

<p>Commonwealth of Pennsylvania</p>  <p>Pennsylvania Parole Board Pennsylvania Department of Corrections</p>	<p>Volume 12 Chapter 4</p> <p>Procedure 12.4.01.07</p>	<p>Date Revised Replaces 4.6 08/01/04, 12/04/04, 07/01/06, 01/14/08 04.01.07-01 03/10/14 04.01.07-02 08/12/14; 4.01.07-03, 12/31/15, 11/01/13</p>
<p>Chapter Title SUPERVISION, REENTRY</p>		<p>Date Issued: 5/3/2021</p>
<p>Subject SUPERVISION REENTRANT FINANCIAL OBLIGATIONS</p>		<p>Effective Date: 5/10/2021 PUBLIC</p>

I. AUTHORITY

The Chairman of the Pennsylvania Parole Board, herein after referred to as Board, is granted the authority to “direct the operations, management, and administration of the board” and to “perform all the duties and functions of chairperson, including organizing, staffing, controlling, directing, and administering the work of the staff.” 61 Pa. C.S. § 6112 (a)(1) & (a)(4).

Sections 501 and 502 of the Administrative Code of 1929 (71 P.S. §§ 181 and 182) require Commonwealth departments and agencies to coordinate their work and activities with other Commonwealth departments and agencies. 71 P.S. § 181 further permits the head of any administrative department, or any independent administrative or departmental administrative board or commission to empower another department to perform duties. Pursuant to sections 501 and 502 of the Administrative Code of 1929 (71 P.S. §§ 181 and 182), the Pennsylvania Parole Board and the Department of Corrections entered into the Memorandum of Understanding of October 10, 2017, in which the Chairman of the Board transferred authority to the Secretary of the Department of Corrections to direct operations, management, and administration of parole supervision and community reentry, which includes organizing, staffing, controlling, directing, and administering the work of the staff to carry out these functions.

II. PURPOSE

The purpose of this procedure is to explain the reentrant’s financial obligations during supervision.

III. APPLICABILITY

This procedure is applicable to all agency staff.

IV. DEFINITIONS

All definitions are located in Procedure **12.4.01.01, Glossary.**

V. POLICY

It shall be the policy of the agency to require reentrants pay financial obligations imposed through the court, by statute, or by the agency and/or board, or any combination thereof. The agency especially places a priority on services and opportunities that encourage reentrants to make restitution to the victim(s) of the crime(s) and/or to the community.¹ Supervision staff will assist reentrants in developing suitable financial management plans, enabling them to make contributions toward their financial obligations while reinforcing responsible money management practices.

VI. PROCEDURES

A. Reentrant Financial Obligations

As a general condition of supervision, the agency requires that all reentrants make continuing payments on court-ordered financial obligations.

For all reentrants being released on parole, a special condition shall be imposed that reads; "You shall consult with the county collections agency within three business days of release and provide the supervision staff proof of a plan for payment of court-ordered financial obligations. You shall make continuing payments on court-ordered financial obligations."

If the county collection agency(s) does not set up a monthly payment plan, supervision staff must address reentrant payment being aware of the need to make victim(s) whole. Payments would include:

1. court-ordered financial obligations such as:
 - a. child support;
 - b. restitution;² and/or
 - c. fines and costs.
2. supervision fees; and/or
3. alcohol and other drug (AOD) screening fees.

¹ 4-APPFS-2F-02

² 4-APPFS-2F-02

B. Billing of Alcohol and Other Drug (AOD) Screening Fees

1. All reentrants are subject to AOD screening and may be responsible for the costs of such testing. Reentrants are notified of this payment obligation through either a board-issued special condition or a special condition issued by supervision staff. AOD screening fees are included in the monthly supervision fee invoice sent to the reentrant's approved residence.
2. Financial responsibility for laboratory and instant AOD screening tests

The Prisons and Parole Code specifies that reentrants who have a special condition to achieve negative results in screening tests while under supervision shall be financially responsible for the costs of such testing. Supervision staff will enter the appropriate designation into the electronic reentrant record (ERR). These reentrants are identified as follows:

- a. 97-1: A reentrant who, as an inmate, tested positive for the presence of a controlled substance or a designer drug;
- b. 97-2: A reentrant who was released from a sentence arising from a conviction under The Controlled Substance, Drug, Device and Cosmetic Act;
- c. 97-3: A reentrant who was released from a sentence arising from a conviction of a drug-related crime; and
- d. 97-4: Remaining reentrants who do not fall into one of the above specified categories.

C. Supervision Fees

All reentrants under supervision of the agency are required to pay a monthly supervision fee, as determined by supervision staff, for the entire period of supervision, unless granted a waiver.

1. Informing the Reentrant

During an initial interview, reentrants must be advised that:

- a. they must pay a monthly supervision fee, unless reduced or waived, as determined by supervision staff;
- b. reentrants are responsible to pay the supervision fee starting with the first full month of supervision and continuing during the entire period of supervision through the final, full month of supervision. (For example, a reentrant released to supervision on September 18, 2019, would be required to submit the

assessed fee for OCT 2019 to ensure that it is received by the agency no later than November 25, 2019.);

- c. invoices indicating the amount of supervision fees owed are mailed to the reentrant's approved residence by the fifth business day of each month; and
- d. acceptable form of payment is either electronic payment through the Administrative Office of Pennsylvania Courts (AOPC), a check, or money order made payable to the agency. The invoice receipt must be included with the payment received no later than the 25th day of each calendar month.

2. Waiver or Reduction of the Supervision Fee

At the initial interview, the reentrant must be informed of the criteria for waiving and/or reducing the supervision fee. The household income threshold to assess a poverty (FEEP) waiver is based on 130 percent of the Federal Poverty Income Guidelines. These guidelines are published yearly in the Federal Register, normally during the month of February.

Supervision staff shall determine each reentrant's ability to pay the supervision fee based on the above criteria. All information pertaining to a request for a waiver of the supervision fees must be verified. For reentrants who qualify for a fee waiver, supervision staff will submit a **PB-35, Request for Supervision Fee Waiver or Reduction** with documentation supporting the request to their supervisor.

The supervision fee for a reentrant in absconder status may not be waived. Fees will continue to accrue until the reentrant is located. Accrual of the fees owed will end at the time the reentrant is arrested and detained. If the reentrant is continued on parole, the fees will continue to accrue and the payment obligation will resume.

A waiver of the supervision fee requirement may be granted for one of the following reasons:

ARR2 Arrested and Detained

The start date for a reentrant waived from payment of supervision fees for a period of incarceration is determined by the ARR2 code (detained technical or unconvicted violator) start date in the ERR. Once detention ends for the violator, a waiver end date must be entered into ERR to restart supervision fees for reentrants continued on supervision.

FEED Poverty

The reentrant's household income is below 130 percent of the Federal Poverty Income Guidelines (supervision fee income threshold). Reentrants who qualify for this waiver are required to pay a supervision fee of \$10 per month.

Reentrants who reside at a Community Corrections Center (CCC)/Community Contract Facility (CCF) as a group home placement or a non-AOD halfway back placement, may be eligible for this waiver if they are unemployed or underemployed.

FEIP Poverty – Indefinite Waiver

Same criteria as the standard poverty waiver. Since this is an indefinite waiver, the district director/designee must concur with the recommendation.

FEEO Out-of-State Reentrant

- a. Pennsylvania cases being supervised by other states upon their departure from Pennsylvania.
- b. Incoming other states' reentrants are assessed supervision fee within Pennsylvania consistent with this procedure upon their arrival and acceptance for supervision.

FEET Treatment

Reentrant is currently in an inpatient program, a resident in a nursing home, or in a drug and alcohol halfway back program. Individual cases will be reviewed upon supervision staff's recommendation to determine waiver eligibility.

FEED Exceptional Circumstance

When supervision staff believe a reentrant's circumstances justify a waiver even though the previously defined criteria are not met. The district director/designee must review documentation to approve waivers for exceptional situations.

FEIE Exceptional Circumstance – Indefinite Waiver

Same criteria as the standard exceptional circumstance waiver. Reentrants eligible for this indefinite waiver are in a circumstance or have an ailment that is not likely to change, such as residence in a

nursing home or at a care center, terminal illness or residence in a hospice, debilitating chronic illness or an incapacitating mental health condition, etc. Also includes reentrants under the "MON" grade of supervision.

3. Finalizing and Recording the Waiver Decision

After supervision staff verifies a reentrant's eligibility for a waiver of supervision fees, the appropriate parole supervisor and district director/designee must concur with the decision for the waiver to be granted. All waivers of supervision fees must be entered into ERR. Only one code is necessary for each period of time the supervision fee is waived. Supervision staff shall ensure that appropriate coding is always present and up-to-date.

At the expiration of the approved waiver period, the reentrant must show cause for a further waiver or begin payment of the monthly supervision fee.

4. Supervision Fees Accounting and Reporting

The ERR produces regular statements reflecting the status of each reentrant's supervision fee obligation. Staff shall access these reports on a monthly basis and review the contents to assure accuracy of each reentrant's supervision fee balance. If an error is detected and verified, supervision staff must immediately make necessary corrections in the ERR.

5. Failure to Pay Required Supervision Fees

After reviewing the monthly reentrant supervision fee report, supervision staff must discuss any outstanding fees with each reentrant to determine the reason(s) for non-payment. Staff must reinforce the obligation by issuing a supervision fee warning letter.

If a reentrant has fees due from a previous supervision period, based on his/her ability to pay, the monthly payment amount may be increased. If a reentrant continually refuses to make the required supervision fee payments, supervision staff are responsible for employing graduated sanctions.

6. Refunding Supervision Fees

Reentrants waived from paying the supervision fee, and having made payment(s) during the waiver period, may be eligible for a refund. Refund eligibility is determined at the end of the period of supervision.

If a reentrant believes that excessive supervision fees have been paid, the reentrant must provide information documenting the claim to the appropriate district director/designee after reaching maximum expiration of supervision. The

district director/designee reviews the claim and documentation to determine its validity. If the claim is determined invalid, no further action is taken and the reentrant is informed of this determination. If the claim is determined to be valid, it is forwarded with a memorandum of approval from the district director/designee. The claim is routed through the chain of command to the director of the Bureau of Central Services who authorizes agency Bureau of Administration to issue a refund. All refund payments are sent to the last known address of the reentrant.

When a case is closed and the reentrant requests a supervision fee refund, supervision staff shall refer him/her to the Bureau of Administration.

7. Supervision Fee Payment for Cooperative Supervision Cases

If a reentrant is under the supervision of both the agency and a county adult probation department, the entity actively supervising the reentrant is responsible for the supervision fee process and collection of fees. If both are providing active supervision, only one shall be responsible for the supervision fee process and collection of fees. In such a case, the district director/designee shall confer with the county adult chief probation officer to determine which agency is responsible for supervision fee collections. When the county is delegated to collect the supervision fee, the case shall be treated as an exceptional situation waiver and recorded as such in ERR.

D. Reentrants Supervised Under the Interstate Compact for Adult Offender Supervision (ICAOS)

Reentrants being supervised for another state through the ICAOS shall adhere to supervision fee requirements and be responsible for paying costs of AOD screening. These reentrants are not required to pay a monthly supervision fee to the sending state according to the ICAOS Rule 4.107, which states in part: "A sending state shall not impose a supervision fee on an offender whose supervision has been transferred to a receiving state."

E. Interstate Application Fee (Act 95 of 2010)

1. The reentrant is assessed a non-refundable application fee each time a transfer request is prepared. Payment may be made by the reentrant or by persons on their behalf. Payment may be a money order or personal check. When the request for compact transfer is made, reentrant signs the **PB-100, Interstate Compact Application Fee Acknowledgment**. Supervision staff provide a copy of this form to the reentrant and advises him/her to return the completed receipt (bottom portion of this form) along with the payment to agency's Bureau of Administration. The receipt ensures that the payment is credited to the correct reentrant.

- a. After the reentrant is notified of the application fee, supervision staff shall compile required information and materials listed in Procedure **12.4.05.04, Interstate Home Plans: Reentrant or Special Probationer/Parolee Under Active Supervision**, to prepare and submit the "Transfer Request" to the interstate services division. At no time will supervision staff delay submission of a "Transfer Request" for confirmation of payment.
- b. Upon receipt of an acceptance, interstate services will review the reentrant's payment status. In the event he/she failed to remit payment, supervision staff will be asked by interstate to direct the reentrant, in writing via **PB-348I, Parole Instruction**, to remit payment within 60 days of departure.

2. Waiving or Reducing the Application Fee Amount

Upon exceptional circumstances with supporting documentation, the regional director can authorize the waiver or reduction of this fee. Copies of the communication authorizing the waiver or reduced payment are provided to interstate service division.

3. Application Fee Refunds

When a reentrant has made payment for interstate transfer, said payment is nonrefundable regardless of any and all case activity. Payment may not be redirected towards any other reentrant's financial obligation. It is incumbent on supervision staff to encourage reentrants to submit payment only if truly interested and eligible for transfer.

F. Lost/Damaged Electronic Monitoring Equipment (by Reentrant)

If a reentrant either loses or, through negligence or intentionally, damages electronic monitoring equipment assigned to him/her, the reentrant shall be charged for the replacement of that equipment and may face criminal prosecution.

1. Enrollment into Reimbursement Program

When a reentrant is charged for the replacement cost of electronic monitoring equipment, supervision staff will email the director of the Bureau of Central Services with a request to have the reentrant enrolled into the reimbursement program. Supervision staff will provide the reentrant's full name, parole number, and the type of equipment lost or damaged and its corresponding serial number.

The Bureau of Central Services is responsible to track payments made by the reentrant and generate invoices on actively supervised reentrants. Supervision staff will initiate further action if reimbursement is not made.

2. Payments

All payments for the reimbursement account will be sent via U.S. mail, in the form of a money order, cashier's check, or personal check. The payment shall include at a minimum the reentrant's full name and parole number. The cashier's check or money order is to be made payable to the "Commonwealth of Pennsylvania," and sent to the following address:

AEM Fund
c/o Director, Bureau of Central Services
1101 South Front Street
Suite 5400
Harrisburg, PA 17104-2520

When criminal prosecution is initiated, supervision staff will notify the court to have payments sent to the above address.

G. Supervision Staff Responsibilities Regarding Reentrant Financial Obligations

During the initial interview, supervision staff shall:

1. advise the reentrant of his/her court-ordered financial obligations.³ Determine whether the reentrant has complied with the special condition to contact the county collection agency(s) within three business days. If not, the reentrant must be directed to do so by written instructions on the **PB-348I**;

2. Ensure that the following special condition is imposed:

"YOU SHALL ACHIEVE NEGATIVE RESULTS IN SCREENING TESTS RANDOMLY CONDUCTED BY THE AGENCY TO DETECT YOUR USE OF CONTROLLED SUBSTANCES AND DESIGNER DRUGS, AS DESIGNATED BY THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, OR TO DETECT YOUR USE OF ALCOHOL, OR BOTH. YOU ARE RESPONSIBLE FOR ALL TESTING COSTS."

3. reference **Subsection C. above, Supervision Fees**;
4. advise the reentrant that he/she will receive a monthly statement for the total cost of the AOD screening and supervision fees, including unpaid balances. Reentrants are required to make payment prior to the date due;
5. court-ordered debts and legislatively mandated costs/fees must be paid and provision shall be made in the reentrant's supervision plan for payment of court-ordered and legislatively mandated financial obligations; and

³ 4-APPFS-2F-02

6. Crime Victim Compensation Fee (CVCF) Payment to the Department of Corrections (DOC)

The DOC loans eligible reentrants the money to pay the CVCF if they deem them to be indigent. In these cases, institutional parole staff issues a special condition (**PB-336VCF, Special Conditions of Parole**) requiring the reentrant to repay the loan. Supervision staff will review this special condition with the reentrant:

“You shall pay the \$_____ Crime Victims’ Compensation Fund fee through a money order(s) made payable to the PA Department of Corrections, Central Office IGWF Payment shall be mailed to Bureau of Community Corrections ATTN: Crime Victims’ Compensation Fund 1920 Technology Parkway, Mechanicsburg, PA 17050”

A copy of the signed special condition (**PB-336VCF**) is forwarded to supervision staff along with the reentrant’s signed **PB-10, Order to Release on Parole** and **PB-11, Conditions Governing Parole** and shall be maintained in ERR.

H. Ongoing Supervision Staff Responsibilities⁴

1. Review reentrant payment compliance on a monthly basis.⁵ The compliance verification(s) shall be documented in the reentrant’s ERR. In addition to reviewing receipts showing payment, supervision staff can monitor the reentrant’s obligations as noted below.
 - a. Reentrant’s compliance with dependent(s) support orders can be verified by contacting the applicable county government domestic relations office(s).
 - b. Reentrant’s court-ordered fines, costs, and restitution balances are accessible through the AOPC website, <http://ujportal.pacourts.us/default.aspx>. Web docket sheets accessed through the AOPC site lists payments received in the case financial information section.

Supervision staff shall ensure that quarterly restitution letters are given to applicable reentrants in person or mailed to their approved residence.⁶

- c. Reentrant’s AOD screening fee and supervision fee balances are accessible through the supervision financial obligations application. **NOTE:** If a reentrant has fees due from a previous supervision period, based on his/her ability to pay, the monthly payment amount may be increased.

⁴ 4-APPFS-2F-02

⁵ 4-APPFS-2F-02

⁶ 4-APPFS-2F-02

2. Issue a **PB-348W/I, Parole Violation Warning/Instruction** to reentrants determined to be non-compliant, placing the instruction in ERR.⁷
3. Schedule an administrative conference (CON-I) if a reentrant is determined to be delinquent (\$120 or more in arrears of supervision fees or \$40 for reentrants with a poverty FEOP or FEIP waiver) or not in compliance with the established payment plan regarding restitution and other legal financial obligations, or both.
4. Impose more severe sanctions, including second-level administrative conferences (CON-II) or hearings, or both, if further non-compliance for the failure to pay financial obligations.⁸
5. Supervision staff shall not state or imply to reentrants that a reentrant's failure to meet financial obligations unrelated to a court order or supervision conditions will in any way result in sanctioning or violation.

VII. SUSPENSION DURING AN EMERGENCY

This procedure may be suspended during an emergency at the sole discretion of the Secretary of the Department of Corrections.

VIII. RIGHTS UNDER THIS PROCEDURE

This procedure creates no rights under law.

IX. RELEASE OF INFORMATION AND DISTRIBUTION PROCEDURE

- A. This procedure does not contain information that impacts the security of agency staff or reentrants and may, therefore, be released to the public.
- B. This procedure is to be distributed to all agency staff.

X. CROSS REFERENCES

A. Statutes

1. Federal – None.
2. State

18 Pa.C.S.A. § 1106(c)
 18 P.S. § 11.1102(b)(d)
 42 Pa.C.S.A. § 9728
 61 Pa.C.S.A. § 6133

⁷ 4-APPFS-2F-02

⁸ 4-APPFS-2F-02

61 Pa.C.S.A. § 6137
61 Pa.C.S.A. § 7112
61 Pa.C.S.A. § 7115

B. Agency Policies

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C. American Correctional Association Standards

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D. Management Directives – None

E. Report of the Reentry Policy Council – None