

1.5.G.1 Parole Supervision Fees

I Policy Index:



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II Policy:

Parole Services will collect supervision fees authorized by SDCL § 24-15-11 and SDCL § 24-15A-24 from offenders on supervised release with the South Dakota Department of Corrections (DOC) and from offenders paroled to South Dakota through an interstate compact on or after July 1, 1997.

III Definitions:

Supervision Fees:

Charges levied against a sentenced offender to defray the costs of correctional custody, care, supervision or services provided to the offender.

Offender:

For the purpose of this policy, an offender is an inmate (in the custody of the DOC institutional system) or a parolee (under parole or suspended sentence supervision by South Dakota Parole Services or participating in phase two of the Community Transition Program).

Parolee:

An individual who has been conditionally released to parole or suspended sentence from a South Dakota DOC facility prior to the expiration of the individual's sentence under the supervision of the DOC (See ARSD 17:60:01:00(6)). This also includes an offender received from another state under interstate parolee supervision (See SDCL chapter 24-16).

Comprehensive Offender Management System (COMS):

A DOC data management system which stores pertinent offender information.

IV Procedures:

1. Fee Schedule:

A. Pursuant to SDCL § 24-15-11.3 and ARSD 17:61:01:12, offenders supervised by Parole Services will pay supervision fees based on the following schedule:

1. Twenty (\$20.00) dollars a month for regular parole (Indirect Supervision, Minimum Supervision, Medium Supervision or Maximum Supervision).

2. Twenty-five (\$25.00) dollars a month for Intensive Supervision.
 3. Offenders released to suspended sentence will be assessed fees according to their supervision level (See DOC policy 1.5.G.4 [Community Risk Assessment and Supervision](#)).
 4. Out of state parolees will be assessed fees according to their supervision level.
 5. Offenders on phase two of the Community Transition Program (CTP) will pay the appropriate supervision fee based on their supervision level (See DOC policy 1.5.G.2 [Community Transition Program](#) and 1.5.G.4 [Community Risk Assessment and Supervision](#)).
- B. Offenders on phase one of CTP will not be assessed a monthly supervision fee.
- C. All fees collected and/or charged are non-refundable.

2. Tracking Supervised Offenders:

- A. The names and vital information of offenders released on parole or suspended sentence; or a notation that a parolee returned to incarceration due to parole/suspended sentence violation are tracked by parole agents through COMs.
1. The supervision level for every offender, as established by completion of a Community Risk Assessment/Reassessment, will be noted and available in COMS along with any other applicable information, status changes, waivers of fees, etc.
 2. Every active offender on supervision with the State of South Dakota will have an established supervision fee record created in COMS. The record can be either manually created, normally by the supervising Parole Agent, or the COMS system will create it automatically the first day of every month when the obligation is identified as not having been previously created.
- B. All applicable DOC staff can access COMS to inquire about the status of any offender's supervision fees. In addition, COMS allows applicable staff to view all the obligations/records assigned to an offender, record and view payments, make adjustments, request the waiving of fees, etc.

3. Notification to Offenders:

- A. The supervision fee procedure will be explained to all newly admitted offenders to the DOC during Admissions and Orientation (A&O) (See DOC policy 1.4.A.2 [Inmate Admission](#)).
- B. Prior to an offender's release on parole/suspended sentence, unit staff or designated staff will conduct a follow up review of the supervision fee procedure with the offender.
- C. The parole agent will provide an explanation of the parolee's responsibilities regarding payment of supervision fees at the initial sign up interview (See ARSD [17:61:01:10](#)).
1. The supervision fee will be made part of the supervision agreement signed by the offender.
 2. The prior obligations of child support and restitution payments take precedence over collection of supervision fees.
- D. Interstate compact investigations will make supervision fees a condition of acceptance.

- E. When a South Dakota parolee leaves the state under an application for interstate compact supervision, the parolee will pay the supervision fee for the full month in which he/she leaves.
- F. Supervision fees will continue to accumulate on the accounts of parolees who abscond.
- G. Prepayment of supervision fees will be allowed but will not be refunded in the event the parolee does not remain under supervision for the prepaid period; e.g. violations or early final discharge.
 - 1. If prepayment is made and the supervision fee amounts change, offenders will be responsible for paying the additional amounts for the months prepaid.

4. Payment Process:

- A. The supervision fee is due on the first day of each month and payable no later than the fifth day of each month.
 - 1. Supervision fees for offenders just released to supervision will begin on the first day of the month following their release to supervision. For those offenders on interstate compact supervision in SD, fees will begin on the day of the month following their arrival in South Dakota.
 - 2. The full supervision fee will be collected for the last month in which any amount of supervision is provided.
 - 3. The supervision level the offender has on the first day of the month will be used to determine the fee amount for that month. If/when the supervision level is changed in the middle of the month, no adjustments will be made to the established fee amount for that month.
- B. Payments of supervision fees will be by a cashiers check or money order.
 - 1. The cashier's check or money order will have the parolee's primary number recorded on it and will be made payable to the South Dakota Department of Corrections. The memo field on the cashier's check or money order should note "supervision fee".
 - 2. Payments will be submitted directly or by mail to Parole Agents or Parole Services offices. Parole agents or support staff will document the payment and corresponding information (month order #, date, amount, etc.) in COMS.
 - 3. All money orders or cashiers checks received by Parole Agents or submitted to Parole Services offices will be sent to the DOC Administration after being documented into COMS.
- D. Parole Agents and other applicable DOC staff can generate statements and other reports from COMS to track information about supervision fees, wages earned, and all financial obligations owed by offenders including: amount owed, paid and outstanding amounts for each obligation, and payment transaction details (payments, pre-payments, and community service hours credited, including the source of each payment).

5. Failure to Pay Supervision Fees:

- A. Parole agents will track the payment of supervision fees of offenders on their caseload through data and reports available in COMS.

- B. Parole agents have the authority and discretion to impose disciplinary action for failure to pay supervision fees (See DOC policy 1.5.G.6 [Response to Violations](#)).

6. Waiver of Supervision Fee:

- A. Supervision fees for parolees may be waived by the supervising parole agent with approval from the parole regional supervisor in cases where serious medical problems/treatment, unemployment or other conditions warrant such a waiver.
1. When warranted and approved by the Parole Agent, the Parole Agent may complete a “waive fee” request in COMS, requesting a reduction in the “outstanding” amount of supervision fees by a specific amount, by creating and sending a system memo requesting approval to waive fees to the Regional Supervisor.
 2. A waiver of outstanding supervision fees does not guarantee a similar waiver in future months.
 3. When warranted and approved by the Parole Agent, the Parole Agent can complete a “waive period” request in COMS, requesting that the supervision fees not be assessed for a specific period of time, by creating and sending a memo requesting approval to waive supervision fees for a selected period of time to the Regional Supervisor.
 - a. The waiving of a period for the assessment of supervision fees does not guarantee a similar waiver in future months.
 4. The respective Regional Supervisor will either approve or deny the request submitted by the supervising Parole Agent in COMS.
 - a. If the request is approved, COMS will change the status of the request to “approved” and will either reduce the “outstanding amount” in the case of a “waive fee” request or cease accrual of supervision fees for the selected/approved period of time, in the case of a “waive period” request.
 - b. If the request is denied by the Regional Supervisor, COMS will change the status of the “waive fee” or “waive period” request to “Rejected”.
- B. The supervising parole agent may negotiate partial payments, which will be tracked through COMS.

7. Community Service:

- A. The supervising parole agent may approve and/or direct the parolee to perform approved community service in lieu of a payment or partial payments of supervision fees.
1. The parole agent will document the appropriate information in COMS (“Offender Obligations Inquiry” screen) regarding community service hours: hours worked, date and amount to credit along with any applicable comments.
 - a. Once the payment is recorded, COMS will reduce the “outstanding” balance for supervision fees owed by the offender and the reduction, though considered “cashless” will be noted as a payment” toward supervision fees by means of community service work.

2. Approved community service work, in lieu of a payment of supervision fees, will be credited to the offender's supervision fees at a rate of five (\$5.00) dollars per hour of community service work completed.

- B. The supervising agent will certify hours worked by the parolee in lieu of supervision fees through appropriate means.

V Related Directives:

SDCL §§ [24-15-11](#), [24-15-11.3](#), [24-15A-24](#) and chapter [24-16](#).

ARSD [17:60:01:00\(6\)](#), [17:61:01:10](#) and [17:61:01:12](#).

DOC policy 1.4.A.2 -- [Inmate Admission](#)

DOC policy 1.5.G.2 – [Community Transition Program](#)

DOC policy 1.5.G.4 – [Community Risk Assessment and Supervision](#)

DOC policy 1.5.G.6 – [Response to Violations](#)

VI Revision Log:

September 2003: Revised the policy statement. Renamed most of the subject headings. Changed the supervision block to the Secretary of Corrections. Added reference to SDCL. and ARSD. Added a statement that child support and restitution take precedence over supervision fees. Added information in waiver of fees regarding specific time periods and future waivers. Deleted references to Central Office Operations Staff reviewing the received/released list and sending out delinquency notices. Added references and definition of the PATS system and noted that parole agents use PATS for tracking payments. Added definition of parolee.

August 2004: Renamed section heading from "Notification to Inmates" to "Notification to Offenders".

Revised fee schedule for regular and intensive supervision from \$10 and \$15 per month to \$15 and \$20 per month. Changed "Central Office" to "Administration".

September 2005: Added reference to DOC policies 1.5.G.2, 1.5.G.4 and 1.5.G.6. Changed area supervisor to regional supervisor. Revised the definition of offender. Revised the section on Failure to Pay Supervision Fees. Noted that only Phase 2 CTP offenders have to pay a supervision fee.

September 2006: Revised the definition of parolee and offender. Changed parole agreement to supervision agreement. Added DOC to the term Administration Operations Staff.

August 2007: Minor style/format changes made throughout the document.

August 2008: Revised formatting of policy in accordance with DOC policy 1.1.A.2. Replaced "OM" with "Policy" in section I. Added DOC policy in section V.

March 2009: Added "DOC" when referencing Administration Operations staff. Added "fees" in ss (A3 and A4 of Fee Schedule). Added ss (G1 of Notification to Offenders). Added reference to supervision fees in ss (A of Community Service). Revised other minor grammatical changes throughout policy.

April 2010: Revised formatting of Section I. Replaced \$15 to \$20 for regular parole within ss (A1) and replaced \$20 to \$25 for intensive supervision within ss (A2) both within ss (Supervision Fees). Revised title of DOC policy 1.5.G.6. Added ss (A3 of Community Service) referencing \$5.00 an hour. Added reference to ARSD 17:60:01:00(06) in Section V.

March 2011: No changes

April 2012: Reviewed with No Changes

March 2013: Deleted definition of "Parolee Automated Tracking System (PATS)" and Replaced with definition of COMS. Deleted "Parole agents will enter the level of supervision data and any status changes on parolees through PATS" and Replaced with "The supervision level for every offender, as established by completion of a Community Risk Assessment/Reassessment, will be noted and available in COMS along with any other applicable information, status changes, waivers of fees, etc." in Section 2 A. 1. Deleted "PATS will create the relevant supervision fee record to reflect an active parole supervision case" and Replaced with "Every active offender on supervision with the State of South Dakota will have an established supervision fee record created in COMS. The record can be either manually created, normally by the supervising Parole Agent, or the COMS system will create it

automatically the first day of every month when the obligation is identified as not having been previously created." In Section 2 A. 2. **Deleted** "Doc Administration Operations staff may query PATS to check on the stat of supervision fees" and **Replaced** with "All applicable DOC staff can access COMS to inquire about the status of any offender's supervision fees. In addition, COMS allows applicable staff to view all the obligations/records assigned to an offender, record and view payments, make adjustments, request the waiving of fees, etc." in Section 2 B. **Deleted** "Fees for new parolees will begin on the first day of the month following their release of the signing onto supervision for interstate compact cases" and **Replaced** with "Supervision fees for offenders just released to supervision will begin on the first day of the month following their release to supervision. For those offenders on interstate compact supervision in SD, fees will begin on the day of the month following their arrival in South Dakota." in Section 4 A. 1. **Added** 3. to Section 4. **Deleted** "Payments will be send to the DOC Administration office" and **Replaced** with "Payments will be submitted directly or by mail to Parole Agents or Parole Services offices. Parole agents or support staff will document the payment and corresponding information (month order #, date, amount, etc.) in COMS" in Section 4 B. 2. **Deleted** "Payments" and **Replaced** with "All money orders or cashiers checks" and **Added** "Parole Agents or submitted to Parole Officers" and **Added** "after being documented in COMS" in Section 4 B. 3. **Added** C. to Section 4. **Deleted** "parolees on their caseload through PATS" and **Replaced** with "offenders on their caseload through data and reports available in COMS" in Section 5 A. **Deleted** "If approval is received to waive the current supervision fee or a future supervision fee, the parole agent will document the waiver in PATS" and **Replaced** with "When warranted and approved by the Parole Agent, the Parole Agent may complete a "waive fee" request in COMS, requesting a reduction in the "outstanding" amount of supervision fees by a specific amount, by creating and sending a system memo requesting approval to waive fees to the Regional Supervisor " in Section 6 A. 1. **Added** 2. 3. 3.a. and 4. a.-b. to Section 6. **Deleted** "Information on the contract will be recorded in PATS by the parole agent if the contact is for payment of current or future supervision fees" and **Replaced** with "The parole agent will document the appropriate information in COMS ("Offender Obligations Inquiry" screen) regarding community service hours: hours worked, date and amount to credit along with any applicable comments." in Section 7 A. 1. **Added** a. to Section 7 A. 1. **Deleted** 2. "Notifications of a contact will be forwarded to the DOC Administration Operations staff for recording in PATS if the contact is for payment of unpaid supervision fees from a previous month" in Section 7. **Deleted** C. "Report of hours worked will be forwarded to the parole regional supervisor" in Section 7.

Denny Kaemingk (original signature on file)

Denny Kaemingk, Secretary of Corrections

04/12/2013

Date