



Department of Corrections

INTERNAL MANAGEMENT POLICY & PROCEDURE

Applicability: Adult Operation Only JUVENILE Operations Only DEPARTMENT-WIDE

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PAGE #: 1 of 7

PAROLE SERVICES: Offender Fees and Payment Procedures

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Approved By: , Secretary Next Scheduled Review Date: June 2020

POLICY

Offenders under the jurisdiction of the KDOC shall pay a monthly supervision fee of up to \$30. Offenders determined to be indigent shall not be required to pay a supervision fee during the duration of the indigence period. Offenders may be assessed a fee or co-pay for services provided by KDOC staff or contractors such as GPS monitoring, sex offender treatment and Batterer's Intervention Program. Offenders determined to be indigent for supervision fees shall not automatically be considered indigent for the service fee or co-pay for contracted KDOC programs, however, the indigent status should be a consideration in determining the ability to pay for the contract services.

Payment of the supervision and substance use testing fees shall be made to the KDOC through a designated contractor via mail, telephone, web or a walk-up service location. Payments for treatment, programs, and services should be made directly to the service provider.

Parole officers shall not accept money in any form from an offender but may assist in the payments process as necessary. A system of graduated sanctions shall be utilized for offenders electing not to pay supervision fees in accordance with IMPP 14-137A.

DEFINITIONS

Banking Monitor: A KDOC staff person in Central Office assigned to work with the vendor to facilitate and monitor banking transactions related to the collection of parole fees.

Indigent: A status that can be applied to offenders who are determined to be unable to pay supervision fees. Supervision fees are not assessed for any months that an offender is in indigent status.

OffenderLink Supervision Fee Management: A service provided by Fieldware, LLC, under contract to KDOC, in which the vendor notifies offenders of fees that are due to KDOC and processes payments from offenders for those fees. Payment information is shared with KDOC electronically and funds are deposited to Kansas as directed by KDOC.

Program or Service Fee: A fee for services or a co-pay that is paid to help offset the cost of providing the service for offenders.

Substance Use Testing Fee (UA Fee): Fees that are charged for positive substance abuse tests in an effort to offset the cost of the testing process.

Supervision Fee: A monthly fee charged to offenders on supervision by the Department of Corrections, in an effort to help offset the cost of providing supervision services.

Supervision Fee Clerk: KDOC staff person in Central Office who is assigned to evaluate fee payment errors and abnormalities and make entries in OMIS regarding those fee payments.

PROCEDURES

I. Related Policies

- A. The procedures for the collection of offender's unpaid fees when an offender is returned to a KDOC facility must be in accordance with IMPP 04-106A FISCAL: Offender Fees.
- B. The procedures on how to address restitution, court costs and child support must be in accordance with IMPP 14-126A PAROLE SERVICES: Offender Financial Obligations.
- C. The procedures for the utilization of graduated sanctions for offenders not paying their supervision fees; to make programmatic referrals or impose interventions; and/or the documentation and process to follow when offender fails to pay fees must be in accordance with IMPP 14-137A PAROLE SERVICES: Encouraging Pro-Social Behavior and Responding to Violations.

II. Supervision Fee Assessment

- A. Offenders placed under the supervision of KDOC Parole Officers within the state of Kansas shall be charged and expected to pay a monthly supervision fee in the amount of \$30, with the exception of those determined to be indigent or those confined in local detention on the basis of a condition violation or felony or misdemeanor charge.
- B. Offenders shall begin accruing supervision fees following their release from a KDOC facility, return from interstate supervision, or when an interstate compact case is received for supervision.
 - 1. Offender fee assessment shall be determined by the date of release from prison or activation date if a compact case or return from out-of-state supervision and shall be automatically assessed in OMIS.
 - 2. Supervision fees shall be assessed on the first of each month based on the offender's status in OMIS. The first fee will be assessed after a 30-day period has elapsed from the time the offender was released to supervision from a KDOC facility, or the date supervision began in an interstate compact case.
- C. The Department shall utilize an automated system for assessing supervision fees and positive urinalysis substance use testing payments. Offenders shall be assessed and pay supervision fees in accordance with the following Supervision Fee Type Codes:

Offender Status	OMIS Supervision Fee Type Code	Monthly Charge
Offenders Determined to Have Ability to Pay	A	\$30
Indigent	D	\$ 0
Interstate Offender in Kansas on the Basis of Reporting Instructions	E	\$30
Interstate Compact Offender Activated for Investigation Purposes – Not in Kansas	F	\$0

- D. Supervision fees shall accrue from the first period of post-release supervision, or activation as a compact offender, and shall continue to accrue until the offender is discharged from the current sentence or closed, in the case of a compact offender.
 - 1. Should the offender be readmitted to the KDOC with a new sentence after discharge, any unpaid balance on the discharged sentence shall be considered to be owed.
 - 2. Interstate compact offenders with an unpaid balance whose case was closed and subsequently return to Kansas for supervision shall be considered to owe the unpaid balance.

- E. Kansas offenders, with the exception of those released to detainers, will automatically be coded in OMIS at supervision status A resulting in a monthly charge of \$30 upon release from a facility.
 - 1. Offenders released from detainers will automatically be coded at supervision status A resulting in a \$30 fee assessment by OMIS upon entry of the SR, OB or RJ movement by the Parole Officer.
- F. Interstate Compact Unit staff will complete the Compact Base Shell in OMIS and will assign supervision fee status as follows:
 - 1. Supervision Type E - Offenders arriving in Kansas on the basis of reporting instructions provided to the sending state shall be assessed and pay supervision fees beginning the month following provision of reporting instructions.
 - 2. Supervision Type F - Offenders on which an investigation request is received from the sending state but who are not in Kansas and available for supervision shall not be assessed supervision fees.
- G. Parole Officers are responsible to ensure that each offender's Fee Type Code is accurate in OMIS. That includes the need to assign supervision status A to offenders who:
 - 1. Are returning from out-of-state supervision after completing the SR movement, or
 - 2. An Interstate Compact probation case upon acceptance for supervision, or
 - 3. An Interstate Compact parole case, upon arrival for supervision.
- H. Offenders released to a Kansas plan who subsequently apply for interstate compact supervision shall be subject to assessment of and payment of fees until the out of state transfer is complete and the acceptance movement is made in OMIS.
 - 1. Offenders permitted to leave the state with reporting instructions shall not be required to pay supervision fees in Kansas after the departure notice is submitted although the fees will continue to be assessed in OMIS. Supervision fees assessed from the date of departure until the date of acceptance in the other state shall be reversed by the Parole Supervisor.
- I. When an offender absconds from supervision, entry of the AB movement into OMIS shall result in non-assessment of supervision fees for the period of time the offender is on absconder status.
 - 1. If the offender is returned to supervision after apprehension and delinquent time is assessed, supervision fees will be charged during that time period.
 - 2. If the offender is returned to a facility, no fees shall be assessed for the period of time the offender was on absconder status.
- J. Offenders confined in local detention on the basis of a condition violation, felony or misdemeanor charge shall not be assessed supervision fees if they are in custody at the time the fees are assessed.
 - 1. Entry of OMIS movements AB, WT, JF, JS, JM, JT, MW, MU, or RW by parole staff shall prevent the subsequent assessment of supervision fees.
- K. If an offender being detained on the basis of a condition violation, misdemeanor or felony charge is continued under supervision, released on bond, or local charges are dismissed, supervision fee assessment shall resume the following month.
 - 1. Entry of OMIS movements SR, MN, OB, or RJ by parole staff shall cause supervision fee assessments to resume when supervision is continued.

II. Payment Notification and Procedures

- A. During the first month of supervision, offenders shall be advised by the assigned parole officer.
 - 1. That supervision fees are assessed monthly, after the first 30 days on supervision.
 - 2. That they are expected to pay supervision fees as a requirement of supervision, unless placed on indigent status.
 - 3. That they will be contacted by OffenderLink, by mail or telephone, regarding fees that are owed and how to make payments.
 - 4. That payments should be made through OffenderLink the contracted provider.
 - 5. That failure to make payments can be a violation and result in interventions and/or the loss of good time.
- B. OffenderLink shall notify each offender of supervision and UA fees owed by mail and/or telephone, and the methods available for making payment.
- C. OffenderLink shall process payments received from offenders and
 - 1. Credit the funds to the offenders account according to business rules provided by KDOC, and
 - 2. Provide information about payments received to KDOC electronically, for entry into OMIS, and
 - 3. Deposit of funds to the designated Kansas account on a designated time frame, in coordination with KDOC staff.
- D. Parole staff shall not accept payment from any offender.
 - 1. If a Parole Officer places a stamped, sealed envelope in the outgoing parole office mail to assist in the fee payment process, a notation shall be made in the offender's chronological record.
 - 2. Money orders and personal checks that are sent to Central Office as a processing error may be forwarded to the supervising Parole Officer for error reconciliation.
 - a. Parole Officers may handle offender payments when forwarded to them under this circumstance.
- E. The assigned parole officer shall monitor each offender's payment record for compliance and to identify any case management needs that may be present related to fee payment.
 - 1. Payments made as expected should be recognized with positive reinforcement and responses to non-payment shall be made as described in Section IX.

III. Procedure for Positive Substance Use Fees

- A. Offenders who have positive results on their urinalysis and who sign an admission of usage when advised of the test results shall be assessed \$10 for each drug testing positive.
- B. Offenders whose initial test requires GCMS confirmation shall be assessed an additional \$30 for each drug being confirmed.
- C. UA Fees are assessed automatically in OMIS based on testing information and results. Offenders shall be notified by the assigned parole officer when a fee is assessed.

- D. Offenders will be notified in writing, by the contractor, of fees owed and how payment may be made. Payments should be made by the offender to the contractor, using the process indicated in Section III.

IV. Error Processing for Supervision and Substance Abuse Fees

- A. Parole Officers shall monitor offender Fee Type Codes and the assessment of supervision and UA fees for accuracy.
- B. Any apparent improper charging of offenders should be brought to the attention of the Parole Supervisor.
 - 1. If the error cannot be resolved at the local level, the Fee Clerk at Central Office shall be contacted.
 - 2. Any computer related errors/problems shall be forwarded to the Computer Help Desk.
- C. The Supervision Fee Clerk in Central Office should be notified of any fee errors or adjustments that need to be made and cannot be made by the Parole Supervisor.
- D. Offenders who were not assessed a fee by OMIS but meet the criteria for fee assessment may have a fee(s) assessed manually, when approved by the Parole Supervisor.
 - 1. When fee assessment has been approved by the Parole Supervisor, the Fee Clerk shall be notified so the fee may be assessed in OMIS.
- E. Any errors identified by the vendor, which cannot be resolved by the vendor, shall be forwarded to the Supervision Fee Clerk in Central Office for evaluation and resolution.
- F. Any errors or problems that cannot be resolved by the Fee Clerk should be referred to the Parole Operations Manager for review.

V. Supervision Fee Reversals

- A. Supervision fees may be reversed/withdrawn for good cause, based on individual offender circumstances or temporary financial limitations which did not result in placement on indigent status.
- B. Reversals of fee assessments can be approved and entered in OMIS by the Parole Supervisor as long as the offender is under active supervision.
 - 1. If the fee has been paid by the offender, the Central Office Fee Clerk shall be contacted to arrange for reimbursement or reassignment of the fee payment to another month.
 - 2. The Deputy Parole Directors or Parole Operations Manager shall be contacted via e-mail on any fee requiring reversal when the offender is confined in a KDOC facility.

VI. Financial Review and Indigency

- A. Offenders may be declared indigent and relieved from supervision fee payment based on financial status.
- B. If the Parole Officer feels that the offender is unable to pay the required supervision offender fees or an offender requests to be reviewed for relief from payments, an Offender Financial Statement (Attachment A) shall be completed and forwarded to the Parole Supervisor for review.
 - 1. Parole Officers shall assist the offender in completing portions of the Offender Financial Statement form (Attachment A) and shall submit the form to the Parole Supervisor for review.

- C. Indigent status is determined by the Parole Supervisor considering the following factors:
 - 1. Offender's monthly income is significantly and consistently less than monthly expenses.
 - 2. The offender's only means of income and fee payment is Veterans Benefits, Social Security or Workers Compensation benefits.
 - 3. The offender resides in a state hospital or nursing home and has no significant financial means or ability to earn income.
 - 4. The offender is in a liberty restricting environment with no income earning opportunity.
- D. If the Parole Supervisor does not concur with the indigence assessment, the offender shall continue to be required to pay fees.
 - 1. If the Parole Supervisor concurs with the assignment of the offender to indigent status, the Parole Supervisor shall access the "Modify Supervision Type" screen in OMIS and change the supervision status to "D".
 - 2. Offender indigent status shall be reviewed by the Parole Officer at least every six (6) months. If it is subsequently determined that the offender can again pay fees, the Parole Officer shall access the "Modify Supervision Type" screen in OMIS and change the supervision status to "A".

VII. Program, Service and Treatment Fee's

- A. Offenders who are participating in sex offender treatment, batterers intervention programming; or GPS services may be assessed a fee or co-pay for the services.
- B. The rate of fee or copay is determined by the contractor and the Deputy Secretary of Community and Field Services.
- C. Payments shall be made directly to the service provider in accordance with established procedures.
- D. Offenders who are unable to pay the full amount due to financial hardship may request to be excused from the fee payment.
- E. A program or service may utilize a sliding scale or graduated fee assessment process for offenders who are unable to pay the full amount due, but able to pay a lesser amount.
- F. Determinations about an offender's ability to pay program, treatment or service fees shall be made using the Offender Financial Statement, Attachment A.
 - 1. Offenders or Parole Officers may initiate the completion of the form and the payment review process.
 - 2. The Parole Supervisor is responsible to review the Financial Statement form and approve or deny any exceptions to full payment.

VIII. Response to Non-Payment

- A. If an offender fails to make the required supervision fee payment, the Parole Officer shall contact the offender by phone, mail service, or by personal contact and:
 - 1. Remind the offender of the obligation to make the payment and determine the reason for lack of fee payment;
 - 2. Make arrangements for a payment plan or if a determination is made that the non-payment is due to an inability to pay, the offender should be reviewed for indigent status or a reduction in fees, if available.

3. Advise the offender that failure to make the payment may result in withholding of good time and/or the imposition of additional interventions; and,
 4. Make programmatic referrals or impose interventions in accordance with IMPP 14-137A.
- B. When failure to pay fees is determined to be a violation, it should be documented and processed in accordance with IMPP 14-137A.

IX. Unpaid Fees

- A. If an offender is returned to a KDOC facility and has unpaid fees, the fees shall be collected in accordance with IMPP 04-106A.

X. Restitution, Court Costs, and Other Costs Ordered by the Releasing Authority

- A. Payment of supervision fees shall not supersede the payment of other court or releasing order payments, specifically restitution, while the offender is on post-release supervision.
- B. Parole staff shall address restitution, Court costs and child support in accordance with IMPP 14-126A.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS

None.

REFERENCES

K.S.A 75-52,139
K.A.R. 44-5-115
IMPP 04-106A, 11-101A, 14-113A, 14-120A, 14-126A, 14-137A

HISTORY

05-27-15 Original

ATTACHMENTS

Attachments	Title of Attachments	Page Total
A	Offender Financial Statement	2 pages

**Kansas Department of Corrections
 Division of Community and Field Services
 Financial Statement Form**

Name and Number: _____

MONTHLY INCOME	MONTHLY EXPENSES
Salary Wages from Work:	Rent/Housing:
Unemployment Compensation:	Food:
Worker's Compensation:	Car Payment:
Pension/Retirement:	Gas/Transportation:
Social Security:	Phone:
Social Security Disability:	Electric/Gas:
Veteran's Benefits:	Water:
Gov't Assistance:	Internet Service:
Food Stamps:	TV: Cable or Satellite:
Child Support:	Loan Payments:
Alimony:	Medical Bills:
Inheritance:	Child Support:
Settlement Income:	Fine/Restitution:
Other Income:	Entertainment:
	Credit Card Payments;
	Insurance:
	Other Expenses:
	KDOC Supervision Fee:
	Other KDOC Fees:
Total Monthly Income:	Total Monthly Expenses:
List any available savings or assets:	
Is anyone providing you with financial assistance or help with housing, food or living expenses? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, please explain.	
Summary: Monthly Income _____ minus Monthly Expenses _____ = _____	

I am requesting relief from the following financial obligations:

- Supervision Fees
 GPS Fees
 Treatment Co-pays
 BIP Fees

Please explain the reason for your request. _____

Offender Signature _____

Date _____

**Kansas Department of Corrections
Division of Community and Field Services
Financial Statement Form**

Parole Officer Recommendation (Mark all that apply):

- I recommend that the offender be relieved from supervision fee payments (indigent status).
- I recommend that the offender be relieved of the KDOC program/service fees indicated below:
 Treatment Co-pay BIP Fee GPS Fee Other (Specify): _____
- I recommend that the offender be charged a reduced rate for GPS services:
 25% 50% 75%
- I do not recommend any financial accommodations at this time.

Comments and rationale:

Parole Officer Signature

Date

Parole Supervisor Review:

- Relief from supervision fee payments (indigent status) is approved.
- Relief from the KDOC program/service fees indicated below is approved:
 Treatment Co-pay BIP Fee GPS Fee Other (Specify): _____
- The reduced rate for GPS is approved, as indicated below:
 25% 50% 75%
- Financial accommodations are not approved.

Comments and rationale:

Parole Supervisor Signature

Date