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| Collection of Fees | ACA Standards: 2-CO-1B-05, 4-APPFS-2E-01, 4-APPFS-2F-01, 4-APPFS-2F-02, 4-APPFS-3D-25 | | |
| Scott Crow, Director Oklahoma Department of Corrections | | Signature on File | |

Collection of Probation/Parole Fees, Restitution and Program Support Fees

I. Procedure Review

All probation and parole staff will be issued this procedure regarding collection of probation/parole fees, restitution and program support fees. (4-APPFS-3D-25)

II. Supervision Fees, Restitution and Program Support Fees for Oklahoma Inmates/Offenders

A. Supervision Fee Amounts

1. Probation

- a. Supervision fees are mandated by state statute. If sentencing documents do not specifically waive such fees, they will be collected. Sentencing documents that do not address the issue of probation fees are not to be considered as a waiver.

(1) If sentenced prior to June 30, 1996, fees are

determined by the amount on the judgment and sentence.

- (2) If sentenced after July 1, 1996, the Oklahoma Department of Corrections (ODOC) will set fees in the amount of \$40 per month per state statute unless waived or reduced by the sentencing authority.
- (3) A fee amount of less than \$40 appearing on the sentencing documents will be considered a reduction by the sentencing authority.

- b. Documentation of the financial obligations to be collected by ODOC will be forwarded to the Restitution and Accounting unit using the "Probation and Parole Services Information Transmittal Form, Offender Restitution and Fee Obligations," ([DOC 120230E](#)). The Restitution and Accounting unit will in turn enter the information into the Offender Banking System (OBS).

2. Parole

- a. The parole supervision fee will be collected in the amount as determined by the Pardon and Parole Board. The agency will determine the amount of the parole supervision fee for those inmates granted parole after June 10, 1996. The fee shall not exceed \$40 per month.
- b. Documentation of the financial obligations to be collected by the ODOC will be forwarded to the Restitution and Accounting unit.

3. Number of Fees per Inmate/Offender

- a. Only one fee per inmate/offender will be assessed. Regardless of the number of sentencing documents, or cases under supervision, only one fee will be collected from each inmate/offender under supervision.
- b. In the event of multiple convictions, the fees will be receipted to the longest sentence of all cases for which a fee has been assessed.

4. New Conviction(s)

If an inmate/offender receives a new conviction while under supervision without a revocation on the original case, fees will continue to be collected and receipted to the original case.

- a. In the event the supervision expires on the original sentence with time remaining on the new conviction, fees will then be receipted to the new conviction CF number.
- b. This will occur the first month after the expiration of the original sentence.

5. Acceleration/Revocation

Once a new judgment and sentence is issued as a result of acceleration or revocation, the fee balance starts over as zero.

6. Community Sentence Administrative Fee

Inmates/offenders assigned to community sentencing will be responsible for the \$20 administrative fee in the same manner as other program support fees, as well as the \$40 supervision fee.

B. Restitution (4-APPFS-2F-01, 4-APPFS-2F-02)

1. Probation

If restitution is ordered to be collected by the agency, it will be collected as outlined in the sentencing documents. A copy of the "Probation and Parole Services Information Transmittal Form, Offender Restitution and Fee Obligations," ([DOC 120230E](#)) and complete restitution schedule will be forwarded to the Restitution and Accounting unit upon receipt.

2. Parole

a. Restitution Information

When restitution is required as a condition of parole as indicated on the parole certificate, the supervising officer will contact the district attorney's office to determine the amount of restitution owed, name of victim, current address of victim and forward this information in a special report to the Restitution and Accounting unit, along with a copy of the judgment and sentence and parole certificate.

b. Modification

If the amount of the restitution or the identity of the victim cannot be established, a special report will be forwarded to the administrator of Community Corrections for forwarding to the Pardon and Parole Board for a modification of the

condition.

c. Payment Schedule

Monthly payment schedules will be established so that the inmate/offender may complete all restitution payments by the expiration of parole supervision. The "Inmate/Offender Responsibility Plan" ([DOC 090131A](#)) will be utilized to schedule restitution payments for parolees.

C. Program Support Fees

Any fees ordered for specialized programs or other costs (i.e., GPS, PPCS, PSI, DNA, community sentencing administration fees, etc.) will be determined by the supervising officer who will forward such information to the Restitution and Accounting unit in order for the information to be entered into OBS.

III. Collection of Fees/Restitution (2-CO-1B-05)

All fees and/or restitution will be collected and processed through the use of a private vendor. Payments will be made through the private vendor via the "Fee Collection Program" form ([DOC 160701B](#), attached).

A. Officer Responsibility

1. During orientation to supervision, the inmate/offender will be given a copy of the "Fee Collection Program" form ([DOC 160701B](#), attached), detailing how fees and/or restitution are to be paid.
2. All contact with the inmate/offender regarding fee payment, to include delinquency notices will be made through the private vendor. Contact by the private vendor to the inmate/offender will be made through mail and/or telephone. The inmate's/offender's contact information is provided through information in the Inmate and Community Offender Network (ICON); staff are to ensure that this information is kept current and updated as changes occur.

IV. Notice of Collection/Contact

The private vendor will notify the officer of each contact made or attempted with the inmate/offender, and of each payment made through automated supervision contacts in ICON.

V. Waiver of Court Costs or Restitution

The payment of court costs or restitution may only be waived by the sentencing court. A special report may be submitted to the sentencing court recommending waiver or extension of the time in which to pay the court costs or restitution.

VI. Failure to Pay Restitution

When an inmate/offender is 90 days delinquent in the payment of restitution, sanctions will be applied. If the inmate/offender does not become current within 45 days of the sanctioning, a violation report will be submitted. The officer will include in the summary/recommendation section of the report all pertinent information known regarding the inmate's/offender's nonpayment and the officer's recommendation.

VII. Procedures for Interstate-In Fee Collection

A. Beginning Payment Date

All incoming interstate compact cases accepted for probation or parole supervision on or after July 1, 1995, will be assessed a supervision fee as per state statute.

The fee will begin on the first day of the first month following acceptance of supervision. The Restitution and Accounting unit will be advised of the supervision fee requirement.

VIII. Reduction/Waiver of Supervision Fees

A. Hardships

1. Supervision fees may be reduced or waived for a 90 day period by ODOC any time during the course of supervision if a legitimate hardship can be verified. The reduction in fees will be reviewed every 90 days to verify the hardship continues to exist. If the hardship has been determined to be permanent, the fee may be waived for the duration of supervision.
2. If the supervising officer has such evidence that a hardship exists, a case conference will be held with the immediate supervisor. The following criteria will be used as a general guideline in determining hardship cases:
 - a. Income of inmate/offender, spouse, and/or significant other;
 - b. Monthly utility bills;
 - c. Mortgage or rent;
 - d. Miscellaneous bills (credit cards, etc.);

- e. Any other income received (AFDC, alimony, child support, etc.);
- f. Any other household aid received (food stamps, medical card, etc.);
- g. Number of dependents;
- h. Physical/mental disability of inmate/offender (i.e., confined to hospital or nursing home);
- i. Full-time student being supported by a parent or guardian;
- j. Judge or district attorney recommendation; and
- k. Any other reason deemed to be valid and proper.

B. Incentives (4-APPFS-2E-01)

Supervision fees may be reduced or waived for a specified time as an incentive awarded to the inmate/offender. An incentive fee waiver or reduction shall not exceed a six-month time period. A waiver or reduction in fees as an incentive may be awarded in, but not limited to, the following circumstances:

- 1. To offset the cost of treatment when the inmate/offender is attending as agreed.
- 2. When the inmate/offender is making timely payments toward restitution or other financial obligations.
- 3. In circumstances where reporting requirements have been reduced.

C. Fee Reduction/Waiver

If a recommendation is made by the supervising officer to reduce or waive supervision fees, the supervising officer will submit the "Factors for Consideration of Fee Reduction or Waiver Request" ([DOC 160701A](#), attached) to the administrator of Community Corrections or designee, through the chain of command, for approval. The inmate/offender will be given a copy of the request and will be notified of the final recommendation.

- 1. Each person in the chain of command must concur with the request before final approval is granted.
- 2. The approval/denial will be entered into the supervision contacts.

3. If approved, the probation and parole region will forward a copy to the Restitution and Accounting unit.

IX. Interstate-Out Fee Collection

In the event that an Oklahoma inmate/offender is being supervised by another state, Oklahoma supervision fees will not be collected. If the inmate/offender is delinquent prior to transferring to another state, the delinquency must be resolved prior to transfer either by payment or waiver.

The Restitution and Accounting unit will be notified of the transfer and the need to stop the collection of supervision fees from the date of departure.

X. Request to Restitution and Accounting for Refunds

If a refund to an inmate/offender is required, a memorandum will be forwarded to the Restitution and Accounting unit stating the reason for the request of the refund with supporting documentation and the inmate's/offender's home address.

The memorandum will be approved by the administrator of Community Corrections or designee. Refunds will be processed by the Restitution and Accounting unit within 60 days after the request for a refund is made.

XI. References

Policy Statement P-160100 entitled "Purpose and Function of Probation and Parole"

XII. Action

The affected administrator of Community Corrections are responsible for compliance with this procedure.

The chief administrator of Community Corrections and Contract Services is responsible for the annual review and revisions.

Any exceptions to this procedure will require prior written approval from the agency director.

This procedure is effective as indicated.

Replaced: OP-160701 entitled "Collection of Probation/Parole Fees, Restitution and Program Support Fees" dated October 28, 2020

Distribution: Policy and Operations Manual
Agency Website

| <u>Referenced Forms</u> | <u>Title</u> | <u>Location</u> |
|-----------------------------|--|---------------------------|
| DOC 160701A | "Factors for Consideration of Fee Reduction or Waiver Request" | Attached |
| DOC 160701B | "Fee Collection Program" | Attached |
| DOC 120230E | "Probation and Parole Services Information Transmittal Form, Offender Restitution and Fee Obligations" | OP-120230 |