

HANDOUT 2

Issue Paper: Arkansas Victim Restitution System

Problem Statement – A 2012 ACC commissioned study of victim restitution in Arkansas concluded that the collection of financial obligations in Arkansas can best be described as uncoordinated, poorly supported and incapable of showing outcomes. After a review of current practices, the study noted:

1. There is no systemic mechanism for ordering or tracking restitution;
2. Other financial obligations are a higher priority than victim restitution;
3. The state has no idea how the total of victim restitution ordered or collected;
4. Offenders are encumbered with many financial obligations that are unrealistic;
5. Most victims probably do not receive the restitution that they are owed.

Current Status – In November 2015, ACC invited representatives from the Board of Corrections, Administrative Office of the Courts (AOC), Prosecutor Coordinator's Office (PCO), Association of Arkansas Counties, Sheriff's Association, Governor's Office, and DFA to a meeting to discuss the problem and consider options to improve victim restitution payments. ACC produced a study of the restitution tracked and collected for Garland, White, Prairie, and Perry Counties and part of Pulaski County since the mid 1990s following the creation of the Department of Community Punishment. We found that of \$30,056,379 owed to victims by 7,751 offenders, only \$9,468,026 has been paid or 31.50%, leaving \$20.5 million uncollected of which \$12.9 million is still owed by offenders currently under our supervision. The AOC Case Management System (Contexte) is available to Circuit and District courts. Information gleaned from Contexte reflects the 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 within these particular counties.)

Other problems identified by the Committee include:

- 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 restitutions 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

Options: While not all agreed to a single solution, the agencies represented generally agree that:

1. Arkansas needs an integrated automated system and a set of statewide uniform rules for not only the payment of Victim Restitution but other court fines and fees as well.
2. Not only is a set of uniform rules needed for all courts ordering restitution, a consolidated collections unit to facilitate the distribution of funds, issuance of non-payment notices, warrants, garnishment of wages, liens on property, tax refund recoupment, license suspension, or other “potential” methods of payment for willful noncompliance with restitution orders would be optimal.
3. For enforcement, ACC Probation and Parole Officers, sheriffs, and others need electronic access to information balances of restitution that may be owed in order to assist in holding offenders accountable.
4. Current statutes establishing the priority for collection of fees and tax set asides need to be reviewed and revised to facilitate collections.
5. Offenders should not be released from supervision or allowed to transfer out of state until all restitution, fees, and fines are paid in full.
6. Grants are needed to assist AOC/Courts with costs of implementing Contexte or to interface with an existing court accounting system

References:

1. JFA Restitution Study:
<http://www.dcc.arkansas.gov/publications/Documents/publications/StudyofArkansasVictimRestitution.pdf>