

STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT: Financial Obligation of Offenders	PAGE <u> 1 </u> OF <u> 8 </u> NUMBER: 100-APA-06
RULE/CODE REFERENCE: 5120:1-1-02 BULLETIN 104	SUPERSEDES: 100-APA-06 dated 10/07/13
RELATED ACA STANDARDS: 4-APPFS-2A-16; 4-APPFS-2F-01; 2F-02; 4-APPFS-3D-24; 2-1105	EFFECTIVE DATE: December 7, 2015
	APPROVED: 

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction authority to manage all institutions and divisions of the Department and to establish such rules and regulations as he prescribes.

II. PURPOSE

The purpose of this policy is to establish rules governing the process by which supervising officers monitor restitution, court costs, fines, supervision fees, and non-support payments of offenders under supervision.

III. APPLICABILITY

This policy is applicable to all employees of the Adult Parole Authority and to the offenders under their supervision.

IV. DEFINITIONS

Business Days - The days of the week, excluding Saturday, Sunday and any legal holiday.

Calendar Days - The days of the week, including Saturday, Sunday, and any legal holiday.

Community Corrections Information System (CCIS) - A computerized information system used to track the criminal history and progress of offenders under the supervision of the Adult Parole Authority. Access to CCIS is restricted to essential users only.

Conditions of Supervision - Those general and special rules and regulations with which offenders are expected to comply as part of the criminal sentencing sanction of basic supervision or intensive supervision, as requirements of community control or parole supervision under former law, or as requirements of other forms of community supervision.

Early Termination - The ending of probation/community control/judicial release/parole/post release control supervision prior to the scheduled date because the offender's performance and/or compliance

fulfills or exceeds all supervision plan objectives, conditions, special conditions, and sanction requirements.

Economic Loss - Any economic detriment suffered by a victim as a result of the commission of an offense. This includes any loss of income due to lost time at work because of injury, any property loss, medical cost or funeral expense.

Extradition - Delivery from one state to another of a fugitive upon agreement of the Governor or Chief Executive of the state in which the fugitive is found. Return of parolees or probationers under the terms of the Compact Agreement can preclude formal extradition.

Field Officer Tablet - Computerized data maintained by the parole officer assigned to the case that contains the chronological details involving contact with the offender, social services agencies, law enforcement, etc. The tablets also contain all demographic information pertaining to the offender and documentation of staffing decisions.

Field Staff - According to the Internal Accounting Control Program, personnel who are away from the office at least 50% of the time and/or those employees who leave directly from home to go to field sites at least 50% of the time.

Final Release - A remission by the Adult Parole Authority of the balance of the sentence or prison term of a parolee, or the official acknowledgment by the APA or the court of the end of a term of post release control/probation/community control/judicial release. PRC terminations can be classified as Favorable or Unfavorable pursuant to Administrative Code 5120:1-1-42.

Halfway House - A facility licensed by the Department of Rehabilitation and Correction, pursuant to Section 2967.14 of the Ohio Revised Code, as a suitable facility for the care and treatment of adult offenders.

Intensive Supervision - Requirement that an offender maintain frequent contact with a supervising officer while the offender seeks or maintains employment and participates in training, education, and treatment programs.

Interstate Compact - The agreement codified in ORC 5149.21 governing the transfer and supervision of adult offenders under the administration of the National Interstate Commission for Adult Offender Supervision.

Interstate Compact Offender Tracking System (ICOTS) - A web-based system used by all states to provide required information for supervision.

Monitored Time - A sanction option pursuant to Ohio Revised Code 2929.17 which is that period of time an offender continues to be under the supervision of the sentencing Court or Parole Board subject to no conditions other than leading a law abiding life. Monitored time is applicable only to those offender who commit offenses on or after July 1, 1996 or compact offenders.

Notice of Arrival - Written notice from the receiving state to the sending state confirming the date that an offender has reported to an officer in the receiving state or of an offender's failure to arrive.

Notice of Departure - Electronic notice submitted through Interstate Compact Offender Tracking System (ICOTS) from the sending state to the receiving state advising of an offender's date of departure from the sending state and expected arrival in the receiving state.

Parole - The release from confinement in any state penal or reformatory institution by the Adult Parole Authority that is created by Section 5149.02 of the Ohio Revised Code and under any terms and for any period of time that is prescribed by the Adult Parole Authority in its published rules and official minutes. A parolee so released shall be supervised by the Adult Parole Authority. Legal custody of a parolee shall remain in the Department of Rehabilitation and Correction until a final release is granted by the Adult Parole Authority, pursuant to Section 2967.16 of the Ohio Revised Code. The above applies to all persons who have committed felonies prior to July 01, 1996.

Parole Board - That section of the Adult Parole Authority created in Ohio Revised Code sections 5149.02 and 5149.10 whose duties include, but are not limited to, reviewing and evaluating offenders for parole and clemency consideration and imposing post-release control.

Positive Incentive - A reward of varying degrees that recognizes constructive, pro-social behaviors demonstrated by offenders in an effort to reinforce successful reentry into society.

Post Release Control - A period of supervision for an offender by the Adult Parole Authority following release from imprisonment that includes one or more post release control sanctions imposed by the Parole Board pursuant to section 2967.28 of the Revised Code.

Probation - A period of supervision for a convicted offender (felony or misdemeanor) in lieu of prison/jail term for a specified length of time. The execution of the sentence is suspended and the defendant is placed under the supervision of the court. The period of supervision can be up to a period of five years. Once placed on probation, the offender is expected to abide by the conditions the Court imposed. The probation services can be one by either the Common Pleas Court probation department or by APA Field Services. The term probation applies to all person placed on probation for felonies or misdemeanors committed prior to July 01, 1996 and all misdemeanors thereafter.

Receiving State (APA only) - A state to which an offender requests transfer of supervision or is transferred.

Sanction - Any penalty imposed on an offender who is found guilty of an offense or violation of conditions of supervision. Sanction includes any sanction imposed pursuant to any provision of Sections 2929.14 to 2929.18 of the Revised Code.

Sending State (APA only) - The state requesting transfer of supervision.

Special Conditions of Supervision - The special and specific conditions for individual offenders that are related to the previous offense pattern and the probability of further serious law violations by the individual offender. Special conditions may be imposed by the Court, or by the Parole Board, pursuant to policy.

Victim - A person who has been directly affected or who has suffered from an act committed by an offender.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction that the offender be financially responsible for monetary obligations, such as restitution for economic loss and court costs, as a result of the offense. Supervision fees shall be collected from those offenders under supervision unless waived or exempted.

VI. PROCEDURE

- A. Offenders under parole, post release control, and compact supervision of the Adult Parole Authority may be subject to a monthly supervision fee as stated in the Conditions of Supervision (DRC3019). Offenders under the sanction of monitored time are excluded from the obligation of the supervision fee. Offenders subjected to payment of the monthly supervision fee shall be advised that they may contest the assessment of the supervision fee pursuant to Department Policy 100-APA-17, Offender Grievance Procedure.
- B. The offender may request that the supervision fee be waived by supplying appropriate documentation to the supervising officer. The supervising officer shall complete the Supervision Fee Waiver Request (DRC3439) and submit it to the unit supervisor/designee for review. The Regional Administrator/designee may waive all or a portion of the imposed supervision fee for hardship and inability to pay if any of the following apply:
1. The offender is already under a court order to make restitution to the victim(s) of his/her offense, or a civil judgment to pay damages to the victim, and has provided documentation that payments are being made towards restitution/damages and otherwise cannot pay;
 2. The offender is already under a court order to make child support payments and has provided documentation that payments are being made and otherwise cannot pay;
 3. The offender can show (s)he lacks the financial resources to provide for his/her basic needs and cannot provide for him/herself if the collection of the supervision fee is imposed;
 4. The duration of time the offender is in a halfway house/in-patient program;
 5. The duration of time the offender is serving a prison sanction.
- C. The decision to waive the supervision fee, or a portion thereof, shall be provided to the offender within twenty (20) business days of the Regional Administrator/designee receiving the request.
- D. Offenders under the supervision of the APA shall not be subject to revocation of parole or the imposition of a jail or prison sanction solely for nonpayment of the supervision fee, or the failure to meet other financial obligations which are not a condition of supervision. An offender's supervision shall not be extended, nor shall a final release from supervision be denied, solely for nonpayment of the supervision fees. However, the payment or nonpayment of supervision fees may be considered by the supervising officer, in addition to other factors relating to the offender's performance under supervision, in deciding whether to recommend a final release from parole or to recommend an early termination from post release control. The payment or

nonpayment of fees may be considered by a hearing officer, in addition to other factors relating to the offender's performance under supervision, in a violation proceeding.

- E. Waivers shall be submitted on all incoming compact cases for the timeframe spanning the start of supervision in the sending state until thirty (30) calendar days from the date of arrival indicated on the Notice of Arrival (NOA) in Ohio or the Approved Reply to Transfer, whichever is later. If an Ohio offender is transferred out of state through Interstate Compact a waiver shall be submitted from the date of the departure on the Notice of Departure (NOD) through the timeframe that the offender is supervised in the receiving state.
- F. A permanent waiver shall be submitted when an offender dies while under supervision.
- G. If supervision is terminated, a waiver shall be submitted for any fees incurred between the date of termination and the date closed in CCIS.
- H. If an offender's supervision is increased from monitored time to active supervision, a waiver covering the time the offender served on monitored time shall be submitted.
- I. Officers shall monitor the offender's compliance with payment of the supervision fee through the field officer tablet (FOT) and document in the FOT the actions taken if the offender falls three (3) months or more behind in payment of supervision fees.
- J. Supervision fee payments shall commence thirty (30) calendar days following the date of the offender's release, unless the supervising officer determines that the offender is unemployed and unable to make the payment. In that event, payment of the fee shall be due sixty (60) calendar days following the date of the offender's release. If the offender remains unemployed and unable to pay, a waiver shall be requested for the second month of the offender's release.
- K. The offender shall submit monthly payments to the supervision fee vendor. The payment must be in the form of a certified check or money order with the offender's name and CCIS number. Officers shall not handle funds of any sort, including any court (or other source) ordered payments from offenders.
- L. In cases that require court-ordered payments of any kind, the officer is to determine, with the court's assistance, the person or office where the payments are to be made, and to inform the offender. For example: court costs - Clerk of Courts.
- M. The Interstate Compact office shall grant waivers for supervision fees for Parole, PRC, and IPP offenders that have transferred through Interstate Compact to another state for the amount of time the offender is supervised in another state.
- N. Financial Sanctions – Offenders, to include Parole, PRC, and IPP who are returned from jurisdictions outside of the State of Ohio are subject to financial sanctions for the cost of his/her extradition back to the State of Ohio pursuant to Ohio Revised Code 2929.16-18 and Administrative Rule 5120:1-1-41, Standards for Imposing, Modifying and Reducing Post-Release Control. The financial sanction shall be added to the offender's account in the fee portal by the Fugitive Section Staff / designee.

- O. The vendor shall send the offender a letter advising them they have thirty (30) calendar days to pay the balance in full. The Adult Parole Authority staff shall receive and address all offender calls regarding supervision fees. Upon notification from the Adult Parole Authority, the Operation Support Center Revenue Section shall research and respond to inquiries concerning overpayments; payments not posted in the Departmental Offender Tracking System Fee Portal and communicate with the vendor who collects supervision fee payments.

If payment is not received in forty-five (45) calendar days, the final balance shall be certified and the case submitted to the Attorney General's Office for collection. All inquiries regarding cases sent to the Attorney General's Office or inquiries from the Attorney General's Office shall be submitted to the Chief of the Division of Business Administration or designee who will research and communicate with the Attorney General's Office. If a waiver has been added forty-five (45) calendar days after case was closed, the APA assigned staff entering the waiver shall notify the Attorney General's Office of the waiver and change in balance owed.

- P. The money collected as supervision fees shall be used strictly for goods and services related to the supervision of offenders. A committee with representation from each APA region, and the Division of Parole and Community Service Deputy Director/Managing Director of Court and Community's designee, shall meet as necessary to make recommendations to the DPCS Deputy Director/Managing Director of Court and Community regarding the allocation and spending of supervision fees collected as well as to discuss other issues pertaining to offender fees.

- Q. The Division of Parole and Community Services/Court and Community section shall monitor the collection of supervision fees and annually report the following information:

1. The number of offenders required to pay fees;
2. The number of offenders who have paid fees;
3. The number of offenders who have been exempted from payment of fees;
4. The total amount of monies collected;
5. The total estimated costs of administering the system;
6. The type of goods and services purchased from these monies.

The report shall be provided to the Director, the Chair of the Joint Committee on Agency Rule Review, the APA Superintendent, and Regional Administrators and distributed to field staff.

- R. Community Service in Lieu of Supervision Fee Payment

As an alternative option to payment of supervision fees, an offender who does not qualify for a fee waiver may be approved to complete community service. Offenders shall be credited \$20.00 for every eight (8) hours of approved community service completed. Supervising officers shall notify offenders of the opportunity to complete approved community service projects during the initial office visit. Community service shall be implemented pursuant to Department Policy 04-CMJ-03, Community Service.

- S. Amnesty Week

Twice a year, Amnesty Week shall be offered at a time approved by the Deputy Director of DPCS/Managing Director of Court and Community. During Amnesty Week, for any payment

made in person toward the offender's supervision fee arrearages, an equal amount shall be waived. Payment must be dated for a time during Amnesty Week and placed during the same week in the drop box located at the APA office or through other means as established in each region in order to receive matching credit.

1. If using the drop box method, the offender must show the supervising officer the money order or certified check prior to placing it in the payment box. The amount paid shall be documented in the FOT.
2. The supervising officer shall complete a Supervision Fee Waiver Request (DRC3439), and provide it to their unit supervisor/designee for review prior to submitting the form to the regional administrator/designee. Completion of the form shall be documented in the FOT.
3. Credit shall only be awarded for amounts in arrears.
4. Fees accumulated due to the cost of extradition shall not be waived during Amnesty Week.

T. Positive Incentive Waiver

As a Positive Incentive, the supervising officer may submit a waiver request for one (1) month of supervision fees or other PIs as deemed appropriate for offenders who have made consistent payments for three (3) consecutive months by choosing this option on the Supervision Fee Waiver Request (DRC3439) form.

U. Financial Intervention Program

If an offender is more than three (3) months behind in fee payments, they may be referred to a Financial Intervention Program.

1. Each region shall develop and implement a Financial Intervention Program involving local community resources, such as consumer credit counseling, financial institutions, and Ohio Benefit Bank or partnerships with community agencies to provide this service. Budget planning materials shall be made available if possible.
2. A Financial Intervention Program shall be held every three (3) months if needed. Supervising officers shall review their caseloads to determine appropriate offenders to attend. Supervising officers shall notify the offender of the meeting time and place utilizing Financial Intervention Notice (DRC3472). Attendance shall be mandatory if used as a sanction unless the offender provides documentation that they have paid their fees in full.

V. Payment Drop Box

Each region shall establish payment drop boxes in at least the regional office and, if possible, district offices and/or high traffic offices. Payment boxes shall be located in the secured reporting area and locked. The Regional Administrator/designee shall be responsible for collecting the contents of the drop box a minimum of twice per month and immediately mailing the contents collected to the vendor.

Related Department Forms:

Conditions of Supervision	DRC3019
Supervision Fee Waiver Request	DRC3439
Financial Intervention Notice	DRC3472