

ERIE COUNTY COURT OF COMMON PLEAS  
ERIE COUNTY ADULT PROBATION DEPARTMENT  
COLLECTION BUREAU  
ERIE COUNTY COURT HOUSE  
ERIE, PENNSYLVANIA 16501  
(814) 451-7071

September 10, 1997

TO: House of Representatives  
Judiciary Committee

FROM: Philip M. Legler, Supervisor  
Collections Bureau  
Erie County Adult Probation Department

RE: **Proposed Legislation on Restitution**

The Erie County Adult Probation Collection Bureau has been recognized throughout the state for its success in collecting court-ordered Criminal Justice debts. The program began in March of 1993, and first year results showed a 59% increase in collections, amounting to over \$750,000. That level of improvement has also been maintained to the present day. There are four (4) key elements which contributed to that success:

- 1) **COMPUTER SYSTEM** - business oriented system which creates billing letters and late notices.
- 2) **STAFF** - Eight (8) member collection staff whose background is in professional collections rather than criminal justice.
- 3) **LEVERAGE** - workable sanctions such as wage attachments, judgments and contempt of court proceedings for non-compliance.
- 4) **REVENUE** - \$10.00 per month administration/collection fee, which supplements the Bureau's expenses by approximately \$200,000.00 annually.

**TITLE 42 LEGISLATIVE CHANGES:**

- I. **WAGE ATTACHMENTS** Sec.8127(a) (3.2) (5)
  - A. Approximately 600 in Erie County and main reason for success of program.
  - B. Done by local order.
  - C. Reluctance of other counties to use wage attachments.
  
- II. **JUDGMENTS** Sec.9728
  - A. Cost of entering judgments at Prothonotary vs. Realistic gains in revenue.
  - B. Over 800 filed in Erie County with marginal results.
  - C. Notification of list of costs by Clerk of Courts to correctional facilities and probation departments.
  
- III. **INMATE DEDUCTIONS** Sec.9728(b) (5)
  - A. Many Department of Correction inmates have jobs and wages in the institution.
  - B. Inmates at County Correctional facilities rarely have jobs which provide a salary.
  
- IV. **50 PERCENT of COLLECTIONS TO RESTITUTION** Sec.9728(g.1)
  - A. Inconsistency in priority of collection from County to County.
  - B. Serves both victims' interests and the County.
  - C. Approximately 75 to 80 percent of cases have no victim.

**TITLE 18 LEGISLATIVE CHANGES:**

- I. **Should District Attorney or Probation provide restitution info to Court?** Sec.1106(c) (4) (i)
  - A. District Attorney has earlier contact with the victim and represents them.
  - B. A.R.D. hearings and pleas with immediate sentencings often result in general orders of restitution with incomplete victim info for probation, which is contrary to Section 1106 case law.
  - C. Much of Probation's collection effort is inefficiently spent on investigation of restitution amounts.