



OFFICE OF COURT ADMINISTRATION

DAVID SLAYTON
Administrative Director

To: All Texas Judges, Clerks, Court Administrators, and Collection Program Staff

I want to update you about ongoing activities related to the collection of monetary fines, fees and court costs in criminal cases. You may be aware that the issue has become part of the national conversation in the wake of the events of Ferguson, Missouri.¹ Efforts are underway within the Texas judiciary to ensure compliance with due process and existing statutory and rule provisions in Texas, and this letter will advise you of those efforts.

Judicial Council Collection Improvement Program Rule Revisions

As you may be aware, Article 103.0033 of the Code of Criminal Procedure provides that counties over 50,000 in population and cities over 100,000 in population are required to implement a collection improvement program with components that conform to the model developed by the Office of Court Administration (OCA).² Several other counties and cities have voluntarily implemented a collection improvement program that complies with the components. The components of the program are provided in rules adopted by the Judicial Council. *See* Title 1, Chapter 175 of the Texas Administrative Code.

In February, the Judicial Council approved publishing notice in the Texas Register of the Council's intention to adopt several amendments to the collection improvement program (CIP) rules. The proposed amendments clarify that none of the existing components apply to cases in which the defendant has been determined to be indigent and provide increased discretion to collections program staff when establishing payment plans. The proposed revisions were published in the Texas Register on March 25 for public comment and are available at <http://www.sos.state.tx.us/texreg/pdf/backview/0325/0325prop.pdf>. We would welcome any feedback that you have on the proposed revisions. The Judicial Council will consider final approval of those amendments at its next meeting on June 3.

In addition, OCA has convened an advisory committee of judges, clerks, collections program staff and other stakeholders to provide a full review of the CIP rules and suggest any amendments to the Judicial Council at its June 3 meeting. If the advisory committee chaired by Judicial Council Justice Court member Bill Gravell (Williamson County JP-3) recommends further amendments to

¹ See pages 42-78 of the *Investigation of the Ferguson Police Department* at https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf.

² <http://www.txcourts.gov/cip/about-the-cip.aspx>

the CIP rules, the Judicial Council will consider them and, if amendments are approved, those rules will be published for public comment in the Texas Register.

Training and technical assistance tailored to any approved changes will be made available to each of the mandatory and voluntary CIPs through OCA's CIP Regional Collections Specialists.

National Efforts to Address Concerns with Collection of Monetary Penalties

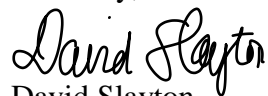
Earlier this year, the Conference of Chief Justices and Conference of State Court Administrators formed a National Task Force on Fines, Fees and Bail Practices. The Task Force, whose membership includes Chief Justice Nathan L. Hecht and OCA Director of Research and Court Services Scott Griffith, is comprised of national judicial and legal leaders, legal advocates, policy makers from state, county and municipal government, academics, and the public interest community. The Task Force has committed to:

- drafting model statutes, court rules, written policies, processes and procedures for setting, collecting and waiving court-imposed payments;
- compiling and creating suggested best practices for setting, processing and codifying the collection of fines and fees and bail/bonds;
- reviewing and revising suggested guidelines for qualifications and oversight of judges in courts created by local governments or traffic courts, including reviewing and updating state codes of judicial conduct and the jurisdiction of judicial conduct commissions to ensure their applicability to all judges;
- sponsoring a court "hackathon" designed to develop innovative technological solutions that ensure courts are providing 21st century customer service through mobile applications and software platforms; and
- developing an online clearinghouse of information containing resources and best practices.

I will keep you informed as efforts of the National Task Force continue over the next several months.

In addition to the efforts of the National Task Force, the United States Department of Justice (DOJ) has issued a letter regarding collections of monetary penalties. I encourage you to read the letter, which is available at <https://www.justice.gov/crt/file/832461/download>. In addition to the guidance in the letter, DOJ has announced resources to assist state and local reforms of fine and fee practices, including grant funding available to support efforts. Information on these resources is available at <https://www.justice.gov/opa/pr/justice-department-announces-resources-assist-state-and-local-reform-fine-and-fee-practices>. If you have any questions or concerns about any of the information in this letter or the impact on processes in your court, please do not hesitate to contact me.

Sincerely,



David Slayton
Administrative Director