

<p>Commonwealth of Pennsylvania</p>  <p>Pennsylvania Board of Probation and Parole</p>	<p>Volume III Chapter 4</p> <p>Procedure 4.01.07</p>	<p>Date Revised Replaces 4.6 08/01/04, 12/04/04, 07/01/06, 01/14/08 04.01.07-01 03/10/14 04.01.07-02 08/12/14; 4.01.07-03, 12/31/15</p>
<p>Chapter Title SUPERVISION, REENTRY</p>		<p>Date Issued: 11/01/13</p>
<p>Subject SUPERVISION OFFENDER FINANCIAL OBLIGATIONS</p>		<p>Effective Date: 11/15/13 PUBLIC</p>

I. AUTHORITY

The chairman of the board is granted the authority to “direct the operations of the board and fulfill the functions established by the act... including organizing, staffing, controlling, directing, and administering the work of the staff.” 61 Pa. C.S. § 6112 (a)(1) & (a)(4).

II. PURPOSE

The purpose of this procedure is to explain the offender’s financial obligations during probation/parole supervision.

III. APPLICABILITY

This procedure is applicable to all board staff.

IV. DEFINITIONS

All definitions are located in Procedure 4.01.01.

V. POLICY

It shall be the policy of the board to require offenders supervised by the board to pay financial obligations imposed through the court, by statute, or by the board, or any combination thereof. Parole supervision staff will assist offenders in developing suitable financial management plans, which enable them to make contributions toward their financial obligations while reinforcing responsible money management practices.

VI. PROCEDURES

A. Offender Financial Obligations

The board places priority on services and opportunities that encourage offenders to make restitution to the victim(s) of their crime(s) and/or to the community.

As a general condition of supervision the board requires that all offenders make continuing payments on court-ordered financial obligations.

For all offenders being released on parole, a special condition shall be imposed that reads; "You shall consult with the county collections agency within 72 hours of release and provide the parole supervision staff proof of a plan for payment of court-ordered financial obligations. You shall make continuing payments on court-ordered financial obligations."

If the county collection agency(s) does not set up a monthly payment plan, the parole supervision staff must establish a payment schedule. Payments would include:

1. Court-ordered financial obligations such as:
 - a. Child support
 - b. Restitution
 - c. Fines and costs
2. Supervision fees.
3. Alcohol and other drug screening fees.

B. Billing of Alcohol and Other Drug Screening Fees

All offenders are subject to alcohol and other drug screening and may be responsible for the costs of such testing. Offenders are notified of this payment obligation through either a board-issued special condition or a special condition issued by parole supervision staff.

Alcohol and other drug screening fees are included in the monthly supervision fee invoice sent to the offender's approved residence.

1. Financial responsibility for laboratory and instant AOD screening tests

The Prisons and Parole Code specifies that offenders who have a special condition to achieve negative results in screening tests while under supervision shall be financially responsible for the costs of such testing. Parole supervision staff will enter the appropriate designation into the automated offender record. These offenders are identified as follows:

- a. 97-1: A parolee who, as an inmate, tested positive for the presence of a controlled substance or a designer drug.
- b. 97-2: A parolee who was paroled from a sentence arising from a conviction under The Controlled Substance, Drug, Device and Cosmetic Act.
- c. 97-3: A parolee who was paroled from a sentence arising from a conviction of a drug related crime.

- d. 97-4: Remaining offenders who do not fall into one of the above specified categories.

C. Supervision Fees

All offenders under supervision of the board are required to pay a monthly supervision fee, as determined by parole supervision staff, for the entire period of supervision, unless granted a waiver.

1. Informing the Offender

During an initial interview, offenders must be advised that:

- a. They must pay a monthly supervision fee, unless waived, as determined by parole supervision staff.
- b. Offenders are responsible to pay the supervision fee starting with the first full month of supervision and continuing during the entire period of supervision through the final, full month of supervision. (For example, an offender released to supervision on September 18, 2013, would forward the first \$30 supervision fee for the month of October 2013 to ensure that it is received by PBPP no later than November 25, 2013).
- c. Invoices indicating the amount of supervision fees owed are mailed to the offender's approved residence by the fifth business day of each month.
- d. Acceptable form of payment is either electronic payment through AOPC, a check or money order made payable to PA Board of Probation and Parole. The invoice receipt must be included with the payment received by the board no later than the 25th day of each calendar month.

2. Waiver of the Supervision Fee

At the initial interview, the offender must be informed of the criteria for waiving the supervision fee. The household income threshold to assess a poverty (FEPP) waiver is based on 130 percent of the Federal Poverty Income Guidelines. These guidelines are published yearly in the Federal Register, normally during the month of February.

Parole supervision staff shall determine each offender's ability to pay the \$30 monthly supervision fee based on the above criteria. All information pertaining to a request for a waiver of the supervision fees must be verified. For offenders who qualify for a fee waiver, parole supervision staff will submit a Request for Supervision Fee Waiver or Reduction (PBPP-35) with documentation supporting the request to their supervisor.

The supervision fee for an offender in absconder status may not be waived. Fees will continue to accrue until the offender is located. Accrual of the fees owed will end at the time the offender is arrested and detained. If the

offender is continued on parole, the fees will continue to accrue and the payment obligation will resume.

A waiver of the supervision fee requirement may be granted for one of the following reasons:

ARR2 Arrested and Detained

The start date for an offender waived from payment of supervision fees for a period of incarceration is determined by the ARR2 code (detained technical or un-convicted violator) start date in the automated offender record. Once detention ends for the violator, a waiver end date must be entered into the automated offender record to restart supervision fees for offenders continued on supervision.

FEEP Poverty

The offender's household income is below 130% of the Federal Poverty Income Guidelines (supervision fee income threshold). Offenders who qualify for this waiver are required to pay a supervision fee of \$10 per month.

Offenders who reside at a CCC/CCF as a group home placement or a non-AOD halfway back placement may be eligible for this waiver if they are unemployed or underemployed.

FEIP Poverty – Indefinite Waiver

Same criteria as the standard poverty waiver. Since this is an indefinite waiver, the district director/designee must concur with the recommendation.

FEEO Out-of-State Offender

- a. Pennsylvania cases being supervised by other states, once formally accepted.
- b. Other state cases from date of release (or probation effective date) to acceptance in Pennsylvania for supervision.

FEET Treatment

Offender is currently in an inpatient program, a resident in a nursing home, or in a drug and alcohol half way back program. Individual cases will be reviewed upon the agent's recommendation to determine waiver eligibility.

FEEE Exceptional Circumstance

When parole supervision staff believes an offender's circumstances justify a waiver even though the previously defined criteria are not met. The district director/designee must review documentation to approve waivers for exceptional situations.

FEIE Exceptional Circumstance – Indefinite Waiver

Same criteria as the standard exceptional circumstance waiver. Offenders eligible for this indefinite waiver are in a circumstance or have an ailment that is not likely to change, such as residence in a nursing home or at a care center, terminal illness or residence in a hospice, debilitating chronic illness or an incapacitating mental health condition, etc. Also includes offenders under the "MON" grade of supervision.

3. Finalizing and Recording the Waiver Decision

After the parole agent verifies an offender's eligibility for a waiver of supervision fees, the appropriate parole supervisor and district director/designee must concur with the decision for the waiver to be granted. All waivers of supervision fees must be entered into the automated offender record. Only one code is necessary for each period of time the supervision fee is waived.

At the expiration of the approved waiver period, the offender must show cause for a further waiver or begin payment of the monthly supervision fee.

4. Supervision Fees Accounting and Reporting

The automated offender record produces regular statements reflecting the status of each offender's supervision fee obligation. Parole supervision staff shall access these reports on a monthly basis and review the contents to assure accuracy of each offender's supervision fee balance. If an error is detected and verified, parole supervision staff must immediately make necessary corrections in the automated offender record.

5. Failure to Pay Required Supervision Fees

After reviewing the monthly offender supervision fee report, the parole agent must discuss any outstanding fees with each offender to determine the reason(s) for non-payment. The parole agent must reinforce the obligation by issuing a supervision fee warning letter.

If an offender has fees due from a previous supervision period, based on his/her ability to pay, the monthly payment amount may be increased. If an offender continually refuses to make the required supervision fee payments, the parole agent is responsible for employing graduated sanctions.

6. Refunding Supervision Fees

Offenders waived from paying the supervision fee, and having made payment(s) during the waiver period, may be eligible for a refund. Refund eligibility is determined at the end of the period of supervision.

If an under supervision offender believes that excessive supervision fees have been paid, the offender must provide information documenting the claim to the appropriate district director/designee. The district director/designee reviews the claim and supporting documentation to determine its validity. If the claim is determined invalid, no further action is taken and the offender is informed of this determination. If the claim is determined to be valid, it is forwarded with a memorandum of approval from the district director/designee. The claim is routed through the chain of command to the director of the Bureau of Central Services who authorizes the Office of Fiscal Management to issue a refund. All refund payments are sent to the last known address of the offender.

When a case is closed and the offender requests a supervision fee refund, parole supervision staff shall refer them to the central office Budget Division.

7. Supervision Fee Payment for Cooperative Supervision Cases

If an offender is under the supervision of both the board and a county adult probation department, the agency actively supervising the offender is responsible for the supervision fee process and collection of fees. If both agencies are providing active supervision, only one agency shall be responsible for the supervision fee process and collection of fees. In such a case, the district director/designee shall confer with the county adult chief probation officer to determine which agency is responsible for supervision fee collections. When the county is delegated to collect the supervision fee, the case shall be treated as an exceptional situation waiver and recorded as such in the automated offender record.

D. Offenders Supervised Under the Interstate Compact for Adult Offender Supervision (ICAOS)

Offenders being supervised for another state through the ICAOS shall be required to adhere to supervision fee requirements and be responsible for paying costs of alcohol and other drug screening. These offenders are not required to pay a monthly supervision fee to the sending state according to the ICAOS Rule 4.107, which states: "No sending state shall impose a fee for the purpose of supervision, on a probationer or parolee who is currently being supervised by another state under the ICAOS."

E. Interstate Application Fee

1. An offender is assessed a non-refundable application fee of \$100 each time a "Transfer Request" is submitted to a jurisdiction outside of Pennsylvania. Payment shall be in the form of a valid money order or cashier's check. When the request for compact transfer is made, the offender signs the Interstate Compact Application Fee Acknowledgement (PBPP-100). Parole supervision staff provides a copy of this form to the offender, maintains the

original, and advises the offender to return the completed receipt (bottom portion of this form) along with the payment to the board's Fiscal Division. The receipt ensures that the payment is credited to the correct offender.

- a. After the offender is notified of the application fee, parole supervision staff shall compile required information and materials listed in this procedure to prepare and submit the "Transfer Request" to the appropriate interstate services division. At no time will parole supervision staff delay submission of a "Transfer Request" for confirmation of payment.
- b. Upon receipt of an acceptance, interstate services staff will review the offender's payment status. In the event the offender failed to remit payment, the results of the investigation will not be provided. The offender should be advised that approved interstate plans are valid for 120 days. The 120 days is calculated from the date the results were received and if payment is not provided in a timely fashion, the plan may expire and the receiving state will withdraw the acceptance.

2. Waiving or Reducing the Application Fee Amount

Upon exceptional circumstances with supporting documentation, a deputy district director, district director, deputy compact administrator or designee can authorize the waiver or reduction of this fee. Copies of the memorandum authorizing the waiver or reduced payment are provided to the fiscal and appropriate interstate services divisions.

3. Application Fee Refunds

When an offender has made payment and the 'Transfer Request' was not initiated, the offender may request refund of this payment by submitting a written request to the director of the Interstate Parole Services Division.

F. Lost / Damaged Electronic Monitoring Equipment (by Offender)

If an offender either loses or, through negligence or intentionally, damages electronic monitoring equipment assigned to him/her, the offender shall be charged for the replacement of that equipment and may face criminal prosecution.

a. Enrollment into Reimbursement Program

When an offender is to be charged for the replacement cost of electronic monitoring equipment, parole supervision staff will email the director of the Bureau of Central Services with a request to have the offender enrolled into the reimbursement program. Parole supervision staff will provide the offender's full name, parole number and the type of equipment lost or damaged and its corresponding serial number.

The Bureau of Central Services is responsible to track payments made by the offender and generate invoices on actively supervised offenders. Parole supervision staff will initiate further action if reimbursement is not made.

b. Payments

All payments for the reimbursement account will be sent via U.S. mail, in the form of a money order, cashier's check or personal check. The payment shall include at a minimum the offender's full name and parole number. The cashier's check or money order is to be made payable to the "Commonwealth of Pennsylvania", and sent to the following address:

PBPP- AEM Fund
c/o Director, Bureau of Central Services
1101 South Front Street
Suite 5400
Harrisburg, PA 17104-2520

When criminal prosecution is initiated, parole supervision staff will notify the court to have payments sent to the above address.

G. Parole Supervision Staff Responsibilities Regarding Offender Financial Obligations

During the initial interview parole supervision staff shall:

1. Advise the offender of their court-ordered financial obligations. Determine whether the offender has complied with the special condition to contact the county collection agency(s) within 72 hours. If not, the offender must be directed to do so by written instructions on the Parole Violation Warning Instruction (PBPP-348I).
2. Ensure that the following special condition is imposed:

"YOU SHALL ACHIEVE NEGATIVE RESULTS IN SCREENING TESTS RANDOMLY CONDUCTED BY THE BOARD TO DETECT YOUR USE OF CONTROLLED SUBSTANCES AND DESIGNER DRUGS, AS DESIGNATED BY THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, OR TO DETECT YOUR USE OF ALCOHOL, OR BOTH. YOU ARE RESPONSIBLE FOR ALL TESTING COSTS."
3. Reference Section C, Supervision Fees.
4. Advise the offender that they will receive a monthly statement for the total cost of the alcohol and other drug screening and supervision fees, including unpaid balances. Offenders are required to make payment prior to the date due.
5. Court-ordered debts and legislatively mandated costs / fees must be paid and provision shall be made in the offender's supervision plan for payment of court-ordered and legislatively mandated financial obligations.
6. Crime Victim Compensation Fee (CVCF) Payment to DOC

The Department of Corrections loans eligible parolees the money to pay the CVCF of they deem him/ her to be indigent. In these cases, institutional parole staff issues a special condition (PBPP-336VCF) requiring the parolee to repay the loan. Parole supervision staff will review this special condition with the parolee:

“You shall pay the \$____ Crime Victims’ Compensation Fund fee through a money order(s) made payable to the PA Department of Corrections, Central Office IGWF
Payment shall be mailed to
Bureau of Community Corrections
ATTN: Crime Victims’ Compensation Fund
1920 Technology Parkway
Mechanicsburg, PA 17050”

A copy of the signed special condition (PBPP-336VCF) is forwarded to parole supervision staff along with the offender’s signed Order to Release on Parole (PBPP-10) and shall be maintained in the field offender case file (FOCF).

H. Ongoing Parole Supervision Staff Responsibilities

1. Review on a monthly basis the offender’s compliance with financial obligations. The compliance verification(s) shall be documented in the offender's Record of Interview (PBPP-259). In addition to reviewing receipts showing payment, parole supervision staff can monitor the offender's obligations as noted below.
 - a. Offender's compliance with dependent(s) support orders can be verified by contacting the applicable county government domestic relations office(s).
 - b. Offender's court-ordered fines, costs and restitution balances are accessible through the Administrative Office of PA Courts (AOPC) website, <http://ujportal.pacourts.us/default.aspx>. Web docket sheets accessed through the AOPC site list payments received in the case financial information section.

Parole supervision staff shall ensure that quarterly restitution letters are given to applicable offenders in person or mailed to their approved residence.
 - c. Offender's alcohol and other drug screening fee and supervision fee balances are accessible through the supervision financial obligations application. Note: If an offender has fees due from a previous supervision period, based on his/her ability to pay, the monthly payment amount may be increased.
2. Issue a Parole Violation Warning Instruction (PBPP-348) to offenders determined to be non-compliant.

3. Schedule an administrative conference (CON-I) if an offender is determined to be delinquent (\$120 or more in arrears of supervision fees or \$40 for offenders with a poverty FEET or FEIP waiver) or not in compliance with the established payment plan regarding other legal financial obligations, or both.
4. Impose more severe sanctions, including second-level administrative conferences (CON-II) or hearings, or both, if further non-compliance for the failure to pay financial obligations.
5. Parole supervision staff shall not state or imply to offenders that an offender's failure to meet financial obligations unrelated to a court order or supervision conditions will in any way result in sanctioning or violation.

VII. SUSPENSION DURING AN EMERGENCY

This procedure may be suspended during an emergency at the sole discretion of the chairman.

VIII. RIGHTS UNDER THIS PROCEDURE

This procedure creates no rights under law.

IX. RELEASE OF INFORMATION AND DISTRIBUTION PROCEDURE

- A. This procedure does not contain information that impacts the security of board staff or parolees and may therefore be released to the public.
- B. This procedure is to be distributed to all board staff.

X. CROSS REFERENCES

A. Statutes

1. Federal - None.
2. State
 - 18 Pa.C.S.A. § 1106(c)
 - 18 P.S. § 11.1102(b)(d)
 - 42 Pa.C.S.A. § 9728
 - 61 Pa.C.S.A. § 6133
 - 61 Pa.C.S.A. § 6137
 - 61 Pa.C.S.A. § 7112
 - 61 Pa.C.S.A. § 7115

B. PBPP Policies

Board Meeting September 17, 2014
3.02.08
3.02.14
3.02.16

4.01.11
4.01.13
4.05.03
4.05.04

C. American Correctional Association Standards

4-APPFS-2E-01
4-APPFS-2F-02

D. Management Directives - None.

E. Report of the Reentry Policy Council - None.