX K

## Sample Payment Schedule and Financial Statement

<b>MESA MUNICIPAL COURT      245 W 2ND ST      MESA AZ 85201      480-644-2255</b>		
<b>STATE OF ARIZONA</b> <b>VS.</b>  <div style="text-align: right;"><b>DEFENDANT</b></div>	<b>DOCKET NO.</b>	<b>PAYMENT SCHEDULE</b>  <input type="checkbox"/> Reschedule

THE TOTAL BALANCE DUE TO THE COURT FOR THIS DOCKET IS \$ \_\_\_\_\_ AND IS DUE AS FOLLOWS:

☐ Pay the amount of \$ \_\_\_\_\_ today.

☐ The amount of \$ \_\_\_\_\_ is due on \_\_\_\_\_.

☐ \$ \_\_\_\_\_ is due on \_\_\_\_\_ of each WEEK beginning \_\_\_\_\_ until paid in full.

☐ \$ \_\_\_\_\_ is due BI-WEEKLY on \_\_\_\_\_ beginning \_\_\_\_\_ until paid in full.

☐ \$ \_\_\_\_\_ is due on the \_\_\_\_\_ day of each MONTH beginning \_\_\_\_\_ until paid in full.

☐ \$ \_\_\_\_\_ will be suspended upon the defendant satisfying the terms ordered in the sentencing document.

☐ **COMMUNITY SERVICE OPTION** – The fine and/or sanction (but not restitution, attorney fees or incarceration costs) may be reduced by \$5.00 for each hour that the defendant performs volunteer work for a non-profit organization. The defendant shall furnish written proof of such work to the Court by the payment date. Restitution shall be paid first. Restitution payments will not be delayed as a result of volunteer work performed to offset other fines or fees.

**MISDEMEANOR VIOLATIONS:** When fines, restitution, or incarceration fees are not paid as ordered, the defendant must appear in court on the payment date and show cause why he/she should not be held in indirect civil contempt pursuant to A.R.S. § 13-810 for refusing or willfully neglecting to pay.

**CIVIL TRAFFIC VIOLATIONS:** The Motor Vehicle Department will be notified to suspend your driving privileges if civil traffic sanctions are not paid.

**SUSPENSION OF DRIVING PRIVILEGES:** If your driving privileges are suspended they will remain suspended until the entire civil traffic sanction amount is paid and you reinstate your license at MVD.

**PAYMENTS RECEIVED WILL BE APPLIED TO THE CIVIL TRAFFIC OFFENSE LAST.**

**A \$50.00 DEFAULT FEE WILL BE IMPOSED IF THE PAYMENTS ARE NOT RECEIVED AS SCHEDULED.**

Date: \_\_\_\_\_ Judge / Designee: \_\_\_\_\_

I acknowledge receipt of a copy of the foregoing.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Phone: \_\_\_\_\_ Address: \_\_\_\_\_

Is this a new address? Yes No \_\_\_\_\_

White – File
Yellow - Collections
Pink - Defendant

61 (Rev. 8/99)
**PAYMENT SCHEDULE**

**MESA MUNICIPAL COURT      245 W. SECOND STREET      MESA, AZ 85201      480-644-2255**

**Financial Statement**  
**Declaración Financiera**

Thoroughly and legibly complete this Financial Statement. Do not leave any blanks. If an item does not apply please place "N/A" in that field.  
**WARNING:** It is a felony to intentionally submit false information to a Court. The maximum penalty is a \$150,000.00 fine and/or 1 1/2 years in prison.

*En forma legible y completa llene esta Solicitud de Finanzas. No deje ningún espacio en blanco o sin contestar. Si alguna pregunta no es pertinente para usted escriba "N/A" en ese espacio.*

**ADVERTENCIA:** Constituye un delito grave el intencionalmente presentar información falsa a un Tribunal. La pena máxima es \$150,000 dólares y/o un año y medio de prisión.

**Docket Number (Número de Caso)** \_\_\_\_\_

**I. DEFENDANT – ACUSADO**

Your Name (First, Middle, Last, Maiden)  
*Su Nombre Completo y Apellidos (Incluyendo el de Soltera)*

Social Security # <i>Número de Seguro Social</i>	Date Of Birth <i>Fecha de Nacimiento</i>	Driver License Number <i>Número de Licencia de Manejar</i>	State <i>De Cuál Estado</i>	Expiration Date <i>Fecha de Vencimiento</i>	Class <i>Tipo</i>
- -	/ /				

Current Address (Include Apartment, Lot #, City, State and Zip Code)  
*Domicilio Actual (Incluya Número de Apartamento, Lote, Ciudad, Estado y Código Postal)*

Permanent Address (Include Apartment, Lot #, City, State and Zip Code) <i>Dirección Permanente (Incluya Número de Apartamento, Lote, Ciudad, Estado y Código Postal)</i>	Home Telephone <i>Número de Teléfono de su Casa</i>
---	--

**EMPLOYMENT HISTORY – HISTORIAL DE TRABAJO**

Your Employer Name <i>Nombre de Donde Usted Trabaja</i>	Employer Address (Include Suite #, City, State and Zip Code) <i>Dirección de su empleador (Incluya Número de oficina, Ciudad, Estado y Código Postal)</i>				
Your Title or Position <i>Título o Posición en el Trabajo</i>	FT / PT <i>Tiempo Completo o Parcial</i>	Hourly Rate <i>Salario Por Hora</i>	Pay Schedule <i>Que Días le Pagan</i>	Work Telephone <i>Número de Teléfono del Trabajo</i>	
How Long Have You Worked Here <i>Cuanto Tiempo Tiene Trabajando Ahí</i>	If Unemployed How Long <i>Si Esta Desempleado, Desde Cuando</i>	# Of Dependants <i>Número de Defendantas a Quienes Ud. Mantiene</i>			Next Check <i>Fecha en Que Recibirá Su Próximo Cheque</i> / /

**II. SPOUSE – CONYUGE**

Spouse Name (First, Middle, Last, Maiden)  
*Nombre de Esposa/o (Nombre y Apellidos, Incluyendo el de Soltera)*

Social Security Number <i>Número de Seguro Social</i>	Date Of Birth <i>Fecha de Nacimiento</i>	Driver License Number <i>Número de Licencia de Manejar</i>	State <i>De Cuál Estado</i>	Expiration Date <i>Fecha de Vencimiento</i>	Class <i>Tipo</i>
- -	/ /				

Employer Name <i>Nombre de su Empleador</i>	Employer Address (Include Suite #, City, State and Zip Code) <i>Dirección de su Empleador (Incluya Número de Oficina, Ciudad, Estado y Código Postal)</i>
--	--

Your Title or Position <i>Título o Posición en su Trabajo</i>	FT / PT Time <i>Tiempo Completo o Parcial</i>	Hourly Rate <i>Salario por Hora</i>	Pay Schedule <i>Que Días le Pagan</i>	Work Telephone <i>Número de Teléfono de su Trabajo</i>	
--	--	--	--	---	--

**Please Turn Over and Complete**  
**Continúe en el reverso**

**A. REFERENCES – REFERENCIAS**

Reference #1 Name (First, Middle, Last) <i>Referencia #1 Nombre y Apellidos</i>	City, State <i>Ciudad, Estado</i>	Relationship <i>Parentesco</i>	Phone Number <i>Número de Teléfono</i>
Reference #2 Name (First, Middle, Last) <i>Referencia #2 Nombre y Apellidos</i>	City, State <i>Ciudad, Estado</i>	Relationship <i>Parentesco</i>	Phone Number <i>Número de Teléfono</i>
Reference #3 Name (First, Middle, Last) <i>Referencia #3 Nombre y Apellidos</i>	City, State <i>Ciudad, Estado</i>	Relationship <i>Parentesco</i>	Phone Number <i>Número de Teléfono</i>

**ASSETS – ACTIVOS**

Checking / Savings Balance <i>Balance de cuenta de cheques / ahorros</i>	Vehicle (Make / Model and Year) <i>Vehículo (Marca/Modelo y año)</i>
---	---

**MONTHLY INCOME  
INGRESOS MENSUALES****MONTHLY EXPENSES  
GASTOS MENSUALES**

Your Income <i>Sus Ingresos</i>	\$	Rent / Mortgage <i>Renta / Hipoteca</i>	\$
Spouse Income <i>Ingresos de su Esposa / o</i>	\$	Utilities (Electric, Gas, Water) <i>Servicios Públicos (Electricidad, Gas, Agua)</i>	\$
Unemployment <i>Desempleo</i>	\$	Phone(s) / Pager / Internet <i>Teléfono(s)/Localizador o Beeper / Correo Electrónico</i>	\$
Welfare / Food Stamps <i>Estampillas para Comida / Bienestar Social</i>	\$	Food <i>Comida</i>	\$
Social Security <i>Seguro Social</i>	\$	Car Loan(s) <i>Préstamo(s) de Auto</i>	\$
Retirement / Pension <i>Jubilación / Pensión</i>	\$	Car Insurance <i>Seguro de Auto (Aseguranza)</i>	\$
Child Support <i>Manutención Infantil</i>	\$	Other Insurance <i>Otro Tipo de Seguro</i>	\$
Alimony / Maintenance <i>Pensión Alimenticia / Manutención Recibida</i>	\$	Bank / Store Credit Cards <i>Banco / Cuentas de Crédito de Tienda de Departamentos</i>	\$
Disability <i>Incapacidad</i>	\$	Loans <i>Préstamos</i>	\$
Veterans Benefits <i>Beneficios de Veteranos</i>	\$	Child Care / Support <i>Cuidado / Manutención Infantil</i>	\$
Parents <i>Padres</i>	\$	Probation / Counseling <i>Libertad Condicional / Consejería</i>	\$
Other <i>Otro</i>	\$	Other <i>Otro</i>	\$
<b>TOTAL</b>	<b>\$</b>	<b>TOTAL</b>	<b>\$</b>

I swear (affirm) under penalty of perjury that the preceding information is true and correct. I understand that providing false and/or incomplete information to the Court may result in further legal action against me. The Court has my permission to make any necessary inquiries to verify the information provided and to obtain any additional information required by the Court.

*Juro (afirmo), bajo pena de perjurio, que la información contenida aquí es verdadera y correcta. Entiendo que dar información falsa y/o incompleta a este Tribunal podría ser causa de alguna acción legal en mi contra. Este Tribunal tiene mi autorización para hacer las indagaciones necesarias para verificar la información proporcionada y para obtener cualquier información adicional que este Tribunal requiera.*

Signature (Firma) \_\_\_\_\_ Date (Fecha) \_\_\_\_\_

## END NOTES AND REFERENCES

<sup>1</sup> The Mesa Municipal Court's Presiding Magistrate Walter Switzer made this statement during a conversation on October 1, 2001.

<sup>2</sup> KPMG is a general accounting firm. The City of Mesa contracted KPMG for a Collection Operations Performance Audit. The Mesa Municipal Court's collection practices were included in the audit. The audit was completed in June 2000.

<sup>3</sup> The author, Leonard Montanaro, first created the Mesa Municipal Court's Queue Management Guide and Financial Interviewing Guide in October 1996. It is a living document. The Guide is updated as processes and technology change. The current Court Supervisor assigned to the Collection Division Faye Meyer maintains it.

<sup>4</sup> Public Official's Guide to e-Government, October 2001, Ch 7. Pg 463 (Author Unknown)

Web-sites:

SUPERIORCOURT.MARICOPA.GOV

AZRULES.WESTGROUP.COM/HOME/AZRULES/ AZLEG.STATE.AZ.US/

<sup>5</sup> Privatization of Time Payment Management, Implementation to Resulting Impacts, by Renee Townsley, May 2001, CEDP paper

<sup>6</sup> Survey of Courts' Use of Collection Agencies, the Supreme Court of Arizona's Administrative Office of the Court, 2000.

<sup>7</sup> Courts' Fine Mess Same, the Arizona Republic, March 1, 2001, by Jim Walsh

<sup>8</sup> Revenue or Redundancy: An Evaluation for the Fine Collection Practice for the City of Austin Municipal Court, by Kitzy Burnett Daniels, CEDP Paper May 1997

<sup>9</sup> Fines in Sentencing: A Study of the Use of the Fine as a Criminal Sanction, by Sally T. Hillsman, Joyce L. Sichel, and Barry Mahoney, November 1984, CEDP paper

<sup>10</sup> Current Practices in Collecting Fines and Fees in State Courts, A Handbook of Collection Issues and Solutions, by John T. Matthias, Gwendolyn H. Lyford, and Paul C. Gomez, November 1995, CEDP paper

<sup>11</sup> What Makes a Leader? Harvard Business Review, by Daniel Goleman, November – December 1998

- <sup>12</sup> Third Judicial District Screener-Collector Best Practices and Reference Guide, by Sonjia M. Lien, CEDP Paper May 2000
- <sup>13</sup> Collecting fines and fees: from concept to reality, by Michael C. Landrum, CEDP Paper, March 1999
- <sup>14</sup> How to Use Structured Fines (Day Fines) as an Intermediate Sanction, by the Bureau of Justice Assistance, November 1996
- <sup>15</sup> Day Fines in American Courts: The Staten Island and Milwaukee Experiments, by Douglas C McDonald, April 1992
- <sup>16</sup> Technology and the Courts, by Barbara Lassiter, CEDP paper, April 1998
- <sup>17</sup> An Overview of Court Administration in the United States, by Robert W. Tobin, 1997
- <sup>18</sup> Crime Does Not Pay, But Criminals May: Determinants Influencing the Imposition and Collection of Probation Fees, by David Olson and Gerard Ramker, The Justice System Journal, Vol. 22/1, 2001, pg. 29
- <sup>19</sup> Trial Court Performance Standards with Commentary from Bureau of Justice Assistance, July 1997
- <sup>20</sup> Susan Rivera provided the information regarding the notification process by the Arizona's Department of Transportation's Motor Vehicle Division. Susan Rivera is the Court Liaison for the MVD. The information was provided during a telephone conversation in October 2001.
- <sup>21</sup> What makes a leader? Harvard Business Review, by Daniel Coleman, Reprint 98606 – November-December 1998, Pgs 93-102
- <sup>22</sup> Technology and the Courts, by Barbara Lassiter, CEDP paper, April 1998
- <sup>23</sup> An Overview of Court Administrations in the United States, Importance of Court Administration to the Judiciary, pg 7, Robert W. Tobin, 1997