



Superior Court of California

County of Alameda

Courthouse
1225 Fallon Street
Oakland, California 94612

March 13, 2014

Report of Discharge of Accountability

Alameda County Board of Supervisors
1221 Oak Street
Oakland, CA 94612

Attached, solely for your information and compliance with applicable statutes, is the order of the Court discharging accountability for collection efforts on certain court ordered debt. This order is for certain traffic cases referred to the Alameda County Central Collections unit or to AllianceOne, Inc., the Court's third-party collection agency. These cases have balances less than \$25.00, or have court dates before January 1, 2004. Alameda County Central Collections and AllianceOne collection efforts have not produced payment of the balance due from the defendant.

The debts summarized on the attached meet the criteria in that the amounts owed are either less than the estimated cost of collection or the likelihood of collection doesn't warrant the expense. The Alameda County Central Collections unit and AllianceOne, Inc., exhausted reasonable collection efforts and then returned the cases to the Court. Therefore, the Presiding Judge of the Court issued the attached order discharging the Court from further responsibility for collection of the debt.

All reasonable collection efforts have been performed by the Alameda Central Collections unit and AllianceOne:

- (1) Letters requesting payment, in accordance with collection standards
- (2) Attempts at telephone contact with delinquent debtors, in accordance with collection standards
- (3) Attempts at legal action, such as bank and wage attachments, when employment and assets are known
- (4) Filing of abstracts against current and future acquisition of real property. Abstracts are "picked up" by credit bureaus
- (5) Referral to the Franchise Tax Board Tax Intercept and Court-Ordered Debt collection programs to perform enhanced collection processes for the time frames contractually agreed to
- (6) When allowed, referral to the Department of Motor Vehicles to put a hold on license renewal
- (7) Reporting of the delinquency to national credit reporting agencies

Background

Government Code sections 25259.8 and 25259.9, provide for the discharge of accountability of court ordered debt when the amount owed doesn't justify the estimated cost of collections or the likelihood of collections doesn't warrant the expense. This report is prepared in accordance with California Government Code section 25259.9(b), which says (in part),

- "Within 45 days after the end of the month in which any discharge from accountability is approved, the court shall report to the county the discharge from accountability for any court-ordered debt or bail that the court would otherwise have been responsible for collecting.

March 13, 2014

Report of Discharge of Accountability

- The report shall include for each debt discharged: the case number; whether the case is an infraction, misdemeanor, or felony; the amount of debt discharged; and the number of years since the debt became delinquent.”

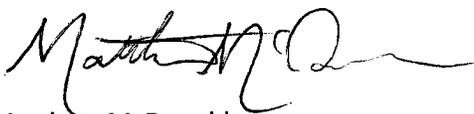
California Government Code section 25259.9(a) says (in part),

- “The order shall have the same effect as a discharge from accountability under Section 25259, which relieves the applicant from any further responsibility for collecting the discharged debt, and does not constitute a release of any person from liability for payment of any amount.
- Upon making an order of discharge, the presiding judge shall direct the clerk of court to enter record of the discharge in the court case file for each debt and to post a copy of the order of discharge on the court’s Internet web site for a period of not less than three weeks. “

The Court Finance Bureau will work with the Office of Information Technology to post the Court order of discharge and summary number of cases and amounts to the Court website.

Most of these cases were originally provided by the Court to the Alameda County Central Collections unit when they became delinquent. The Alameda County Central Collections unit electronic case records for these older traffic cases do not always indicate whether the violation was a misdemeanor or an infraction. Therefore we are unable to comply fully with section 25259.9(b). In many instances, the information is not available because the cases have been purged from the former case management system. For the remainder it would be extremely time-consuming. Some of this information is possibly available in the discontinued county CASP system, but only individual case lookup is available. Each debt balance possibly relates to both misdemeanors and infractions. Analyzing each case by type would take much more time than finding each case. Moreover, the type of case has no bearing on whether it meets the discharge of accountability criteria.

Sincerely,



Matthew McDonald
Finance Director
Superior Court of California
County of Alameda

Attachments:

- Order of the Presiding Judge
- Summary of Cases

**Superior Court of California
County of Alameda**

Application for Discharge of Accountability

I, Matthew McDonald, am the Finance Director for the Superior Court of California, County of Alameda (the Court), and I am authorized to submit this application on behalf of the Executive Officer and Clerk of the Court.

Government Code sections 25259.8 and 25259.9, provide for the discharge of accountability of court ordered debt when the amount owed doesn't justify the estimated cost of collections or the likelihood of collections doesn't warrant the expense.

The debts listed in the attached meet the criteria in that the amounts owed are either less than the estimated cost of collection or the likelihood of collection doesn't warrant the expense.

Therefore, I request the Court issue an order discharging the Court from further responsibility for collection and discharging the debt.

Date: 3/12/14 Signed: 

Order of the Court

The Clerk of the Court is hereby ordered to enter into the court's records that this debt is hereby discharged pursuant to Government Code sections 25259.8 and 25259.9.

Date: 3/12/14

Signed 
Winifred Smith, Presiding Judge

Superior Court of California, County of Alameda
Application for Discharge of Accountability
Summary of Cases

<u>Criteria</u>	<u>Number of Cases</u>	<u>Amount</u>	<u>% to Total</u>
Cases with citation date before 1/1/2004 (greater than 10 years old) (1) (2)	4,420	2,367,151.43	100.0%
Delinquent defendants with a total packet balance of less than \$25 (2)	42	507.88	0.0%
Totals	<u>4,462</u>	<u>2,367,659.31</u>	<u>100.0%</u>

(1) This is the number of years since the debt became delinquent as required by code section 25259.8(b)

(2) Excluded are: a) cases with payments to AllianceOne after 12/31/12 (in the last 12 months); b) cases referred to the Franchise Tax Board Court Ordered Debt program and not returned; 3) cases with defendant SSNs because these can be referred to the FTB Taxpayer Intercept Program. Cases meeting Discharge criteria were provided by AllianceOne.

This information does not include a detailed list of debtors because the order does not release the debtors from their liability for payment. The court is not notifying debtors that we are not pursuing their debt. The court is not providing information that could be used by unscrupulous companies to target debtors and charge them a fee to "negotiate" their debt.