

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE	EFFECTIVE DATE 01/13/2003	NUMBER 06.02.110
	SUBJECT SUPERVISION AND OVERSIGHT FEES	
SUPERSEDES 06.02.110 (03/17/97)		AUTHORITY MCL 762.13; 771.1; 771.3; 771.3c; 775.22; 791.225a, 791.236; 791.236a; Executive Order 2001-9
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POLICY STATEMENT:

Supervision and oversight fees shall be collected from offenders under community supervision as set forth in this policy.

POLICY:

GENERAL INFORMATION

- A. Parolees and probationers, including those on probation under the Holmes Youthful Trainee Act and delay of sentence cases, are required by state law to pay a supervision fee for that period of time that they are ordered to be on parole or probation. This does not apply to offenders placed on probation pursuant to MCL 769.4a for domestic violence or MCL 750.350a for parental kidnaping; it does apply to offenders placed on probation for these offenses pursuant to MCL 771.1, MCL 771.3 or MCL 761.13.
- B. Parolees and probationers ordered between October 1, 1989 and September 30, 1993 to pay oversight fees remain obligated to pay such fees, subject to Paragraph C.
- C. If a supervision fee is ordered for an offender for any month during which that offender already is subject to a supervision fee or an oversight fee, the offender shall be required to pay only the fee with the longest remaining duration.
- D. The payment of supervision and oversight fees shall take precedence over the payment of all other Department debts of the offender, except for parole loans, while the offender is on parole or probation.

IMPOSITION OF SUPERVISION FEES

- E. Whenever an agent recommends to the court that an offender be placed on probation for an offense for which a supervision fee is required to be paid, the field agent also shall recommend that a condition of probation be added requiring the offender to pay the appropriate supervision fee. If the agent does not recommend probation but it is ordered by the court, the agent shall recommend to the court that it issue an amended probation order to include payment of the appropriate supervision fee as a condition of probation unless already ordered.
- F. As part of the pre-parole investigation conducted pursuant to PD 06.05.104 "Parole Process" for an offender convicted of a parolable offense, each field agent shall determine the appropriate supervision fee to be paid by the prisoner if paroled. Payment of the supervision fee shall be included as a condition of parole.
- G. Offenders whose parole or probation supervision is transferred to Michigan under an interstate compact shall have their supervision fees determined by the supervising field agent when the case is accepted for supervision in Michigan. The supervising agent shall complete the appropriate Interstate Compact Supervision Fee form (CFJ-176, CFJ-180 or CFJ-184) and have the offender sign it on his/her first report date.

- H. In accordance with State law, twenty percent of the funds collected for payment of supervision fees shall be retained and allocated by the FOA Deputy Director for administrative costs incurred by the Department in collecting the fees and for enhanced services. Enhanced services may include specialized training and equipment to improve staff performance and additional services for offenders.

CALCULATING SUPERVISION FEES

- I. To determine the appropriate supervision fee, field agents shall first calculate the offender's projected monthly income for the period of time that the offender will be on parole or probation. The agent shall consider the offender's current gross earnings, anticipated wages from guaranteed job offers, and earning capability based on work history, educational background, specialized skills, physical and mental health, and any other applicable factors in determining the monthly income. Funds received from the Family Independence program or for child support, state disability insurance and wages withheld for the payment of taxes or under the Federal Insurance Contribution Act (FICA) shall not be considered in determining monthly income. The projected monthly income shall be used to determine the supervision fee rate as set forth below:

<u>PROJECTED MONTHLY INCOME</u>	<u>SUPERVISION FEE RATE</u>
Under \$250.00	\$ 0.00
\$ 250.00 - 499.99	\$10.00
\$ 500.00 - 749.99	\$25.00
\$ 750.00 - 999.99	\$40.00
\$1000 or more	5% of projected monthly income not to exceed \$135.00

- J. The offender's supervision fee shall be calculated by multiplying the supervision fee rate determined pursuant to Paragraph I by the number of months of parole or probation ordered, not to exceed the following:
1. 36 months if on youthful trainee status.
 2. 12 months if a delayed sentence case.
 3. 24 months, if supervision was transferred from another state without a specific discharge date. This does not apply if the offender is serving life probation or parole.
 4. 60 months.
- K. The supervision fee established pursuant to Paragraph J may be increased if the offender has financial resources other than monthly income available to him/her (e.g., inheritance). In such cases, that amount shall be added to the projected monthly income before calculating the supervision fee rate. If this results in a higher supervision fee rate than that calculated based only on the projected monthly income, the reason for the increase must be included in the parole order or submitted to the court to be included in the probation order, as appropriate.

COLLECTION OF FEES

- L. Offenders shall pay supervision and oversight fees in the form of a check with guaranteed funds from a bank or credit union (e.g., cashier check; certified check) or money order payable to the State of Michigan. Payments shall be mailed directly to the appropriate Regional Fee Collection Unit or deposited in a secure locked box in the field office to which the offender reports. Each field office supervisor shall designate a staff person to remove payments from the box at least weekly; however, removal of payments shall be done only in the presence of another staff person. Staff designated to remove payments shall log all payments received on forms designated for that purpose by the FOA Deputy Director. Each payment shall be endorsed with a restrictive endorsement stamp. Payments received and a copy of the corresponding payment log shall be forwarded to the appropriate Regional Fee Collection Unit at least weekly for processing.

- M. The Regional Fee Collection Unit shall generate a monthly report identifying each offender who has a supervision or oversight fee with an unpaid balance and the last payment received. The monthly report shall be sent to each parole/probation office Manager, who shall provide the report to agents in that office supervising an offender identified in the report. The supervising agent shall discuss any delinquencies in payment with the offender during in-person contacts.

FEE REVIEW

- N. The supervising agent shall notify the Regional Fee Collection Unit whenever an offender under his/her supervision who was ordered to pay a supervision or oversight fee has his/her probation or parole terminated. If the offender has not paid the full amount of the supervision or oversight fee, the supervising agent also shall notify the Regional Fee Collection Unit of the actual income of the offender during his/her term of parole or probation. For offenders whose supervision was transferred into or out of Michigan under an interstate compact, the supervising agent shall notify the Regional Fee Collection Unit of the number of months the offender was supervised in Michigan.

Supervision Fees

- O. The Regional Fee Collection Unit shall review the payment record of each offender who was ordered to pay a supervision fee. If the offender paid more than what s/he was ordered to pay, the overpayment shall be applied toward any of the offender's other Department or court ordered debts prior to issuing a refund to the offender. The order in which multiple debts are paid shall be established by the FOA Deputy Director or designee.
- P. Whenever an offender has not paid the full amount of the ordered supervision fee, the Regional Fee Collection Unit shall calculate the amount that would have been owed if the offender's actual income had been used in determining the supervision fee. This shall be done consistent with the criteria set forth in Paragraphs I through K. However, in cases where the supervision fee was ordered prior to November 6, 2001, the following supervision fee rate shall be used:

<u>Projected Monthly Income</u>	<u>Supervision Fee Rate</u>
Under \$250.00	\$ 0.00
\$ 250.00 - 499.99	\$10.00
\$ 500.00 - 749.99	\$20.00
\$750.00 or more	\$30.00

- Q. If the offender has not paid the entire ordered supervision fee, that portion of the unpaid balance which exceeds the amount calculated pursuant to Paragraph P shall be waived. The Regional Fee Collection Unit shall notify the offender of any amount remaining to be paid and the continuing obligation to pay that amount.
- R. For an offender whose supervision was transferred into or out of Michigan under an interstate compact, the Regional Fee Collection Unit shall calculate the amount owed based on the number of months the offender was under supervision in Michigan consistent with the requirements set forth in Paragraphs I through K, except that the offender's actual income and, if the fee was ordered prior to November 6, 2001, the fee rate set forth in Paragraph P shall be used in the calculation.
- S. An offender whose supervision was transferred into or out of Michigan under an interstate compact shall be obligated to pay only the difference between the amount paid toward the ordered supervision fee and the amount calculated pursuant to Paragraph R. The Regional Fee Collection Unit shall notify the offender of any amount remaining to be paid and the continuing obligation to pay that amount. If the offender paid fees in excess of the amount calculated pursuant to Paragraph R, the overpayment shall be applied toward any of the offender's other Department or court ordered debts prior to issuing a refund to the offender. The order in which multiple debts are paid shall be established by the FOA Deputy Director or designee.

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- T. If an offender does not pay the amount owed pursuant to Paragraph Q or S, the case shall be referred to the Department of Treasury for collection; however, if the offender remains under the jurisdiction of the Department, it shall not be referred until the offender is no longer under the Department's jurisdiction.

Oversight Fees

- U. Oversight fees owed for any months of supervision beginning October, 1993 shall be subject to the fee review and collection process set forth in Paragraphs O through T in the same manner as for supervision fees ordered prior to November 6, 2001. However, an offender shall be held accountable for the entire balance owed prior to October, 1993.

OPERATING PROCEDURES

- V. The FOA Deputy Director shall ensure that procedures are developed as necessary to implement requirements set forth in this policy directive; this shall be completed within 60 calendar days after the effective date of the policy directive. This requirement includes ensuring that their existing procedures are revised or rescinded, as appropriate, if inconsistent with policy requirements or no longer needed.

AUDIT ELEMENTS

- W. A Primary Audit Elements List has been developed and will be provided to FOA Regional Administrators to assist with self audit of this policy, pursuant to "Self Audit of Policies and Procedures".

WSO:OPH:12/18/02