State of Iowa Department of Corrections

Policy and Procedures

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201-42.1(14) Subject: Supervision
Enrollment Fees
PREA Standards: NA
Responsibility: Sally Kreamer
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Authority:

1. PURPOSE

To establish written procedures for the assessment and collection of supervision enrollment fees as mandated in **Iowa Code Chapter 905.14**.

2. POLICY

Effective 7/01/97 all clients placed on probation or parole supervision in Iowa shall be required to pay a supervision enrollment fee to offset the costs of supervision as established under **Section 905.14, 1997 Code of Iowa**. Effective 7/01/06 as legislated in the appropriation bill, House File 2558, the fee shall be $300.00 for which the client has received probation or parole, including deferred judgment or deferred sentence. Work Release and OWI 321J client **shall not** be assessed a supervision fee.

Per Iowa Administrative Code 42.1(14) IDOC shall have written policies and procedures governing the waiver of collection of supervision enrollment fees for persons determined to be unable to pay, in accordance with **Iowa Code section 905.14**.

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3. PROCEDURES

A. Supervision Fee Assessment and Notification

1. Supervision Fee Assessment Date:

    a. Probation – Date of Sentencing by the Court

    b. Parole – Date Parole Granted

    c. Special Sentence – Date of Special Sentence Granted

    d. Interstate Compact Probation/Parole - Date of Acceptance by the State of Iowa

    e. CCUSO Releases - Date of CCUSO Release with Supervision 229A.9A

    See Procedure H. of this policy for case scenarios for the assessment of Supervision Fees.

2. When District staff meet with the client to sign the Probation/Parole Agreement, the client is notified of the expectation to pay the supervision fee to the district as detailed in the agreement, as well as any unpaid fees from previous supervisions.

    a. Staff shall utilize the "New Enrollment Fee Notification" form within the Fee System Database.

    b. This form shall be scanned into ICON Offender Attachments using attachment type "CBC Fee Documentation".

3. If the client fails to pay the fee in full at sign-up, the client shall be advised that remittance of the fee will be closely monitored and they can make regular payments through a payment plan until the fee is paid in full.

4. All client will be notified that unpaid fees may be referred to the State of Iowa Setoff Program for collection.

B. Waiver of Supervision Enrollment Fee

The District Director/Designee has the discretion to waive a portion or all fees that have been accumulated by a client. The District Director/Designee will consider the information on the *Supervision Fee Waiver Request form*, (**CBC-04 F-1**, available as an ICON template). All waiver requests (approved or denied) shall be scanned into ICON Offender Attachments (use attachment type "CBC Fee Documentation") and approved waivers documented in the Fee System Database by designated staff.

C. Supervision Fees for a Client's Current Supervision Transferred to Another District

A transfer of a client's supervision to another District shall be documented within ICON's "Transfer Instances to Field" screen. Information regarding the current supervision enrollment fee shall be documented by the sending district within the "Referral Comments" section.

1. Any outstanding balance of the current supervision enrollment fee shall be transferred in the Fee System Database to the receiving district following the transfer being noted as "Complete". Prior payments on the

current supervision enrollment fee will remain with the district that collected the fee.

2. The Daily Intake-Transfers Report from the Fees System shall be utilized to monitor necessary transfers.

D. Supervision Fees for Clients Transferred into the State of Iowa via Interstate Compact

These cases are handled the same as those sentenced/supervised in Iowa.

E. Supervision Fees for Clients Transferred Out of the State of Iowa via Interstate Compact

1. No enrollment fee waiver form is required. Monitoring of the Fee System Database reports will show when someone is transferred out of the State of Iowa.

2. Interstate Compact rules state: No sending state shall impose a fee for the purpose of supervision on a parolee or probationer who is currently being supervised by another state under the Interstate Compact. It is the position of the Interstate Commission for the Adult Offender Supervision (ICAOS) Parole and Probation Compact Administrator's Association that only a receiving state shall charge a supervision fee.

    a. Those supervised by the State of Iowa for more than 30 days will owe the outstanding balance of their supervision fee.

    b. Clients returning to Iowa via Interstate Compact shall be assessed the supervision fee if one has not been previously assessed on that supervision (no break in supervision).

F. Supervision Fees for the Civil Commitment Unit for Sex Offenders (CCUSO) Clients

Districts may charge residential rent, electronic monitoring and supervision fees for CCUSO clients according to the negotiated contract with HHS.

G. Types of Closure and Effect on Supervision Fees

1. **Early Discharge: Section 907.9 of the Iowa Code** requires that supervision enrollment must be paid in full prior to a client being discharged early from probation or parole.

2. **Termination Before Expiration of Sentence:** The client has a revocation hearing and is found in contempt and is terminated. The supervision is closed and the unpaid fee balance will remain until collected.

3. **Discharge/Expiration of Sentence:** When a client is discharged due to sentence expiring, the unpaid fee balance will remain until collected. After discharge, If the client receives a new charge resulting in another supervision, this will result in a new supervision fee assessed (and the unpaid balance from the previous supervision is expected to be paid as well).

4. **Revocation:** When a client is revoked, the unpaid fee balance will remain until collected.

5. **Death:** When a client's case is closed due to death, the remaining fee balance owed is forgiven/waived and no enrollment fee waiver form is required. Monitoring of the Fee System Database reports will show when someone is deceased.

6. **Absconds and Supervision is Terminated:** When supervision is terminated due to absconding the unpaid fee balance will remain until collected. If the client receives a new supervision then a new supervision fee will be assessed.

7. **Overturned Convictions:** If a client's conviction is overturned, this does not give authority for nor is it an automatic right to a monetary refund of supervision fees. This would require further legal action and court order finalizing any order for paid fees returned. Any remaining balance owed from the affected supervision fee should be waived.

8. **Deported:** When a supervision modifier of "Deported" is active, the unpaid fee balance will be written off (no waiver form required). Monitoring of the Fees System Database reports will show when someone is deported.

H. Assessing a Supervision Fee

1. A new or separate supervision fee should be assessed in general when there is a **change in the supervision status**.

2. Case Scenarios for the Assessment of Supervision Fees

   a. **Probation - Revoked to Prison - Paroled**

      A supervision fee is assessed for the original probation supervision. A new supervision fee is assessed when parole is granted.

   b. **Deferred Judgment - Revoked - New Sentence – Suspended (same charge)**

      If a client is returned to court, loses their deferred judgment status, is re-sentenced and the sentence is suspended. This is the same fee - not a new supervision.

   c. **Probation – Revoked – New Probation Same Day with or without Shock Probation**

      When the first probation was revoked, it was a termination of supervision even if it occurred on the same day as sentencing on a new charge. The new probation activates a new supervision and a new supervision fee is assessed.

   d. **Probation – revoked to prison/Shock Prison – Reconsidered and Reinstated on original Probation**

      A new supervision fee is assessed.

   e. **Prison – Parole – Revoked – Work Release – Parole**

      There would be two supervision fees assessed as a new fee is assessed each time parole is granted.

   f. **Out of District Placement of a Client into Receiving District Facility**

      The receiving district will assess a fee if one has not already been assessed.

   g. **Probation – 321J Program – Paroled**

      There is no supervision fee assessed for the OWI Continuum.

h. Sex Offender – Probation or Parole Expires – Immediately moves to parole supervision through special 903B special sex offender sentencing law.

No new supervision fee is assessed, is simply an extension of the original supervision with no change in custody.

i. Prison/RCF – Released to Special Sentence

A supervision fee is assessed the date special sentence is granted.

j. Multiple Supervision Statuses within District(s)

If a client has more than one supervision status and/or is being supervised in different districts, this is still considered one supervision and only one supervision fee will be charged. The district that first initiates supervision of the client assesses the supervision fee in the Fee System Database and the district that collects the fee, keeps the fee.

k. Probation - Placed in Residential Facility then back to Field Supervision

No additional supervision fee is assessed.

l. Prison - Residential Facility – Parole

A supervision fee will be assessed effective on the date the client signs the parole agreement.

m. Prison – Parole

A supervision fee is assessed the date parole is granted.

n. Prison - Sentence Reconsidered - Placed on Probation

The client would be assessed a supervision fee.

o. Paroled to Discharge (30 days or less to serve)

No supervision fee will be assessed.

p. Parole – Revoked to Prison – Paroled

A new supervision fee will be assessed each time parole is granted.

q. On Probation – Prison on Other Charges - Paroled while Probation Still Active

No new supervision fee will be assessed.