

**INTRODUCTION:** Karen Sorg of the Commission on Drug Free Indiana contacted me a few weeks ago concerning the collection of Countermeasure Fees. She indicated in our telephone conversation that she had concerns about this Department's enforcement of offender's payments. My initial reaction was to cite our standard operating procedure for violations of probation involving debts, which is to not release anyone from probation who has failed to satisfy any court ordered financial obligation. Financial obligations typically include fines, court costs, alcohol and drug countermeasure fees, restitution, public defender reimbursement fees, blood tests fees, probation users fees, and urinalysis fees. After setting the meeting date and time, I decided that I should confirm my statements with actual numbers from the Wells County Clerk's office. This report summarizes the policies of offender supervision by the Wells County Probation Department and information collected from the Clerk's Office.

**POLICY:** The Wells County Probation Department is responsible for the supervision of all offenders placed on probation in the Wells Superior and Circuit Courts. It is the policy of this Department to supervise each individual according to a risk classification system, and in the event of a violation of probation, this Department files a petition to revoke probation. Wells County probation officers make diligent efforts to have offenders satisfy all conditions of probation. Regarding the collection of court ordered debts, probation officers work with individuals to collect money. Offenders placed on probation rarely practice sound financial management and balancing the offender's necessary living expenses with court-imposed sanctions is often difficult. The filing of a revocation petition for failure to pay court ordered debts is left as a last resort, however, the policy forbids anyone from being released from probation supervision without having satisfied his/her financial obligations - including Countermeasures fees.

**VERIFICATION:** Countermeasures fees are paid by offenders who were convicted of offenses related to driving while intoxicated and possession of controlled substance. The second column in **Table A** displays the total number of offenders in the Wells Superior Court ordered to pay Countermeasure fees since 1993 ("**Total C/M Fees**") according to the Superior Court Clerk's books. The total number of fees ordered by Superior Court is 767. The third column ("**Unpaid**"), contains the total number of offenders who were ordered to pay Countermeasures fees but failed to do so as of this date, and this column totals 173. The fourth through twelfth columns indicated the disposition of cases that fall under the "Unpaid" column. The column significant to the question for which the meeting was called is the column under heading "**Released w/o Payment**", which are the number of offenders released from probation while having a balance remaining unpaid. A total of 5 fall under this category - a review of the individual files revealed clerical errors and simple oversight contributed to these individuals to be released.

**Table A**

year	Total C/M Fee	Unpaid	No Probation	Payment Pending	PV Pending	Warrant	Revoked	Dismissed by Plea agreement	Indigent	Released w/o payment	Deceased
1993	123	20	1	0	0	3	11	4	0	1	0
1994	117	15	0	0	0	3	10	2	0	0	0
1995	111	18	4	0	0	0	9	4	0	1	0
1996	129	23	2	0	1	3	13	2	0	1	1
1997	68	17	0	0	1	5	5	3	0	2	1
1998	97	21	4	4	1	1	9	1	1	0	0
1999	67	20	1	7	5	2	5	0	0	0	0
2000	55	39	1	34	3	0	1	0	0	0	0
<b>TOTAL</b>	<b>767</b>	<b>173</b>								<b>5</b>	

Similar information for Circuit Court is contained in **Table B**. The Countermeasure fees ordered in Circuit Court totaled 67, with 39 unpaid at the time of this report. One (1) person was

**Table B**

year	Total C/M Fee	Unpaid	No Probation	Payment Pending	PV Pending	Warrant	Revoked	Dismissed by Plea agreement	Indigent	Released w/o payment	Deceased
1993	4	2	2	0	0	0	0	0	0	0	0
1994	15	7	6	0	1	0	0	0	0	0	0
1995	6	4	4	0	0	0	0	0	0	0	0
1996	33	20	11	3	1	0	4	0	0	1	0
1997	9	6	3	3	0	0	0	0	0	0	0
1998	0	0	0	0	0	0	0	0	0	0	0
1999	0	0	0	0	0	0	0	0	0	0	0
2000	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>67</b>	<b>39</b>								<b>1</b>	

released from probation supervision without having paid their Countermeasures fees; however, Circuit Court did not include payment of Countermeasure Fees as a condition of probation.

**CONCLUSION:** Total Countermeasure fee collections since 1993 is 75% (622 cases). The numbers above indicate 81 cases (38% of the “Unpaid”) are still open files with the offenders being on probation, having petitions to revoke probation, or absconded. 131 cases of the “Unpaid” category (62%) have been closed and the Probation Department can longer enforce additional collection; these cases include the five (5) where offenders were mistakenly released from probation supervision.

The overall decrease in Countermeasure Fee revenue is not a result of lax enforcement by the Probation Department.