

**Rhode Island Department of Corrections
POLICY UNIT**

TO: RIDOC Employees

VIA: *gme for EEA*
Ellen Evans Alexander, Assistant Director
Administration

FROM: *gme*
Gina M. Caruolo, Chief/Program Development
Administration

DATE: 10/09/08

SUBJECT: 28.25-2 DOC; OFFENDER SUPERVISION AND INTER-
STATE TRANSFER APPLICATION PROCESSING FEES;
10/27/08

The enclosed policy, effective 10/27/08, supercedes policy #28.25-1 DOC and contains substantive revisions including:

- clearer distinctions between procedures related to monthly supervision fees and interstate transfer fees;
- clearer procedures regarding waivers for financial inability to pay;
- electronically tracking offenders who are non-billable due to status;
- regular review schedules of delinquent payment cases;
- delay or stop of interstate transfer processing for cases in which the offender has not paid transfer application fee and/or is not current in payment of offender supervision fees;
- procedures regarding overpayment.

Affected staff are encouraged to read this version in its entirety.

Persons responsible for implementing the provisions of this policy are also responsible for ensuring adequate supplies of attachments are available for use by staff.

Unless otherwise specified, facility/unit/program managers are responsible for ensuring subordinate staff are adequately trained in the contents of this policy.

This policy IS approved for inmate/public access.

/kjz
Enclosure

RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE

	POLICY NUMBER: 28.25-2 DOC	EFFECTIVE DATE: 10/27/08	PAGE 1 OF 9
	SUPERCEDES: 28.25-1 DOC	DIRECTOR: Please use BLUE ink. <div style="font-family: cursive; font-size: 1.2em; text-align: center;">Ashley T. Wall II</div>	
SECTION: ADULT PROBATION AND PAROLE		SUBJECT: OFFENDER SUPERVISION AND INTERSTATE TRANSFER APPLICATION PROCESSING FEES	
AUTHORITY: Rhode Island General Laws (RIGL) § 42-56-10 (22), Powers of the director; § 42-56-38, Assessment of costs; § 13-9.1-1.3, The interstate compact for adult offender supervision			
REFERENCES: RIDOC Policy # 10.07.01, Community Confinement Program			
INMATE / PUBLIC ACCESS?		<input checked="" type="checkbox"/> YES	
AVAILABLE IN SPANISH?		<input checked="" type="checkbox"/> NO	

I. **PURPOSE:**

To describe procedures governing the assessment, collection and/or waiver of Adult Probation and Parole offender supervision fees and interstate transfer application processing fees.

II. **POLICY:**

A. The Rhode Island Department of Corrections (RIDOC) assesses and collects fees from offenders who are under the active supervision of Adult Probation and Parole and who meet any of the following circumstances:

1. Have been placed under the supervision of Probation pursuant to adjudication in courts having jurisdiction over adult offenders; and/or
2. Have been paroled by the Rhode Island Parole Board; and/or
3. Have been accepted for courtesy supervision in Rhode Island under the Interstate Compact for Adult Offender Supervision; and/or

4. Have applied for transfer of supervision to another jurisdiction under the Interstate Compact for Adult Offender Supervision.
- B. RIDOC provides procedures to waive the offender supervision fee and/or interstate transfer application processing fee for offenders who:
1. Request such consideration; and
 2. Demonstrate that payment of such fees would constitute unreasonable financial difficulty in relation to their current circumstances.

III. PROCEDURES:

A. Monthly Offender Supervision Fee

Probation and Parole Offenders Supervised in Rhode Island

1. Upon intake of an adjudicated offender placed under probation supervision by a Rhode Island court, or conditionally released from prison on "straight" parole (i.e., not on electronic monitoring) under the authority of the Rhode Island Parole Board, or accepted for supervision in Rhode Island from another jurisdiction through the Interstate Compact office, the offender shall be informed of the Probation and Parole offender supervision fee and the method of payment (see Attachment 1).
2. The offender supervision fee shall be charged throughout the period of active supervised probation and/or "straight" parole. Offenders are liable for payment of the offender supervision fee for each calendar month or portion of a calendar month during which they are under active supervision of Adult Probation and Parole.
3. Probationers shall not be subject to the monthly offender supervision fee for any period of time when their cases are not under active supervision; i.e., those that are:
 - a. closed;
 - b. court-ordered unsupervised, with or without any special conditions of probation;

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- c. administratively determined to be banked as unsupervised, inactive supervision, or long-term probation warrant;
 - d. currently incarcerated under sentence with probation running and/or probation upon release (probation hold);
 - e. accepted for supervision in another state through the Interstate Compact office; or
 - f. open to Probation for bail supervision only.
4. Parolees shall not be subject to the monthly offender supervision fee during any period when:
- a. they are on electronic monitoring parole (these offenders are subject to a separate fee in lieu of the monthly supervision fee, as described in other policies- i.e., 10.07.01, Community Confinement Program, or a successive policy);
 - b. they are paroled to the Immigration and Customs Enforcement;
 - c. they are paroled to any other jurisdiction;
 - d. they have a long-term active warrant; or
 - e. their parole is revoked.

B. Interstate Transfer Application Processing Fee

1. An interstate transfer application processing fee is assessed and collected from any offender who:
 - a. resides in Rhode Island, is currently supervised on probation or parole in Rhode Island, and applies for transfer to another state; or
 - b. resides in a state other than Rhode Island, is newly placed on probation or parole in Rhode Island, and applies to be supervised in his/her "home" state. (See Attachment 1.)
2. Adult Probation and Parole staff shall inform the offender that it is said offender's responsibility to make known and demonstrate to the Adult Probation and Parole staff any inability to pay the interstate transfer application processing fee.

3. Offenders requesting interstate transfer of probation or parole supervision shall be required to be current in any and all payments of monthly supervision fees, if applicable, prior to completing the processing of the interstate transfer application.

C. Payment of Fees

1. Management Information Systems (MIS) staff shall transfer a file monthly via secure web to the authorized collection agency (as determined through established State contract procedures) of the names, dates of birth, mailing addresses, assigned caseload identification numbers, and other necessary data about offenders who are subject to the offender supervision fee and/or interstate transfer application processing fee to enable the agency to contact said offenders for payment.
 - a. Information shall be shared through a combination of computerized tracking, paper forms, telephone, and/or other methods agreed upon by the State and the collection agency, and in accordance with standard operating procedures.
 - b. Confidential personal information about offenders (including the nature of their charges) shall not be shared.
2. Offender Supervision Fees: Offenders subject to offender supervision fees shall periodically receive written account statements from the collection agency, and offenders shall pay fees directly to the collection agency. Payment shall be directed to be in the form of a check or money order made payable and delivered by mail to the collection agency. On line payments may also be provided as determined by the collection agency.
3. Interstate Transfer Application Processing Fees: Offenders requesting interstate transfers of supervision shall receive written account statements from the collection agency indicating the interstate transfer application processing fees, as well as outstanding monthly supervision fees owed, if any. Full payment in the form of a check or money order made payable to and delivered by mail to the collection agency must be made prior to an interstate application being fully processed.

If the offender has not paid the Interstate Transfer Application Processing Fee to the collection agency within the time allotted, every effort is made by Rhode Island Interstate Office staff to ensure that the payment is collected. These efforts include contacting the offender by mail and informing

him/her of the obligation to pay the fee, as well as enlisting the assistance of the receiving state in the collection of the fee.

4. The collection agency shall be responsible for collecting, recording, reporting and forwarding all offender fee payments (monthly supervision fees and interstate transfer application fees) to the State of Rhode Island, in accordance with terms established as part of the contract process.

D. Offender Fee Inability to Pay Waiver for Supervised Offenders

1. Financial Inability to Pay Waiver Assessment

- a. There is a presumption that supervised offenders have the ability and obligation to pay assessed fees in full unless and until the offender demonstrates otherwise to Adult Probation and Parole staff. It is the offender's responsibility to make known and demonstrate to the Adult Probation and Parole staff any inability to pay any fee assessed under this procedure.
- b. Qualification for a waiver requires that an offender provide evidence of financial inability to pay. An offender who requests consideration for a financial inability to pay waiver may be requested to provide the following information:
 1. Number of financial dependents, including the offender;
 2. Family or household income, including that of the offender and all other adults contributing to the household;
 3. Limitations to ability to work/earn income, if any, and/or documented physical, mental, psychological, psychiatric or other problems that interfere substantially with the ability to work or earn adequate income;
 4. Exceptional expenses, if any (i.e., necessary expenses that are unusually large or burdensome in comparison with income);
 5. Other exceptional circumstances, if any, that impact ability to pay fees;
 6. Potentially unnecessary or excessive expenses, if any, that impact ability to pay fees;

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7. Supporting documentation or other evidence, information or verification.
 - c. The assigned Probation and Parole Officer shall review such request and the supporting information, and shall make an initial determination of whether the offender qualifies for a financial inability to pay waiver, making use of the Inability to Pay Waiver Assessment form (see Attachment 2) and detailed guidelines in standard operating procedures.
 - d. The Probation and Parole Officer should use discretion in determining the level of documentation needed to support a request, recognizing that some circumstances do not lend themselves readily to providing concrete evidence.
 2. Possible outcomes include:
 - a. Not Qualified/Waiver Denied: If upon review of the available evidence, the Probation and Parole Officer determines that the individual is not currently qualified for a financial inability to pay waiver, or if the individual fails to provide requested information or reasonable evidence of financial inability to pay, the waiver shall be denied.
 - b. Qualified/Waiver Granted: If upon review of the available evidence, the Probation and Parole Officer determines that the individual is qualified for a financial inability to pay waiver, the waiver shall be granted.
 - (1) Financial inability to pay waiver for the interstate transfer application processing fee is effective on a one-time basis. Any subsequent application or re-application for interstate transfer shall be subject to fee assessment and/or waiver assessment again, except if such application is submitted within a four (4) month timeframe.
 - (2) Financial inability to pay waiver for monthly supervision fees shall be granted for a renewable time-limited period, and shall be classified as short-term or long-term depending on the basis of the inability to pay.

- (a) Short-term financial inability to pay shall be based on circumstances that have a reasonable potential to change within four (4) months.
- (b) Long-term financial inability to pay shall be based on circumstances that can reasonably be expected to endure for twelve (12) months or more.
- (3) Supervisory review and approval is required for any initial determination of financial inability to pay waiver.

E. Inability to Pay Waiver Review (Monthly Supervision Fees)

- 1. In all cases of financial inability to pay waiver of monthly supervision fees, the waiver status shall be reviewed at regular intervals, making use of the Inability to Pay Waiver Review form (see Attachment 3) and detailed guidelines in standard operating procedures.
 - a. Short-term inability to pay shall be reviewed at 4-month intervals.
 - b. Long-term inability to pay shall be reviewed at 12-month intervals.
- 2. Supervisory review and approval is required for a proportion of waiver reviews, in accordance with established standard operating procedures.
- 3. Possible outcomes include:
 - a. Continued inability to pay waiver with no significant change (to be reviewed again at the same interval);
 - b. Continued inability to pay waiver with change in waiver term (i.e., from short-term to long-term, or from long-term to short-term);
 - c. Change from inability to pay waiver to not qualified for inability to pay waiver.

F. Overpayment

- 1. If an offender is billed mistakenly and pays fees for a period when the status should have been **non-billable**, the Probation and Parole Officer shall instruct clerical staff to correct the billable status information in the computer files, and shall complete an Overpayment Refund form (Attachment 4), including the effective date and basis of the **non-billable**

status. The form shall be forwarded to the Assistant Administrator. After review and approval, the Assistant Administrator shall be responsible to forward the form to the Business Office for processing of a refund.

2. If an offender pays fees for a period of time when **billable** and actively supervised, and subsequently seeks a financial inability to pay waiver, the offender shall not be entitled to a refund of fees already paid.

G. Non-Compliance

1. Offender Supervision Fees

- a. In the event an offender does not remain current in paying monthly offender supervision fees and has not been granted a financial inability to pay waiver, Adult Probation and Parole staff shall reinforce with the offender the importance of making regular payments and counsel him/her concerning responsible behavior. The offender shall be reminded as necessary of the lawful obligation to pay all assessed fees, and shall be made aware that the collection agency can pursue payment owed through civil remedies, even beyond the term of probation or parole.
- b. Offenders Adjudicated in Rhode Island: The probation or parole of offenders adjudicated in Rhode Island shall not be violated or revoked for non-payment of offender fees. However, if such an offender is before a Rhode Island court or Rhode Island Parole Board on other matters, non-payment of offender supervision fees can be brought to the attention of the authorities when it is part of a pattern of irresponsible behavior.
- c. Offenders Supervised in Rhode Island Through the Interstate Compact Office: If offenders adjudicated in another jurisdiction and supervised in Rhode Island through the Interstate Compact office persist in being delinquent in paying offender supervision fees after counseling by assigned Probation and Parole Officers, Officers shall notify the Interstate Compact office. In turn, the Interstate Compact office shall inform the sending states and request that the offenders be ordered to comply. Continued non-compliance could result in notifying the sending states that we are no longer able to provide courtesy supervision; in requesting warrants be issued; and/or in returning the cases to the sending jurisdictions. However, community safety considerations shall enter into any decisions to terminate supervision of offenders who remain in Rhode Island.

2. Interstate Transfer Application Processing Fees: In the event an offender does not pay the application processing fee and/or is delinquent in the payment of monthly supervision fees, if applicable, and if the offender has not qualified for a financial inability to pay waiver, the processing of the application for interstate transfer of supervision may be delayed or halted, and approval for transfer to another jurisdiction may be jeopardized.
- G. Reporting Responsibilities
1. The collection agency shall provide regular notification to RIDOC's Financial Resources Unit staff regarding fees collected.
 2. The collection agency shall make direct bank deposits to a State account on a regular basis, as provided in the contract between the State and the agency.
 3. Adult Probation and Parole staff enter all necessary changes (e.g., supervision status, waiver status) in the appropriate Probation and Parole tracking systems.
 4. Adult Probation and Parole staff shall be responsible to notify the collection agency of changes in offender supervision status or waiver status that affect the agency's billing of offenders for the supervision fee and/or the interstate transfer application processing fee.
 5. Adult Probation and Parole staff shall notify the collection agency of changes in address or other contact information for offenders who are subject to the fees. In accordance with business practice, however, offenders shall also be informed that it is their responsibility to notify the collection agency directly of any changes in address.
 6. The collection agency shall provide periodic reports to Adult Probation and Parole regarding billing lists, as well as periodic reports of current and delinquent payment status of offenders subject to fees.

RHODE ISLAND DEPARTMENT OF CORRECTIONS
ADULT PROBATION AND PAROLE

NOTICE:

PROBATION AND PAROLE OFFENDER FEES

Supervision Fees

As of March 17, 2008, all individuals who are under active probation or parole supervision in Rhode Island are required to pay an offender supervision fee. The fee of \$20.00 per month must be paid for each month of supervised probation or parole.

All fees are collected by a private company under contract with the State of Rhode Island for this purpose. A bill will be sent to each offender on a regular basis. Payment must be by check or money order made payable to the collection agency and delivered by mail.

Failure to pay all fees or falling behind on payments could result in civil legal action against you, even after your probation or parole has terminated.

You will be held responsible for payment of the full \$20.00 for every month of supervision unless and until you demonstrate to your Probation or Parole Officer that you are unable to pay these fees. You must apply to your Probation or Parole Officer for any waiver of the fee, which will be reviewed on a regular basis.

Individuals being supervised on probation or parole are legally obligated to pay these fees. These fees have been instituted under the authority of Rhode Island General Laws §42-56-10 (22), Powers of the Director, and §42-56-38, Assessment of Costs. The amount of the fee and the general collection process were established following a public hearing on February 14, 2008.

Interstate Transfer Application Fee

All individuals who wish to apply for transfer of their probation or parole supervision to another state are required to pay an application fee of \$60.00. Each application for interstate transfer must be accompanied by payment of the fee, which must be completed prior to approval for transfer to another jurisdiction.

Offenders who reside in states other than Rhode Island and have been placed on probation or parole in Rhode Island may apply to return to their "home" states and have supervision transferred. In addition, offenders on probation or parole who reside in Rhode Island and wish to move to another state may also request to have supervision transferred. Decisions

Public Notice: 01/13/08

RECEIVED

Public Hearing: 02/14/08
(Offender Supervision Fee)

OCT 09 2008

RI SECRETARY OF STATE
ADMINISTRATIVE RECORDS

Ad T. Duff

regarding transfer of supervision are made by the sending state and the receiving state based upon established criteria.

If you wish to apply for transfer of supervision to another state, you will be required to pay an interstate transfer application processing fee of \$60.00. All fees are collected by a private company that is under contract with the State of Rhode Island for this purpose. A bill will be sent to you, and payment must be by check or money order made payable to the collection agency and delivered by mail. If you are unable to afford the \$60.00 fee, you must be able to demonstrate to the Interstate Compact office or to your Probation or Parole Officer that you are unable to pay the fee.

Failure to pay the application fee in a timely manner (unless waived for financial inability to pay) could result in the transfer application not being processed, and transfer of supervision not being approved. In addition, if you have been subject to paying a monthly supervision fee in Rhode Island, your payments must be current and up-to-date prior to your Interstate transfer application being processed. Payment of the fees will enable the processing of your application to proceed, but does not guarantee that transfer of supervision will be approved.

This fee has been instituted under the authority of Rhode Island General Laws section 42-56-10 (22), Powers of the Director, and section 13-9.1-1.3, the Interstate Compact for Adult Offender Supervision.

All fees are deposited to the State of Rhode Island General Treasury, in accordance with law.

Public Notice: 01/13/08	Public Hearing: 02/14/08 (Offender Supervision Fee) <i>ASJ II</i>
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RHODE ISLAND DEPARTMENT OF CORRECTIONS
ADULT PROBATION AND PAROLE

Date Entered _____

Rev. 01/07

**Offender Fee and/or Interstate Application Fee
Supervised Offender
Inability to Pay Waiver Assessment**

Client: _____ PPTS #: _____ DOB: _____

INABILITY TO PAY WAIVER REQUESTED FOR:

- OFFENDER FEE: (\$15.00 per month for all supervised offenders unless waived)**
- INTERSTATE TRANSFER APPLICATION FEE: (\$60.00 unless waived)**

Information to Support Request as Available from Offender:

- a. # of Dependents, Including Offender: _____
- b. Family Income: _____
- c. Ability to Work/ Earn Income: _____
- d. Exceptional Expenses: _____
- e. Other Exceptional Circumstances: _____
- f. Unnecessary or Excessive Expenses: _____
- g. Supporting Documentation Reviewed: _____
 [Paystub, tax return, disability award letter,
 evidence of expenses, etc.] _____

Based upon review of policy criteria (refer to Policy 28.25-2 DOC and associated SOP) and evidence presented by offender, the Probation and Parole Officer determines that this individual:

- IS NOT qualified for a waiver of fees at this time. STOP HERE.*

- IS qualified for a waiver of Interstate application fee.*
 FORWARD WAIVER INFORMATION TO INTERSTATE OFFICE.

- IS qualified for a waiver of offender supervision fees. Effective month/year: _____**.*
 Offender supervision fee waiver is based on:
 - Long-term inability to pay** (specify disability, benefits recipient, serious illness/ accident, retired, other chronic inability to work or earn adequate income; chronic family illness with financial and/or care responsibility; homeless; etc.) *and* inadequate financial resources. _____

[Review at 12-Month Intervals.] First Review Due Month/Year: _____.

- Short-term inability to pay** (specify unemployed or underemployed/ actively seeking work; short-term recovery from illness/ accident; participation in inpatient treatment program; full time student; exceptional client/family expenses; incarcerated – detained or sentenced – when not eligible for banking; etc.) *and* inadequate financial resources. _____

[Review at 4-Month Intervals.] First Review Due Month/Year: _____.

P+P Staff: _____	Date: _____
Supervisor: _____	Date: _____
(**Any effective date that is longer than 3 months prior to the date of the form requires specific approval by the Supervisor.)	

RHODE ISLAND DEPARTMENT OF CORRECTIONS
ADULT PROBATION AND PAROLE

Date Entered _____

Rev. 01/07

**Offender Fee / Supervised Offender
Inability to Pay Waiver Review**

Client: _____ PPTS #: _____ DOB: _____

Month/ Year Inability to pay Waiver Granted: _____ Last Reviewed: _____

Short Term Long Term Basis: _____

Review: Note Any Changes Affecting Ability to Pay +/- in Each Category Below:

- a. # of Dependents, Including Offender: _____
- b. Family Income: _____
- c. Ability to Work/ Earn Income: _____
- d. Exceptional Expenses: _____
- e. Other Exceptional Circumstances: _____
- f. Unnecessary or Excessive Expenses: _____
- g. Supporting Documentation Reviewed: _____
 [Paystub, tax return, disability award _____
 letter, evidence of expenses, etc.] _____

Based upon review of policy criteria (refer to Policy 28.25-2 DOC and SOP) and evidence presented by offender, the Probation and Parole Officer determines that this individual:

IS NO LONGER QUALIFIED for a waiver of offender supervision fees at this time.

NOTE CHANGE IN WAIVER STATUS FOR COMPUTER ENTRY. EFFECTIVE MO/YR: _____

IS STILL QUALIFIED for a waiver of offender supervision fees.

Waiver is based on: **NOTE FOR COMPUTER ENTRY IF CHANGE IN WAIVER INTERVAL.**

Long-term inability to pay (specify disability, benefits recipient, serious illness/ accident, retired, other chronic inability to work or earn adequate income; chronic family illness with financial and/or care responsibility; homeless; etc.) and inadequate financial resources. _____

[Review at 12-Month Intervals.] Next Review Due Month/Year: _____

Short-term inability to pay (specify unemployed or underemployed, actively seeking work, short-term recovery from illness/ accident, participation in inpatient treatment program, full time student, exceptional client/family expenses; incarcerated – detained or sentenced – when not eligible for banking, etc.) and inadequate financial resources. _____

[Review at 4-Month Intervals.] Next Review Due Month/Year: _____

P+ P Staff: _____	Date: _____
Supervisor: _____	Date: _____
(Supervisory Approval Required for Percentage of Reviews per Policy and SOP.)	

RHODE ISLAND DEPARTMENT OF CORRECTIONS
ADULT PROBATION AND PAROLE

**Offender Supervision Fee
Overpayment Refund Form**

Client: _____ DOB: _____

PPTS #: _____ MCA Account #: _____

Current Client Address:

Telephone: _____

Reimbursement of offender supervision fees paid is generally available only if the offender was billed and paid fees for a period of time during which not under active supervision (i.e., not billable).

Period(s) of Time Fees Paid When NOT Under Active Supervision:	Reason(s) NOT Under Active Supervision (Case Closed, Banked, Hold, etc.):
_____	_____
_____	_____
_____	_____

Other Explanation: _____

Total Amount of Overpayment: _____
(As indicated in records)

Probation + Parole Officer Signature: _____

Date: _____ Caseload ID #: _____

Assistant Administrator Approval: _____

Assistant Administrator forwards to RIDOC Business Office for processing. Refunds are processed through the RI Department of Administration, and generally take a minimum of several weeks.