

Tips for the Collection of Restitution

The Administrative Office of Pennsylvania Courts (AOPC) announced that in 2010 Pennsylvania's criminal courts processed a record \$480 million in fees, fines, costs and restitution collected from defendants. Of that, \$37 million, or approximately 8 percent, was paid to crime victims for restitution.

Many county court officials are crediting the statewide Common Pleas Case Management System (CPCMS) for helping them step up their collection efforts. The CPCMS provides numerous features to improve collections, some of which are summarized below.

Payment Plans - When a payment plan is established in CPCMS, it provides the ability to monitor a defendant's payment compliance and automatically generate overdue notices. In many counties that have used dunning notices, they have found that it produces worthwhile results.

Promote E-Pay - E-Pay is a web-based application that allows defendants to pay court financial obligations via the Internet with credit and debit cards.

Overdue Accounts - Refer overdue accounts to a third party collection agency. Accounts can be sent electronically to a collection agency through CPCMS. There is no cost to the county. The county receives 100% of the costs, fines and restitution owed and the defendant pays a collection fee to the collection agency.

Collection agencies have the resources to access information such as phone records and utility bills to locate defendants. They also have the ability to have the debt recorded on the defendant's credit report (Statutory authority: 42 Pa.C.S. §9730.1 (a)... relating to payment of court costs, restitution and fines... an issuing authority may refer the collection of costs, fines and restitution of a defendant to a private collection agency whether or not the defendant's maximum sentence or probationary term has expired).

License Suspensions - CPCMS can generate notices to Penn DOT for driver license suspensions for failure to pay costs and fines for any crime under Title 75, the motor



vehicle code (Statutory authority: 75 Pa.C.S. §1533. The department shall suspend the operating privilege of any person who has failed to pay any fine or costs imposed by an issuing authority).

Coordinate with the Department of Public Welfare - Enhance communication with your local DPW office. Act 35 of 1996 requires that a client receiving benefits from the PA DPW must either have made "full payment of all costs, fines, and restitution, or is in compliance with an approved payment plan." Those counties that suspend welfare benefits for non-compliance have had very successful results with increased restitution collections.

Wage Attachments - Philadelphia County recently implemented wage attachments on all county employees who owe

outstanding court costs, fines, and restitution. They also plan to file wage attachments against non-employees as well. Wage attachment forms can be printed from the CPCMS (Statutory authority: 42 Pa.C.S. §8127(a)(5) wages, salaries, and commissions in the hands of employers may be used to collect restitution to crime victims, costs, fines or bail judgments pursuant to an order entered by a court in a criminal proceeding).

Inmate Accounts - Deduct court costs, fines, and restitution from inmate accounts at the county prisons. Since the passage of Act 84 in 1998, this has been very successful at the state Department of Corrections level (Statutory authority: 42 Pa.C.S. § 8127(b)(5) The county correctional facility...shall be authorized to make monetary deductions from inmate personal accounts for the purpose of collecting restitution or any other court-ordered obligation." This includes not only deductions from wages, but also from gifts of money from friends and family. See *Danysh v. Department of Corrections*, 845 A.2d 260 (Pa. Comm. 2004).

Old Cases - State and county prisons have the authority to collect on past cases where the inmate still has outstanding court costs, fines, and restitution, not just the current case for which the offender is serving (See *George V. Beard [DOC] 824 A.2d 393* (Pa. Comm. 2003). The court

determined that statute governing the collection of fines and costs was procedural in nature and therefore could be applied retroactively).

Maxed Out Cases – The enforcement methods previously mentioned can be applied to old cases where the defendant has “maxed out” of their sentence (Statutory authority: 42 Pa.C.S. §9728(c)...the period of time during which such judgments shall have full effect may exceed the maximum term of imprisonment to which the offender could have been sentenced for the crimes of which he was convicted or the maximum term of confinement to which the offender was committed. See also *Com. v. James*, 771 A.2d33, 35 (Pa. Super. 2001) and *Com. v. Ralston*, 800 A.2d 1007 (Pa. Comm. 2002).

Administrative Fees – Counties have the authority to impose fees to assist with the administrative costs of prosecution and collecting restitution. *Note: This statute most likely only pertains to governmental agencies, not non-profit organizations.* (Statutory authority: 42 Pa.C.S §9728 (g) Costs, etc. Any sheriff's costs, filing fees and costs of the county probation department, clerk of courts or

other appropriate governmental agency, including, but not limited to, any reasonable administrative costs associated with the collection of restitution, transportation costs and other costs associated with the prosecution, shall be borne by the defendant).

Examples –One PA county employs four restitution advocates to assist crime victims. All offenders are assessed a one-time fee and also a monthly fee to cover the cost of these positions.

Another county, which had previously added costs on offenders to fund booking stations, is looking at a similar assessment for funding victim services.

In the fall of 2010, one PA county put into effect a \$75 per case victim/witness fee on convictions and ARD's to assist with “sustaining victim services.”

If you have any other examples that you would like to share with us, please email Betsy May at bmay@pa.gov.