



POLICY STATEMENT
Commonwealth of Pennsylvania • Department of Corrections

Policy Subject: Collection of Inmate Debts		Policy Number: DC-ADM 005
Date of Issue: October 17, 2007	Authority: Signature on File Jeffrey A. Beard, Ph.D.	Effective Date: October 24, 2007

I. AUTHORITY

The Authority of the Secretary of Corrections to direct the operation of the Department of Corrections is established by Sections 201, 206, 506, and 901-B of the Administrative Code of 1929, 71 P.S. §§61, 66, 186, and 310-1, Act of April 9, 1929, P.L. 177, No. 175, as amended.

II. APPLICABILITY

This policy is applicable to all facilities operated under the jurisdiction of, or conducting business with the Department of Corrections.

III. POLICY

It is the policy of the Department to collect, consistent with current law, all inmate debts which is authorized to collect and to transmit the proceeds to the appropriate party(ies).

IV. PROCEDURES

All applicable procedures are contained in the procedures manual that accompanies this policy document.

V. SUSPENSION DURING AN EMERGENCY

In an emergency or extended disruption of normal facility operation, the Secretary/designee may suspend any provision or section of this policy for a specific period.

VI. RIGHTS UNDER THIS POLICY

This policy does not create rights in any person nor should it be interpreted or applied in such a manner as to abridge the rights of any individual. This policy should be interpreted to have sufficient flexibility to be consistent with law and to permit the accomplishment of the purpose(s) of the policies of the Department of Corrections.

VII. RELEASE OF INFORMATION AND DISSEMINATION OF POLICY

A. Release of Information

1. Policy

This policy document is public information and may be released upon request.

2. Confidential Procedures (if applicable)

Confidential procedures for this document, if any, are not public information and may not be released in its entirety or in part, without the approval of the Secretary of Corrections/designee. Confidential procedures may be released to any Department of Corrections employee on an as needed basis.

B. Distribution of Policy

1. General Distribution

The Department of Corrections' policy and procedures shall be distributed to the members of the Central Office Executive Staff, all Facility Managers, and Community Corrections Regional Directors on a routine basis. Distribution of confidential procedures to other individuals and/or agencies is subject to the approval of the Secretary of Corrections/designee.

2. Distribution to Staff

It is the responsibility of those individuals receiving policies and procedures, as indicated in the "General Distribution" section above, to ensure that each employee expected or required to perform the necessary procedures/duties is issued a copy of the policy and procedures either in hard copy or via email, whichever is most appropriate.

VIII. SUPERSEDED POLICY AND CROSS REFERENCE

A. Superseded Policy

1. Department Policy

DC-ADM 005, Collection of Inmate Debts policy issued March 8, 2004, by Secretary Jeffrey A. Beard, Ph.D.

2. Facility Policy and Procedures

This document supersedes all facility policy and procedures on this subject.

B. Cross Reference(s)

1. Administrative Manuals

- a. DC-ADM 801, Inmate Discipline; and
- b. DC-ADM 803, Inmate Mail and Incoming Publications.

2. ACA Standards

- a. Administration of Correctional Agencies: None
- b. Adult Correctional Institutions: None
- c. Adult Community Residential Services: None
- d. Correctional Training Academies: None



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DC-ADM 005, Collection of Inmate Debts Procedures Manual
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Guidelines for Victims Compensation Fees (VCF)	Attachment 3-B

Section 1 – Responsibilities

A. Central Office

The Bureau of Information Technology (BIT) shall develop and maintain the automated system for the administration of inmate accounts. The inmate accounts system shall include features that enable each facility to electronically calculate and deduct inmate debt payments; produce checks and supporting vouchers, and reports.

B. Facility

1. Facility Business Office

Maintains financial accounts for all inmates. Collects monies owed in accordance with this procedures manual by assessing the inmates' accounts and transmitting the funds to all parties owed.

2. Inmate Records Office

Receives orders involving inmate debts, files original copies of the orders, sends photocopies to the facility business office, and serves as the point of coordination for all inmate information received and/or distributed.

Section 2 – Court Orders & Filing Fees

A. Federal Court Orders & Filing Fees

Each facility shall collect Federal Court costs and filing fees in accordance with the language contained in the order.

B. State Court Orders & Filing Fees

1. Pursuant to **42 Pa.C.S. §6602**, when an inmate intends to submit prison conditions litigation and claim indigence, the inmate must provide the court with an application and a certified copy of his/her account statement for the six month period immediately preceding the filing of a complaint or notice of appeal. The facility business office shall ensure that the necessary account statement is provided to the court.
2. If a court enters an order requiring the assessment of filing fees, the business office shall comply with the order.
3. Initial partial payment deductions shall be sent to the court immediately. Subsequent monthly deductions shall be paid in accordance with the court order accompanied by appropriate paperwork reflecting the correct case name and number, the inmate name and number, and the amount of payment.
4. Partial payments: Following the initial court ordered payment the business office will:
 - a. deduct from the inmate's account monthly payments for 20% of the preceding month's income provided the account balance exceeds \$10.00; and
 - b. send the payment to the prothonotary as directed by the court. The court may direct that payments be made monthly or that they be held until sufficient funds have been collected to satisfy the debt.

Section 3 – Collection

A. Collection of Restitution, Reparation, Fees, Costs, Fines and Penalties 42 Pa. C.S. §9728, Act 84 of 1998 (Act 84)

1. When the County Clerk of Courts provides a copy(s) of an order(s) for restitution, reparation, fees, costs, fines, and/or penalties associated with the criminal proceedings, the records office shall file the original and shall forward a copy of the order to the business office of the facility having custody of the inmate. The court order, the **DC-300B, Court Commitment Form**, or supporting information, must indicate the status of the debt including the current balance due and any special conditions, which would effect payments.
2. The business office, through inmate account deductions, makes:
 - a. payments of 20% of the inmate's account balance and monthly income for restitution, reparation, fees, costs, fines, and/or penalties associated with the criminal proceedings pursuant to **42 Pa.C.S. §9728, Act 84 of 1998**, provided that the inmate has a balance that exceeds \$10.00; and
 - b. payments of 10% of all the inmate's account balance and monthly income, for the Crime Victim's Compensation and Victim/Witness Services Funds, provided that the inmate has a balance that exceeds \$10.00.
3. The business office shall send the funds deducted to the county probation department or other designated agency.
4. District Justice orders for civil matters are not covered by Act 84, and may not be collected as set forth in this section. Fees imposed by a District Justice for facility related criminal proceedings shall be collected in accordance with **Subsection F. below**.
5. Court orders that require payment upon, or within a certain amount of time after parole or release, may not be collected as set forth in this section unless the sentencing court stipulates, via court order, that the Department is to begin collection prior to the inmate being paroled or released. In the event that a court order states payment is required on or after parole or release, the Facility Records Office Supervisor/designee shall contact the court and request clarification of the court order using the **Court Order Clarification Memo (Attachment 3-A)**.

B. Act 96 of 1984, Act 87 of 1995, Act 35 of 1991, Act 86 of 2000, and Act 85 of 2002

1. Certain inmates are required to pay a fee to the Crime Victim's Compensation Fund (CVCF) and the Victim/Witness Services Fund. The fees are imposed as part of the court costs for each Sentencing Event (as defined in **Subsection B.7. below**, based upon criminal acts occurring after June 30, 1984. The amount of the fees varies depending upon the date the inmate committed his/her criminal act. No fees are imposed upon Sentencing Events based on criminal acts prior to June 30, 1984. These fees are mandatory, even if the inmate will not be paroled.

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Section 3 – Collections

2. An inmate is required to pay the specified fees before he/she can be paroled.
3. While the total amount to be collected is reflected on the chart in **Subsection B.4. below**, it may be subdivided into these categories:
 - a. penalty assessment for the Crime Victims Compensation Fund;
 - b. penalty assessment for the Victim/Witness Services Fund; and
 - c. the judge may impose restitution owed to the Crime Victim’s Compensation Fund.
4. The chart below provides the dates pursuant to the legislation that imposes the fees:

Legislation	Beginning Date	Ending Date	Amount Due for each Sentencing Event
71 P.S. §180-7.15 – Act 96 of 1984	June 30, 1984	Oct. 12, 1991	\$15.00
71 P.S. §180-7.15 – Act 35 of 1991 18 P.S. §11.1101 – Act 27 of 1995	Oct. 13, 1991	Dec. 28, 2000	\$30.00
18 P.S. §11.1101 – Act 86 of 2000	Dec. 29, 2000	Aug. 26, 2002	\$40.00
18 P.S. §11.1101 – Act 85 of 2002	Aug. 27, 2002	Present	\$60.00

5. For Newly Committed Inmates
 - a. If the amount due for the CVCF and the Victim/Witness Services Fund is noted on the **DC-300B**, the Diagnostic and Classification Center (DCC) business office staff will input that amount into the “VCF” automation system.
 - b. If the county does not indicate the amount owed on the **DC-300B**, staff at the receiving facility are responsible for determining the amount due, in accordance with **Subsections B.4 & 7. below**.
6. For an Inmate Incarcerated Prior to the Implementation Date of this Policy
 - a. The facility business office is responsible to enter the amount due, for the CVCF and the Victim/Witness Services Fund, as indicated on the **DC-300B**, into the “VCF” automation system as outlined in the **Guidelines for Victims Compensation Fees (VCF) (Attachment 3-B)**.
 - b. If the amount due for the CVCF and the Victim/Witness Services Fund is not indicated on the **DC-300B** and it is not included in the Sentencing Order or accompanying documents, staff shall contact the county of commitment to obtain the amount the inmate is required to pay. If the county is unable to provide this information:

- (1) It will be determined in accordance with **Subsections B.4. & 7. below**, at the inmate’s initial reception, annual classification review, or parole review, whichever comes first. If staff cannot verify the date the crime was committed by reviewing the inmate’s record, by requesting this information from the county of conviction, or by consultation with facility parole staff (who often have access to the Facts of the Crime, Affidavit of Probable Cause, and/or Arrest Warrant), the sentencing date shall be used to determine the amount to be entered into the “VCF” system.
- (2) The facility business office will deduct the amount that has been determined as owing for these fees from the total **Act 84** amount and adjust the amount due for **Act 84**.
- (3) The amount due for the CVCF and Victim/Witness Services Funds must be entered into the “VCF” automated system. This will deduct an additional ten percent from the inmate’s account until the fee is paid.

7. Instructions for Determining the Number of Sentencing Events

- a. If an inmate was sentenced on the same date in the same county by the same judge, no matter how many sentences were imposed, only one amount is owed for the CVCF and Victim/Witness Services Fund.
- b. If there were two sentences on the same date in the same county by different judges, two amounts would be owed for those sentencing events. If there are two sentences on different days in the same county by the same judge, two fees are owed.
- c. A sentencing event is determined by reviewing **Section 2, Sentence Summary** of the **16E** as follows:

Example: 1

Sentence Date:	County:	Judge:	Indictment:
01/22/03	Bucks	Defino	001/03
01/22/03	Bucks	Defino	002/03

The above example would be one sentencing event.

Example: 2

Sentence Date:	County:	Judge:	Indictment:
01/22/03	Bucks	Defino	001/03
01/22/03	Bucks	Smith	002/03

The above example would be two sentencing events. Indictment 001/03 would be the first event. Indictment 002/03 would be the second sentencing event.

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Example: 3

Sentence Date:	County:	Judge:	Indictment:
01/22/03	Bucks	Defino	001/03
01/23/03	Chester	Jones	002/03

The above example would be two sentencing events. Indictment 001/03 and 002/03 would be the first event. Indictment 002/03 would be the second sentencing event.

Example: 4

Sentence Date:	County:	Judge:	Indictment:
01/22/03	Bucks	Defino	001/03
01/22/03	Bucks	Defino	002/03
01/22/03	Bucks	Smith	003/03
02/22/03	Bucks	Smith	004/03

The above example would be three sentencing events. Indictment 001/03 and 002/03 would be the first event. Indictment 003/03 would be the second sentencing event. Indictment 004/003 would be the third sentencing event.

8. Funds for payment of this fee(s) shall be collected in accordance with **Subsection F. below.**
9. After the initial determination, the amount due will be reviewed at any subsequent annual or parole staffing in case the sentencing structure was changed.
10. Status of the inmate’s CVCF and Victim/Witness Services Fund payments must be communicated to the Pennsylvania Board of Probation and Parole (PBPP) on the **DC-13A, Reclassification Summary**. If the PBPP determines that a different amount is owed, then that is the amount that will be collected.
11. If the inmate is being paroled before the fees have been paid in full, he/she is to sign a cash slip for the balance due. If he/she refuses to sign the cash slip, a member of the Unit Management Team will indicate the inmate’s refusal to sign it on the **DC-14** and on the cash slip before forwarding it to the Business Office. The money will subsequently be deducted from the inmate’s account.
12. The PBPP will not issue Release Orders until such payment is verified. When Records Office staff receives the Release Orders the inmate is to be processed for release.
13. An inmate who is returned as a parole violator may owe additional feeds to the CVCF. This is to be determined upon reception at the parent facility and the procedures for collection of the fees apply.

C. Collection of Child Support Payments

1. ***The Department will make deductions from an inmate's account for the purpose of obeying lawful orders to collect child support payments.***
2. ***Upon receipt of an order from the Domestic Relations Section of the County Court of this Commonwealth or another jurisdiction ordering the Department and/or State Correctional Institution to deduct a specified monthly amount from a custodial inmate's account in order to satisfy his/her child support obligation, the Inmate Accounts Office shall:***
 - a. ***determine the terms of the order including whether the order: directs deductions from the inmate's income until further notice; and provides total withheld amount cannot exceed a certain percentage of the inmate's aggregate disposable weekly earnings;***
 - b. ***notify the inmate that:***
 - (1) ***"Effective immediately, per the attached Court Order, we will be assessing your account each month, for the Child Support you are obligated to pay. The assessment for Child Support will only be based on the payroll that is earned at this facility, but will be collected from payroll even if your total account does not exceed \$10.00."***
 - (2) ***"Unless and until the Department receives verifiable proof that the attached order has been suspended, modified, or terminated by the appropriate court, after action taken by you under Pa. R.Civ.P. 1910.19 or under a similar foreign jurisdictional rule or procedure, this money will be collected, in addition to other debts for which you are responsible. If you do not owe any other debts, we will deduct 55% of your payroll for your child support, but we will not exceed the amount ordered on the attached Child Support Order."***
 - c. ***ensure that an appropriate hold is placed on the inmate's wages to ensure that sufficient funds from wages (but not in an amount that will exceed the amount ordered in the Child Support Order) remain available for remittance to the appropriate county designee; and***
 - d. ***remit the funds collected as child support to the Pennsylvania State Collection & Disbursement Unit (PA SCDU) or to the county or other entity specified to received the funds in the documentation ordering the collection.***

D. Monies Owed to the Department

1. Inmate Charges for Damages

Charges assessed for damages will be determined in accordance with Department policy DC-ADM 801, "Inmate Discipline."

2. Fees for Costs Awarded by a Court

Any fees or costs awarded against an inmate in conjunction with a court case will be collected in accordance with **Subsection F. below**.

3. Postage Due

Monies owed for postage will be collected in accordance with **DC-ADM 803, “Inmate Mail and Incoming Publications.”**

E. Payment for Damage Award or Settlement to an Inmate

1. When an inmate receives monetary damages or a settlement as a result of prison conditions litigation that are payable from funds appropriated by the General Assembly or an insurance policy purchased by the Commonwealth, the proceeds shall first be used to satisfy fines, costs, and restitution and any outstanding court ordered debt related to the criminal act. When an award or settlement occurs, the Chief Counsel's office will advise the Bureau of Administration. The Bureau of Administration will arrange to deduct the full amount owed from the proceeds.
2. When the amount of outstanding court ordered debt exceeds the monetary damage award or settlement, the Office of Chief Counsel will develop a plan for distributing the funds and notify the parties owed and the court of the proposed distribution. In accordance with **Act 84** of 1998, any of the owed parties may seek a court order compelling a change in the proposed distribution.
3. When the amount of monetary damages exceeds all court ordered obligations, the remainder shall be used to satisfy any amount owed to a government party, including a judgment or any other cost or fee assessed against the inmate. Implementation of this assessment will occur by deducting the funds directly from the awards/settlement payment and forwarding them to the appropriate parties.
4. Any funds remaining after payment of the preceding debt shall be credited to the inmate's account.

F. Precedence of Collections

1. If an inmate owes any money as described in this section, other than child support obligation, a maximum of 50% shall be collected to satisfy the debts, provided the inmate's account balance exceeds \$10.00. If an inmate owes any money for a child support obligation in accordance with **Subsection C. above**, the maximum amount collected from the inmate may not exceed 55%. Child support may be deducted only from payroll earned at the facility even if doing so will reduce the inmate's account balance to less than \$10.00. Any payroll earned that is not used to pay an inmate's child support obligation will be considered part of the inmate's account for purposes of the deductions set forth in **Subsections F.2. – 6. below**.

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2. If an inmate owes any money under **Subsection 3.A. above**, 20% of the inmate's account shall be collected until the debt is satisfied, provided the account balance exceeds \$10.00.
3. If an inmate owes any money under **Subsection 3.B. above**, 10% of the inmate's account shall be collected until the debt is satisfied, provided the account balance exceeds \$10.00.
4. If an inmate owes any money under **Subsection 3.A. above** (20%) and **Subsection 3.B. above** (10%), a total of 30% shall be collected until the debts are satisfied, provided the inmate's account balance exceeds \$10.00.
5. If an inmate owes any money under **Subsection 3.A. above** and/or **Subsection 3.B. above**, any additional monies owed for other categories, described in **Subsections 3.D. & 3.E. above**, shall be collected up to 20% of the inmate's account (for a total of 50%), and equally applied to all other debts provided the account balance exceeds \$10.00.
6. If an inmate does not owe any money under **Subsections 3.D. & 3.E. above**, but he/she has other outstanding debt, excluding child support up to 50% of the inmate's account shall be collected and equally applied to each debt, provided the account balance exceeds \$10.00.

Section 4 – Financial Information Provided Upon Release

A. Release Prior to Sentence Complete

Prior to the release of an inmate to state parole supervision or to a Community Corrections Center (CCC), the Business Office provides a record of payments made, remaining account balances toward the satisfaction of court ordered restitution, and/or other court related financial obligations to the Pennsylvania Board of Probation and Parole (PBPP) or the Regional Office of the Bureau of Community Corrections (BCC) via the facility's records office.

B. Release at Expiration of Sentence Complete

Upon release of an inmate at the expiration of his/her Sentence Complete, the Business Office shall provide a record of payments made and remaining account balances toward the satisfaction of court ordered restitution or other court related financial obligations to the county probation department or other agent designated by the court order via the facility's Records Office.



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Debt – An obligation or liability to pay or render money to another.

Crime Victim’s Compensation Fund – A special non-lapsing fund that is used by the Office of the Victim Advocate for payment to claimants and technical assistance.

Income – *“Income” for the purpose of child support obligations shall be governed solely by Section 3 of this procedures manual. In all other cases, “income” shall mean* all funds credited to an inmate’s account regardless of source. The only exceptions are: refunds of commissary purchases, refunds of purchases initiated through the facility, money sent to the inmate for payment of a private viewing/deathbed visit, Social Security Disability payments, and Veterans Administration benefits.

Sentencing Event – The conviction of an individual for a crime(s) before any judge in any court of the Commonwealth of Pennsylvania, or the subsequent conviction of an individual of a separate and distinct crime(s) before any judge in the Commonwealth of Pennsylvania.

Victim Witness Services Fund – A special non-lapsing fund used by the Pennsylvania Commission on Crime and Delinquency for victim-witness services and technical assistance in non-victim compensation-related areas.