



SOUTH DAKOTA  DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE		POLICY NUMBER 1400-03	PAGE NUMBER 1 OF 6
		DISTRIBUTION:	Public
		SUBJECT:	Parole Financial Obligations and Supervision Fees
RELATED STANDARDS:	None.	EFFECTIVE DATE:	October 01, 2023
		SUPERSESSION:	08/18/2019
DESCRIPTION: Parole Services	REVIEW MONTH: September	 KELLIE WASKO SECRETARY OF CORRECTIONS	

I. POLICY

It is the policy of the South Dakota Department of Corrections (DOC) to promulgate rules, pursuant to chapter 1-26, to establish supervision fee rates pursuant to SDCL § 24-15-11 and SDCL § 24-15A-24. Fees may be charged to offenders placed on supervised release with the (DOC), and those paroled to South Dakota through Interstate Compact on or after July 1, 1997.

II. PURPOSE

The purpose of this policy is to establish a payment plan for offenders to address financial obligations, supervision fees, and to promote financial stability.

III. DEFINITIONS

Court-Ordered Obligations:

Money an offender is required to pay, including restitution, fines, costs, and fees (see SDCL § 16-22-1). Payment is remitted to the Clerk of Courts for distribution to those owed reimbursement for damages suffered by the wrongful conduct of the offender.

Supervision Fees:

Charges levied against an offender to defray the costs of correctional custody, care, supervision, and other parole generated services provided to the offender.

IV. PROCEDURES

1. Determining an Offender's Financial Plan:

- A. An offender's initial financial obligations, including restitution and court ordered fees, is reviewed during admission and orientation (A&O) and at the offender's annual classification.
- B. When an offender is released to parole, Parole staff will utilize E-Courts and the financial screens in COMS to determine amounts owed by an offender.

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- C. Parole staff will review financial obligations, including supervision fees, with the offender during the pre-release meeting or during the initial office visit once the offender has been released to parole.
1. A *Financial Planning Worksheet* (see attachment #1) may be utilized to better outline an offender's financial plan.
 - a. The financial plan will include official financial obligations, supervision fees, and any personal debts the offender may have.
 2. Interstate Compact investigations will include notification and the responsibility of paying supervision fees.

2. Completing the Financial Obligation Directive:

- A. If it is determined that an offender has one (1) or more financial obligations, the parole agent and offender will complete the *Financial Obligation Directive* (see attachment #2) during the pre-release meeting or initial office visit.
1. A Financial Obligation Directive will include all counties owed.
- B. Parole agents will review the completed Financial Obligation Directive with the offender at least annually, or when there is any significant change in the offender's financial situation (means of support/income increases/decreases, medical or other financial hardships occur, new obligations are incurred/discovered, etc.).
- C. Upon a change in an offender's financial situation, parole agents may complete new Financial Obligation Directive (if necessary) and will send the new agreements to the respective state's attorneys and victims (who have requested such information).
1. Changes will be documented in Case Notes in COMS.
- D. Parole staff will send a copy of a parolee's Financial Obligation Directive to each identified county's state's attorneys' office if payment information is requested.
- E. Pursuant to SDCL § 23A-28-6, parole agents will send a copy of a parolee's Financial Obligation Directive to identified victims who have requested such information.
1. If the victim is not satisfied with the Financial Obligation Directive, "the victim's exclusive remedy is a civil action against the defendant, which, if successful, may include attorney's fees" (see SDCL § 23A-28-6).

3. Collection of Financial Obligation(s):

- A. Pursuant to SDCL §§ 24-15-11 and 24-15A-24, the Parole Division will prioritize the collection of financial obligations in the following manner:
1. Child Support.
 2. Restitution (recorded in the E-Courts).
 3. DOC Supervision Fees.
 4. Costs Incurred in the DOC (to include alcohol monitoring and GPS fees).
- B. Every parolee with an identified financial obligation will be required to make a minimum monthly payment of twenty-five dollars and zero cents (\$25.00) toward each county for which the offender owes a financial obligation.
1. If a parolee has an excessive number of identified financial obligations and/or is unable to make the minimum monthly payment toward each financial obligation, the parole agent may request approval from the regional supervisor to decrease the minimum monthly payment.
 - a. In short term emergency situations, parole agents may request a waiver of payment(s) from the regional supervisor, waiving the parolee's obligation for the requested month(s).
 2. If a parolee is only able to make payments on a portion of the identified financial obligations, the order of payment will be in order from the largest obligation to the smallest obligation.

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- C. All payments submitted by parolees will be in the form of a money order or cashier's check.
- D. Pursuant to ARSD 17:61:01:10, parolees will be required to submit proof of payment to the supervising parole agent for each payment made toward an identified financial obligation.
- E. Pursuant to SDCL § 23A-47-2, after a parolee discharges his/her sentence(s), any outstanding obligations will be transferred to the Administrative Financial Accountability System (AFAS) and he/she will be required to continue to make payments until the obligation is satisfied.

4. Payment and Collection of Supervision Fees:

- A. Offenders released from a South Dakota DOC facility or via the Interstate Compact under the supervision of the Parole Division (see ARSD 17:61:01:01) will be required to pay a monthly, non-refundable supervision fee, pursuant to ARSD 17:61:01:12, after all restitution is paid in full.
 - 1. Supervision fees will not accrue or be collected while the parolee is actively paying restitution. Once restitution is paid in full, supervision fees will then be charged and collected.
 - 2. Offenders will be assessed the supervision fee based on the following supervision levels:
 - a. Twenty dollars and zero cents (\$20.00) per month – Maximum Supervision, Medium Supervision, Minimum Supervision, and Indirect Supervision.
 - b. Twenty-five dollars and zero cents (\$25.00) per month – Intensive Supervision.
 - 3. In accordance with SDCL 24-15-11.3, the Department of Corrections may promulgate Administrative Rules to establish (or change) supervision fee rates.
 - 4. Parolees will be notified, in advance, of any change made by the DOC in assessed supervision fee amounts.
- B. All supervision fees will be due on the first (1st) working day of each month, made payable no later than the fifth (5th) calendar day of each month.
 - 1. Supervision fees will be paid beginning the first full month of parole supervision.
 - 2. Upon completion of restitution obligations, supervision fees will be paid monthly during the entire period of supervision, including the payment of the full fee for the last month of supervision, regardless of the parolee's discharge date during the month.
 - 3. If a parolee transfers parole supervision to another state via the Interstate Compact, supervision fees will be required for the last month of supervision in South Dakota, including partial months.
 - a. The parolee may be subject to the supervision fee standard in the receiving state.
 - 4. Parolees are allowed to prepay supervision fees; however, no refunds will be granted if the parolee receives an early discharge or has their parole supervision revoked.
 - a. If prepayment is made and the supervision fee amounts change, offenders will be responsible for paying the additional amounts for the months prepaid.
 - 5. Parolees will give/send their monthly supervision fees to the Parole Office to ensure documentation of receipt and will pay the fees using money order or cashier's check.
 - a. Payments will be made out to the "South Dakota Department of Corrections."
 - b. Submitted payments must also include the following:
 - 1) Parolee name.
 - 2) DOC number.
 - c. Parole agents will collect monthly supervision fees and will forward them to the DOC Administration after entering them in the Recording Payments section in the Community Obligations Management Screen (COMS) database.
- C. Parole agents, with the regional supervisor's approval, may waive a parolee's supervision fee in cases where it is warranted.
 - 1. Waivers will be requested and documented in the Recording Payments section in COMS.

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5. Failure to Pay Financial Obligations and Supervision Fees:

- A. Parole agents may impose disciplinary actions or sanctions in accordance with DOC Policy (see 1400-05 – *Parole-Response to Violations*) when parolees violate the conditions of their supervision agreement by failing to pay supervision fees and/or other financial obligations.
1. Failure to consistently pay financial obligations and supervision fees, can also result in ineligibility to earn earned discharge credits (EDCs) and effect eligibility for compliant discharge.

6. Interstate Compact Application Fee:

- A. Any person who requests a transfer of parole supervision from South Dakota to another state in accordance with Interstate Compact rules will be required to pay an application fee before the application can be processed by the deputy compact administrator.
1. A fifty dollar (\$50.00) payment will be required for compact services.
 - a. Parole
 - 1) The application fee must be in the form of a money order or cashier’s check, made payable to the South Dakota Department of Corrections and sent to the deputy compact administrator (the payment can be submitted to the current parole agent to send to the deputy compact administrator).
 - b. Prison
 - 1) The offender may request the money for the application fee be deducted from his/her offender banking account upon their submission of an institutional withdrawal slip.
 2. The application fee payment will be required each time the offender is released to parole and is applying for supervision in another state.
 - a. The director of Parole may, at his or her discretion, waive the cost of the fee, direct a payment plan for the fee, or accept a partial fee.
 - b. The application fee shall be non-refundable.
 - c. The offender, offender’s family, or other interested party may post the application fee.
 - d. If the transfer request is withdrawn prior to the receiving state taking any action on the request, the application fee, at the discretion of the director of Parole, may be refunded to the party who posted it.
 3. The application form and fee will be directed through the deputy compact administrator and the accounting for the application fee will be handled by DOC Administration.

7. Costs Incurred Due to Absconding and/or Revocation:

- A. Parolees that violate and/or abscond parole supervision will be charged any and all costs associated with their physical return to a SD DOC facility (see DOC Policy 600-02 – *Offender Accounts and Financial Responsibility*). Costs associated with such a return may include transportation costs.

8. Requests for Waiver of Supervision Fees:

- A. Offenders charged for supervision fees may have the fee waived or reduced by the supervising parole agent, with approval from the regional supervisor, for serious medical issues/treatment, unemployment, changes in income, or other conditions that affect an offender’s ability to pay the fee.
1. The parole agent may complete a “waive fee” request in COMS, to request a specific reduction of the “outstanding” amount of supervision fees owed. The supervising agent will then request approval from the regional supervisor.
 2. The parole agent may request the fees be waived for a specific period of time. This will be approved by the regional supervisor.
 3. The respective regional supervisor will approve or deny the request in COMS.
 - a. If the waived fee 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

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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 and accept partial fees or payments from the offender. These will be tracked through COMS.

9. Community Service:

- A. The supervising parole agent may approve or direct the parolee to perform approved community service in lieu of a payment or partial payments of supervision fees (see SDCL §§ 24-15A-48 and 24-15-11.1).
 1. The parole agent will document the appropriate information in COMS (“Offender Obligations Inquiry” screen) regarding community service hours, i.e., hours worked, date and amount to credit along, 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 ten (\$10.00) 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. RESPONSIBILITY

The director of Parole is responsible for the annual review and maintenance of this policy.

VI. AUTHORITY

- C. SDCL §§ 16-22-1, 2-15-11, 24-15-11.1, 24-15-11.3, 24-15A-24, 24-15A-48, 24-16A, 24-16A-1.

VII. HISTORY

August 2023
June 2019
June 2018
March 2017
March 2016
April 2015
March 2013
April 2012
March 2011
April 2010
March 2009
August 2008
August 2007
September 2006
September 2005
August 2004
September 2003

ATTACHMENTS (*Indicates document opens externally)

1. Financial Planning Worksheet*

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2. Financial Obligation Directive (*Generated in COMS – PAR_OBLIG*)
3. DOC Policy Implementation / Adjustments

FINANCIAL PLANNING WORKSHEET**BACKGROUND**

Parolee Name: _____ DOC ID No(s): _____

Crime(s): _____ Length of Supervision: _____

Circuit: _____ County: _____ Sentencing Judge: _____

EMPLOYMENTEmployed at: _____ Paid: Weekly Bi-Weekly Monthly

Gross Monthly Income: \$ _____ Net (take home) Monthly Income: \$ _____

MONTHLY EXPENSES

Housing: \$ _____ Food: \$ _____ Utilities: \$ _____

Transportation: \$ _____ Treatment: \$ _____ Misc./Other: \$ _____

Total Monthly Expenses: \$ _____**PERSONAL ASSETS**

Money (on hand/in banks): \$ _____

Investments: \$ _____

Real Estate: \$ _____

Automobiles (i.e., car, boat): \$ _____

Personal Property/Other: \$ _____

Total Assets: \$ _____**RESTITUTION**

Net Monthly Income (less) Total Monthly Expense = \$ Available for Financial Obligations: \$ _____

Other Assets that may be used for Financial Obligations: \$ _____

*I certify that, to the best of my knowledge, the above information is accurate and complete.*_____
Parolee (signature)_____
Date_____
Parole Agent (signature)_____
Date

FINANCIAL OBLIGATION DIRECTIVE

Offender Name: _____ DOC ID #: _____

Length of Supervision: _____

Pursuant to SD Administrative Rule (17:61:01:10), SD Codified Law (SDCL §§ 1-15-20, 24-15-11, 24-15-19, 24-15A-24, and 24-16-1), and the South Dakota Parole Supervision Agreement, you are hereby directed to pay your restitution and other financial obligations. Payments shall be made in accordance with the payment schedule determined by your parole agent. Every effort to pay this amount shall be made. Any modification to this agreement after it is signed must be done with your supervising parole agent.

<p>Financial Obligation(s):</p> <p>County/Countries of Obligation: _____</p> <p>Amount Ordered (includes all counties): \$ _____</p> <p>Monthly Payment: \$ _____</p> <p><i>*Payments shall begin within 60 days of release to parole/suspended sentence</i></p> <p>Payments are to be made monthly to: _____</p> <p>_____</p> <p>Payments are to be money order or cashier's check (No Cash or Personal Check)</p>
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I have read or have had read to me this Financial Obligation Directive. I understand its content, meaning, and directive. I also understand that if I fail to abide by this Financial Obligation Directive, I may be found in violation of parole and my parole supervision may be revoked.

I further acknowledge that when I discharge pursuant to § 24-15A-7 or 24-5-2 and if I owe court-ordered financial obligations on the sentence or sentences discharging from my obligations shall be transferred by the department to the Administrative Financial Accountability System (AFAS) pursuant to § 23A-47-2. SDCL § 23A-47-2 states that a parolee, inmate, or probationer, who is discharged from supervision or has otherwise satisfied all of the conditions of the sentence but has outstanding, court-ordered financial obligations, shall be managed by the AFAS, as administered pursuant to § 23A-47-3 in order to satisfy all court-ordered financial obligations.

X

Parolee (signature)

Date

Parole Agent

Date