

## 1.5.G.1 Parole Supervision Fees

### I Policy Index:



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**Office of Primary Responsibility:** Director of Parole Services & DOC Administration

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### II Policy:

The Department of Corrections may 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 South Dakota Department of Corrections (DOC), and those paroled to South Dakota through Interstate Compact on or after July 1, 1997.

### III Definitions:

#### **Comprehensive Offender Management System (COMS):**

A DOC data management system which stores pertinent offender information.

#### **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.

#### **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 Chapter 24-16A).

#### **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. Fee Schedule:

- A. Pursuant to SDCL § [24-15-11.3](#) and ARSD [17:61:01:12](#), offenders supervised by Parole Services, who do not have court-ordered obligations, will be charged 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 may be charged supervision fees according to their supervision level (See DOC policy 1.5.G.4 [Parole Services-Community Risk Assessment and Supervision of Offenders](#)).
  4. Out-of-state parolees placed on supervision with parole services through the Interstate Compact Program (See DOC policy 1.4.G.3 [Interstate Compact](#)), may be charged supervision fees according to their assigned supervision level. Offenders on Interstate Compact are required to pay towards court-ordered obligations (SDCL § [24-16A-1](#)).
  5. Offenders released to the Community Transition Program (CTP) (See DOC policy 1.5.G.2 [Parole Services-Community Transition Program](#)) will be charged fees according to their supervision level (See DOC policies 1.5.G.2 [Parole Services-Response to Violations](#) and 1.5.G.4 [Parole Services-Community Risk Assessment and Supervision of Offenders](#)).
- B. All fees collected 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 an offender returned to incarceration due to parole/suspended sentence violation, are tracked by parole agents through the Comprehensive Offender Management System (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 other applicable information, status changes, waivers of fees, etc.
  2. Active offender on supervision with parole services will have a supervision fee record created in COMS. The supervision fee is established by the supervising parole agent through the following action:
    - a. Creation of a trust account in COMS for all new offenders released to parole supervision.
    - b. Completion of the CTP/Extended Detainment assessment by answering "No" to all questions.
    - c. Creation of an obligation of supervision fee under the Community Financials-Offender Obligations screen in COMS and placing \$0.00 in the amount due.
    - d. The offender will automatically start accruing supervision fees in COMS on the first day of the month following the creation of the obligation.

- 1) If the offender owes court-ordered obligations, the supervision fee record will be listed as "inactive". When restitution is completed, the supervision fee record will be reactivated.
- B. DOC staff may access COMS to review the status of an offender's supervision fees. In addition, staff may view all the obligations/records assigned to the offender, record and view payments, adjust obligation amounts and add or delete obligations in COMS.
- C. Offenders not charged a supervision fee because of court-ordered obligations, will be charged a supervision fee when their court-ordered obligations are paid in full.

### 3. Notification to Offenders:

- A. Information regarding supervision fees will be provided to new admission inmates in the Admissions and Orientation (A&O) unit (See DOC policy 1.4.A.2 *Inmate Admission*).
- B. Parole agents will explain an offender's responsibility to pay supervision fees at the initial sign-up interview with an offender (See ARSD 17:61:01:10), or prior to initiating supervision fees.
1. Supervision fees may be included in the offender's supervision agreement (See SDCL § 24-15-11).
  2. Prior established obligations for child support owed and court-ordered obligations take precedence over collection of supervision fees and will be paid first, before supervision fees are paid (See SDCL §§ 24-15-11 and 24-15A-24).
- D. Interstate compact investigations will include supervision fees as a condition of acceptance.
- E. When a South Dakota offender leaves the state on an Interstate Compact, he/she is responsible for the full month's supervision fee in the month which he/she is transferred from supervision by South Dakota to the receiving state.
- F. Offenders charged a supervision fee who abscond from parole supervision, will continue to be charged the supervision fee while on absconder status.
- G. Pre-payment of supervision fees is permitted. Pre-paid fees received will not be refunded in the event the parolee does not remain under supervision for the pre-paid period; e.g. violations or early final discharge.
1. If pre-payment is made and the supervision fee amount changes, offenders will be credited for the difference or required to pay the outstanding difference.

### 4. Payment Process:

- A. Supervision fees are due the first day of each month.
1. Supervision fees will begin on the first day of the month following an offender's release to supervision. For offenders on Interstate Compact supervision in South Dakota, fees will begin on the day of the month following 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 of an offender on the first day of the month will be used to determine the fee amount for that month. If the supervision level is changed in the middle of the month, no adjustment will be made to the established fee amount until the next month.
- B. Payment of supervision fees will be by a cashier's check or money order.
1. The cashier's check or money order will include the parolee's primary number 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 the parole agents or to the parole services office in the region where the offender is supervised. Parole agents or parole services support staff will document receipt of the payment and corresponding information (month order #, date, amount, etc.) in COMS.
  3. All money orders or cashier's checks received by parole agents or staff at the parole services office will be sent to the DOC Administration for deposit after being documented into COMS.
- C. Parole agents and other designated DOC staff may generate statements and other reports from COMS to track supervision fees, wages earned, and obligations owed by offenders, including: amount owed, paid, outstanding amounts 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 issue sanctions for failure to pay supervision fees (or other obligation(s) as required) (See DOC policy 1.5.G.6 [Parole Services-Response to Violations](#)).

## 6. 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 by the offender by creating and sending a system memo requesting the reduction or waiver of fees to the Regional Supervisor.
  2. The Parole Agent may request the fees be waived for a specific period of time by creating and sending a memo requesting approval to waive supervision fees to 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 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.

## 7. 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 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 1.4.G.3 -- [Interstate Compact](#)

DOC policy 1.5.G.2 -- [Parole Services-Community Transition Program](#)

DOC policy 1.5.G.4 -- [Parole Services-Community Risk Assessment and Supervision of Offenders](#)

DOC policy 1.5.G.6 -- [Parole Services-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:** Reviewed with 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 sent 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 cashier's 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.

**April 2015:** Deleted “on phase two” and Replaced with “participating in” in Section 1 A.5. Deleted B. in Section 1. Added “the supervision fee is established by” in Section 2 A. 1. Added a. and b. to Section 2 A. 2. Deleted B. in Section 3.

**March 2016:** Added b. in Section 2 A. 2. Added “and place \$0.00 in the amount due; or” in Section 2 A. c. Added d. in Section 2 A. 2.

**March 2017:** Reviewed with no changes.

**June 2018:** Added definition of “Court-Ordered Obligations. Added “who do not owe restitution or have court-ordered obligations” in Section 1 A. Added “Offenders on Interstate Compact are required to pay towards any restitution owed (SDCL § 24-16A-1)” in Section 1 A. 4. Added 1) to Section 2 A. 2. d. Added “or prior to initiating supervision fees after court-ordered obligations have been full filled” in Section 3 B. Added “or other obligation(s)” in Section 5 B.

**June 2019:** Reviewed with no changes.

*Mike Leidholt (original signature on file)*

*08/08/2019*

Mike Leidholt, Secretary of Corrections

Date