



OFFICE OF THE SECRETARY

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Criminal Justice Task Force on Offender Court Costs and Collections

Meeting Minutes DOC Headquarters July 19, 2021

Members Present

Representative Robin Lundstrum
Senator Clarke Tucker
Sheriff John Montgomery
Circuit Clerk Debbie Wise
Judge Tommy Fowler
Mr. Benny Magness
Ms. Lorie Mason Jordan
Representative Keith Slape

Judge Hamilton Singleton
Senator Bob Ballinger
Mr. Bob McMahan
Mr. Rick Stallings
Ms. Kristin Clark
Ms. Elizabeth Taylor
Ms. Robin White

Non-Members Present

Mr. Solomon Graves (DOC Secretary)
Ms. Lindsay Wallace (DOC Chief of Staff)
Paul Louthian (DFA)

Ms. Melissa Rangel (DOC Executive Assistant)
Arik Cruz (DOC Policy Development Coordinator)

Members Absent

None

I. Call to order by Senator Robin Lundstrum

- II. Approval of minutes from June Meeting: A motion was made by Senator Clarke Tucker and seconded by Mr. Benny Magness to approve the minutes from the last meeting. These minutes were approved.

III. Review of 2014 Restitution Report

Deputy Director Elizabeth Taylor and Board of Corrections Chair Benny Magness summarized a previous report from a similar 2016 committee.

Ms. Lindsay Wallace mentioned that surrounding states do not have a formal stream-lined fines and fees system; Oklahoma has a system that compiles fines and fees in release paperwork for the OKDOC. Sheriff John Montgomery asked if ACIC could be an option for such a system because it already serves as a central repository.

There was a further discussion of using a background check to determine if offenders have lottery winnings or if garnished wages can be used to pay restitution.

Sheriff Montgomery explained the collection system in Baxter County. The county focuses on restitution payments first and accountability so payees can complete payments in 3-4 years. Sheriff Montgomery also mentioned the effective motivations for payees are often fear-based because offenders do not want to be recommitted to state custody.

The order of payment based on a statute for collection of fines. The formal order is first court fines, then restitution, and finally other fees.

IV. Review of Existing Court Costs and Fines

Ms. Wallace introduced the topic of common fines, fees, and court costs in circuit courts. This discussion included a breakdown of the specific fees and court services they are associated with.

Ms. Kristin Clark explained that district courts do not have a "Sentencing Order." Though the district courts assess many fines and fees, lots of these are duplicates and are classified differently despite their similarities. Chief Wallace informed the committee that there is no full and condensed list of fines and fees.

Sen. Clarke Tucker asked about the duties of the committee, whereas the goal is not to change how restitution is assigned but how it is collected. Sen. Tucker describes the \$10 monthly fee for the courts and Ms. Clark explained the breakdown of the uses of said fee: \$2.50 for technology/automation, \$2.50 to Administrative Justice Fund, \$5 to collection of all fees. Ms. Clark advised that each decision be deliberate to avoid higher court fees.

Ms. Clark mentions that payees can meet with the courts to adjust fee amount of payments per month and number of fees based on their individual circumstances. Judge Fowler reinforced the priority of restitution payments first.

Rep. Lundstrum called on Mr. Louthian to explain offender debt. Mr. Louthian discussed the need for a definition on how the system will work and how information will be processed in relation to offender status and existing technology.

Sen. Bob Ballinger asked about fine payment and if some of the fine funds could be used to start a state-wide program without allocating more money. Sheriff Montgomery further discussed the collection system including how offenders find out their fine and fee balance but cautions against all 75 counties having access to the software. Sen. Ballinger asked where the fees go. Ms. Clark explained that half of the fee stays local to the county and the other half to the state in circuit courts.

Rep. Lundstrum asked Sen. Tucker to follow-up on the technology for collection. She mentioned a request to have a meeting with Sheriff Montgomery and Paul Louthian to further discuss this.

V. Compilation of Task Force Business

Ms. Wallace announced the creation of a drop-down tab on DOC website for anyone in the public interested in the business of the taskforce. This page will include the meeting dates, minutes, and general membership information. Ms. Cindy Murphy, the DOC Communications Director, will create the mockup for the section on the website.

Mr. Magness mentioned that garnished wages would not be a good idea; offenders will stop working to avoid having to pay large fees. There was additional concern that such a system could take too long to implement and tracking down offenders to pay undermines the purpose of the proposed system. Judge Singleton mentioned that he changes the fee payment schedule for payees to lessen the stress of paying large fees monthly to a smaller weekly basis. In addition, Sheriff Montgomery mentioned the need to keep offenders accountable through payment schedules that work for them and sustained employment.

Judge Fowler mentioned the DOJ “Dear Colleague” letters, which deals with fines, fees, due process, and the impact of hard change before there was any movement forward. He will send the link information to Ms. Melissa Rangel, and she will send out to the rest of the members to look at it to include in our next meeting.

Ms. Wallace finished with letting the members know that there is an email for the Task Force that includes a listserv, including DOC Staff, the full committee, and others that Rep. Lundstrum wants to keep informed on all taskforce related information.

VI. Next Meeting Date

DOC Staff will send out date conflicts. Judge Singleton asked what the members will be doing from now until our next meeting. Rep. Lundstrum will be contacting the members individually to see what their goals are for the next agenda for the next meeting. Judge Singleton would also like for Rick Stallings from ACIC to speak to Brad Cazort about the initiative going on.

Sen. Tucker would like to see a sub-committee established to continue some of the work of the task force.

VII. Adjournment
Meeting adjourned at 3:15 pm.