

Arkansas Victim Restitution



Board of Correction Study Committee Report

JFA Study Overview

- ☞ Act 570 of 2011 - required ACC conduct a study of offender financial obligations, <http://www.dcc.state.ar.us/images/uploads/publications/StudyofArkansasVictimRestitution.pdf>
- ☞ JFA Institute conducted a study of victim restitution process. The study included a review of:
 - Restitution Laws –§5-4-205
 - Crime Victims' Rights Laws – §16-90-1101
 - Crime Victims' Reparations Act – §16-90-705
 - Child Support Orders – §25-8-107
 - Child Support Enforcement/Fund – §19-5-105 & §9-14-206-209
- ☞ Survey of Victim Restitution Process
- ☞ Obstacles to collecting victim restitution included:
 - Offenders released from prison or jails have a substantial debt in relation to ability to pay
 - Poor coordination between agencies statewide involved in restitution process
 - Lack of Automated system to track and monitor restitution orders and collections
 - Restitution orders not carried out after parole
- ☞ Responsibility for Collection of Restitution
 - Sheriff
 - Circuit Clerk
 - Prosecutor
 - ACC (for Garland, White, Prairie, Perry, and part of Pulaski County only)

JFA Study

Findings/Recommendations

∞ Findings:

1. There is no systematic mechanism for ordering or tracking restitution
2. Other financial obligations are a higher priority
3. The state has no idea how much victim restitution is ordered or collected
4. Offenders are encumbered with unrealistic financial obligations
5. Most victims do not receive the restitution owed

∞ Recommendation:

Develop an infrastructure to systematically track the order and collection of victim restitution similar to Arkansas' child support enforcement system

Board of Corrections Committee

∞ November 2015 – ACC Restitution Committee

- ❖ Arkansas Community Correction
- ❖ Board of Corrections Chairman
- ❖ Administrative Office of the Courts
- ❖ Prosecutor Coordinator's Office
- ❖ Association of Arkansas Counties
- ❖ Arkansas Sheriff's Association
- ❖ Governor's Office
- ❖ Department of Finance and Administration

∞ Committee Meetings

- ❖ November 6, 2015
- ❖ December 16, 2015
- ❖ February 3, 2016
- ❖ July 25, 2016

Committee

Findings/Recommendations

∞ Problems Identified

- ❖ Statewide information is not available as to amount owed victims;
- ❖ ACC collects restitution for Circuit Courts in Garland, White, Prairie, Perry, and part of Pulaski Counties – recent report reflects that \$30 million is owed to 7,751 victims and only \$9.8 has been paid (31%) – restitution referred by courts is tracked through ACC electronic Offender Management Information System (eOMIS)
- ❖ Circuit and District Courts utilizing the AOC Court Case Management System (Contexte) to track restitution - current balance for Circuit Courts in 9 counties is \$15.9 million owed of \$18 million assessed; Current Balance in District Courts in 12 counties is \$1.6 owed of \$4.6 million assessed. (note: ACC and AOC are working to integrate eOMIS/Contexte for information sharing)
- ❖ Some areas maintain restitution records in ledger books which are not easily assessable

Committee

Findings/Recommendations

Problems Identified, Continued

- ❖ Act 282 of 2013 authorized court costs be paid first – restitution is collected separate from fines and misdemeanor court costs
- ❖ There is no statewide audit of court-ordered restitution
- ❖ Lack of jail space to hold offenders for non-payment/contempt
- ❖ Restitution should be part of reentry requirements – ACC/ADC/Parole Board needs to know how much is owed
- ❖ For all but five counties, ACC officers must call applicable entity to determine status of offender payments for fines, fees, or restitution payments – time consuming and inefficient
- ❖ Capturing state income tax refunds process is cumbersome
- ❖ Difficult to collect restitution from unsupervised probation offenders
- ❖ There is no standard restitution order for use at sentencing/disposition
- ❖ Orders and collections are not automated in all areas

Committee

Findings/Recommendations

Collections in Other States

- ❖ Collection statewide by a single state government agency
- ❖ Collection by local county entities (similar to Arkansas)
- ❖ Contracted third party or debt collection agency

Committee

Findings/Recommendations

- ∞ A centralized restitution collection agency responsive to victims is optimal
- ∞ Arkansas needs an integrated, automated fine, fee, and restitution collection system and statewide uniform rules for payment, warrants, garnishment of wages, liens, tax refund recoupment, etc.
- ∞ For enforcement, ACC, ADC, Parole Board, sheriffs, and others need electronic access to orders of restitution (fines and fees) and balances paid to hold those responsible accountable
- ∞ Offenders should not be released from supervision or allowed to transfer out of state until all restitution, fees, and fines are paid in full
- ∞ Participation by courts in Contexte is voluntary. Grants are needed to encourage/assist AOC/Courts with costs of implementing Contexte or to interface with existing court accounting systems