



City of Denton

City Hall
215 E. McKinney Street
Denton, Texas
www.cityofdenton.com

AGENDA INFORMATION SHEET

DEPARTMENT: MUNICIPAL JUDGE'S OFFICE

CM/ DCM/ ACM: COUNCIL APPOINTEE

DATE: JUNE 13th, 2017

SUBJECT (Agenda Item 17-720)

Receive a report, hold a discussion and provide the Municipal Judge with comment, guidance and direction regarding Court promulgated policies relating to:

1. Restructuring and modifying processes imposed by the Office of Court Administration's mandatory Collection Improvement Program, and implementing less intrusive collections processes in accordance with revisions to Texas Administrative Code, Chapter 175.
2. Developing, defining and implementing policies and procedures that allow and encourage defendant's to satisfy outstanding fines by non-monetary means such as community service.
3. Modifying and implementing processes that allow direct contact with the Judge for defendants who:
 - a. fail to appear or fail to pay fines assessed by the Court, defendants who are indigent or those unable to pay fines when due or in the amounts due;
 - b. request extensions to pay fines and costs in increments or monthly installments; or,
 - c. claim to be indigent or unable to satisfy fines assessed by monetary means and offering opportunities to satisfy their obligations to the Court by alternative means of satisfying the fine or community service;
4. Scheduling and docketing any defendant who claims to be unable to pay in full or who, for whatever reason, did not pay as agreed, so that they may appear before the Court to resolve their case;
5. Directing Court Clerks and staff to cultivate and develop community service providers capable of offering and monitoring community service opportunities that are of benefit to the community and the defendant;
6. Implementing dockets and creating processes and written correspondence that will communicate to defendants any options and alternatives available to the defendant to satisfy their obligations, such as extended payment plans, alternative methods of payment or satisfaction of the fine by performing community service;
7. Developing and implementing changes in warrant and arrest policies under the Court's control and defining and requiring the release of persons who have been detained so that they may appear before an open court to resolve their cases without undue hardship or duress;
8. Define guidelines regarding notice prior to issuance of warrants with a goal to reducing default and arrest pursuant to warrant or capias pro fine; and,
9. Creating and implementing a "Safe Harbor" policy that will allow defendants who have defaulted on payment plans to appear before the Court without fear of arrest and without the necessity of first posting a bond.

BACKGROUND

While the Denton Municipal Court has historically been a very flexible and Court open to the public and sensitive to the needs of individual defendants, the Court has been subject to, and its policies influenced by, a “Collection Improvement Program” as mandated by the Texas Office of Court Administration. As a result of certain rules requiring that any municipal court in a city with a census population of more than 100,000, comply with the requirements of the Collection Improvement Program as set forth in Chapter 175 of the Texas Administrative Code. This program requires that the municipal court provide staff, insist that all fines and costs assessed “be due immediately,” that the Court collections staff gather both contact information prior to granting any extension in payment, and collect certain personal financial information and documentation from each defendant prior to approving additional time to pay in the form of a payment plan.

Over time, the processes mandated by the Collection Improvement Plan as well as general attitudes that favor collections over defendants protections have slowly crept into the Court. Additionally, automation and the implementation of “paperless process” have skewed some processes more towards efficiency and less toward considering individual defendant needs or circumstances and have slowly moved away from direct interaction between the defendants and the Court. Some of our current processes have discouraged defendants from requesting additional time to pay and negatively impacted certain defendants by limiting their opportunities to pay or even reappear before the Court to discuss alternatives to monetary payment without providing substantial documentation and proof or, once in warrant, being required to post a bond in order to reappear before the Court.

OPTIONS

The Council may, after consideration of the attached proposed Standing Court Orders Regarding Indigency, Inability to Pay and Alternatives to Payment of Monetary Fines, and direct the Judge to:

- Make no significant modifications to current collections policies and procedures, adopt a more conservative approach to collections processes for compliance with state law;
or,
- Instruct the Judge to continue to outline significant changes to a payment and compliance with extended payment plans, expansion of community service opportunities for defendants, notice and appearance opportunities for defendants who are in default on payment orders and implement mandatory notice and appearance dockets through which the defendant will be given ample opportunities to resolve the case prior to issuance of warrant, and the implementation of a “safe harbor” policy to allow defendants to appear before the Court to resolve their case regardless of case or warrant status.

RECOMMENDATION

Review, comment and encourage the Presiding Municipal Judge to continue to develop and refine the proposed Judicial Policy Directive (or a set of similar directives) that reflect the same policies and procedures outlined in the attached:

Memo to Council: DENTON MUNICIPAL COURT FREEDOM AND PROTECTIONS
INITIATIVE: Indigency, Inability to Pay and Alternatives to Payment of Monetary Fines and
Costs.

ESTIMATED SCHEDULE OF PROJECT

Full implementation, development of process, notices and forms and creation of associated dockets should be completed within six (6) months.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

None.

FISCAL INFORMATION

None - from a staffing and financial resources aspect. Impact on the current rate of collection of fines is yet to be seen and difficult to anticipate. However, over time, any fines satisfied by community service or alternative means will most likely be offset by a reduction in warrants issued and defendants who request and are entitled to satisfaction by credit for time detained after arrest.

BID INFORMATION

None. Any policies or procedures adopted by the Court will be implemented by judicial and court clerk staff and will not require any outside consulting or additional contracts or expenditures.

STRATEGIC PLAN RELATIONSHIP

The City of Denton's Strategic Plan is an action-oriented road map that will help the City achieve its vision. The foundation for the plan is the five long-term Key Focus Areas (KFA): Organizational Excellence; Public Infrastructure; Economic Development; Safe, Livable, and Family-Friendly Community; and Sustainability and Environmental Stewardship. While individual items may support multiple KFAs, this specific City Council agenda item contributes most directly to the following KFA and goal:

Related Key Focus Area: Safe, Liveable & Family-Friendly Community

Related Goal: 4.1 Enhance public safety in the community

EXHIBITS

- Memo to Council: DENTON MUNICIPAL COURT FREEDOM AND PROTECTIONS INITIATIVE: Indigency, Inability to Pay and Alternatives to Payment of Monetary Fines and Costs.

Respectfully submitted:



**Robin A. Ramsay, Judge Presiding
Denton Municipal Court**

Prepared by:
Robin A. Ramsay
Presiding Municipal Judge