

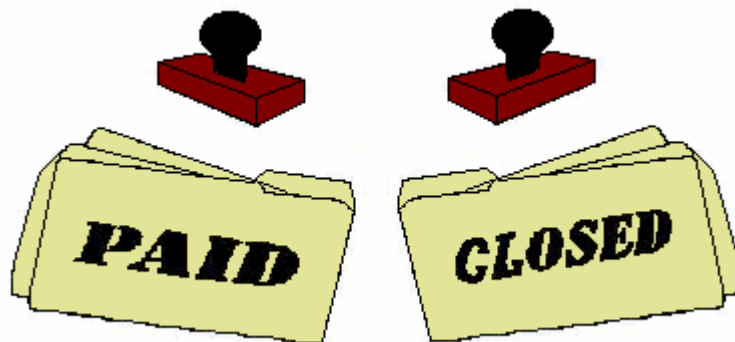


Nevada Judicial Collections Task Force

Revision 1.0

January 2001

COLLECTIONS AND ACCOUNTING STRATEGIES AND ENFORCEMENT (CASE) REPORT



Section 1 – Executive Summary

<u>Chapter</u>	<u>Page</u>
Task Force Members and Acknowledgements.....	ii
1. Introduction.....	1
2. Summary of Task Force Meetings.....	3
3. Subcommittee Work	6
4. Summary of Resolutions and Recommendations	9
<u>Appendices</u>	<u>Page</u>
A. Resolutions and Recommendations	a-1

This section is part of a three-part series compiled by the Nevada Judicial Collections Task Force:

Section 1 – Executive Summary

Section 2 – Best Practices

Section 3 – Accounting Issues

Task Force Members and Acknowledgements

This document was developed as a result of significant time and effort by the members of the Nevada Judicial Collections Task Force (henceforth referred to in this document as the “Task Force”). Below is a list of the Task Force members.

Voting MembersCourt or Organization

John Williams, Chair	Las Vegas Municipal Court
The Honorable Max W. Bunch	Argenta Justice Court
The Honorable Ed Dannan	Reno Justice Court
The Honorable Ron L. Dodd	Mesquite Municipal Court
The Honorable James EnEarl	East Fork Justice Court
The Honorable Sally L. Loehrer (designate Blaine Beckstead)	Eighth Judicial District Court
The Honorable Mike Memeo	Fourth Judicial District Court
The Honorable Donald M. Mosley	Eighth Judicial District Court
The Honorable Barbara J. Nethery	Carlin Justice/Municipal Court
The Honorable Ronald J. Niman	Ely Justice Court
The Honorable Gordon N. Richardson	Lovelock Municipal Court
The Honorable Larry Sage	Sparks Municipal Court
The Honorable Douglas E. Smith	Las Vegas Justice Court
The Honorable James C. Van Winkle	Reno Municipal Court
Jeff Adams (designate Charles Harvey)	Eighth Judicial District Court
Sylvia Banta	Yerington Municipal Court
Sue E. Berfield	Clark County Recorder’s Office/8 th Judicial District Court
Judi Bourbeau	Boulder City Municipal Court
Christina Brisebill	Pahrump Justice Court
Kathleen Cardwell	Henderson Justice Court
Ula Garrison	Eureka Justice Court
Robin Greco (replacing Beau Wiseman and Gwen Hughes)	Washoe County Collections Division
Susan Harrer	Sixth Judicial District Court
Karen Kavanau	Administrative Office of the Courts
Christy Magers (designate Danielle Lawson)	Reno Municipal Court
William Milligan	Carson City Justice Court
Steve Morris	Las Vegas Justice Court
Linda Stiles (designate Tamara Krown)	North Las Vegas Municipal Court
Steve Sweikert, Esq. (replacing Holly Gordon)	Clark County District Attorney’s Office
Joyce Watkins	First Judicial District Court

Alternate Members

The Honorable W.E. Teurman	Fallon Municipal Court
Eric Davison	Clark County Clerk’s Office/8 th Judicial District Court
Cindy Fladager (replacing Patti Croney)	Second Judicial District Court
Brenda Ingram	New River Township Justice Court
Cathy Krolak (replacing Steve Driscoll)	Sparks Municipal Court
Donald Liehr (designate William Zihlmann)	Henderson Municipal Court
Brian Mirch	Washoe County Collections Division

Task Force Members and Acknowledgements

Advisory Members

Colonel Michael E. Hood
 Richard Kirkland (replacing John Drew)
 Clay Thomas (replacing Carlos Concha)

Court or Organization

Department of Motor Vehicles and Public Safety
 Department of Motor Vehicles and Public Safety
 Division of Parole and Probation

Support Staff

Martin Overstreet, Facilitator
 Lynda Dill, Recording Secretary
 Bill Gang
 Judy Holt
 Beth Mammen
 Ron Titus
 Sheryl Watkins

Teamworks Consulting, Inc.
 Administrative Office of the Courts
 Administrative Office of the Courts
 Administrative Office of the Courts
 Administrative Office of the Courts
 Administrative Office of the Courts
 Teamworks Consulting, Inc.

The Task Force would like to thank their respective courts and organizations for allowing them the time and flexibility to work on this important project. They also wish to express thanks to various court, county, and city personnel for providing information or assisting in answering numerous questions that resulted from the Task Force meetings. Lastly, the Task Force wishes to thank the following guests who attended one or more Task Force meetings:

Judge Michael Cherry, Eighth Judicial District
 Judge Jack Lehman, Eighth Judicial District
 Judge Jerry Sullivan, Sixth Judicial District
 Captain Stavros S. Anthony, Las Vegas Metropolitan Police Department
 Sheriff Dennis Balaam, Washoe County Sheriff's Office
 Ernest W. Eblen, Las Vegas Municipal Court
 Veronica Boyd-Frenkel, Domestic Violence Ombudsman, Attorney General's Office
 Donna Giles, Pershing County Clerk-Treasurer
 Ben Graham, Clark County District Attorney's Office
 Major Daniel Hammack, Nevada Highway Patrol, Las Vegas
 Ron Longtin, Second Judicial District Court
 Sandra Merlino, Nye County Clerk
 Chief Clair A. Morris, Elko Police Department
 Jeanie Norcutt, Pershing County Clerk's Office
 Albert Peralta, Department of Prisons
 Sue Sevon, Third Judicial District Court
 Daniel Still, Las Vegas City Attorney's Office
 JoAnn Thaler, Ninth Judicial District
 Chief William Turk, Boulder City Police Department
 Helen Weatherfield, Mineral County Clerk's Office
 Glen Whorton, Department of Prisons

This document was compiled and edited by Martin Overstreet and Sheryl Watkins of Teamworks Consulting, Inc., under contract by the Nevada Administrative Office of the Courts.

Chapter 1 – Introduction

In 1995 the Nevada State Legislature published a Legislative Audit of the Judicial Branch of Government’s Administrative Oversight of the State Court System (Audit). This Audit criticized the statewide court system for inconsistent and, in some cases, insufficient collection policies and procedures. In 1997, the Legislature adopted Senate Concurrent Resolution 10 (SCR 10) directing the Legislative Commission to appoint an interim subcommittee to conduct a study of the “*Fines, Fees, Forfeitures and Administrative Assessments Imposed and Collected by Courts*”. At its final meeting on May 22, 1998, the SCR 10 Subcommittee voted in favor of endorsing a recommendation from Nevada’s Association of Counties and League of Cities calling for the Administrative Office of the Courts (AOC) to create a Judicial Collections Task Force. On October 27, 1998 the Supreme Court appointed the Nevada Judicial Collections Task Force (henceforth referred to as the “Task Force”) in accordance with the recommendation from the SCR 10 Subcommittee.

The purpose of the Task Force was to identify and document “best practices” in court collection policies and procedures, distribute the information to all of Nevada’s courts, and authorize training provided by the AOC for judges and court personnel on the best practices.

The Task Force held ten all-day meetings and established five subcommittees. In addition to discussing collections issues the Task Force expanded its scope to look at case closure. The Task Force determined that collection issues were a subset of case closure issues and, as such, solutions focusing solely on collections would not be as effective as solutions encompassing case closure. In this context, case closure occurs when all aspects of a case have been resolved, completed, or complied with and have been noted in the court record. For criminal cases this involves recording not just the payment of all monetary orders, but the completion of terms of incarceration and alternative sentencing conditions (e.g., house arrest, counseling, community service, rehabilitation programs). [Note: The recording of the completion of terms of sentencing is generally easier for limited jurisdiction courts due to the fact that district courts generally lose control of defendants to either the Department of Prisons or the Division of Parole and Probation.]

The major tangible accomplishments of the Task Force were passage of five resolutions and three recommendations (described in Chapter 3 and reproduced in Appendix A) and this three-section document. However, there were also many intangible accomplishments as well. The judges and staff of Nevada’s trial courts have started working as a cohesive group to solve common collections and case closure issues. Additionally, the state judiciary has started productive dialogue with various entities in the state justice arena, including the Department of Motor Vehicles and Public Safety

(DMV&PS), the Division of Parole and Probation, the Department of Prisons, and the Nevada Sheriffs and Chiefs Association.

All told, the outputs of the Task Force represents over 2,500 total hours of effort by over fifty people. The remainder of this section documents the work of the Task Force. Section 2 defines best practices in collections and case closure. Section 3 elaborates on accounting issues, including the proposed revised Minimum Accounting Standards (MAS).

Chapter 2 – Summary of Task Force Meetings

In all, the Task Force held a total of ten all-day meetings, starting in March 1999 and concluding in January 2001. There was broad participation by Task Force members at each meeting resulting in extensive discussion of agenda topics and resolution of most matters brought before the Task Force. Each meeting followed a specified agenda and was led by an outside facilitator. Where necessary outside parties were invited to participate and/or provide pertinent information. The remainder of this chapter briefly summarizes each of the ten Task Force meetings.

March 12, 1999 Meeting

The inaugural meeting of the Task Force introduced the purpose of the Task Force to its members. The members elected John Williams (Las Vegas Municipal Court) as the chairman of the Task Force. An overview was given as to the purposes for which money is collected by the court; issues pertaining to granting time for payment to the court; delinquency in payments and why courts do not follow-up; current practices in collecting fines and fees; and an update on legislative issues relating to courts, collections, and administrative assessments. The scope of the Task Force was discussed and the following mission statement was adopted:

To promote effective enforcement and closure of judgments in Nevada's courts

The Task Force formed five subcommittees (Best Practices, Accounting Issues, Technology, Educating the Judiciary, and Educating Others, each of which are described in Chapter 3), a tentative meeting schedule was agreed to, and the meeting adjourned after Task Force members completed a “Collections Questionnaire” designed to ascertain collection practices currently used by Nevada’s trial courts.

May 14, 1999 Meeting

The major agenda items for this meeting were discussions concerning the results of the “Collections Questionnaire” completed by Task Force members during the March 12, 1999 meeting, issues to consider when setting collections and case closure policies and procedures, the concept of “receivables” for courts, how to properly account for cases, how and when courts know a citation has been issued by law enforcement agencies, and the need for electronic transmission of citation information from law enforcement agencies to the courts (including the use of electronic hand-held citation devices).

October 15, 1999 Meeting

This meeting focused on four topics: continuation of discussions initiated during the May 14, 1999 Task Force meeting (valuing citations prior to adjudication, valuing alternative sentencing, NRS 176.064, and wording in sentencing orders); a discussion with representatives from DMV&PS regarding standardized citations, electronic communication between DMV&PS and the courts (transmission of citations to courts and disposition information to DMV&PS); what information is available to courts from outside entities regarding collections and receivables; and the development of Task Force deliverables.

December 16, 1999 Meeting

The final Task Force meeting in 1999 focused on the following topics: a follow-up discussion with representatives of DMV&PS concerning issues raised during the October 15, 1999 meeting; issues regarding the implementation of MAS in the district courts; and a further discussion regarding properly accounting for cases. The meeting adjourned after a brief discussion about recent collections and/or case closure “success stories” from representative courts and an overview of potential Task Force output materials. The Task Force approved a resolution concerning citations prior to adjudication (refer to Chapter 4 and Appendix A).

February 17, 2000 Meeting

The majority of this meeting focused on fines, fees, bail forfeitures and the changing of a cited NRS violation to a local ordinance. This discussion resulted in the drafting of two resolutions (subsequently adopted at the April 13, 2000 meeting). The remainder of the meeting included a discussion of Failure to Appear warrants (FTA’s) and a review of the Task Force’s mission and final work product.

April 13, 2000 Meeting

This Task Force meeting included the following topics: a discussion of three matters involving cooperation between the courts and law enforcement agencies (standardized citations, electronic transmission of citation information, and warrants across jurisdictional lines) with four representatives of the Nevada Sheriffs and Chiefs Association and DMV&PS; adjustment in the makeup of Task Force membership; an initial discussion of collections and case closure issues relevant to district courts; and adoption of two resolutions (drafted at the February 17, 2000 meeting). The Task Force approved a resolution concerning treatment of cash bail and a resolution concerning amending NRS violations to local ordinance (refer to Chapter 4 and Appendix A).

June 23, 2000 Meeting

The entire meeting was devoted to a discussion of collections and case closure issues relevant to district courts, including issues regarding county clerks acting in their capacity as clerk of the court.

August 25, 2000 Meeting

Three major items were on the agenda for this meeting: a presentation of the collections tracking software developed in-house by the Fines Enforcement Division of the Las Vegas Municipal Court; the future of the Task Force (beyond its initial charter); and a continuation of the discussion of collections and case closure issues relevant to district courts (initiated during the June 23, 2000 meeting). Several recommendations and resolutions were outlined to address district court issues.

October 20, 2000 Meeting

The last Task Force meeting of 2000 focused on completing topics discussed in recent meetings, the review and adoption of several resolutions and recommendations, and a discussion about accounting-related flows and the need for a court management ledger. The Task Force approved a resolution concerning establishment of a statewide collection function and a resolution encouraging regional collaboration on collections (refer to Chapter 4 and Appendix A). Additionally, the Task Force passed a recommendation to the Judicial Council to expand MAS to cover district courts (refer to Chapter 4 and Appendix A).

January 18, 2001 Meeting

The final Task Force meeting focused on a review of the work completed by the Task Force and its subcommittees. A draft of this three-series document was reviewed and approved for publication. The Task Force passed a recommendation to the Judicial Council concerning district court collection issues (refer to Chapter 4 and Appendix A). It also drafted and passed a recommendation to the Judicial Council to promote the use of technology in the issuance of citations (refer to Chapter 4 and Appendix A). Lastly, the Task Force solicited volunteers from its membership to serve on any needed working groups established by the Judicial Council to work on collections and case closure issues and to follow up on efforts started by this Task Force.

Chapter 3 – Subcommittee Work

To allow more focused discussions to take place regarding key areas the Task Force established five subcommittees (Best Practices, Accounting Issues, Technology, Educating the Judiciary, and Educating Others), three of these subcommittees were designed to explore the topics of best practices in collections and case closure, accounting issues related to collections and case closure, and technology issues related to collections and case closure. The remaining two subcommittees were created to develop materials designed to educate members of the judiciary (e.g., judges, court management, and court staff) and others (e.g., state and local funding bodies) regarding collections and case closure issues. Due to the amount of discussions that took place during the latter months of the Task Force’s schedule, the educational subcommittees did not have sufficient time to prepare educational materials.

Each of the subcommittees was asked to select a judge that would act as chair of the subcommittee and a court representative to act as co-chair. Subcommittees then met either in person or via teleconference to conduct discussion meetings and prepare materials. The remainder of this chapter provides a brief summary of the work conducted by each subcommittee.

Best Practices Subcommittee

The Best Practices subcommittee was assigned the task of discussing and documenting practices that it determined were beneficial in assisting Nevada trial courts in improving collections and/or case closure. The subcommittee held a total of eleven meetings and discussed a variety of topics before settling on eighteen best practices. These best practices are documented in Section 2 of this document series. For each practice the subcommittee documented four areas: 1) the subcommittee’s ranking as to the benefit the practice provides to courts regarding collections and case closure, 2) recommended approaches to the practice (including a brief definition of what the practice entails, 3) issues regarding the practice that a court may wish to consider, and 4) steps that a court should follow if it is interested in implementing the practice.

Accounting Issues Subcommittee

As its name implies, the Accounting Issues subcommittee was assigned the task of discussing and documenting issues facing Nevada trial courts in the area of properly recording and accounting for financial (and quasi-financial) transactions involving the courts. The initial focus of this subcommittee was resolution of issues regarding the Minimum Accounting Standards (MAS), adopted in 1997 by the Nevada Supreme Court, including the implementation of MAS in district courts. However, the

subcommittee’s responsibilities were expanded to include a broader set of accounting issues and the development of a revised set of accounting standards. These broader issues dealt with properly accounting for all financial transactions that are performed by the courts and the inclusion of these issues in the accounting standards.

The Accounting Issues subcommittee held a total of eleven full subcommittee meetings along with numerous workgroup meetings while working on three major accounting areas: accounting-related flows, court management ledger, and the revised Minimum Accounting Standards, which are documented in Section 3 of this document series. Accounting-related flows describe how financial (and quasi-financial) events that occur as part of case processing are logically grouped together. Additionally, these flows help show how monetary transactions should be recorded in a ledger so that a complete audit trail of the monetary transactions can be maintained. After laying the groundwork describing how certain financial (and quasi-financial) transactions can not be recorded directly in a court’s general ledger, the committee developed what it termed the court management ledger, a series of accounts grouped into three categories: potential receivable accounts, revenue and trust accounts, and court management journal accounts. By utilizing the court management ledger and applying standard accounting journal entries, a court will be able to produce an auditable record of all financial and quasi-financial transactions in a single system. [Note: In this context, “quasi-financial” transactions include: ordering of bail, fines/fees, and restitution; recording the waiving, suspending, and rescinding of orders; and the conversion of sentencing between monetary and alternative-type sentences (e.g., community service, house arrest).]

Technology Subcommittee

The Technology subcommittee was assigned the task of discussing and providing information concerning the application of technology towards improving collections and case closure. This subcommittee held a total of four (4) meetings in which the following topics were discussed:

1. The need for a comprehensive case management system that is capable of significantly assisting courts in collections and case closure as indicated throughout the best practices described in Section 2 of this document series.
2. The need for electronic sharing of information between courts (e.g., bind-over of criminal cases between justice courts and district courts, and appeals from limited courts to district courts and from district courts to the Supreme Court).

3. The need for electronic sharing of information between justice agencies, particularly the sharing of citation information between law enforcement agencies and the courts. This includes the need for the implementation of electronic hand-held citation devices in as many Nevada law enforcement agencies as is economically cost-effective as soon as possible. [Note: To be effective, electronic hand-held citation devices require creation and deployment of an improved Nevada driver's license that includes electronically encoded information.]
4. A special meeting was held on electronic hand-held citation devices which featured two leading companies offering hand-held citation solutions and an update on pilot projects in Nevada. The meeting was designed to provide demonstrations and information on the strengths and issues related to the use of electronic hand-held citation devices by law enforcement agencies. The meeting was attended by over thirty court and law enforcement personnel and resulted in general excitement over the attainable benefits to the entire justice community in using these devices.

Educating the Judiciary Subcommittee

The Judicial subcommittee was assigned the task of determining the type(s) of education material that would be needed to educate judges, court management, and court staff about the findings of, and information gathered by, the Task Force concerning collections and case closure. The subcommittee held two meetings and outlined the type of material that should be developed and the methods that would best provide that material to members of the judiciary. However, the subcommittee determined that it could not actually develop the material until such time as this document series was complete. Since this document series would not be available until the end of the Task Force's schedule, the subcommittee was suspended.

Educating Others Subcommittee

Based upon the experiences of the Educating the Judiciary subcommittee, the Educating Others subcommittee was not convened.

Chapter 4 – Summary of Resolutions and Recommendations

To provide guidance to the State of Nevada concerning collections and case closure in the Nevada judiciary, the Task Force passed five resolutions and three recommendations. Where appropriate, the resolutions refer to various sections of Nevada Revised Statutes (NRS). Each of these resolutions and recommendations is described below. **[Note: For a reproduction of each resolution and recommendation, please refer to Appendix A of this section.]**

Resolution concerning citations prior to adjudication

Noting that a citation, prior to adjudication, is simply a charging document by a peace officer or a victim alleging that an offense has been committed, the Task Force determined that “... a citation has no monetary value and therefore does not generate a [potential] receivable until it has been adjudicated. This resolution was approved December 16, 1999.

Resolution concerning treatment of cash bail

Noting that any cash bail collected by the court is considered money held in trust by the court until such time as the bail is either forfeited or the case is adjudicated, and that this cash bail is forfeited when the defendant either indicates that his bail is forfeited in lieu of a fine or when the defendant fails to appear at his arraignment hearing as stipulated in the citation complaint or by subsequent notice, the Task Force determined that “... with respect to cash bail forfeitures associated with a violation of any provision of NRS, that portion of the forfeiture representing an assessment required by NRS 176.059 and that portion of the forfeiture representing an assessment permitted by NRS 176.0611 must be distributed in accordance with those statutes and the balance should remain with the local jurisdiction”. This resolution was approved April 13, 2000.

Resolution concerning amending NRS violation to local ordinance

Noting that the amendment of a charge on a traffic citation citing a violation of chapter 484 of NRS (moving traffic violations) to a violation of an equivalent local ordinance is generally a decision made and initiated by the local prosecutor and not the court and that the decision whether to make such an amendment should be left to the discretion of the local prosecutor, the Task Force determined that “... a court should not amend a violation of chapter 484 of NRS to a violation of an equivalent local ordinance on its own initiative”. This resolution was approved April 13, 2000.

Resolution concerning establishment of a statewide collection function

Noting that defendants found guilty in District Court of committing criminal acts are generally remanded into the custody of the State Department of Prisons and/or the State Department of Parole and Probation, District Court typically imposes large mandatory fines as part of sentencing said defendants, the District Court loses its ability to directly monitor said defendants with regard to sentence compliance, and the majority of financial obligations imposed on said defendants are fines belonging to the State of Nevada, the Task Force determined that "... the Supreme Court, Governor, and Legislature of the State of Nevada should collaborate in establishing a statewide collection function to assist in collecting financial obligations imposed on defendants in District Court criminal matters". This resolution was approved October 20, 2000.

Resolution encouraging regional collaboration on collections

Noting that many defendants found guilty in Justice and Municipal Courts lack the means to pay financial obligations on the day of sentencing, that many of these defendants do not reside within the jurisdictional boundaries of the Court, that many Justice and Municipal Courts lack resources to adequately collect financial obligations owed their respective courts from defendants residing out of their jurisdictional boundaries, other jurisdictions have established sophisticated collection functions and are willing to assist other jurisdictions, the Task Force determined that "... the Judicial Council of the State of Nevada should encourage Justices of the Peace and Municipal Court Judges to utilize existing regional collection functions to assist in the collection of financial obligations imposed by their respective courts". This resolution was approved October 20, 2000.

Recommendation to the Judicial Council to expand MAS to cover District Courts

Noting the issues associated with the initiating of the Minimum Accounting Standards (MAS) for Justice and Municipal Courts, the completion of a revised MAS checklist, the separation of powers between the District Courts and the County Clerk's Office, the safeguards afforded limited jurisdiction courts under MAS are also germane to District Courts, the need for cooperation of the District Court Judges, their Administrative Staff (if applicable), and the County Clerks, and the need for the Supreme Court to be petitioned to expand the order concerning MAS, the Task Force recommended that the Nevada Judicial Council "... take actions necessary to expand MAS for inclusion of all Nevada District Courts". This recommendation was passed October 20, 2000.

Recommendation to the Judicial Council concerning District Court Collection Issues

Noting that a variety of issues exist regarding collections and case closure of District Court cases, the Task Force recommended that the Nevada Judicial Council “... explore ways to reduce or eliminate collections and case closure issues facing Nevada District Courts”. This recommendation was passed January 18, 2001.

Recommendation to the Judicial Council to Promote the Use of Technology in the Issuance of Citations

Noting that a variety of issues exist regarding the need for technology relative to the issuance of citations, the Task Force urged the Nevada Judicial Council to “...take action necessary to promote the use of technology in the issuance of citations. Specifically, the Task Force urges the acceleration of the utilization of electronic handheld citation devices by Nevada law enforcement agencies, the issuance of encoded driver’s licenses by the Nevada Department of Motor Vehicles, and the electronic sharing of citation information for the purposes of enforcement of Nevada laws and the collection of fines”. This recommendation was passed January 18, 2001.

Appendix A –Resolutions and Recommendations

<u>Resolution</u>	<u>Page</u>
Resolution concerning citations prior to adjudication.....	a-2
Resolution concerning treatment of cash bail	a-3
Resolution concerning amending NRS violation to local ordinance.....	a-4
Resolution concerning establishment of a statewide collection function.....	a-5
Resolution encouraging regional collaboration on collections.....	a-6

<u>Recommendation</u>	<u>Page</u>
Recommendation to the Judicial Council to expand MAS to cover District Courts.....	a-7
Recommendation to the Judicial Council concerning District Court Collection Issues.....	a-8
Recommendation to the Judicial Council to promote the use of Technology in the Issuance of Citations	a-9

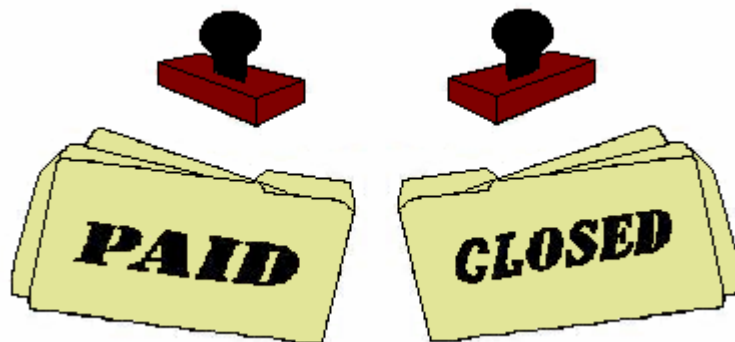


Nevada Judicial Collections Task Force

Revision 1.0

January 2001

COLLECTIONS AND ACCOUNTING STRATEGIES AND ENFORCEMENT (CASE) REPORT



Section 2 – Best Practices

<u>Chapter</u>	<u>Page</u>
Subcommittee Members and Acknowledgements	ii
1. Introduction.....	1
2. Payment and Collections Policies and Procedures	5
3. Payment by Credit and Debit Cards.....	8
4. Tracking Failures to Appear (FTA’s)	11
5. Tracking Non-monetary Sentences (e.g., incarceration, alternative sentencing).....	14
6. Means Determination.....	17
7. Using a Credit Bureau.....	19
8. Payment Plan Fees, Late Fees, and Collection Fees	22
9. Using Notices, Reminders, and “Statements”	24
10. Using Bench Warrants	27
11. Wage Garnishments and Automatic Drafts	30
12. Judicial Enforcement Officers (JEO’s).....	32
13. Marshal Service	34
14. Agreements with Other Government Entities (e.g., Parole and Probation).....	36
15. Methods for Locating Persons Owing Money to the Court	38
16. Using a Collection Division.....	40
17. Using Collection Tracking Software	43
18. Using a Collection Agency	45
19. Closing Extremely Delinquent Cases	47

This section is part of a three-part series compiled by the Nevada Judicial Collections Task Force:

Section 1 – Executive Summary

Section 2 – Best Practices

Section 3 – Accounting Issues

Subcommittee Members and Acknowledgements

This document was developed as a result of significant time and effort by the members of the Best Practices Subcommittee of the Nevada Judicial Collections Task Force. Below is a list of the subcommittee members.

Subcommittee MembersCourt

The Honorable Donald Mosley, Chair	Eighth Judicial District Court
Sylvia Banta, Co-Chair	Yerington Municipal Court
The Honorable Gordon Richardson	Lovelock Municipal Court
Jeff Adams	Eighth Judicial District Court
Judi Bourbeau	Boulder City Municipal Court
Steve Driscoll (left June 2000)	Sparks Municipal Court
Danielle Lawson (replacing Christy Magers)	Reno Municipal Court
Steve Morris	Las Vegas Justice Court
John Williams	Las Vegas Municipal Court
Robin Greco (replacing Beau Wiseman)	Washoe County Collections Division

The Best Practices Subcommittee members would like to thank their respective courts for allowing them the time and flexibility to work on this important project. They also wish to express thanks to various court personnel for assisting in answering numerous questions that resulted from the subcommittee meetings.

This document was compiled and edited by Martin Overstreet and Sheryl Watkins of Teamworks Consulting, Inc., under contract by the Nevada Administrative Office of the Courts.

Chapter 1 – Introduction

The Best Practices Subcommittee (henceforth referred to in this document as the “subcommittee”) was formed by the Nevada Judicial Collection Task Force (henceforth referred to as the “Task Force”) to discuss and document best practices utilized by Nevada trial courts and other courts around the nation in the areas of collections and case closure. From May, 1999, through January, 2001, the subcommittee held eleven (11) meetings to discuss best practices. This document is the result of that work.

During its inaugural meeting, the subcommittee adopted the following goals for itself:

1. Determine best practices for collecting money owed (the court), including circumstances where practices apply and where they are inappropriate
2. Determine best practices for recording case closures (other than collection of money), including circumstances where practices apply and where they are inappropriate
3. Develop guidelines for implementing best practices within various types of courts

As the goals indicate certain practices can enhance a court’s ability to collect money that is owed the court (generally as the result of a bail-setting order or sentencing order in criminal cases, but sometimes as the result of a judgment in civil cases where the court may collect money from one or more parties and subsequently distribute the money to one or more other parties in the case). Likewise, certain practices can enhance a court’s ability to reach case closure. In this context, case closure is defined as the noting in the court record that all aspects of a case have been resolved, completed, or complied with. For criminal cases this involves recording not just the payment of all monetary orders, but the completion of terms of incarceration and alternative sentencing conditions (e.g., house arrest, counseling, community service, rehabilitation programs).

Some practices only assist with collections. Others only assist with case closure. But many practices can be beneficial to both efforts. Some practices were discussed and found to be relatively ineffective either from a deterrent or from a cost effective standpoint. For instance, the suspension of driver’s licenses and motor vehicle registrations as a result of a failure to appear, failure to pay fines and fees imposed upon conviction, or failure to comply with court orders outlining alternative sentencing requirements imposed upon conviction, is relatively ineffective unless used in conjunction with other available tools to enforce court orders.

The subcommittee identified eighteen best practices dealing with the areas of collections and case closure. As noted in the previous paragraph, practices can have differing benefits. Additionally, the size of a court, as measured by number and complexity of cases as well as the size of the court’s staff can also affect the usefulness of a practice. Some practices are too costly to be beneficial to small courts. Other practices can be too time consuming for courts with a large volume of cases.

Most of the best practices described tend to be applicable only to criminal cases (including traffic) because they are the cases that generally require court involvement after adjudication. However, in certain civil cases the judge may order one or more parties to pay restitution through the court or otherwise submit proof of compliance with the judgment order for an extended period of time. Therefore courts may wish to utilize some of the best practices described in this document to better track these civil cases as well. Additionally, because of the role the Departments of Prisons and Parole and Probation play in carrying out and/or monitoring a defendant's compliance with district court orders in criminal cases, it is often perceived that district courts do not need to perform many of the practices listed herein. However, it is the opinion of the subcommittee that district courts have an obligation to ensure that orders from the court are in fact carried out and therefore need to monitor cases after adjudication for that purpose.



























In order to quantify the usefulness or benefit a particular practice may provide to Nevada's trial courts, the subcommittee ranked each practice on its usefulness to improve collections and improve case closure. A simple four-level grading system was employed for each category. If a practice is of no benefit for a category, the practice received a zero (represented as a dash "--"). If the practice provides only limited benefit for a category, it received a one (represented by one rubber stamp). If it provided substantial benefit, it received a two (represented by two rubber stamps). Finally, if the practice provides outstanding benefit for a category, it received a three (represented by three rubber stamps). Two additional issues were examined when quantifying each practice: cost to implement the practice and convenience to the court's customers.




To further assist Nevada's courts in evaluating the benefit a particular practice may have for itself, the subcommittee provided separate rankings for small courts and large courts. For the purpose of this ranking, a small court is defined as either a limited jurisdiction court with two or fewer judges and a case volume of less than 2,000 cases per month, or a district court with two or fewer judges and a case volume of less than 300 cases per month. Conversely, a large court is defined as either a limited jurisdiction court with three or more judges and a case volume of 2,000 or more cases per month, or a district court with three or more judges and a case volume of 300 or more cases per month.

The following chart lists the eighteen (18) best practices identified by the subcommittee and provides the rankings on usefulness or benefit to the court. Each practice is subsequently described in greater detail in Chapters 2 – 19. In each chapter, in addition to the subcommittee's rankings being repeated, three topics are discussed: 1) recommended approaches to the practice (including a brief definition of what the practice entails, 2) issues regarding the practice that a court may wish to consider, and 3) steps that a court should follow if it is interested in implementing the practice.



Practice	Category	Benefit to Small Courts	Benefit to Large Courts
Payment and Collections Policies and Procedures (Chapter 2 – page 5)	Collections		
	Case Closure		
Payment by Credit and Debit Cards (Chapter 3 – page 8)	Collections		
	Case Closure		
Tracking Failures to Appear (FTA's) (Chapter 4 – page 11)	Collections		
	Case Closure		
Tracking Non-monetary Sentences (Chapter 5 – page 14)	Collections	–	–
	Case Closure		
Means Determination (Chapter 6 – page 17)	Collections		
	Case Closure	–	–
Using a Credit Bureau (Chapter 7 – page 19)	Collections		
	Case Closure		
Payment Plan Fees, Late Fees, and Collection Fees (Chapter 8 – page 22)	Collections		
	Case Closure	–	–
Using Notices, Reminders, and “Statements” (Chapter 9 – page 24)	Collections		
	Case Closure		
Using Bench Warrants (Chapter 10 – page 27)	Collections		
	Case Closure		

Legend	
No benefit to the court	–
Limited benefit to the court	
Substantial benefit to the court	
Outstanding benefit to the court	

Practice	Category	Benefit to Small Courts	Benefit to Large Courts
Wage Garnishments and Automatic Drafts (Chapter 11 – page 30)	Collections		
	Case Closure	–	–
Judicial Enforcement Officers (JEO's) (Chapter 12 – page 32)	Collections		
	Case Closure		
Marshal Service (Chapter 13 – page 34)	Collections		
	Case Closure		
Agreements with Other Government Entities (Chapter 14 – page 36)	Collections		
	Case Closure		
Methods for Locating Person Owning Money to the Court (Chapter 15 – page 38)	Collections		
	Case Closure		
Using a Collection Division (Chapter 16 – page 40)	Collections		
	Case Closure	–	–
Using Collection Tracking Software (Chapter 17 – page 43)	Collections		
	Case Closure	–	–
Using a Collection Agency (Chapter 18 – page 45)	Collections		
	Case Closure	–	–
Closing Extremely Delinquent Cases (Chapter 19 – page 47)	Collections	–	–
	Case Closure		

Legend	
No benefit to the court	–
Limited benefit to the court	
Substantial benefit to the court	
Outstanding benefit to the court	

Chapter 2 – Payment and Collections Policies and Procedures

Usefulness/Benefit to a Court	Small Court	Large Court
To improve collections		
To improve case closure		

Recommended Approach

Probably the single most important step a court can take to improve collections and accounting effectiveness is the development of payment and collections policies and procedures. Policies are established to articulate why the court does or does not do certain things. They are the guiding principles to be followed by the court. Procedures are established to articulate how the court implements its policies. Procedures provide uniformity and consistency regardless of who performs the tasks. It should be noted that in order to be truly successful, policies and procedures must be committed to paper. Simply working under the principle of “well, we’ve talked about what we want to do and we work from that understanding” does not constitute the development of policies and procedures because there is nothing newcomers to the court can review and nothing people can point to as the definitive authority on the “whys” and “hows” concerning payment and collections issues. Additionally, policies are only effective if all parties involved in the activity are informed of the policies; and in this case that means the policies (and procedures to be utilized by the public) need to be disseminated to the public (who are potential customers of the court) as well as all court staff, other government agencies, businesses, and vendors doing business with the court.

In many respects, the development of payment and collections policies and procedures can be viewed as the documentation of the court’s implementation of payment and collections practices. Examples of areas that should be covered in these policies and procedures are:

1. What methods of payments the court will accept (e.g., cash, check, credit/debit card, money order, etc.) and under what circumstances (e.g., bail, payment of fines and fees).
2. How someone can pay the court (e.g., in person, by mail, over the Internet).
3. When payments are considered due (e.g., day of sentencing for traffic and criminal cases).
4. Under what circumstances payment extensions will be granted.
5. For each type of circumstance (e.g., bail, fines/fees), what the court will do if a person becomes delinquent on his payment.

Chapter 2 – Payment and Collections Policies and Procedures

Additional items to include in payment policies and procedures can be found in Section II – Cash Receipts of the proposed revised Minimum Accounting Standards, located in Appendix B of Section 3 of this series.

If the court has not already formulated policies and procedures regarding payments and collections, it can easily be accomplished by walking through the best practices listed in this document and deciding which practices the court already performs or wishes to incorporate into its practices and including them in the policies and procedures.

Policies should be established by court management. For smaller courts this entails the judge(s), with assistance from staff, determining what approaches to payments and collections they wish the court to utilize. For larger courts this exercise should include judges and the court administrator. Procedures are generally drafted by either supervisors and/or clerks familiar with the payment and collections processes.

In order to be effective, payment and collections policies, and the procedures that the court wishes the public to use, should be disseminated to the public. The court should consider utilizing whichever methods listed below it determines would be an effective way to articulate its policies and procedures:

1. Clearly posted signage at the courthouse and any other location where payments are accepted.
2. Develop pamphlets which advise defendants as to policies in regard to installment payments, alternative sentencing, etc.
3. Have the judge, or designated staff, advise parties of policies from the bench or have the policies explained in a video shown to the parties prior to their court appearance.
4. Have officers provide literature when issuing citations. (Boulder City Municipal Court utilizes this technique.)
5. Post policies and procedures on the court's Web site.
6. Periodically run articles in local newspaper(s).
7. Utilize television and radio stations for public service announcements. (Example: A judge in Las Vegas periodically is a guest on the City's television program.)

Likewise, these policies and procedures should be disseminated to every court employee or agent who is involved with payment and collections processes. If appropriate, these employees should receive adequate training on the procedures.

Finally, the court should also plan on revisiting its policies and procedures systematically to determine if changes need to be made. It is suggested that the policies and procedures be reviewed annually to determine if any updates need to be made to either policies or procedures. Any updated policies and procedures should be posted in the courthouse or otherwise disseminated to the public.

Issues to Consider

The following issues should be considered regarding payment and collections policies and procedures:





1. Policies should be developed prior to development of procedures because the policies provide guidelines concerning the procedures.
2. Policies (and procedures to be followed by the public) should be expressed in such a way as to be easily understood by the public.
3. If an item is expressed in the policies, the court must be prepared to exercise the associated procedures if the circumstances dictate.
4. The court should follow posted policies and procedures. The court should not exercise procedures that are not included in posted policies or exercise procedures out of sequence.
5. If the court desires law enforcement to distribute policy and procedure literature at the time the citation is issued, the court should work closely with law enforcement when developing these materials.
6. The court may wish to consider the language needs of its constituents when developing printed policy and procedure materials.

Suggested Implementation Steps

The following steps should be followed regarding payment and collections policies and procedures:

1. If the court does not already have written policies concerning payment and collections, court management should determine those policies and commit them to paper. If the court has written policies, they should be reviewed for accuracy and completeness.
2. Court management should determine by what methods the policies and procedures will be disseminated to the public.
3. If the court does not already have written procedures concerning payment and collections, appropriate court personnel should develop those procedures and commit them to paper. If the court has written procedures, they should be reviewed for accuracy and completeness.
4. The policies and procedures should be distributed to all court personnel (and agents of the court) involved in payment and collections activities. If needed, training should be provided. [Note: It is suggested that personnel sign a document stating that they have read and understand the policies and procedures.]
5. Material should be developed and deployed for each method of disseminating the policies and procedures to the public.
6. Policies and procedures should be systematically reviewed and updated.
7. Methods of dissemination and materials used in each method should be systematically reviewed and updated as appropriate.

Chapter 3 – Payment by Credit and Debit Cards

Usefulness/Benefit to a Court	Small Court	Large Court
To improve collections		
To improve case closure		

Recommended Approach

Across the nation numerous courts have adopted policies allowing persons owing the court money to pay their obligation by credit and/or debit card. They have determined it is better to collect the money as early as possible in whatever form they can collect it rather than run the risk of not collecting the money. This is particularly true if a large number of persons owing money to the court live outside the jurisdiction of the court. Accepting payment for civil filing fees is made easier and more convenient for the customer.

While it is recognized that many people needing to pay money to the court do not have credit and/or debit cards, it should also be recognized that many do. Credit card companies typically charge merchants (those allowing payments to be made by credit cards) a small fee, generally 1.5 – 2.5% of the amount charged, for processing the charge. They also prohibit the merchant from adding on a surcharge for accepting credit cards if the transaction is “face-to-face”, meaning the person is physically at the merchant’s location. They do, however, allow merchants to charge a fee if the transaction is being conducted over the phone, over the Internet, or through the mail. Some credit card companies waive those fees for government entities, although this is rare. Banks generally charge their customers for the use of debit cards, so aside from the costs of initiating the service, accepting payment by debit card has no added cost to the court.

An added benefit of accepting payment by credit and/or debit cards over accepting payment by check is the elimination of returned checks for insufficient funds. If the court obtains authorization for a transaction, the company or bank issuing the card guarantees payment to the court.

While the statutes do not currently address how courts may utilize credit and debit cards for the payment of money owed the court, many limited jurisdictions have either received permission by their local funding body that the city or county will pay the credit card processing fees on behalf of the court or made the determination to pay the processing fees from the court’s general operating budget for payment of fines and fees owed the court. The use of credit cards to post bail is not widely utilized in Nevada at this time because some funding bodies fear that since the bail is money collected as a

trust it may be required to be refunded to the defendant. However, preliminary statistics indicate that bail posted on traffic and misdemeanor criminal citations is frequently forfeited or ultimately used to pay a fine or fee associated with the case minimizing this concern.

Once the court has determined under what circumstances credit and/or debit card payments will be allowed, accepting credit card and debit card payments can be accomplished in a variety of ways. It is advised that the court contact its bank to determine specific steps to be taken to allow credit and/or debit card payments. Credit and/or debit card payments can be accepted on all payments utilizing an interactive voice response system or the court's Web site, provided these mechanisms are, or can be, interfaced with the court's computerized case management system (CMS). Lastly, courts may wish to allow people to make credit/debit card payments through the mail by providing a form, either provided when the citation is issued or upon request, that specifically captures both the credit/debit card information as well as the cardholder's signature authorizing the transaction.

Issues to Consider

The main issues to consider concerning acceptance of payments by credit and/or debit cards are:

1. Does the court's caseload makeup (number of cases and demographics of persons owing the court money) indicate that accepting payment by credit and/or debit cards would be beneficial to the court.
2. How will credit card processing fees be paid.
3. What types of payments (payment of criminal fines/fees, payment of civil fees, posting of bail) and under what circumstances (e.g., at the counter, through the mail, over the Internet, using an interactive voice response system) to allow payment by credit and/or debit cards.
4. Can the court's CMS accept such payments, including interfacing with card swiping devices and authorization programs (requiring dial-up modem access to connect with the authorization programs).
5. Can the court's bank process payments made by credit and/or debit cards (not generally a problem).

Suggested Implementation Steps



The following steps should be followed to implement payment by credit and/or debit cards:

1. Determine what types of payments (payment of criminal fines/fees, payment of civil fees, posting of bail) and under what circumstances (e.g., at the counter, through the mail, over the Internet, using an interactive voice response system) to allow payment by credit and/or debit cards.
2. Contact the court's bank to determine their requirements for processing credit/debit card payments.
3. Develop policies and procedures for accepting payments by credit/debit cards.

Chapter 3 – Payment by Credit and Debit Cards

4. If credit and/or debit card payments can be made at the counter: either integrate the credit/debit card authorization process directly into their CMS through the use of an integrated magnetic stripe reader or utilize a standalone magnetic stripe reader and record the authorization number in the case management system.
5. If the court wishes to allow payment by credit and/or debit card through an interactive voice response system, contact the provider of the voice response software.
6. If the court wishes to allow payment by credit and/or debit card through their Web site and wishes to accept payment by credit and/or debit card over the Internet, the court should contact the provider of the developer and/or administrator of the Web site.
7. If the court will allow payment through the mail by credit and/or debit card, develop appropriate authorization form(s). If law enforcement is going to provide these forms with the citation, work with the local law enforcement agencies to develop these forms and develop the associated procedures. Alternative methods for distributing these forms (e.g., request by mail/fax/email or download from the court's Web site) will also need to be developed.
8. Distribute and/or post policies and procedures for accepting payments by credit/debit cards to the general public.

Chapter 4 – Tracking Failures to Appear (FTA’s)

Usefulness/Benefit to a Court	Small Court	Large Court
To improve collections		
To improve case closure		

Recommended Approach

When a criminal defendant fails to either attend a court appearance or otherwise dispose of the case before his given court appearance (e.g., by posting bail on a traffic citation), the case goes into what is referred to as Failure to Appear (FTA) status. Several issues are involved when looking at cases in FTA status. If the appearance was mandatory, as determined by the type of crime the defendant is accused to have committed, the court is left with little recourse but to issue an FTA bench warrant for the defendant, as prescribed by Nevada Revised Statute (hereafter referred to as NRS). However, for most traffic cases, presuming the defendant has not previously posted bail for the case, the court may choose to pursue other types of collections efforts. [If bail had been posted, the court may elect to forfeit the bail and close the case.] Regardless of whether or not a bench warrant is issued, the court should track all defendants that are in FTA status in its case management system. [Note: For a discussion on the use of bench warrants, refer to Chapter 10.]

To effectively track cases in FTA status, it is recognized that the court’s computerized case management system (CMS) must be capable of significantly assisting in this tracking. This tracking should include the production of aging and other management reports concerning cases that are in FTA status as well as the ability to produce FTA bench warrants (and create associated docket entries and preferably electronically transmit the FTA warrants to local law enforcement agencies and the state repository) or generate dunning notices if requested by court management. Additionally, the CMS should provide some type of visual notification that a defendant has a case in FTA status whenever any case involving the defendant is displayed by court personnel. This can be extremely helpful when a defendant makes a payment on one case at a counter and has an FTA status on another case allowing court personnel the opportunity to act on the FTA status.

Determining when a case should be marked as FTA status should be automatic for the court’s CMS. By this it is meant that court personnel should not have to review every case to determine which cases need to be marked as FTA status. Rather, the CMS should be capable of examining scheduled events

for cases and determining which cases meet the criteria for FTA status. The system should then allow court personnel the opportunity to process those cases en masse.

In addition to, or instead of, the issuance of an FTA bench warrant, courts may wish to consider utilizing other collection efforts such as imposing late or collection fees (refer to Chapter 8), mailing dunning notices (refer to Chapter 9), or trying to locate the defendant (refer to Chapter 15).

Technically speaking, the prosecuting office has the responsibility to see that cases are filed by it (or filed on its behalf as is the case with citation-based complaints). The court has within its discretion the authority to set timeframes with which it will adjudicate cases. In an effort to be more effective and efficient in their operation, many courts set these timeframes by case type. For instance, a court may indicate that cases involving only non-moving traffic violations should be adjudicated within five (5) years. If a case of this type remains in FTA status for five (5) years, the court may request the prosecuting office to either dismiss the case or indicate its desire to keep the case active for an additional period of time. Properly tracking and monitoring FTA's by case type is crucial to maintaining the effective and efficient operation of the court. [Refer to Chapter 19 for a more detailed discussion on this topic.]

Issues to Consider

It is important to note here that the Task Force has passed a resolution indicating that an FTA case has no inherent value because the court can not make an assumption of guilt (refer to Section 1 of this series for a discussion and copy of this resolution). Particularly for traffic and other citation-based misdemeanor cases, the court must weigh the costs of issuing and enforcing an FTA bench warrant (by both the court system and law enforcement) or the cost of pursuing other collection efforts with the impact of properly adjudicating the case and the potential income from the case. Based upon that cost analysis, many limited jurisdiction courts are opting to utilize other collection techniques first and initiating an FTA bench warrant as a last resort for certain case types (based upon the alleged crimes involved).

Suggested Implementation Steps

The following steps should be followed regarding tracking cases in FTA status:

1. For each case type, determine when a case should be marked as FTA status.
2. Develop procedures for implementing methods for marking cases as FTA status en masse and individually.
3. For each case type, determine what collection steps are to be followed, including the issuance of an FTA bench warrant. [Note: When marking cases as FTA status en masse, safeguards should be taken to ensure a bench warrant is not issued on a case that has in fact been adjudicated but has somehow made it into a batch.]
4. Determine what aging and management reports should be produced to assist in the tracking of cases in FTA status.
5. For each case type, determine the timeframe (including indefinite) for adjudicating cases and the method(s) by which the court will work with prosecutors office on the disposition of cases that exceed those timeframes.
9. Distribute policies and procedures for FTA's to the general public.

Chapter 5 – Tracking Non-monetary Sentences

Usefulness/Benefit to a Court	Small Court	Large Court
To improve collections	–	–
To improve case closure		

Recommended Approach

Case closure is more than just collecting money. Many defendants who plead or are found guilty in criminal cases are given non-monetary sentences, primarily incarceration and/or other alternative sentences such as community service, work programs, at-home arrest, counseling, and other programs. In order to ensure that orders of the court are being carried out it is important for courts to track these non-monetary sentences. This is most easily accomplished through the court’s case management system (CMS).

The court should be able to enter all components of the sentence, including suspended conditions, into the CMS and subsequently record compliance with its sentencing orders. For instance, if a defendant is sentenced to 100 hours of community service, the court records the 100 hours as “owed” by the defendant along with conditions such as how long the defendant has to complete the service and any periodic requirements (e.g., ten (10) hours per month for ten (10) months). Then, the court could receive and record completion of the community service, generally in the form of an electronic transmission or at least a report indicating completion on a periodic basis, generally monthly. The CMS could then allow the court to determine who is not in compliance with its sentencing orders much the same way as the court monitors compliance with time-to-pay agreements. If a defendant is found to be in non-compliance the CMS could automatically initiate predetermined actions such as reminder notices or notices to appear before the court (either the judge or a judicial enforcement officer) and explain why its order is not being followed.

This type of tracking could also be used to determine if conditional sentencing, generally in the form of suspended sentences, need to be revoked and a more severe form of sentencing should be executed. An example of this type of tracking would be a case where the imposition of incarceration that has been suspended provided the defendant submits to and passes weekly drug tests and where the defendant has either failed to take or taken and failed a drug test causing a notice to be generated to the defendant for a court appearance whereby the judge reviews the case and determines that the suspended incarceration sentence should be lifted and the defendant must serve his time in jail.

To assist in the compliance with non-monetary sentences it is recommended that non-monetary conditions and compliance should be indicated on printed receipts when the defendant makes monetary payments.

For smaller courts, particularly limited jurisdiction courts, tracking non-monetary sentences can generally be carried out by bailiffs or other court personnel. For larger courts tracking non-monetary sentences can consume a large amount of court personnel time. However, if the court can develop relationships with agencies and other organizations charged with administering these non-monetary sentences (e.g., jail, sheriff's office, and drug and domestic violence counseling centers) to share information electronically, the court's CMS can be enhanced to record the compliance with these orders with little human intervention. Likewise, if the CMS can automatically determine non-compliance and either automatically produce failure to comply (FTC) notices and/or warrants, schedule FTC hearings (with either the judge or the judicial enforcement officer), or other predetermined tasks, large courts can track many non-monetary sentences.

Tracking non-monetary sentences is not just a limited jurisdiction court issue. District courts could benefit greatly if they were to track these sentences as well. The Department of Corrections is charged with monitoring defendants sentenced to prison and Parole and Probation is responsible for tracking defendants placed on formal parole or probation. However, in order to determine if court orders are effective for a court, statistics must be gathered concerning the imposition of sentences by type of sentence and compliance with all types of court orders. Through the use of electronic or paper-based status reports from both the Department of Prisons and Parole and Probation, tracking the compliance of district court orders can be greatly simplified allowing the production of compliance statistics and exception reports.

Issues to Consider

The main issues to consider concerning tracking non-monetary sentences are:



1. Does the court's CMS currently allow the tracking of non-monetary sentence compliance or can it be enhanced to track this compliance.
2. Can the court realign its job duties to allow tracking of compliance with non-monetary sentences.
3. If volume dictates, can external entities charged with administering non-monetary court orders communicate electronically with the court to share information concerning compliance.

Suggested Implementation Steps

The following steps should be followed to implement tracking of non-monetary sentences:

1. Develop policies and procedures concerning the capturing of non-monetary sentence orders and compliance with those orders, including methods to be used for gathering and analyzing statistics and handling defendants found not in compliance.
2. Determine and train court personnel charged with tracking non-monetary sentence compliance.
3. If required, enhance the court's CMS to track non-monetary sentence compliance and the electronic communication with outside entities charged with administering the compliance.
4. Distribute and/or post policies and procedures regarding non-monetary sentence compliance to the general public, particularly defendants involved.

Chapter 6 – Means Determination

Usefulness/Benefit to a Court	Small Court	Large Court
To improve collections		
To improve case closure	-	-

Recommended Approach

Two distinct yet related issues arise when a court looks at imposing a monetary order: 1) balancing the amount of the order with the person’s ability to pay, and 2) allowing sufficient time to pay the monetary judgment. While most monetary sentences in criminal cases should be collectible on the day of sentencing (with the exception of large mandatory fines imposed in district court), by evaluating the person’s ability to pay, an appropriate judgment can be assessed, thereby averting setting the defendant up for failure to meet the sentence imposed.

A means determination is the set of procedures a court uses to evaluate and determine the financial wherewithal of a person to pay monetary orders of the court. It can also be used to determine monetary judgments in civil cases. A means determination is used to determine the total amount to assess in monetary sentences as well as the parameters in granting time-to-pay agreements (e.g., amount and length of time to pay).

A means determination can also ascertain that the defendant has the means to pay his entire monetary sentence on the day of adjudication rather than the court granting a time-to-pay agreement simply because the defendant requested one. Las Vegas Municipal Court and the court system in Phoenix Arizona conducted evaluations and they both found that approximately 10% of defendants who say they can not pay at time of sentencing actually have the means to pay at that time. By performing a means determination these courts found that they can collect money faster and thereby increase collection rates which serves to keep the cost of collections down.

When developing means determination procedures, a court can model the process after a traditional credit application process used by banks, other lending institutions and merchants. This typically involves collecting and verifying personal information (e.g., name, addresses, social security number, relative(s) [useful when trying to contact a delinquent defendant]) as well as financial information (e.g., credit cards, bank accounts, assets, liabilities). Courts typically utilize a means determination form to collect this information from the person. Courts can verify this information themselves or they may wish to utilize a credit bureau to verify the information (refer to Chapter 7). Requiring that

information provided on the form is signed under penalty of perjury can reduce the amount of inaccurate information.

In order to be effective, means determinations should be proactive. That is to say they should be performed prior to or at the time sentencing is being imposed. Additionally, staff conducting means determinations need training in administering and evaluating applicants. Finally, like all collection and case closure strategies discussed in this document, means determinations need the support of the judge involved in the case. By this it is meant that the judge should be a part of establishing this policy and considering the results of the determination when imposing monetary sentences.

Many courts routinely provide means determination forms to defendants just prior to arraignment hearings (generally by canvassing of defendants who will be pleading guilty or no contest) so the defendant can be filling out the form while he is waiting for his case to be called. In an effort to reduce the number of defendants who needlessly apply for time payments, some courts only provide the form to those defendants who request a public defender, thereby combining both evaluations. Still other courts decide not to perform a means determination until after sentence has been imposed. In this case, court staff at the counter will offer the form when a defendant requests time payments.

Issues to Consider

The main issues to consider concerning means determination are:




1. Can the court realign its job duties to allow staff time to perform means determinations at the appropriate time during the case (e.g., after a finding of guilt but before sentencing).
2. If volume dictates, should means determinations be automated through the use of software provided by credit bureaus.
3. If the court does not already do so, assessing a payment plan fee (as described in Chapter 8) when a time-to-pay agreement is granted is a way to offset the cost of performing means determinations.

Suggested Implementation Steps

The following steps should be followed to implement means determinations:

1. Develop policies and procedures defining under what circumstances means determinations will be performed as well as how they are to be conducted. [The court may wish to contact its bank or some other lending institution to obtain help in defining these procedures.]
2. Develop a means determination form to be used to collect information from persons.
3. If a credit bureau is to be utilized to verify information, the court should establish a contract with the credit bureau. If this verification involves the use of software provided by the credit bureau, the software should be installed at the court.
4. Staff members that will be conducting the means determinations should be trained in the procedures.
5. Distribute policies and procedures regarding means determinations to the general public, particularly defendants involved.

Chapter 7 – Using a Credit Bureau

Usefulness/Benefit to a Court	Small Court	Large Court
To improve collections		
To improve case closure		

Recommended Approach

Credit bureaus are in the business of recording information on people (and organizations) that have been issued credit and providing information to potential and current creditors on the debtor.

Courts contemplating granting time payments (i.e., credit) to a defendant as well as courts interested in determining a defendant’s wherewithal to pay a proposed monetary order may wish to request a credit report on the individual as part of their means determination (see Chapter 7) so that a more accurate appraisal of their likelihood of repaying the debt in a timely manner can be obtained. This aspect of a credit bureau is only somewhat appropriate for larger courts primarily because of the cost and time involved in obtaining credit reports for a large volume of defendants unless the process can be automated (e.g., the court’s CMS could automatically request information from the credit bureau through the use of software provided by the credit bureau).

Credit bureaus make their money by charging people to obtain a copy of their credit history on people. The typical cost of obtaining a credit report is \$2.00 – \$4.00. It is therefore impractical for large-volume courts to expend the cost for credit reports on all defendants seeking time payments. Large-volume courts would be better served by selecting requesting credit reports on those defendants most likely to have credit or assets based on the financial statement completed as part of the means determination.

In addition to recording credit history on debtors, credit bureaus also collect information regarding the physical location of debtors. Credit bureaus gather addresses on individuals from all creditors reporting credit history information. Additionally, many credit bureaus tap alternative sources, such as magazine distributors and utility companies, to keep accurate records on the physical (or at least mailing) address of debtors tracked by their company.

Courts that have lost, or never obtained, an accurate physical or mailing address for a person owing money to the court or received a citation that needs adjudication by the court, may consider seeking the current address(es) of a person as part of their means determination (to verify the accuracy of information provided by the defendant) or as part of their collection effort for past-due amounts owed

the court (e.g., notices mailed to a defendant at his last known address maintained by the court are returned with no forwarding address) or FTA situations. In this capacity (known as skip tracing), credit bureaus can supply a new or alternative address, correct an inaccurate address on file with the court, or possibly provide a phone number where the defendant can be reached.

While someone owing the court or who received a citation may not provide an accurate address at the time the person appeared before the court or was issued the citation, people still want their cable television, electricity, or telephone service. They routinely provide current address information to these utility companies which forward it on to credit bureaus.

In their capacity as a recorder of credit performance, a credit bureau receives information from creditors concerning a debtor's compliance with his credit obligations. Negative credit reporting (e.g., an outstanding past due amount owed a creditor or extremely slow payment of credit) impacts a person's ability to acquire new debt. If a person is attempting to make a major purchase on credit, the potential creditor requests a credit history on the individual, couple, or organization from one or more credit bureaus. If any of the credit bureaus indicates one or more negative credit reportings by existing or past creditors (e.g., outstanding past due amounts or extremely slow payment history), the person will probably not be granted the new credit they are requesting.

Credit bureaus allow courts to report both outstanding past-due credit obligations and slow-pay history. By reporting either of these situations to one or more credit bureaus, a court can potentially increase their collection of past due amounts as well as assist in the timely collection of time payments granted to defendants. Credit bureaus typically accept credit information from courts using either a manual access (via paper correspondence or using computer access provided by the credit bureau) or via tape (typically used by larger courts).

The following is a list of credit bureaus with which a court may wish to establish a working relationship:

Experian (formerly TRW Credit Reporting Services) 425 N. Martingale Road 6 th Floor Schaumburg, IL 60173 (800) 831-5614	Trans Union P.O. Box 1000 Chester, PA 19022 (800) 888-4213	Equifax P.O. Box 105873 Atlanta, GA 30348 (800) 711-5341
---	---	---

Issues to Consider

Two primary issues regarding the use of a credit bureau to assist in determining whether or not a defendant should be granted time payments are the cost of using a credit bureau for this purpose and

the associated cost in personnel time to obtain the information. Many large-volume courts may determine that using other, less expensive, sources for this information may be a more cost-effective approach (see Chapter 15).

Placing adverse credit history information into a person's or organization's credit files can have a negative impact; particularly if the amount owed is small. Many of the court's debtors are local residents. By negatively impacting their ability to obtain credit, a court can receive an unexpected backlash from their constituency if it is perceived that the court is too quick to invoke this drastic of a collection alternative. A court can mitigate this concern by utilizing alternative solutions prior to and setting an appropriate time period before notifying credit bureau(s).

Regardless of the reason that a court uses a credit bureau, it is important that the court first establish policies directing under what circumstances the court will use the credit bureau and for what purposes.

Suggested Implementation Steps



If a court is interested in notifying one or more credit bureaus concerning either outstanding credit obligations or slow payment history on credit obligations they should follow the following steps:

1. Determine under which circumstances a credit bureau will be notified concerning either outstanding credit obligation or slow payment history.
2. Contact the credit bureau(s) the court wishes to notify to obtain reporting requirements.
3. Develop policies and procedures concerning the reporting of the information.
4. If the reporting of credit information is to be automated, enhancements to the court's CMS should be developed and implemented.
5. Train personnel assigned to compile and report information.
6. Distribute and/or post policies and procedures regarding reporting to credit bureaus to the general public, particularly defendants who receive monetary sentences.

Courts wishing to obtain credit history information, verify information supplied by a potential debtor, or obtain assistance in locating a lost debtor by using information maintained by a credit bureau should follow the following steps:

1. Determine under which circumstances a credit bureau will be contacted.
2. Contact the credit bureau(s) the court wishes to utilize.
3. Develop policies and procedures concerning the contact with credit bureaus.
4. If requests to credit bureaus are to be automated, enhancements to the court's CMS should be developed and implemented.
5. Train personnel assigned to request and process information.
6. Distribute and/or post policies and procedures accessing credit bureau reports to the general public, particularly defendants who receive monetary sentences.

Chapter 8 – Payment Plan Fees, Late Fees, and Collection Fees

Usefulness/Benefit to a Court	Small Court	Large Court
To improve collections		
To improve case closure	–	–

Recommended Approach

Virtually every Nevada limited jurisdiction court grants time-to-pay agreements to some defendants. As described in Chapter 6, these time-to-pay agreements should be preceded by a means determination review to indicate the defendant did not have the financial means to pay the monetary order on the day of sentencing. Many of these limited jurisdiction courts already assess a fee to establish a time-to-pay payment plan for defendants owing the court money. For instance, Las Vegas Municipal Court and Boulder City Municipal Court currently assess \$25 and Yerington Municipal Court assesses between \$25 and \$100 depending upon the past payment history with the court. Assessing this fee is justified by the courts as a way to partially offset the added cost to the court for performing needs determinations, sending notices and processing multiple payments on the same case. The fee should be collected at the time the payment plan is established.

Another type of fee available to the court as a means of offsetting additional costs is known as late fees or collection fees. These fees are imposed when a defendant becomes delinquent on his financial obligation to the court. Typically, these fees are assessed prior to a case going to warrant for failure to pay (refer to Chapter 10). Some courts, such as Las Vegas Municipal Court, assesses a one-time collection fee the first time a financial obligation becomes delinquent, regardless of how often the defendant is delinquent thereafter (unless the case goes to warrant). Other courts assess the late or collection fee each time the financial obligation becomes delinquent. Courts that make multiple assessments generally set the assessment for a smaller dollar amount than courts that make a one-time assessment. Most courts imposing a late or a collection fee generally wait ten to thirty days as a grace period prior to imposing the fee. It is also recommended that the court send a dunning notice (see Chapter 9) to the defendant when a late or collection fee is imposed indicating the amount due, the amount of the fee assessed, the amount of time the defendant has to resolve the delinquency, and the next step(s) the court will take if the delinquency is not resolved (generally the issuance of a failure to pay bench warrant).

Currently most of Nevada’s district courts seldom impose any of these types of fees, presumably because they believe that the fines imposed are so large that few defendants could possibly pay the amount on the day of sentencing and because it is generally believed that the Department of Prisons and/or Parole and Probation is responsible for collecting fines imposed by the court.

Issues to Consider

The main issues to consider concerning assessing payment plan fees, late fees, or collection fees are:





1. Can the court’s computerized case management system (CMS) both accommodate and automatically determine and assess the fees.
2. The fee amount should be based upon the average cost to the court for the additional activities involved in establishing and administering time-to-pay agreements and the collection of delinquent obligations.
3. Policies regarding the assessment of these fees should be properly displayed in the courthouse.

Suggested Implementation Steps

The following steps should be followed to implement payment plan fees, late fees, or collection fees:

1. Develop policies and procedures defining under what circumstances the fees will be assessed as well as what the fees will be.
2. If required, enhance the court’s CMS to determine, automatically assess the appropriate fee, and, if desired, generate dunning notices indicating the assessment of the fees.
3. Distribute and/or post policies and procedures regarding the assessment of payment plan fees, late fees, and/or collection fees to the general public, particularly defendants.

Chapter 9 – Using Notices, Reminders, and “Statements”

Usefulness/Benefit to a Court	Small Court	Large Court
To improve collections		
To improve case closure		

Recommended Approach

Creditors throughout the country have learned that sending notices, reminders, and statements is the most reliable method of managing accounts receivables. Studies have shown that people are more apt to send payments on a consistent basis if they receive notices that payment is due or monthly statements indicating what is owed along with a due date. Providing either a pre-addressed return envelope or a windowed envelope with the return address preprinted on the returnable portion of the statement or notice further increases the chance of receiving payment in a timely manner. Mortgage companies and creditors for automobile loans, where credit is extended for long periods of time have, for the most part, replaced the coupon booklets with monthly statements because they found that borrowers tend to send payments more consistently with statements rather than having to remember that a payment is due.

While courts do not have true accounts receivables (refer to Section 3 – Accounting Issues of this series for a discussion concerning accounts receivables and the courts), they do require people to pay money to the court. Whether the court requires payment in full (as in the case of bail on a citation) or a time-to-pay agreement for fines and fees, there is, in effect, a situation that closely resembles and mimics an accounts receivable.

Many courts around the nation have instituted the sending of notices or “statements” prior to the date the payment is due. For instance, some courts send a notice after receiving a citation from law enforcement indicating the date of arraignment (the due date), the amount of the bail, and instructions regarding options available to the defendant regarding the case initiated as the result of the citation. Many courts that grant time-to-pay agreements, including Lovelock Municipal Court, send monthly “statements” to defendants providing information on recent payments, credits, and other “adjustments” (primarily as a result of modifications of sentences or the imposition of late fees) as well as the current amount due and a due date. As noted above, sending a pre-addressed envelope or a windowed envelope helps ensure that payments are received in a timely manner. North Las Vegas and Las Vegas Municipal Courts have utilized this type of “pre-billing” notice for several years and report reduced

collection times. Yerington Municipal Court started using this type of notice in early 2000 and reported an increase in collections.

A final way notices and reminders can assist courts is in the area of delinquent obligation management. In many instances, simply sending a reminder notice to a defendant a few days after a payment is due can significantly increase collections without having to go to the expense of issuing a bench warrant or some other costly collection effort. These notices can be worded more strongly the longer the obligation remains unresolved. Both Washoe County Collections (used by courts in Washoe County to collect on delinquent accounts) and the Las Vegas Municipal Court Fines Enforcement Division utilize several notices in their collection efforts.

To be cost effective, the production of notices, reminders, and statements should be a part of the court’s computerized case management system. Court staff should be able to review a list of defendants requiring the generation of notices, either individually by type of notice or collectively with the system differentiating between the type of notice needed for each defendant, and initiate the printing of the notice along with any corresponding docket entry and/or assessment of an appropriate fee (as in the case of some delinquent notices). To further reduce staff time involved, some courts utilize a postcard-style reminder notice or use windowed envelopes, utilizing the defendant’s name and address right from the printed notice. For larger-volume courts it may also be cost effective to acquire automated folding and envelope stuffing machines.

To offset the cost of sending notices, reminders, and/or “statements”, some courts assess a bench warrant fee if past due notices are generated and sent to defendants. However, as discussed in Chapter 8, courts should probably assess payment plan, late and/or collection fees instead.

An additional benefit of sending notices to defendants lies in the fact that the cost of the notice is a small cost to ascertain that the address on file with the court is a valid address for the defendant. If the notice is returned to the court as undeliverable (or if the envelope or postcard requests address correction information to be provided to the court by the postal service), the court is notified that the address is not valid or is provided with a current address for the defendant.

The practice of sending notices, reminders and “statements” is primarily performed by limited jurisdiction courts in Nevada. However, if the court is notified when a defendant is released from prison, this practice could be extremely beneficial to district courts as well.

Issues to Consider

The main issues to consider concerning the use of notices, reminders, and “statements” is whether or not the court’s computerized case management system (CMS) can (or can be enhanced to) automatically determine and print the requisite documents, automatically generate appropriate docket entries (if required), and automatically assess late or collection fees (if required).

Suggested Implementation Steps

The following steps should be followed to implement notices, reminders, and “statements”:

1. Develop policies and procedures defining under what circumstances notices, reminders, and “statements” will be generated.
2. Determine if any fees will be assessed as a result of the generation and sending of these documents (refer to Chapter 8).
3. Develop templates for each type of document to be produced.
4. If required, enhance the court’s CMS to determine, automatically produce the requisite document(s), automatically create an appropriate docket entry (if required), and automatically assess the appropriate fee (if required).

Chapter 10 – Using Bench Warrants

Usefulness/Benefit to a Court	Small Court	Large Court
To improve collections		
To improve case closure		

Recommended Approach

A bench warrant is the most costly method available to a court for the purposes of trying to reach case closure and/or collect money owed the court. The court incurs the cost of preparing and issuing the warrants and if they use their own marshals to serve the warrants they incur the cost of serving the warrants as well. If law enforcement officers serve the warrants then the law enforcement agency incurs the cost of serving the warrant. If the defendant is arrested as a result of the warrant, the local agency operating the jail (usually the county sheriff’s office) incurs the cost of housing the defendant. If the defendant is arrested in another jurisdiction, the cost of transporting the defendant back to the court must also be borne. Therefore, it is the opinion of the subcommittee that courts should utilize other methods of notifying defendants, such as sending notices, reminders, or “statements” (Chapter 9), and reserve bench warrants as a last resort for most cases. With that said, bench warrants for failure to pay (FTP), appear (FTA), and comply (FTC) are the most widely used methods for attempting to collect money owed the court and/or to attain case closure by Nevada trial courts.

Bench warrants have their place in Nevada courts. If a defendant accused of a gross misdemeanor or felony crime fails to make a court appearance, an FTA bench warrant should be issued. Likewise, if a defendant has ignored other methods of summoning by the court to either appear, pay, or comply, the court should issue an appropriate bench warrant. This is particularly true for out-of-state defendants. But for most citation-based cases a court should utilize other methods of attempting to reach case closure and/or collect money owed the court prior to issuing a bench warrant. These methods include: sending notices or reminders (Chapter 9), employing methods for locating individuals (Chapter 15), using a credit bureau to assist in locating an individual (Chapter 7), using a collection division (Chapter 16), and using a collection agency (Chapter 18).

When a court has determined that a bench warrant is appropriate, the court should assess a bench warrant fee to help offset the cost of issuing and serving the warrant. In that regard, some courts fund their in-house marshal service by imposing a bench warrant fee. Another way courts have utilized to help defray the cost of issuing warrants is to enhance their computerized case management system

(CMS) to automatically detect and print bench warrants, thereby reducing the amount of staff time involved in the preparation of warrants. Still other courts have implemented electronic transfer of warrant information to local law enforcement agencies and recently started electronically transmitting warrant information to the State Criminal Repository (NCJIS) so that their warrants are more widely disseminated.

Courts have found that circulating their warrants outside their immediate jurisdiction can be particularly beneficial on cases where the defendant does not reside in the area. However, this is most effective if the court has some pre-existing arrangement with outside law enforcement agencies concerning action to be taken in the event the defendant is located. Some jurisdictions utilize a tiered approach involving distance from the court and the severity of the underlying causes for the warrant. For instance, if the defendant is encountered in an adjacent county and the underlying cause of the warrant is an FTP for over \$100 or an FTA warrant, the officer may incarcerate the defendant. However, if the encounter is several counties away from the court and the underlying cause of the warrant is an FTP for under \$100, the officer may simply tell the defendant of the outstanding warrant and attempt to ascertain a current address of the defendant. The conditions outlining action are best carried out if they are briefly listed in the warrant or at least circulated to the law enforcement agencies in advance. (For more discussion on the topic agreements with other government entities, refer to Chapter 14.)

Issues to Consider

The main issues to consider concerning bench warrants for the purpose of attaining case closure and/or collection of money owed the court:



1. Under what circumstances will each type of bench warrant be issued, including parameters by which action should be taken by law enforcement with regard to the service of the warrant.
2. Can the court obtain agreements with law enforcement agencies regarding the service of these types of bench warrants that is fair to the law enforcement agencies in terms of cost and time involved and the benefit to the court for serving the warrant.
3. Can the court's computerized case management system (CMS) determine what cases require bench warrants, prepare the bench warrant, create the appropriate docket entries (if required), assess the appropriate bench warrant fee (if required), and electronically transmit warrant information to local law enforcement agencies and/or NCJIS.
4. The bench warrant fee amount should be based upon the average cost to the court for the additional activities involved in issuing and serving warrants.
5. Policies regarding issuing bench warrants for these purposes should be properly displayed in the courthouse.

Suggested Implementation Steps

The following steps should be followed to implement bench warrants for the purpose of attaining case closure and/or collection of money owed the court:

1. Develop policies and procedures defining under what circumstances the various types of warrants will be issued, including parameters by which action should be taken by law enforcement with regard to the service of the warrant.
2. Negotiate agreements with appropriate law enforcement agencies regarding the service of bench warrants.
3. If required, enhance the court's CMS to determine when a warrant should be issued, automatically generate the warrant, automatically create an appropriate docket entry (if required), automatically assess the appropriate bench warrant fee (if required), and, if desired, electronically transmit warrant information to local law enforcement agencies and/or NCJIS.
4. Distribute and/or post policies and procedures regarding the issuance of bench warrants for the purpose of attaining case closure and/or collection of money owed the court to the general public, particularly defendants.

Chapter 11 – Wage Garnishments and Automatic Drafts

Usefulness/Benefit to a Court	Small Court	Large Court
To improve collections		
To improve case closure	–	–

Recommended Approach

Wage garnishments and automatic drafts from bank accounts are only applicable under certain circumstances: 1) The person owing the money must have a steady job, 2) he must earn enough to allow garnishment (as set by statute), and 3) if an automatic draft from a bank account is involved, he must have a bank account. Consequently, courts can not utilize wage garnishments or automatic drafts on many defendants ordered to pay money to the court.

There are two types of wage garnishment: involuntary and voluntary. As the names imply the only difference is the person’s consent. NRS allows a court to garnish wages from a defendant’s wages if the defendant has refused to pay money ordered paid by the court. Conversely, some defendants (and parties in civil cases that have been ordered to pay money to the court) volunteer to have their wages garnished or an automatic draft be taken from their bank account in order to satisfy a monetary order.

NRS limits the percentage and/or amount of a person’s wages that can be garnished. These limits are cumulative with a limit to the total amount which may be garnished by all government entities. In many instances when a court is seeking to garnish wages, Child and Family Services has already garnished any available funds.

The best circumstance under which a wage garnishment or automatic bank draft will be successful is when a defendant (or party in a civil case ordered to pay money to the court) has a steady job but lacks the cumulative assets to dispose of the financial obligation at the time the obligation is ordered. An example of this might be a defendant with a steady job who is convicted of misdemeanor or gross misdemeanor crimes where the total fines and fees imposed exceed \$1,000.

NRS 176.064 stipulates that a court may on it’s own motion or that of the state or local entity request that a prosecuting attorney undertake an action to initiate wage garnishments or attach assets. A limited jurisdiction court must initiate wage garnishments or automatic bank drafts themselves. Parole and Probation typically initiates them on behalf of district courts. In either case, to initiate garnishing wages, the person’s employer must be noticed, generally in the form of a court order, indicating the

amount to be garnished, for what period, and where the garnished wages are to be sent. If an automatic bank draft is to be initiated, the bank where the person's account resides must be noticed, generally in the form of a court order, indicating the amount to be withdrawn, for what period, and the bank account where the money is to be transferred.

Issues to Consider

The main issues to consider concerning wage garnishments and/or automatic bank drafts:

1. Under what circumstances will wage garnishments and/or automatic bank drafts be ordered or allowed.
2. Can the court's computerized case management system (CMS) accommodate or be enhanced to accommodate the automatic recording of bank drafts and wage garnishments.
3. Are enough of the court's constituents able to participate in wage garnishments and/or automatic bank drafts to make utilizing wage garnishments and/or automatic bank drafts cost effective for the court.

Suggested Implementation Steps

The following steps should be followed to implement wage garnishments and/or automatic bank drafts:

1. Develop policies and procedures defining under what circumstances wage garnishments and/or automatic bank drafts will be ordered or allowed. (It is advised that the court work with the prosecutors office to establish these policies and procedures.)
2. Contact the court's bank to obtain information concerning initiating and receiving wage garnishments and automatic bank drafts.
3. If required, enhance the court's CMS to automatically record wage garnishments and bank drafts.
4. Distribute and/or post policies and procedures regarding the use of wage garnishments and automatic bank drafts to the general public, particularly defendants.

Chapter 12 – Judicial Enforcement Officers (JEO’s)

Usefulness/Benefit to a Court	Small Court	Large Court
To improve collections		
To improve case closure		

Recommended Approach

In recent years courts have found that an effective way to ensure that court orders are carried out is to dedicate staff to the enforcement of orders for payment of fines and fees, and the completion of community service, counseling, house arrest, and rehabilitation programs. Staff utilized for this purpose have become known as judicial enforcement officers (JEO’s).

Depending upon the size of the court and the number of cases, the JEO function can be full-time or can be handled on a part-time basis of court staff. Some courts utilize trained clerk staff while others utilize bailiffs. Other courts utilize a combination of the two. However, generally JEO’s are not P.O.S.T. certified (i.e., not certified peace officers) unless they are also used to serve warrants. Some small courts utilize a P.O.S.T. certified officer to function as both a JEO and Marshal (Chapter 13).

While most courts have at least informal judicial enforcement policies and procedures, formalizing the process and dedicating staff for the purpose significantly increase the success of judicial enforcement activities. This formalized process includes clearly defining what activities JEO’s will perform and how they are to enforce court orders. Courts with successful judicial enforcement practices have found that JEO’s can be assigned to performing means determinations (Chapter 6) and the granting and administration of time-to-pay agreements (Reno Municipal Court) in addition to tracking, monitoring, and in some cases administering, alternative sentencing orders (Chapter 5). Additionally, some courts utilize JEO’s to conduct most failure to appear, pay, or comply hearings, thus reducing the burden of sentence compliance on the judge(s) of the court. To this extent JEO’s can be beneficial not only to limited jurisdiction courts but to district courts as well.

Issues to Consider

The first critical factor for the success of JEO initiatives is a strong computerized case management system (CMS) that can assist the JEO’s in tracking, monitoring, and administering both monetary and alternative sentence orders. The second critical factor for success is the ability to identify and train staff who will be assigned to judicial enforcement. This training needs to include not only how to

perform the specific tasks assigned but also significant interpersonal skills because there will be significant interaction between defendants and JEO's.

To pay for the development of a judicial enforcement function, many courts establish the function as a unique division within the court and earmark payment plan, late, and/or collection fees for use in paying for the division. If properly implemented, many courts can make the judicial enforcement function a self-funding endeavor.

Suggested Implementation Steps

The following steps should be followed to implement a judicial enforcement officer program:

1. Develop policies and procedures defining what activities will be performed by JEO's.
2. Determine the amount of staff required to perform the JEO function.
3. Develop the JEO job description.
4. Identify or hire staff that will fill the JEO position(s). If required, obtain training for each staff member.
5. If required, enhance the court's CMS to provide assistance to the JEO function.

Chapter 13 – Marshal Service

Usefulness/Benefit to a Court	Small Court	Large Court
To improve collections		
To improve case closure		

Recommended Approach

A related function to the JEO function (Chapter 12) is the marshal service. The primary function of Marshals is the execution of bench warrants. However, they may also execute arrest warrants and work in the field contacting defendants in regard to failure to appear, comply, or pay situations that have not gone to warrant. Additionally, marshals sometimes work as bailiffs for the court. Small courts may wish to utilize a single person to serve as both the court’s marshal and JEO (Chapter 12).

Because marshals execute warrants they are generally P.O.S.T. certified and generally recognized as a police officer. Many marshals are former law enforcement officers. Because of the inherent dangers involved with serving warrants, they generally work very closely with local law enforcement agencies so that backup can be provided if necessary and the marshal can easily book defendants into custody at the local jail. It is not uncommon that court marshals in the field are asked to assist local law enforcement officers in the event of an emergency in their vicinity. Both Reno and Sparks Municipal Courts have established a marshal service. Some courts contract with a local law enforcement agency to provide officers to function as the court’s marshal service.

In order to establish a marshal service, the court must be willing to provide the marshals with proper law enforcement equipment. This typically includes appropriate weapons and a vehicle very similar to a law enforcement squad car so that the marshal can transport defendants that are to be taken into custody as ordered in the warrant being served.

Establishing a marshal service is not a trivial task. The court must be able to hire qualified officers and be able to provide them with proper equipment. As such, a marshal service is generally expensive. However, with proper planning and execution, a marshal service can easily become extremely cost justifiable. To help pay for a marshal service program, courts can earmark warrant fees (Chapter 10) to the program. Additionally, courts can seek state and federal grants to pay for the initiation of the service. For instance, Reno Municipal Court initiated a marshal service in 1999 through a federal Violence Against Women grant. The initial duty of the service was the serving of domestic violence

warrants. The program initially consisted of one full-time marshal and one full-time clerk. In its first twelve (12) months of operation the program served 368 domestic violence warrants resulting in the collection of over \$120,000 in fines and fees associated with those warrants. The program was so successful that the Reno City Council voted to expand the program to include the hiring of an additional full-time marshal. The court plans to expand the scope of the program to include the execution of more types of bench warrants.

Issues to Consider





The primary issues a court must consider with regard to establishing a marshal service program are the ability to hire qualified officers and acquiring the funding to establish the program. A part of the cost-benefit analysis a court should undertake as part of this decision-making process is an analysis of bench warrants issued in recent years to determine how many defendants live in the jurisdictional boundaries of the court. It is not generally cost-effective to utilize court marshals to execute warrants outside of the local area.

Suggested Implementation Steps

The following steps should be followed to implement a marshal service:

1. Develop policies and procedures defining what activities will be performed by the marshal(s).
2. Perform an analysis of bench warrants issued in recent years to ascertain workload of the service.
3. Determine the number of marshals required and the amount of staff required to assist in the program.
4. Determine equipment requirements (e.g., vehicle(s), guns).
5. Determine warrant fee amounts to be assessed (if required).
6. Complete cost-benefit analysis to determine financial impact of marshal service on the court.
7. Develop job descriptions for the marshal and assisting staff.
8. Identify or hire staff that will fill the marshal position(s) as well as the support staff. If required, obtain training for each staff member.
9. If required, enhance the court's CMS to provide assistance to the marshal program.

Chapter 14 – Agreements with Other Government Entities

Usefulness/Benefit to a Court	Small Court	Large Court
To improve collections		
To improve case closure		

Recommended Approach

Often, courts can solicit the help of other government agencies to assist in the enforcement of both monetary and alternative sentencing orders. For district courts this primarily involves the assistance of Parole and Probation. Limited jurisdiction courts can have agreements with the county sheriff’s office for the administration of work programs and sometimes community services. Agreements can also be made with local law enforcement agencies for the serving of bench warrants, county collection agencies for the collection of delinquent monetary obligations, and public utility companies and government agencies to assist in validating known address(es) or obtaining valid address(es) (refer to Chapter 15). Limited jurisdiction courts may wish to establish an agreement with the local Parole and Probation Office that outlines how the lower court’s sentencing orders can be included in the setting of parole and/or probation plans with defendants.

For instance, the Second Judicial District Court has a written agreement with Parole and Probation that stipulates that Parole and Probation will not close or terminate probation or parole until all Washoe County fees/fines have been paid.

In order for Parole and Probation to properly monitor the repayment of fines and fees, the cooperation of the judge imposing the order is required, primarily in the way the judge words the sentence. At a minimum, the judge must stipulate that the repayment of money (e.g., fines, fees, restitution) be a part of the terms of probation in the court order and that the order must provide when the fines/fees must be paid – either by the end of probation or using a predefined schedule. [It is preferred that a predefined schedule be used.]

An essential ingredient to the success of agreements between the court and other governmental entities is a written agreement known as a Memorandum of Understanding (MOU) between the parties involved. The MOU spells out responsibilities of each party, how the parties will communicate with each other, and how often and in what manner the parties will meet to discuss issues associated with the agreement. For instance the MOU between the court and Parole and Probation would indicate the

type of information the court will provide in sentencing orders and the steps that Parole and Probation will take in the monitoring, administration, and reporting of a defendant's payment of fines, fees, and/or restitution, and completion of alternative sentencing orders. An MOU between the court and a county collection division articulates when and how information concerning defendants delinquent on monetary obligations with the court will be reported to the collection division, what actions the collection division is permitted to perform in the course of collecting delinquent amounts, how the collection division will remit money collected to the court, how the collection division will be compensated, and what actions the court will or will not take when the account is in the possession of the collection division.

Issues to Consider

The primary issues a court must consider with regard to establishing agreements with other government entities are what services the court desires other agencies to perform, whether the agencies are in a position to adequately perform the services, and whether the court's computerized case management system can, or can be enhanced to, communicate with the agency's computer system to share appropriate information.

Suggested Implementation Steps

The following steps should be followed to implement an agreement with another government entity:

1. Determine what actions the court wants the other entity to perform on behalf of the court. This may include the development of policies and procedures to be used by the other entity.
2. If necessary, determine how the entity is to be compensated for performing the activities.
3. If required, enhance the court's CMS to communicate with the other entity's computer system to share appropriate information.

Chapter 15 – Methods for Locating Persons Owing Money to the Court

Usefulness/Benefit to a Court	Small Court	Large Court
To improve collections		
To improve case closure		

Recommended Approach

When a defendant supplies an invalid address on a citation, or to the court by some other means, and subsequently fails to appear, pay, or comply with a court order, the court must ascertain a valid address in order to mail notices or serve a bench warrant. (The court sometimes needs to locate parties in civil actions as well.) Additionally, when courts perform means determinations, a person’s address(es) needs to be validated. There are several sources that the court can utilize to obtain a valid address. Generally the easiest but most costly is the use of a credit bureau (refer to Chapter 7). Potentially less costly methods can be employed by court staff. These methods involve working with public and private utility companies (e.g., cable, gas, power, telephone, cell phone), or government agencies (e.g., water, sewer, dog license divisions, libraries, Department of Motor Vehicles, Social Services, Marriage License Division, Assessor’s Office).

To obtain or validate a person’s address(es), a court generally supplies a person’s name, last known address(es), and usually a social security number or driver’s license number to the entity who can validate that the address(es) provided are accurate, provide a current address(es), or indicate that the entity has no knowledge of the person. Depending upon the number of validations needing to be performed, the court may validate information using the telephone (1 – 3 validations at a time), in letter form (1 – 20 validations at a time), or electronically (for frequent validation requests).

Working with public utility companies and government agencies generally requires little outlay of money by the court, just an investment of time by court staff and possibly an enhancement to the court’s computerized case management system (CMS) to electronically share information with the company or agency. Working with these entities can best be accomplished by establishing a memorandum of understanding (MOU) with the company or agency (refer to Chapter 14).

When working with private companies, courts must sometimes use subpoenas or a marshal to obtain information, but it is preferable to work informally with these companies if possible. Sometimes

Chapter 15 – Methods for Locating Persons Owing Money to the Court

private companies charge a fee to obtain information. Courts are generally able to minimize this expense by batching their requests to these companies.

Courts generally offset the cost of performing address validations by assessing payment plan, late, collection, and/or warrant fees. For instance, with warrant fees and collection fees, Las Vegas Municipal Court has been able to hire a person dedicated to locating persons involved with the Court's system.

Locating persons owing money to the court is an extremely important task for the court. The primary reason this practice may be curtailed or not performed by a court involves staff-time considerations. Many courts are not able to allocate staff time to this task. However, it should be noted that with proper planning, performing this task may reduce staff-time needs for performing other collections and case closure tasks like preparing and administering bench warrants. This practice is a good task for JEO's (Chapter 12).

Issues to Consider

The main issues to consider concerning methods for locating persons owing money to the court:



1. Under what circumstances will the court attempt to validate or obtain a current address(es) on persons owing money to the court.
2. What resources are cost effective to use (e.g., credit bureaus, utility companies, government agencies).
3. Does the volume of inquiries require and can the court's computerized case management system (CMS) generate information for and electronically share information with other entities.

Suggested Implementation Steps

The following steps should be followed to implement methods for locating persons owing money to the court:

1. Develop policies and procedures defining under what circumstances the court will attempt to validate or obtain a current address(es) on persons owing money to the court and the methods that will be employed.
2. If required, obtain MOU's with public utilities and/or government agencies.
3. If required, train court staff assigned to locating persons involved with the court's system.
4. If required, enhance the court's CMS to electronically communicate with outside entities.

Chapter 16 – Using a Collection Division

Usefulness/Benefit to a Court	Small Court	Large Court
To improve collections		
To improve case closure	–	–

Recommended Approach

Every court must ultimately deal with people who have been ordered to pay money to the court (e.g., fines, fees, restitution), have not paid the money, and can not be contacted by the court. Courts could utilize staff to try to locate these persons themselves (refer to Chapters 7 and 15) and through judicial enforcement officers (Chapter 12) try to collect the money owed the court. Another viable option for collecting on these “lost” accounts is to turn them over to a collection division. [Another option available to the court is to turn these accounts over to a collection agency as described in Chapter 18.]

Washoe County has established a Collection Division that is responsible for collecting delinquent amounts owed the county. Courts in Washoe County have established agreements with the Collection Division to collect delinquent amounts owed the courts. Las Vegas Municipal Court has established the Las Vegas Municipal Court Fines Enforcement Division that is responsible for collecting delinquent accounts owed to that court. It is not known if other Nevada counties have collection divisions established as well. Likewise, it is probably not cost effective for other Nevada trial courts to establish their own internal collection divisions. Fortunately, both the Washoe County Collection Division and the Las Vegas Municipal Court Fines Enforcement Division have expressed a willingness to offer their services to other Nevada trial courts.

There are two primary advantages to using a collection division. First, a collection division is a disinterested party that is focused on locating the person and collecting the money owed. In many instances, this allows a cleaner relationship to exist with the person owing the money because as long as that person cooperates with the collection division he does not have to worry about having to come before the court. The repayment of the money becomes similar to repaying a debt with a normal creditor. Second, a collection division is staffed with people trained in and focused on the collection process and are provided access to better tools for locating person owing money to the court. These tools include established access with credit bureaus, public and private utility companies, and government entities (refer to Chapters 7 and 15) as well as collection tracking software that may already contain accurate information on the location of these person (Chapter 17).

There are four essential considerations in creating a successful relationship with a collection division. The first is a memorandum of understanding (MOU) that clearly defines the agreement between the court and the collection division (Chapter 14). The second is well defined policies and procedures defining which cases will be turned over to the collection division, how these cases will be administered by the collection division, and what actions the court will and will not take regarding the case while it is in the control of the collection division. The third is that once a case has been turned over to the collection division and it has started collecting on the case, it is more effective to not refer the case back to the court unless extenuating circumstances arise. The fourth involves notifying the court's constituents regarding the possible use of a collection division in the event the payment of financial obligations to the court is ignored. If these four considerations are implemented and followed the collection effort is greatly enhanced while at the same time the judge responsible for the case will not feel that he/she has lost control over the defendant (or party in a civil case ordered to pay money to the court).

An important part of utilizing a collection division is the monitoring of the effectiveness of the division with regard to the types of cases turned over to it and the collection rates for each type of case. Factors that define the types of cases include: dollar amount involved, length of time the case has been delinquent, amount of actual contact and the last time of contact the court had prior to turning the case over to the collection division. By monitoring the collection rates on each type of case the court can adjust when and which cases are turned over to the collection division.

Issues to Consider

The main issues to consider before using an existing collection division are:

1. Are warrants kept active once cases are turned over to the collection division.
2. Does the collection division have the authority to establish payment plans.
3. Does the court's computerized case management system (CMS) currently, or can it be enhanced to, accommodate cases that have been turned over to a collection division and can the CMS generate information for and electronically share information with the collection division.

Suggested Implementation Steps

The following steps should be followed before beginning to use a collection division:

1. Develop policies and procedures defining under what circumstances the court will turn delinquent accounts over to the collection division and what actions the court will and will not take once those cases are being worked by the collection division.
2. Develop a MOU with the collection division.
3. Determine performance measurement points.
4. If required, enhance the court's CMS to accommodate cases turned over to the collection division and to electronically communicate with the collection division.
5. Distribute and/or post policies regarding the potential use of a collection division for extreme delinquency cases to the general public, particularly defendants.

Chapter 17 – Using Collection Tracking Software

Usefulness/Benefit to a Court	Small Court	Large Court
To improve collections		
To improve case closure	–	–

Recommended Approach

A modern computerized case management system (CMS) should allow courts to capture detailed sentencing information, including the tracking of compliance with both monetary and non-monetary (e.g., incarceration and alternative sentencing) components of the order. The CMS tickler function should automatically track due dates on activities and report when a delinquency situation occurs. It should also assist judicial enforcement officers (Chapter 12) and marshals (Chapter 13). However, a CMS is not sophisticated enough to capture all of the activities that typically occur in the case of an extreme delinquency. In that situation, collection tracking software is required.

For instance, the Las Vegas Municipal Court Fines Enforcement Division has recently developed its own tracking software utilizing Microsoft Access. The Washoe County Collections Division is in the process of acquiring new collections tracking software. They are looking at a product called RevenuePlus that is used by over half of California counties.

Commercial collection tracking software (such as RevenuePlus) can be rather expensive. It is also primarily developed for large collection divisions or agencies. Courts that are interested in obtaining collections tracking software may wish to contact the Las Vegas Municipal Court Fines Enforcement Division which has indicated a willingness to make its software, developed strictly for collection tracking of court obligations, available to other courts. [As noted in Chapter 16, a possibly more successful alternative to each court tracking its own extreme delinquency cases would be to contract with the Las Vegas Municipal Court Fines Enforcement Division or the Washoe County Collection Division and have them collect these extreme delinquency cases.]

Issues to Consider



The primary issues a court must consider with regard to obtaining collection tracking software are whether the cost of acquiring the software is too high for the amount of collections tracked, whether the court be better served if it turned extreme delinquent cases over to a collection division (Chapter 16) or a collection agency (Chapter 18) that already have collection tracking software, and whether the court's CMS can, or can be enhanced to, share appropriate information with the collection tracking software.

Suggested Implementation Steps

The following steps should be followed to obtain collection tracking software:

1. Determine what functionality is important to the court to be present in collection tracking software. Based upon needed functionality and price, conduct an evaluation of possible software, acquire the best fit for the court.
2. Identify and train staff that will utilize the tracking software.
3. If required, enhance the court's CMS to communicate with the tracking software to share appropriate information.

Chapter 18 – Using a Collection Agency

Usefulness/Benefit to a Court	Small Court	Large Court
To improve collections		
To improve case closure	–	–

Recommended Approach

Every court must ultimately deal with people who have been ordered to pay money to the court (e.g., fines, fees, restitution), have not paid the money, and can not be contacted by the court. Courts could utilize staff to try to locate these persons themselves (refer to Chapters 7 and 15) and through judicial enforcement officers (Chapter 12) to try to collect the money owed the court. Or the court could turn these “lost” accounts over to a collection division (refer to Chapter 16). If these options are not available or are not cost effective, the court could turn these accounts over to a collection agency.

Collection agencies are similar to collection divisions described in Chapter 16 except they are private companies that are in the business of collecting on delinquent debts. Like collection divisions, they are focused on locating the persons and collecting the money those persons owe and they are staffed with people trained in and focused on the collection process that are provided access to better tools for locating persons than are normally available to a court. Additionally their database may already contain accurate address(es) on persons owing money to the court.

Collection agencies are also quite different than collection divisions. First, they generally receive a fairly high percentage of whatever they collect (generally 30 - 40%). Second, collection agencies may give the court a bad reputation depending upon what kind of collection methods they use. Many courts have experienced or have heard of very unfavorable tactics used by some collection agencies (e.g., harassing phone calls at all hours of the day and night, extremely threatening letters). For these reasons it is recommended that a court try to work with a collection division if possible.

There are four essential considerations in creating a successful relationship with a collection agency. The first is a contract that clearly defines the agreement between the court and the collection agency. The second is well defined policies and procedures defining which cases will be turned over to the collection agency, how these cases will be administered by the collection agency, and what actions the court will and will not take regarding the case while it is in the control of the collection agency. The third is that once a case has been turned over to the collection agency and it has started collecting on the case, it is more effective to not refer the case back to the court unless extenuating circumstances

arise. The fourth involves notifying the court's constituents regarding the possible use of a collection agency in the event the payment of financial obligations to the court is ignored. If these four considerations are implemented and followed the collection effort is greatly enhanced while at the same time the judge responsible for the case will not feel that he/she has lost control over the defendant (or party in a civil case ordered to pay money to the court).

An important part of utilizing a collection agency is the monitoring of the effectiveness of the agency with regard to the types of cases turned over to it and the collection rates for each type of case. Factors that define the types of cases include: dollar amount involved, length of time the case has been delinquent, amount of actual contact and the last time of contact the court had prior to turning the case over to the collection agency. By monitoring the collection rates on each type of case the court can adjust when and which cases are turned over to the collection agency.

Issues to Consider

The main issues to consider before using a collection agency are:

1. Will the court receive significant negative reaction from its constituents if a collection agency is employed to collect on delinquent accounts.
2. Can the court utilize the services of a collection division instead of a collection agency
3. Can the court locate a collection agency that it can negotiate a contract with that allows the court to dictate what types of collection tactics will be employed and can a collection fee be negotiated that is cost beneficial to the court.
4. Can measurements be agreed upon that can be gathered to indicate the effectiveness of the collection agency.
5. Are warrants kept active once cases are turned over to the collection agency.
6. Does the collection agency have the authority to establish payment plans.
7. Does the court's computerized case management system (CMS) currently, or can it be enhanced to accommodate cases that have been turned over to a collection agency and can the CMS generate information for and electronically share information with the collection agency.

Suggested Implementation Steps

The following steps should be followed to start using a collection agency:

1. Develop policies and procedures defining under what circumstances the court will turn delinquent accounts over to the collection agency and what actions the court will and will not take once those cases are being worked by the collection agency.
2. Determine which collection agency will be utilized and negotiate a contract with the agency.
3. Determine performance measurement points.
4. If required, enhance the court's CMS to accommodate cases turned over to the collection agency and to electronically communicate with the collection agency.
5. Distribute and/or post policies regarding the potential use of a collection agency for extreme delinquency cases to the general public, particularly defendants.

Chapter 19 – Closing Extremely Delinquent Cases

Usefulness/Benefit to a Court	Small Court	Large Court
To improve collections	–	–
To improve case closure		

Recommended Approach

Courts have the responsibility and the right to manage their cases. There are two types of cases that can become extremely delinquent: non-adjudicated cases (primarily citation-based criminal cases that are in FTA status) and adjudicated cases (primarily criminal cases in which the defendant has not paid monetary obligations to the court or not fulfilled alternative sentencing orders).

As described in Chapter 4, technically speaking, the prosecuting office has the responsibility to see that cases filed by it (or filed on its behalf as is the case with citation-based complaints) are adjudicated. In an effort to be more effective and efficient in their operation, many courts set timeframes, by case type, within which its cases should be adjudicated. For instance, a court may indicate that cases involving only non-moving traffic violations should be adjudicated within five years. If a case of this type remains in FTA status for five years or longer, the court may request the prosecuting office to either dismiss the case or indicate its desire to keep the case active for an additional period of time.

Adjudicated cases where there is an outstanding monetary balance owed to the court or some form of alternative sentence that has not been cleared also need to be monitored and, based upon a predefined policy describing the circumstances, the cases should be marked as closed and finalized (presumably by an entry in the case docket so indicating).

Many Nevada courts already have a policy regarding the closing of non-adjudicated cases. For instance, Yerington Municipal Courts sends non-adjudicated matters (FTA’s) to the City Attorney for dismissal. The City Attorney then makes the decision as to whether the matter can be prosecuted. Las Vegas Municipal Court sends non-adjudicated matters (FTA’s) to the District Attorney for dismissal, with traffic citation cases being sent after three years.

However, few courts have specific policies regarding the closing of adjudicated cases. In Yerington Municipal Court, adjudicated matters are strictly up to the Judge and there is no set policy. When developing a policy regarding closing adjudicated cases, there is a need to establish guidelines based

upon amount owed, amount paid to date, and the length of time since the last contact with the defendant. For instance, Washoe County Collections Division usually writes-off cases (initiating closure of the case by the court) in one year if the outstanding amount is low and no contact has been made during the previous year. Collection divisions and collection agencies have fairly well established guidelines for writing off delinquent accounts that can easily be adapted to the court environment. Generally speaking these guidelines indicate that the smaller the amount involved, the smaller the length of time before write-off and conversely, the larger the amount involved, the longer the length of time before write-off.

Issues to Consider

The main issue to consider before implementing policies regarding closing extremely delinquent cases regards the court's computerized case management system's (CMS) ability, or enhancement capability, to identify candidate cases for closure and can the CMS generate information for and electronically share information with the local prosecutor's office regarding case closure.

Suggested Implementation Steps

The following steps should be followed to implement policies regarding closing extremely delinquent cases:

1. Develop policies and procedures defining under what circumstances the court will allow the closing each type of extremely delinquent cases, including how non-adjudicated cases will be handled and what docket entries will be made for adjudicated cases. This should include reviewing collection division guidelines for writing-off extremely delinquent accounts.
2. If required, enhance the court's CMS to determine and report cases that are likely candidates for closure and to automatically generate the necessary docket entries and other tasks to close specified cases.
3. If required, enhance the court's CMS to communicate with the local prosecutor's office to share appropriate information regarding cases that are likely candidates for closure.

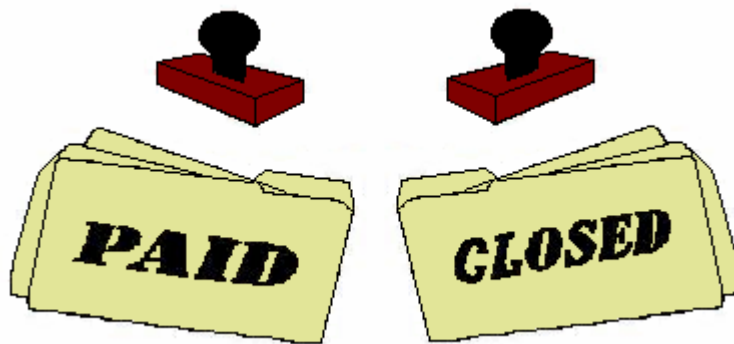


Nevada Judicial Collections Task Force

Revision 1.0

April 2001

COLLECTIONS AND ACCOUNTING STRATEGIES AND ENFORCEMENT (CASE) REPORT



Volume 3 of 3 – Accounting Issues

<u>Chapter</u>	<u>Page</u>
Subcommittee Members and Acknowledgements	ii
1. Introduction.....	1
2. Accounting-Related Flows	4
3. Court Management Ledger	8
4. Revised Minimum Accounting Standards	12
<u>Appendices</u>	<u>Page</u>
A. Accounting-Related Flow Diagrams.....	a-1
B. Recommended Revised Minimum Accounting Standards 2.0	b-1

This volume is part of a three-part series compiled by the Nevada Judicial Collections Task Force:

Volume 1 – Executive Summary

Volume 2 – Best Practices

Volume 3 – Accounting Issues

Acknowledgements and Subcommittee Members

This document was developed as a result of significant time and effort by the members of the Accounting Subcommittee of the Nevada Judicial Collections Task Force. Below is a list of the subcommittee members.

Subcommittee MembersCourt

Steve Morris, Chair	Las Vegas Justice Court
The Honorable James EnEarl (proxy: Debra Porter)	East Fork Justice Court
The Honorable Sally Loehrer	Eighth Judicial District Court
The Honorable Donald Mosley	Eighth Judicial District Court
Jeff Adams	Eighth Judicial District Court
Sue Berfield	Eighth Judicial District Court
Cindy Fladager	Second Judicial District Court
Ula Garrison	Eureka Justice Court
Susan Harrer	Humboldt County Clerk's Office
Cathy Krolak (replacing Steve Driscoll)	Sparks Municipal Court
Linda Stiles	North Las Vegas Municipal Court
Joyce Watkins	First Judicial District Court
John Williams	Las Vegas Municipal Court
Judy Holt	Administrative Office of the Courts
Beth Mammen	Administrative Office of the Courts

The Accounting Subcommittee members would like to thank their respective courts for allowing them the time and flexibility to work on this important project. They also wish to express thanks to various court personnel for assisting in answering numerous questions that resulted from the subcommittee meetings. Finally, the subcommittee wishes to express thanks to Bryan Smith of the Office of City Auditor for Las Vegas and Dave Silva, Colleen Schaar and Kristen Burgess of Kafoury, Armstrong and Company for participating in discussions regarding issues with the Minimum Accounting Standards from an auditor's perspective.

This document was compiled and edited by Martin Overstreet and Sheryl Watkins of Teamworks Consulting, Inc., under contract by the Nevada Administrative Office of the Courts.

Chapter 1 – Introduction

The Accounting Subcommittee (henceforth referred to in this document as the “subcommittee”) was formed by the Nevada Judicial Collections Task Force (henceforth referred to as the “Task Force”) to discuss issues concerning the Minimum Accounting Standards (MAS), adopted by the Nevada Supreme Court in February 1997. From May 1999 through January 2001, the subcommittee held 11 meetings of the full subcommittee as well as numerous meetings of several workgroups tasked with working on specific issues.

During its inaugural meeting, the subcommittee adopted the following goals for itself:

1. Determine what portions of MAS are applicable to each type of jurisdiction and/or complexity of each court.
2. Develop appropriate guidelines for implementing MAS within each type of jurisdiction and/or complexity of each court, including phased implementation approaches.
3. Determine auditing needs/options for each type of jurisdiction and/or complexity of each court.
4. Determine types of training needed for implementing MAS within each type of jurisdiction and/or complexity of each court.

As exhibited by these goals, the initial intent of the Accounting Subcommittee was to examine the existing MAS and develop suggestions for improving the implementation of the standards in all Nevada trial courts, including District Courts. However, as a result of the first several subcommittee meetings as well as the first several meetings of the full Task Force, it became apparent that a broader set of accounting issues needed to be examined, including the development of a revised set of accounting standards. These broader issues deal with properly accounting for all financial transactions that are performed by the courts and the inclusion of these issues in the accounting standards.

Most organizations (both public and private) follow basic accounting principles that have been codified into standards. Examples of standards usually followed by public entities are: Generally Accepted Accounting Principles (GAAP) and Government Accounting Standards Board (GASB). These accounting principles describe how an organization will record and report financial transactions so that a verifiable audit trail of each transaction can be generated and examined. In most cases, the organization utilizes a General Ledger, consisting of a chart of accounts, and uses what is referred to as the “double entry bookkeeping” method to record financial transactions.

The following overview of accounting principles is not intended to be a complete description of the accounting principles. Rather, it is intended to lay the foundation for issues unique to trial courts with regard to the standards.

The chart of accounts is simply a set of accounts that are assigned unique account numbers or identifiers. These account numbers are generally organized into similar groups and predefined for a specific purpose. The most common high-level groupings are: assets, liabilities, and, where applicable, equity. Generally asset and equity accounts are defined as “debit” accounts while liabilities are defined as “credit” accounts. With the “double entry bookkeeping” method, all financial transactions require a posting to one or more “debit” accounts and an offsetting posting to one or more “credit” accounts for an equal (though opposite) amount. This establishes a clear check-and-balance because the sum of all “credit” account balances should equal the sum of all “debit” account balances.

To obtain a clear picture of the financial position of the organization, a report commonly called a Trial Balance is produced. If a more detailed presentation is required, other types of reports, as defined in GAAP and/or GASB can be produced. For instance, if the organization wants to better understand what money it received and what it spent money on (at a somewhat high level), it would produce an Income and Expense Statement. If the organization wanted to delve deeper, it would generate even more detailed reports that would breakdown every financial transaction recorded by the organization.

Two key areas in which organizations typically require extremely detailed reporting are Accounts Receivable (A/R) and Accounts Payable (A/P). Accounts Receivable generally refers to the tracking of money received from each unique party (e.g., customer) paying the organization. Accounts Payable generally refers to the tracking of disbursements to each unique party (e.g., vendor) requesting payment from the organization. To more easily track Accounts Receivable and Accounts Payable, organizations generally establish what is referred to as subsidiary ledgers, which are nothing more than mini-accounts established for each A/R or A/P party doing business with the organization.

Both GAAP and GASB provide very clear guidelines as to what constitutes a receivable and a payable by taking into consideration, among other factors, the likelihood that a receivable actually will be collected by the organization and a payable actually will be paid by the organization. Accounts Receivable and Accounts Payable can be established for money collected by an organization that is required to be placed in trust-type accounts (e.g., money the organization is holding for a period of time but will either return to the party paying the money or to some other party with a claim on the money), as long as the obligation to pay the money to the organization and the obligation to pay-out the money meet the requirements of receivables and payables, respectively.

To create complete pictures of what money an organization receives, the organization will establish an A/R obligation for every financial receipt transaction, even if the party immediately settles the obligation. This way, the A/R ledger can be used as the definitive audit trail for all money received by

the organization. Likewise, the organization will establish an A/P obligation for every financial disbursement transaction, even if the organization immediately settles the obligation, so that the A/P ledger can be used as the definitive audit trail for all money paid out by the organization.

The problem with a court trying to follow GAAP and GASB is that certain accounting-type transactions needing to be tracked by the court do not fit the circumstances defined by GAAP and GASB. For instance, bail imposed on traffic and misdemeanor citation cases does not generally fit the definition of a receivable because it is not required to be posted (e.g., bail is generally imposed to ensure that a defendant will appear on the criminal case brought against him/her, but if the defendant appears at his/her court dates it does not have to be paid). Likewise, for criminal cases involving a defendant who is placed in custody, bail is frequently set but in many instances the defendant either cannot afford the bail or chooses not to post it. Even fines and fees ordered by the court as part of the adjudication process cannot be deemed receivables because they fail the requirement concerning certainty that they in fact will be collectible by the court.

In order for Nevada trial courts to be in compliance with GAAP and GASB, the only financial transactions that should be recorded in their General Ledger are the transactions that record the actual payment and disbursement events. In other words, the courts cannot record the potential receivables as accounts receivables and the potential payables as payables. However, for management, accountability, and planning purposes, courts somehow must track these potential receivables and potential payables. For this reason, Nevada trial courts should establish some type of ledger that includes not only financial transactions that meet GAAP and GASB standards but also includes these other types of financial transactions.

The remainder of this volume defines a consistent model for Nevada trial courts that addresses the issues just described. Chapter 2 – Accounting-Related Flows identifies and describes the majority of financial transactions performed by Nevada trial courts. Chapter 3 – Court Management Ledger continues the discussion of the ledger that is needed for tracking all potential financial transactions identified in Chapter 2 and describes how and when information contained in the Court Management Ledger is recorded or otherwise reflected in a court's General Ledger. Chapter 4 – Revised Minimum Accounting Standards describes both the process utilized and a summary of the proposed minimum accounting standards, which seek to correct and clarify issues raised with the current MAS. But it also takes into consideration the impact of the proper recording of accounting-type transactions in both the Court Management Ledger and the General Ledger. Appendix A contains diagrams depicting the flows defined in Chapter 2. Lastly, Appendix B contains the Revised Minimum Accounting Standards developed by the Accounting Subcommittee.

Chapter 2 – Accounting-Related Flows

Attempting to frame any discussion of accounting issues relative to Nevada trial courts, it is important to understand the various types of accounting-related processes of the courts. This chapter defines the major accounting-related processes by showing the flow of events or actions that produce or cause financial transactions to occur. In this context, an accounting-related flow can be described as a series of related actions taken by either the court or parties dealing with the court and the possible accounting-related transactions that are the result of these actions.

In this chapter, the actions defined within the flows are not intended to represent all actions related to the processing of cases that generate the flows. Rather, the actions defined in each flow represent the specific actions taken by either the court or another party that generate an accounting-related transaction. **[Note: The flows do not describe the recording of financial transactions into the court’s General Ledger accounts. Additionally, flows that describe transactions solely associated with administrative functions (e.g., payment of vendors, employee travel) are not described in this document.]**

Nine major accounting-related flows are utilized by Nevada trial courts. For ease of demonstration, all but one of these flows can be organized into criminal-related and civil-related groups. Not all trial courts utilize every flow or every action within a given flow. The flows utilized by a given court depend upon the type of jurisdiction and the policies and procedures in place at that court. **[Note: Refer to Appendix A for diagrams of each of the nine flows described in this chapter.]**

Criminal-Related Accounting Flows

Bail (including bail posted by bond)

In most criminal (and traffic) cases, the defendant is ordered to pay bail that is held in trust by the court until the case has been resolved. An accounting-related flow of this sort is initiated when the bail is ordered, usually at an arraignment hearing, at the jail (utilizing a bail schedule), indicated on a citation, or otherwise communicated to the recipient of a citation. Bail does not always have to be paid. For many citation-based cases, as long as the defendant resolves the case and/or makes all mandatory court appearances, bail that has been ordered does not have to be paid. Likewise, for in-custody defendants who choose (or cannot afford to pay the bail) can remain in custody and not pay the bail. Slightly different paths are available for citation-based and non-citation (e.g., complaint/information) based cases. (Refer to the diagram on page a-2 in Appendix A.)

For citation-based cases, the several paths this flow can take are: (1) the bail can be modified (e.g., reduced or suspended), (2) the bail can be posted and placed in trust by the court until the outcome of the case (at which time it is either applied to any fines and/or fees ordered as part of sentencing or refunded), (3) the bail can be posted and placed in trust by the court and subsequently forfeited (when the defendant fails to resolve the case in a timely manner), or (4) the defendant does not post the bail and does not resolve the case in a timely manner (at which time the court may take collection-type actions including the issuing of a Failure to Appear bench warrant).

For complaint/information-based cases, the paths this flow can take are: (1) the bail can be modified (e.g., reduced or suspended), (2) the bail can be posted in cash and placed in trust by the court pending outcome of the case, (3) the bail can be posted by bond (cash, surety, or property), or (4) the defendant does not post the bail (at which time the court may take collection-type actions including the issuing of a Failure to Appear bench warrant). If the bail is posted in cash and the case is adjudicated, cash bail is either applied to any fines and/or fees ordered as part of sentencing or refunded, while bail posted by bond is subsequently exonerated. If the bail is posted and the case is not adjudicated in a timely manner (e.g., the defendant fails to make one or more required court appearances), the bail is forfeited. If the bail had been posted by a surety or property bond it must be converted to cash. [It should be noted that for criminal cases initiated in Justice Court and subsequently bound-over to District Court any bail posted in Justice Court is transferred to the District Court along with the case.]

Fines/Fees Assessed

As part of sentencing, a defendant who is found guilty (or pleads guilty or no contest) is frequently ordered to pay a fine and one or more applicable fees, as established by statute. A financial transaction of this type is initiated when the judge orders the fine and/or fees paid. Sometimes the amount is subsequently suspended, rescinded or waived. In many instances, bail money that is being held in trust by the court is applied to the financial obligation. Other times the financial obligation is converted to an alternative sentence (e.g., community service) or an alternative sentence could be converted to a fine (e.g., a defendant, unemployed at the time of sentencing and ordered to serve community service subsequently obtains a job and requests that the community service be converted to a fine). In most instances however, the defendant pays the fine (or becomes delinquent on the obligation). In rare instances, fines and fees already paid by the defendant are ordered to be refunded to the defendant. (Refer to the diagram on page a-3 in Appendix A.)

Restitution (collected by the court)

Restitution ordered in a criminal case is sometimes ordered to be paid (in trust) to the court, which is then responsible for forwarding the payment to the recipient party or parties. A financial transaction of this type is initiated when the judge orders the payment to the court. Unless the amount is subsequently suspended, when the obligation is paid to the court, it is placed in trust until the court pays the recipient party or parties. (Refer to the diagram on page a-4 in Appendix A.)

Civil-Related Accounting FlowsFiling Fees

This flow is used to record financial transactions associated with the filing of civil actions with the court. The right or obligation of the court to charge for services is generally set by statute. A financial transaction of this type is initiated when a litigant files either an originating document or a counter-action document (e.g., cross-complaint) with the court and either pays the court the applicable fee or is granted a waiver from paying. (Refer to the diagram on page a-5 in Appendix A.)

Jury Fees

When a party in a civil case requests a trial by jury most courts require a prepayment of at least the cost of the first day of the trial. If the trial is believed to require more than one day, the court may require a larger prepayment at that time or will require the party to post the amount incrementally during the course of the trial. In some instances, the court will wait until after the trial has concluded and “bill” the party for the actual cost of the jury. A financial transaction of this type is initiated when the request for a jury trial is received and the court imposes (or determines) the amount to be paid. Unless the jury fee obligation is waived, when the party pays the court the money is placed in trust until such time as the court either refunds the money to the party (e.g., the case settles before trial) or it is paid to the jurors involved in the trial. (Refer to the diagram on page a-6 in Appendix A.)

Damages/Judgment (collected by the court)

Damages or judgment amounts are sometimes ordered to be paid (in trust) to the court, which is then responsible for forwarding the payment to the recipient party or parties. A financial transaction of this type is initiated when the judge orders the payment to the court. Unless the amount is subsequently suspended, when the obligation is paid to the court, it is placed in trust until such time the court pays the recipient party or parties. (Refer to the diagram on page a-7 in Appendix A.)

Sanctions/Contempt Assessments

Sanctions or contempt assessments can occur in both criminal and civil cases, however, the assessment itself becomes a civil matter between the court and the party involved. A financial transaction of this type is initiated when the judge orders the sanction or contempt assessment. Further actions include payment by the party or the order can be suspended, waived, or rescinded. Once payment has been received it is generally placed in a trust account until such time as it is returned to the party or applied to a specified ledger account. (Refer to the diagram on page a-8 in Appendix A.)

Cash Bail Ordered by the Court (collected by the court)

This flow generally applies to a limited type of family court case, primarily child support cases where the judge imposes an order requiring a parent to post a cash bond with the court to cover child support payments. A financial transaction of this type is initiated when the judicial officer orders the bond be posted. Once the party pays the money to the court it is held in trust by the court until such time as it is forfeited to Child Services or is refunded to the party. (Refer to the diagram on page a-9 in Appendix A.)

Miscellaneous Accounting Flows

Certified Copies, File Searches, and other Miscellaneous Charges

This flow is used to record financial transactions that are not generally related to a specific case but still involve customers of the court. The two primary examples are certified copies and file searches. The right or obligation of the court to charge for services is generally set by statute. A financial transaction of this type is initiated when a customer requests that the court perform a service and either pays the court for the service or is granted a waiver from paying. (Refer to the diagram on page a-10 in Appendix A.)

Chapter 3 – Court Management Ledger

As indicated in Chapter 1 – Introduction and Chapter 2 – Accounting-Related Flows, Nevada trial courts need some type of ledger for tracking financial transactions that meet GAAP and GASB standards but also account for all of the quasi financial-transactions of the court such as ordering of bail, fines/fees, and restitution; recording the waiving, suspending, and rescinding of orders; and the conversion of sentencing between monetary and alternative-type sentences (e.g., community service, house arrest). This ledger has been defined as the Court Management Ledger.

The Court Management Ledger can be divided into three major categories of accounts (refer to Table 3-1 for a list of accounts in each category):

1. **Potential Receivables Accounts:** Accounts that record the ordering of various monetary obligations by parties to the court.
2. **Revenue and Trust Accounts:** Accounts that record money received by the court, including money received in trust. (Trust accounts reflect money that has the high likelihood of being returned to the payer or is being collected by the court with the expressed intent of being forwarded to another party, as in the case of restitution or damages/judgment collected by the court.)
3. **Court Management Journal Accounts:** Accounts that provide a mechanism to record the waiving, suspending, and rescinding of obligations or money already received by the court and thereby remove the individual amounts from the Potential Receivables Accounts and/or the Revenue and Trust Accounts.

Many of these accounts should be tracked as subsidiary ledgers. Transactions should be grouped together by party (or possibly case number) so that the court can manage transactions with the same party as a mini-account, thereby affording the court a better understanding of compliance with orders imposed by the court.

Table 3-1: Court Management Ledger Accounts**Potential Receivables Accounts**

Bail: Ordered but not paid (suggest a subsidiary ledger to track this account)

Fine/Fees: Ordered but not paid (suggest a subsidiary ledger to track this account)

Restitution: Ordered but not paid (suggest a subsidiary ledger to track this account)

Damages/Judgment: Ordered but not paid (suggest a subsidiary ledger to track this account)

Sanctions: Ordered but not paid (suggest a subsidiary ledger to track this account)

Revenue and Trust Accounts

Bail: Paid [Trust Account] (suggest a subsidiary ledger to track this account)

Cash Bond: Posted [Trust Account] (suggest a subsidiary ledger to track this account)

Bail: Forfeited

Fine: Paid

Fee: Paid (suggest one account for each type of fee collected by the court)

Restitution: Paid [Trust Account] (suggest a subsidiary ledger to track this account)

Jury Fee: Prepaid [Trust Account] (suggest a subsidiary ledger to track this account)

Damages/Judgment: Paid [Trust Account] (suggest a subsidiary ledger to track this account)

Sanctions: Paid [Trust Account] (suggest a subsidiary ledger to track this account)

Court Management Journal Accounts

Bail: Suspended

Bail: Reduced

Property Bond: Posted (suggest a subsidiary ledger to track this account)

Surety Bond: Posted (suggest a subsidiary ledger to track this account)

Fine: Suspended

Fine: Rescinded

Fine: Waived

Fee: Suspended (suggest one account for each type of fee collected by the court)

Fee: Rescinded (suggest one account for each type of fee collected by the court)

Fee: Waived (suggest one account for each type of fee collected by the court)

Alternative Sentence (suggest one account for each alternative sentence type utilized by the court)

Restitution: Suspended

Jury Fees: Waived

Damages/Judgment: Suspended

GL Account(s) (suggest one account for each GL account needed)

Sanctions: Suspended

Sanctions: Waived

Sanctions: Rescinded

Like any other double-entry ledger system, the court would generate debit and credit entries in two accounts to record transactions in the Court Management Ledger (This entry would follow the conventions used in a traditional “T-account”). The following chart illustrates the recording of transactions associated with a typical traffic citation case. [Note: Four (4) possible conclusions are illustrated.]:

Event	Account(s) Debited	Account(s) Credited
Case initiated (bail posted on citation)	Bail: Ordered but not paid	
Court receives check in mail	Bail: Paid [Trust Account]	Bail: Ordered but not paid
Possible Conclusion #1		
Defendant fails to appear at hearing (bail forfeited)	Bail: Forfeited	Bail: Paid [Trust Account]
Possible Conclusion #2		
Defendant found not guilty (bail refunded)	(Check issued to defendant)	Bail: Paid [Trust Account]
Possible Conclusion #3		
Defendant found guilty (bail converted to fine/fees, no overage/shortage)	Fine/Fee ordered but not paid Appropriate Fine/Fee accounts	Bail: Paid [Trust Account] Fine/Fee ordered but not paid
Possible Conclusion #4		
Defendant found guilty (bail not enough to cover fine/fee, shortage suspended)	Fine/Fee ordered but not paid Appropriate Fine/Fee accounts Fine/Fee: Suspended	Bail: Paid [Trust Account] Fine/Fee ordered but not paid

Periodically, certain financial transactions must be recorded in the court’s general ledger. In addition to the actual receipt of cash (or other monetary instrument) into the cash receipts journal, the court must record what money is being held in trust, what revenue is received, and what money is disbursed.

The court can choose to reflect transactions that meet GAAP and GASB guidelines in the general ledger as soon as they occur or they may wait until the end of the month. Waiting until the end of the month reduces the number of reversing entries into the general ledger to update GL accounts as further events on a case are recorded. For instance, in the example depicted in the previous chart, the court could choose to reflect the receipt of the bail in trust immediately. However, if the court appearance date on that case is also in the same month, the court would have to reflect the reversing credit entry when the bail was forfeited as well as the debit of the money into the bail forfeitures account. If the court chose to wait until the end of the month, the only transaction recorded into the general ledger would be the bail forfeiture.

In addition to gaining a clearer understanding of the outcome of specific monetary orders imposed by the court, the Court Management Ledger can provide a historical trending mechanism that can be used to forecast future activity. For instance, historical trends can be developed that show the percentage of bail ordered by possible outcome (e.g., never posted and the case never adjudicated, posted and forfeited, never posted and adjudicated, posted and refunded). A trending analysis can be performed for fines/fees imposed, restitution, and every other accounting-related flow processed by the court. The benefit of trending analysis is a more accurate forecasting tool for management that can be used to plan future resources such as judicial officers, staff, courtrooms, and counter windows. This same trending analysis can be used by a court's funding body to better understand revenue projections.

Chapter 4 – Revised Minimum Accounting Standards

As indicated by the goals established by the Accounting subcommittee, addressing issues with the Minimum Accounting Standards (MAS) adopted by the Supreme Court in 1997 was the top priority of the subcommittee. The first several subcommittee meetings focused on issues and problems courts have experienced with completing and complying with MAS. The group determined that, while the existing standards were a good starting point, significant improvements could be made that would assist courts in improving the discharge of their fiduciary responsibilities.

Specifically, the subcommittee determined that the existing MAS checklist was confusing to complete and contained ambiguous and sometimes seemingly contradictory requirements. During a meeting with representatives from the accounting firm that performs the audits for most of Nevada's limited jurisdiction courts, it was also learned that auditors attempting to ascertain a court's compliance with the standards could not be solidly determined due to the wording of many of the standards.

Additionally, the subcommittee discussed the accounting-related topics that are not covered in the current MAS. These topics include clear articulation of accounting policies and procedures, expansion of cash receipts and disbursement activities, and accounting-related activities that are generally found in District Courts, which are not currently required to complete the MAS checklist. After much discussion by the subcommittee, they recommended to the full Task Force that the Task Force develop a recommendation to the Supreme Court that MAS be extended to include District Courts.

Once the current standards were analyzed, the subcommittee undertook the task of developing a revised set of MAS. The three primary objectives of the revision were (1) simplify the organization of the checklist, (2) eliminate ambiguity and redundancy in checklist questions, and (3) add questions to address topics missing in the current version.

The revised standards, presented in Appendix B of this document, contain the following five sections:

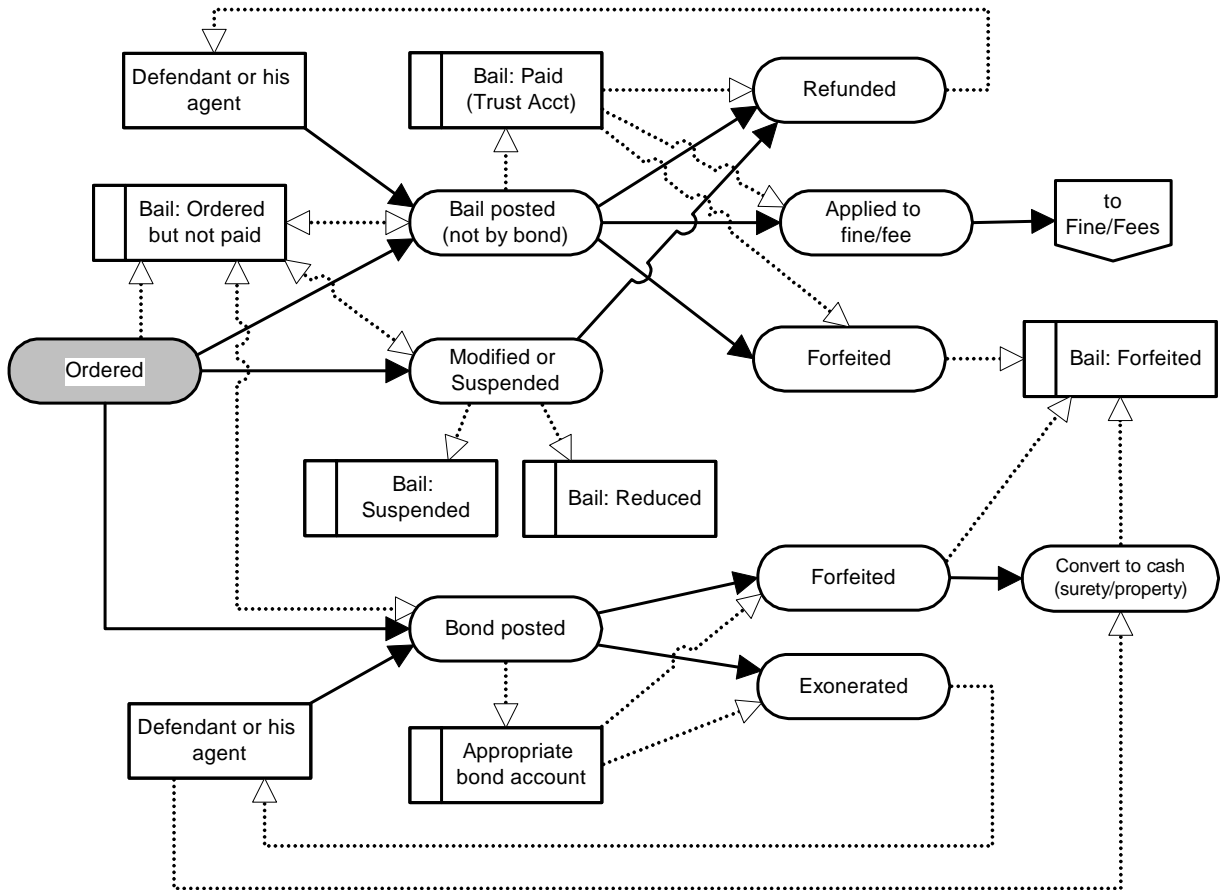
- I. Cover Sheet: Gathers high-level information about the court.
- II. Cash Receipts: Captures information regarding the collection of money, in the form of cash and monetary instruments (e.g., checks, credit/debit cards) by the court.
- III. Disbursements: Captures information regarding the payment of money by the court to outside entities.
- IV. Court Management Ledger and General Ledger: Captures information regarding the proper tracking of financial transactions and quasi-financial transactions of the court. [Note: For a discussion of Court Management Ledger, financial and quasi-financial transactions, refer to Chapters 1 and 3 of this document.]
- V. Bank Accounts: Captures information regarding the monitoring of bank accounts used by the court and the transactions (e.g., deposits and checks) flowing through the bank accounts.

Appendix A – Accounting-Related Flow Diagrams

<u>Diagram</u>	<u>Page</u>
Criminal-Related: Bail (including bail posted by bond)	a-2
Criminal-Related: Fines/Fees Assessed	a-3
Criminal-Related: Restitution (collected by the court)	a-4
Civil-Related: Filing Fees	a-5
Civil-Related: Jury Fees	a-6
Damages/Judgment (collected by the court)	a-7
Sanctions/Contempt Assessments	a-8
Cash Bail Ordered by the Court (collected by the court)	a-9
Miscellaneous: Certified Copies, File Searches, and other Miscellaneous Charges	a-10

Criminal-Related: Bail (including bail posted by bond)

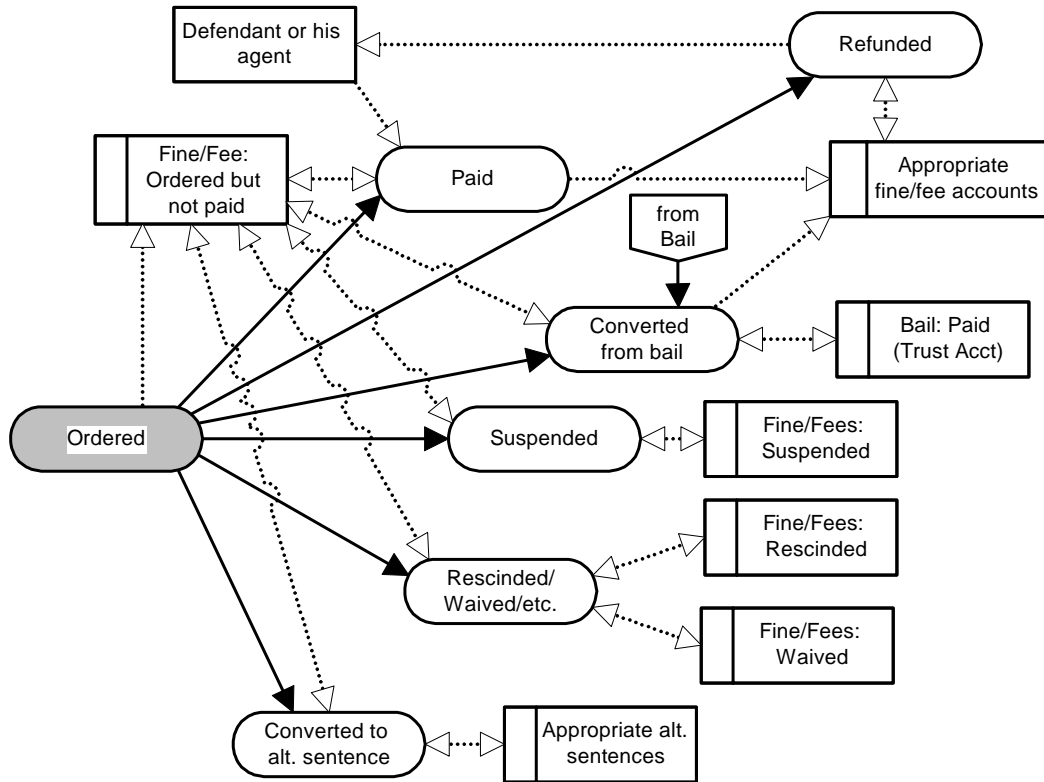
This flow typically starts with the ordering of bail (shaded, middle-left).



Convention	Symbol
Round-cornered rectangles indicate events	
Bold lines indicate event flow	
Rectangles with a vertical line on the left side indicate Court Management Ledger accounts	
Dashed lines indicate the movement of money	
Square-cornered rectangles indicate parties not part of the court	
If a flow of one transaction type generates or is generated by another transaction type, that linkage is depicted as a pentagon	

Criminal-Related: Fines/Fees Assessed

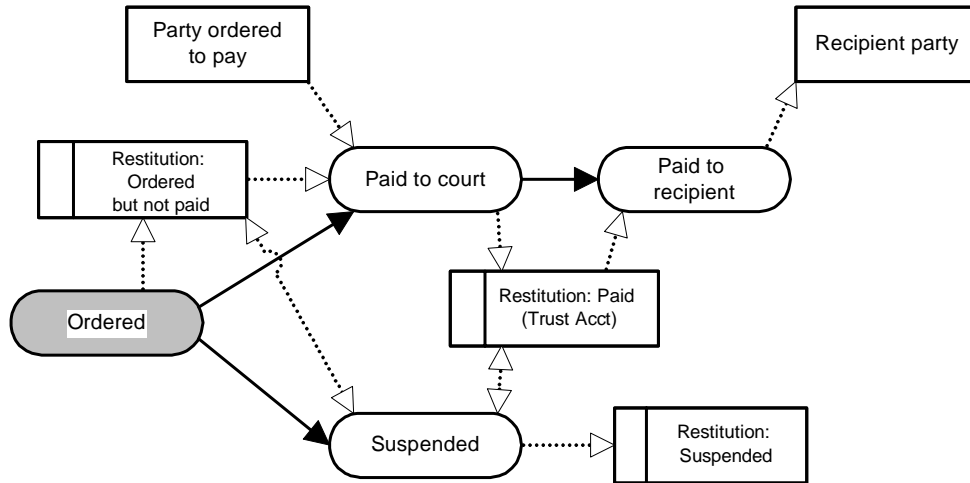
This flow typically starts with the ordering of the fine(s) and/or fee(s) (shaded, middle-left).



Convention	Symbol
Round-cornered rectangles indicate events	
Bold lines indicate event flow	
Rectangles with a vertical line on the left side indicate Court Management Ledger accounts	
Dashed lines indicate the movement of money	
Square-cornered rectangles indicate parties not part of the court	
If a flow of one transaction type generates or is generated by another transaction type, that linkage is depicted as a pentagon	

Criminal-Related: Restitution (collected by the court)

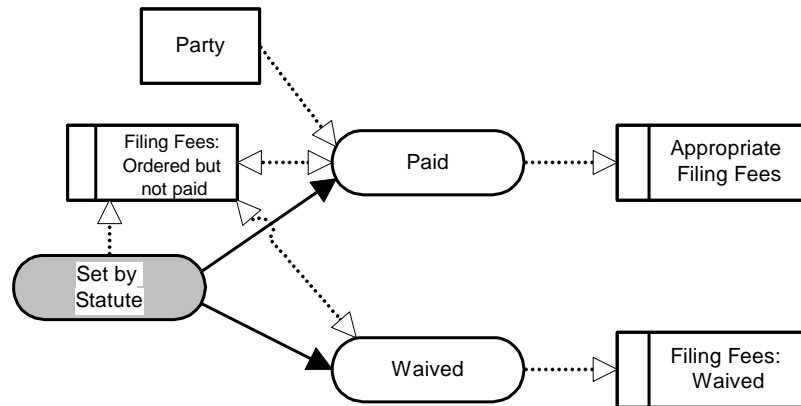
This flow typically starts with the ordering of restitution (shaded, middle-left).









Convention	Symbol
Round-cornered rectangles indicate events	
Bold lines indicate event flow	
Rectangles with a vertical line on the left side indicate Court Management Ledger accounts	
Dashed lines indicate the movement of money	
Square-cornered rectangles indicate parties not part of the court	
If a flow of one transaction type generates or is generated by another transaction type, that linkage is depicted as a pentagon	

Civil-Related: Filing Fees

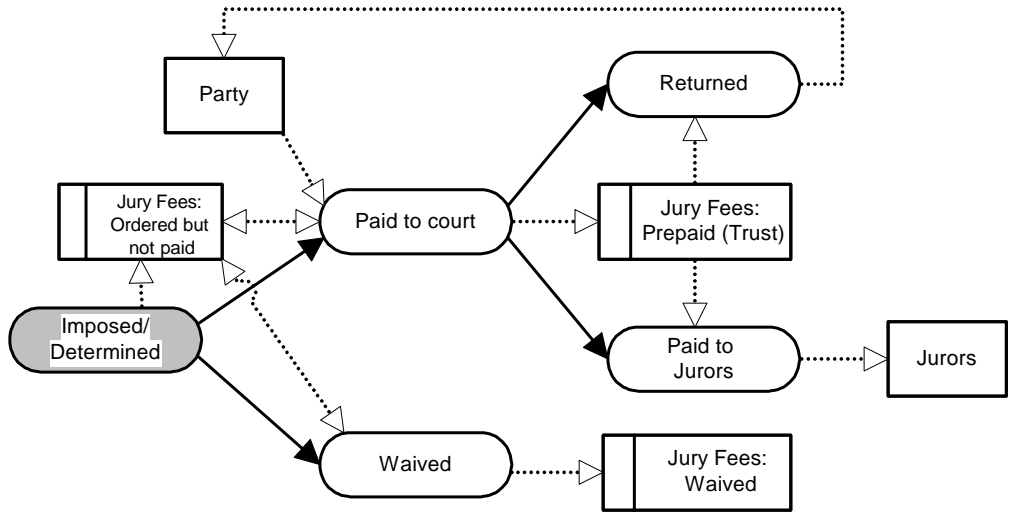
This flow typically starts when a party files the first document relating to a case and a filing fee is imposed as set by statute (shaded, middle-left).



Convention	Symbol
Round-cornered rectangles indicate events	
Bold lines indicate event flow	
Rectangles with a vertical line on the left side indicate Court Management Ledger accounts	
Dashed lines indicate the movement of money	
Square-cornered rectangles indicate parties not part of the court	
If a flow of one transaction type generates or is generated by another transaction type, that linkage is depicted as a pentagon	

Civil-Related: Jury Fees

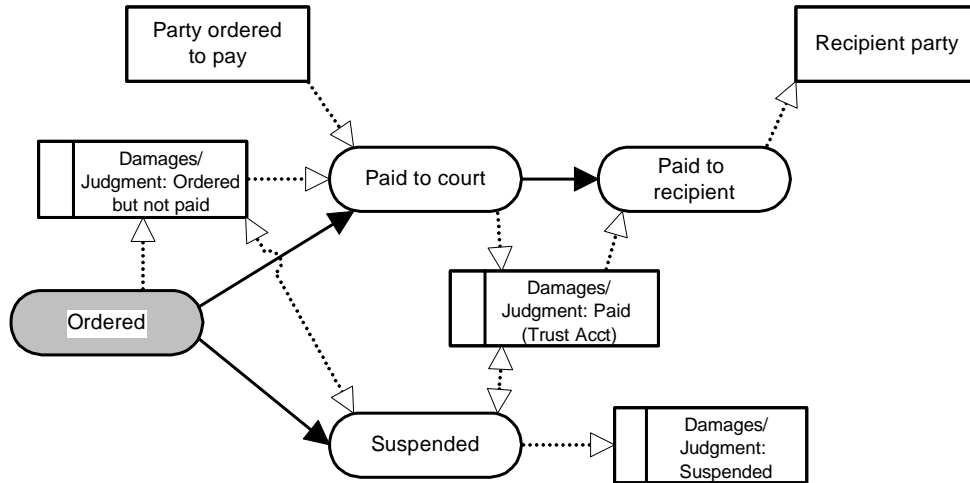
This flow typically starts when a party requests a jury trial and the court imposes, or determines the need to increase, the prepayment of jury fees to the court (shaded, middle-left).



Convention	Symbol
Round-cornered rectangles indicate events	
Bold lines indicate event flow	
Rectangles with a vertical line on the left side indicate Court Management Ledger accounts	
Dashed lines indicate the movement of money	
Square-cornered rectangles indicate parties not part of the court	
If a flow of one transaction type generates or is generated by another transaction type, that linkage is depicted as a pentagon	

Civil-Related: Damages/Judgment (collected by the court)

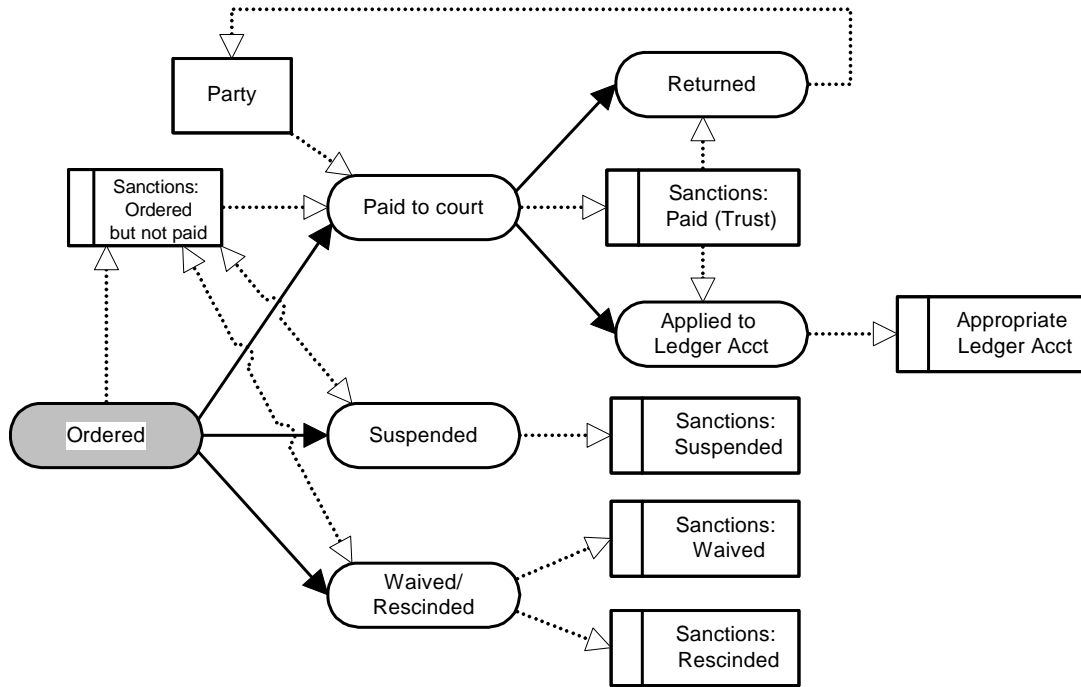
This flow typically starts with the ordering of damages or judgment to be collected by the court (shaded, middle-left).



Convention	Symbol
Round-cornered rectangles indicate events	
Bold lines indicate event flow	
Rectangles with a vertical line on the left side indicate Court Management Ledger accounts	
Dashed lines indicate the movement of money	
Square-cornered rectangles indicate parties not part of the court	
If a flow of one transaction type generates or is generated by another transaction type, that linkage is depicted as a pentagon	

Civil-Related: Sanctions/Contempt Assessments

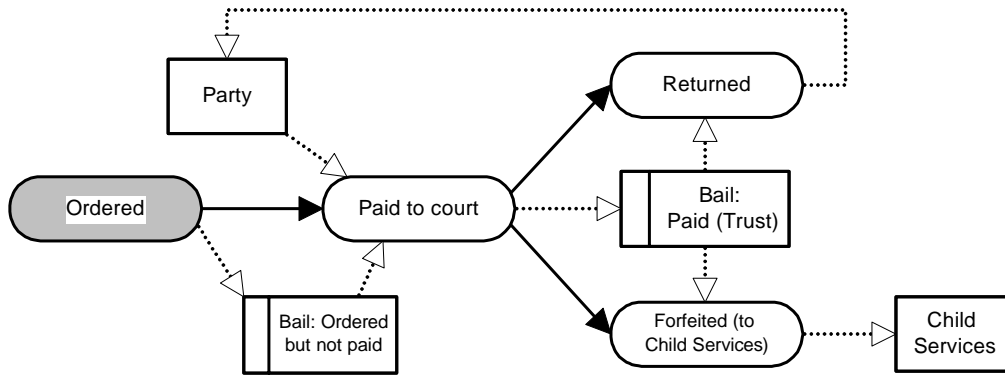
This flow typically starts with the ordering of sanctions or contempt assessments (shaded, middle-left).



Convention	Symbol
Round-cornered rectangles indicate events	
Bold lines indicate event flow	
Rectangles with a vertical line on the left side indicate Court Management Ledger accounts	
Dashed lines indicate the movement of money	
Square-cornered rectangles indicate parties not part of the court	
If a flow of one transaction type generates or is generated by another transaction type, that linkage is depicted as a pentagon	

Civil-Related: Cash Bail Ordered by the Court (collected by the court)

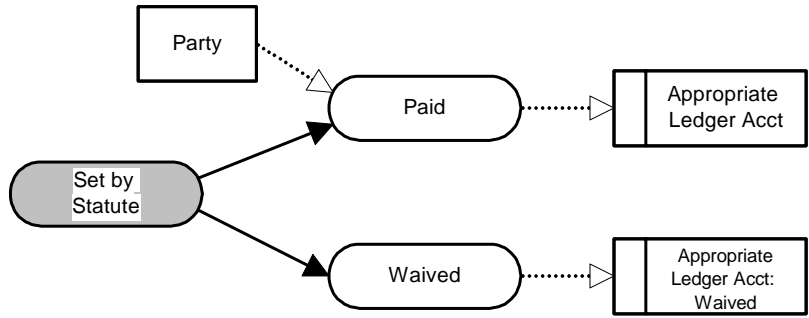
This flow typically starts with the ordering of cash bail to be collected by the court (shaded, middle-left). This flow generally applies to certain Family Court case types.



Convention	Symbol
Round-cornered rectangles indicate events	
Bold lines indicate event flow	
Rectangles with a vertical line on the left side indicate Court Management Ledger accounts	
Dashed lines indicate the movement of money	
Square-cornered rectangles indicate parties not part of the court	
If a flow of one transaction type generates or is generated by another transaction type, that linkage is depicted as a pentagon	

Miscellaneous: Certified Copies, File Searches, and other Miscellaneous Charges

This flow typically starts when a party requests the court to provide services and a fee is imposed as set by statute or policy (shaded, middle-left).



Convention	Symbol
Round-cornered rectangles indicate events	
Bold lines indicate event flow	
Rectangles with a vertical line on the left side indicate Court Management Ledger accounts	
Dashed lines indicate the movement of money	
Square-cornered rectangles indicate parties not part of the court	
If a flow of one transaction type generates or is generated by another transaction type, that linkage is depicted as a pentagon	

Appendix B – Recommended Revised Minimum Accounting Standards 2.0

<u>Section</u>	<u>Page</u>
1. Cover Sheet.....	b-2
2. Cash Receipts.....	b-3
3. Disbursements.....	b-7
4. Court Management Ledger and General Ledger.....	b-11
5. Bank Accounts.....	b-15
Definitions.....	b-18

Note: The final format and layout of the recommended standards checklist have not been determined. The purpose of this appendix is to provide the reader with a listing of the topics to be included in the standards. It is not intended to provide the reader with a checklist that can be completed. Instructions for completing the revised checklist have also not been developed.