

<p style="text-align: center;">STATE OF IOWA DEPARTMENT OF CORRECTIONS</p> <p style="text-align: center;">POLICY AND PROCEDURES</p>		Policy Number	Applicability
		CBC-04	<input type="checkbox"/> DOC <input checked="" type="checkbox"/> CBC
		Policy Code	Iowa Code Reference
		Public Access	905.14 and 907.7, 1997 Code of Iowa Amended 7/1/00 House File 2552; Amended 7/1/06 House File 2558
Chapter 12	Sub Chapter	Related DOC Policies	Administrative Code Reference
COMMUNITY BASED CORRECTIONS	N/A	N/A	42.1(14)
Subject		ACA Standards	Responsibility
SUPERVISION ENROLLMENT FEES		N/A	Sally Kreamer
		Effective Date	Authority
		August 2017	Jerry Bartruff Director Signature on file at Iowa DOC

I. PURPOSE

To ensure a systematic and legal process is in place to collect fees.

II. POLICY

Effective 7/01/97 all offenders placed on probation or parole supervision in Iowa shall be required to pay a supervision enrollment fee to the district 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 offender has received probation or parole, including deferred judgment or deferred sentence. Work Release and OWI 321J offenders **shall not** be assessed a supervision fee until granted parole.

The District Director shall ensure that procedures are developed and implemented to ensure that all supervision enrollment fee records are accurately maintained

electronically in accordance with all applicable laws and regulations. Further, per Iowa Administrative Code 42.1(14) each district 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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III. DEFINITIONS - See IDOC Policy **AD-GA-16** for Definitions.

IV. 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

See the end of this policy for case examples for the application of Supervision Fees.

- 2. When District staff meet with the offender to sign the Probation/Parole Agreement, the offender 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.

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 fee is paid in full.
4. All offenders will be notified that unpaid fees may be referred to the State of Iowa Income Offset Program for collection.

B. Waiver of Supervision Enrollment Fee

The District Director or designee has the discretion to waive a portion or all fees that have been accumulated by an offender. The District Director or designee will consider the information on the Supervision Fee Waiver Request form, which includes such things as the recommendation of the supervising officer and the client's ability to pay. The District Director or designee will develop a process for reviewing and documenting of waivers of supervision enrollment fees.

C. Supervision Fees for an Offender Transferred to Another District

1. Supervision fees shall be collected by the supervising judicial district unless an offender transfers supervision to another district immediately (in the first 30 days) after signing onto probation or parole, then the receiving district will collect the supervision fee. If the fee was collected by the original supervising district, the amount paid should be remitted to the new supervising district.
2. If an offender transfers with an unpaid balance from another judicial district, the outstanding balance should be transferred in the offender fee database. The receiving district receives any collections after the date of transfer. The amount paid and balance should be noted within the transfer instance in ICON.

D. Supervision Fees for an Offender Transferred to the State of Iowa

Out of state cases transferred to an Iowa Judicial District, Department of Correctional Services shall be responsible for payment of supervision enrollment fees directly to the Iowa district in accordance with **Iowa Code chapter 905.14**.

E. Supervision Fees for an Offender Transferred Out-of-State

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 Parole and Probation Compact Administrator's Association that only a receiving state shall charge a supervision fee.

F. 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 an offender being discharged early from probation or parole.
2. **Termination Before Expiration of Sentence:** The offender 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 an offender is discharged due to sentence expiring the unpaid fee balance will remain until collected. After discharge, if he/she receives another charge resulting in another supervision this will result in a new supervision fee assessed.
4. **Revocation:** When an offender is revoked the unpaid fee balance will remain until collected.
5. **Death:** When an offender's case is closed due to death the remaining fee balance owed is forgiven/waived.
6. **Absconds and Supervision is Terminated:** When supervision is terminated due to absconding the unpaid fee balance will remain until collected. If the offender receives a new supervision then a new supervision fee will be assessed.
7. **Overtured Convictions-** If an offender'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.

G. 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** of the offender or when there is a **change in custody**.

2. Case Example Scenarios for the Application of Supervision Fees

a. Example #1: **Probation - Revoked to Prison- Paroled**

A supervision fee is assessed for the original probation supervision. Due to a change in custody and supervision status, a new supervision fee will be assessed when the offender paroled out of prison.

b. Example #2: **Deferred Judgment - Revoked - New Sentence – Suspended (same charge)**

If an offender is returned to court, loses his/her deferred judgment status, is re-sentenced and the sentence is suspended. This is the same fee - not a new supervision.

c. Example #3: **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. If the offender is already on supervision for other charges, there is no break in supervision and no new fee should be applied.

d. Example #4: **Probation – revoked to prison/Shock Prison – Reconsidered and Reinstated on original Probation**

A new supervision will be assessed, as there has been a change in custody.

e. **Example #5: Prison – Parole – Revoked – Work Release – Parole**

A supervision fee is assessed on the first parole. A new supervision fee is also charged for the second parole, as it is a change in supervision status.

f. **Example #6: Out of District Placement of an Offender into Receiving District Facility**

The receiving district will assess a fee if one has not already been assessed, otherwise the balance owed will be transferred to the receiving district.

g. **Example #7: Probation – 321J Program – Paroled**

If the offender's probation is revoked to the 321J Program or is discharged while in the 321J Program, prior to his/her parole date, then a new supervision fee shall be assessed at the time of parole for the OWI. Otherwise, no new fee should be charged on the 321J Program parole if still under supervision for the probation case.

h. **Example #8 Sex Offender – Probation or Parole Expires – Immediately moves to parole supervision through special 903B special sex offender sentencing law.**

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

i. **Example #9 Prison – Released to Special Sentence**

This is a new supervision so a supervision fee is charged.

j. **Example #10: Supervision for multiple cases or in more than one District for more than one charge:**

If an offender has more than 1 charge and is being supervised in different districts or picks up new charges in another district (even if he/she might have more than 1 PO) this is still considered one supervision and only one supervision fee will be charged. The first district that supervises the offender assesses the supervision fee.

k. **Example #11: Probation- Placed in Residential Facility then back to Field Supervision**

This is a single supervision, if there is no change in the supervision status, and only one supervision fee will be assessed.

l. **Example #12: Prison- Residential Facility – Parole:**

A supervision fee will be assessed effective on the date the offender signed to parole.

m. **Example #13: Prison – Parole**

A supervision fee is assessed once the offender is placed on parole.

n. **Example #14: Prison- Sentence Reconsidered- Placed on Probation**

The offender would be assessed a supervision fee.

o. **Example #15: Paroled to Discharge (30 days or less to serve)**

No supervision fee will be assessed.

p. **Example #16: Parole – Revoked to Prison – Paroled**

A new supervision fee will be assessed because there was a break in supervision.

q. **Example #17: On Probation – Prison on Other Charges- Paroled while Probation Still Active**

No new supervision fee will be assessed since the offender was already assessed a fee for probation, and probation is still active.