

U.S. District Court for the Western District of Michigan

An Overview of Financial Obligations, Responsibilities & Penalties in Federal Criminal Cases



General Case Inquiry

A party may request a Case Inquiry Report, either by phone or in writing. This report states the balance and history of a defendant's criminal debt; this does NOT include a payoff amount, however. If seeking a payoff amount (which will include any interest and/or penalties incurred to date), please contact the Financial Litigation Unit (FLU) of the U.S. Attorney's Office.

Cash and Non-Cash Collateral Bonds

When paying a criminal cash bond or other non-cash collateral bond, an Affidavit of Ownership identifying the owner (surety) of the collateral must be executed. Credit card payments are NOT accepted for bond payments; cash, check, money order or cashier's check are the only acceptable forms of payment for bonds.

Requests for the return of a cash bail or other non-cash collateral will only be accepted in writing and from the individual who originally deposited the funds or other non-cash collateral with the court. Posted collateral can only be returned to the individual who originally deposited the collateral, transferred to another individual (this must be done in the form of a written request that is witnessed and signed by a notary public), or transferred, on behalf of the defendant, to the United States as payment of special assessments or fines. Funds are typically disbursed within 5-7 business days after a request is made.

Criminal Debt

Criminal debt is a monetary obligation imposed by a federal court on a defendant for their criminal actions. Criminal debt includes fines, restitution, special assessments, penalties, costs of prosecution, bond payments and any other costs as ordered by the Court. Criminal debt payments can be made in person or by mail at any of our divisional offices. The following forms of payment are accepted: cash, check, money order, cashier's check and credit card. Note: credit card payments are NOT accepted for bond payments. To ensure proper application to a defendant's account, be sure to include the defendant's name and case number with all payments.

Payment toward criminal debt is applied in the following priority:

- 1) Special Assessment Penalty
- 2) Restitution (principal and interest)
- 3) Fine (principal and interest)
- 4) Penalties
- 5) Cost of Prosecution



Special assessments are mandatory for all criminal cases that result in a guilty plea or conviction following trial and are imposed for every count of conviction at the time of sentencing. *Restitution* is an amount of money ordered to be paid to a victim for harm or damage inflicted by the defendant.

As stated in their judgments, defendants must turn over all tax refunds, lottery winnings, judgments, and other unexpected financial gains to the court to be applied toward their outstanding criminal debt.

In cases where penalties, fines or restitution are imposed joint and severally among more than one defendant, payments made by an individual defendant are applied proportionately to the joint debt and any individual debt based upon the priority of payments. Defendants are liable for the entire joint and several debt listed in their judgment, even if the co-defendants are not making any payments.

Interest: Statute requires that a defendant must pay interest on any fine or restitution of more than \$2,500.00, unless the court waives it or the fine or restitution is paid in full before the 15th day of the date of the judgment. A defendant is liable for interest beginning on the 15th day after the date of sentencing, unless that date falls on a weekend or holiday, in which case it is the first business day thereafter.

Penalties: A *delinquent payment* is one that is more than 30 days late. A fine or restitution debt that is delinquent for more than 90 days is in *default*. If a payment is delinquent, the defendant must pay a penalty equal to 10% of the principal amount that is delinquent. If a fine or restitution is in default, the defendant must pay an additional amount equal to 15% of the principal amount that is in default.



Returned Checks

The Court will assess a \$53.00 fee for any check submitted by a defendant that is returned for non-sufficient funds (NSF). If this occurs, a letter is sent to the payer, the Probation office and the U.S. Attorney’s office. The NSF fee, as well as the original payment, must be paid in full or the payer is subject to prosecution by the U.S. Attorney’s office. When submitting the NSF fee, please note on the face of the check that a portion of the payment is for the NSF fee. If a party has multiple checks returned for NSF, that party may be restricted to paying on a cash or money order basis only.

Inmate Financial Responsibility Program (IFRP)

If a defendant is incarcerated and has outstanding criminal debt, s/he will participate in the IFRP program through the Bureau of Prisons (BOP). The BOP will deduct money from the defendant’s account on a monthly or quarterly basis and forward the funds to the Court for application to the defendant’s outstanding criminal debt.

Treasury Offset Program (TOP)

The Treasury Offset Program is a means for the Court to collect criminal debt payments by offsetting payments a defendant may receive from the U.S. Treasury. This includes: tax refunds, tax incentive checks, social security, disability and civil service retirement. Funds collected via TOP are forwarded to the Court and applied to the defendant’s outstanding criminal debt.

Garnishment

If a person on supervision is working, his/her wages are subject to garnishment for payment of his/her outstanding criminal debt. Other garnishments could include retirement and/or bank accounts. Garnishments may be initiated by the Financial Litigation Unit (FLU) of the U.S. Attorney’s office based on probation officer recommendations and the delinquency status of the debt. Garnishment may not exceed 25% of an individual’s disposable earnings per pay period or the amount by which the disposable earnings per pay period exceed 30 times the current federal minimum hourly wage, whichever is less. If the defendant’s employer is the victim and the employer is retaining funds to apply toward the debt, the Court typically is not notified of such payments. The defendant must notify the FLU or the District Court Finance Department who will then obtain confirmation from the victim/employer and subsequently apply the payments to the defendant’s outstanding debt.

Additional Payment Information

Payments can be made at any of the Court’s divisional offices listed below. Checks should be made payable to Clerk, U.S. District Court. Please be sure to include the defendant’s name and case number with all payments to ensure accurate application to the correct account. Please note that checks are electronically deposited through the U.S. Treasury.

**U.S. District Court Clerk
Attn. Cashier
399 Federal Building
110 Michigan St., NW
Grand Rapids, MI 49503**

U.S. District Court Clerk
Attn. Cashier
B-35 Federal Building
410 W. Michigan Ave.
Kalamazoo, MI 49007

U.S. District Court Clerk
Attn. Cashier
113 Federal Building
315 W. Allegan St.
Lansing, MI 48933

U.S. District Court Clerk
Attn. Cashier
229 Federal Building
202 W. Washington St.
Marquette, MI 49855

Other Contact Information

U.S. District Court - Western District of Michigan
Finance Department
110 Michigan St., NW
Grand Rapids, MI 49503
Phone: 616-456-2381
Fax: 616-456-2066

U.S. Attorney’s Office
Financial Litigation Unit (FLU)
616-456-2404



*This pamphlet is offered for informational purposes only and does not constitute legal advice. Parties should confer with legal counsel to determine procedures and responsibilities that apply to individual cases.