



TO: THE UNITED STATES CLERK OF COURT
THE UNITED STATES PROBATION OFFICE
THE UNITED STATES ATTORNEY'S OFFICE FOR THE EASTERN DISTRICT
OF WISCONSIN

**MEMORANDUM OF UNDERSTANDING FOR THE COLLECTION
AND PROCESSING OF CRIMINAL FINES, RESTITUTION,
SPECIAL ASSESSMENTS, AND PRETRIAL DIVERSION ORDERS**

This Memorandum of Understanding (MOU) for the collection and processing of criminal fines, restitution, and special assessments, and when appropriate, pretrial diversion orders, in the Eastern District of Wisconsin is entered into by the United States Clerk of Court, the United States Probation Office (USPO), and the United States Attorney's Office (USAO). The purpose of this MOU is to promote maximum cooperation and coordination among the parties, to ensure the efficient and effective imposition and collection of criminal fines, restitution, and special assessments.

The parties agree to cooperate fully with each other according to the understandings and agreements set forth as follows:

A. DEFINITIONS

Financial Litigation Unit (FLU) refers to the FLU located within the USAO for the Eastern District of Wisconsin. The FLU is responsible for enforcing the collection of debts owing to the United States as well as victims of crime.

Judgment in a Criminal Case (JCC) refers to the document filed with the court at the termination of a criminal case. It was formerly known as a Judgment and Commitment Order (J&C).

Mandatory Victims Restitution Act (MVRA) refers to 18 U.S.C. §§ 3663A and 3664.

Presentence Investigation Report (PSR) refers to the document prepared by the USPO prior to sentencing which generally includes personal, background, and financial information about the defendant.

B. RESPONSIBILITIES OF THE UNITED STATES ATTORNEY'S OFFICE

1. The USAO will work with investigative agencies and case agents to identify assets and holdings of defendants, and will assist the USPO with determining the amount of victims' losses. The USAO will share financial information with the USPO following conviction for completion of the PSR, and with the Clerk's Office to aid in the processing of restitution payments.
2. To the extent possible, the USAO will ensure all Plea Agreements require payment in full of special assessments at or before sentencing. If that is not possible, the USAO will strive to ensure that defendants make a complete financial disclosure. The USAO will strive to require immediate payment of criminal impositions unless the defendant's financial circumstances prevent immediate payment.
3. The Victim Witness Coordinator of the USAO will assist in identifying victims and determining victim losses in a case. The Victim Witness Coordinator will also notify victims of their rights, and notify the FLU when information is received concerning victims who have moved.
4. After entry of JCCs, the case will be transferred to the FLU for enforcement. The FLU will work with the USPO and the Clerk's Office in the collection and processing of payments on criminal fines, restitution, and special assessments.
5. The FLU will work with the USPO to collect criminal fines and restitution on cases under its supervision. The FLU will take appropriate collection action in consultation with the USPO.
6. The FLU will provide the Clerk's Office with interest computations and data on the impositions of penalties on delinquent and defaulted debts in accordance with law, until the Clerk's Office is ready to assume this responsibility.
7. The FLU will enforce to the fullest extent of the law all criminal fine orders and restitution orders for a period of twenty (20) years plus any period of incarceration, or until the death of the defendant.
8. When restitution is imposed, the FLU will file or otherwise record a Notice of Lien in the county of the defendant's residence, and all other counties where the defendant is believed to own assets, within twenty (20) days following entry of the JCC. In all other cases, notices of lien will be filed when the monetary penalties imposed exceed \$500.

9. The prosecutor will ask the court to order that all criminal fines and restitution be due and payable immediately unless the interests of justice require other than immediate payment.
10. All payments on special assessments, criminal fines, and restitution which are delivered to the USAO will be delivered to the Clerk's Office on the day of receipt or not later than the morning of the next business day.
11. The FLU will ensure the release of all judgment liens when legally required
12. The FLU will notify the Clerk's Office of any settlement agreements, garnishments, direct payments to victims or Department of Treasury off-sets.

C. RESPONSIBILITIES OF THE UNITED STATES PROBATION OFFICE

1. The USPO will be available to assist the USAO and Clerk's Office concerning the collection of monetary impositions from individuals under the USPO supervision.
2. The USPO, with the assistance of the USAO, will ensure the PSRs include a complete accounting of the losses suffered by each victim, along with amounts of restitution to be paid pursuant to a Plea Agreement. PSRs will include information relating to the economic circumstances of each defendant to be obtained by an affidavit executed by the defendant. The USPO will provide requisite notice to all identified restitution victims unless the notice is otherwise substantially provided by the USAO and confirmed by the USPO.
3. The USPO will advise the FLU at least six (6) months prior to the expiration of a defendant's probationary period or period of supervised release when there is an unpaid balance of the criminal fine and/or restitution.
4. The USPO will require defendants under its supervision to execute a Financial Statement upon an oral or written request from the FLU.
5. The USPO will notify the FLU and Clerk's Office of the transfer of supervision or jurisdiction of all criminal fine and/or restitution debtors into and out of the district within thirty (30) days of transfer. Where joint and several restitution has been ordered, collection will remain in the originating district.
6. The USPO will, whenever available, include in all PSRs the address (at least the county and state) of all real properties owned in whole or in part by the

defendant to facilitate the filing of liens by the FLU.

7. The USPO will send the FLU copies of all payment agreements and notify FLU of all changes of address, employment, and payment schedules within sixty (60) days of the termination of probation.
8. The USPO will routinely review each supervised defendant's payments to determine whether the defendant's payment schedule should be modified and, if necessary, seek a modification of court-ordered payment terms.

D. RESPONSIBILITIES OF THE OFFICER OF THE CLERK OF COURT

1. The Clerk's Office will maintain a system to calculate, collect, record, receipt, and disburse payments of all criminal fines, restitution, special assessments, and payments in pretrial diversion cases, and will provide copies of all pertinent receipts and/or reports to the FLU and to the USPO on a daily basis.
2. The Clerk's Office agrees to hold and accumulate restitution payments, without distribution, until the amount accumulated is such that the minimal distribution to any restitution victim will be not less than \$25.00, unless ordered by the Court.
3. When the Clerk's Office has the automated capability, it will assume the responsibility from the FLU of calculating and posting to defendants' payments accounts interest, computed daily, on all criminal fines and restitution, and posting applicable default penalties to payment accounts. The Clerk's Office will report to the FLU and to the USPO all such impositions on a schedule to be determined.

E. DISTRIBUTION

Each of the signatories of this MOU will make a copy available to appropriate personnel within their respective offices to ensure all employees are aware of this agreement.

F. ADMINISTRATION

1. This MOU may be amended by written agreement of the parties.
2. The parties are aware of the MOU between the Department of Justice and the

Administrative Office of the United States Courts (AOUSC) and the analysis of Policies and Procedures from Criminal Debt Data Management in the United States District Courts which was effective March 14, 1997.

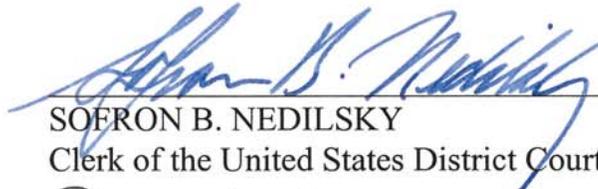
3. It is agreed that representatives of each party agree to meet as needed to discuss modification of the MOU required by changes in intra-office policies and procedures, changes in interoffice relationships, changes in federal statutory law, or other reasons.

AUTHORIZING SIGNATURES

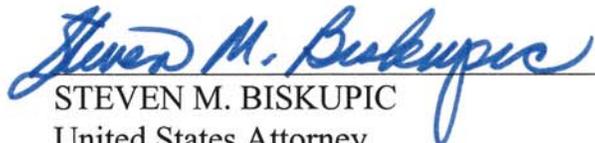
July 30, 2004
Date

July 30, 2004
Date

July 23, 2009
Date


SOFRON B. NEDILSKY
Clerk of the United States District Court


TRUDI A. SCHMITT
Chief United States Probation Officer


STEVEN M. BISKUPIC
United States Attorney