DEPARTMENT OF CORRECTIONS

Policy Number:	**201.013**
Title:	**Supervision Fees - Field Services**
Effective date:	**12/17/19**

PURPOSE: To offset supervision costs by collecting fees from adult offenders supervised by adult field services, ensuring compliance with supervision fee collection reporting requirements.

APPLICABILITY: All non-juvenile, non-work release offenders under Minnesota Department of Corrections field services (MNDOCFS) supervision

DEFINITIONS:

Incoming intra/inter-state case – offender who was supervised by a non-MNDOCFS agent and who transfers or who has transferred to the supervision of a MNDOCFS agent.

Outgoing intra/inter-state case – offender who was supervised by a MNDOCFS agent and who transfers or who has transferred to the supervision of a non-MNDOCFS agent.

Revenue recapture – legal process by which the MNDOCFS can collect fees through the Minnesota Department of Revenue.

Sentencing date – date of file sentencing, by which an offender came under DOC supervision.

Supervised release date – date offender is released from a Minnesota correctional facility.

Supervision fee collection ledger – detailed record of all money orders received in the office.

Supervision fees database – central office database for tracking supervision fee collection, accessible through the CSTS system.

PROCEDURES:

A. Assessment Guidelines

1. When an offender comes under Minnesota Department of Corrections field services (MNDOCFS) supervision, MNDOCFS staff enter supervision fee assessment information into the CSTS database. The offender is provided with a Supervision Fee Notice (sample attached), which the offender signs and dates acknowledging the offender's obligation to pay the fee. Following both the agent and offender signatures, MNDOCFS staff scan the Supervision Fee Notice into CSTS, where it is retained electronically for a period of six years.

2. Contract cases

   a) Minn. Stat. § 241.272, subd. 6 states:
   "*Excluding correctional fees collected from offenders supervised by department agents under the authority of section 244.19, subdivision 1, paragraph (a), clause (3), all correctional fees collected under this section go to the general fund. Fees collected by agents under the authority of section 244.19, subdivision 1, paragraph (a), clause (3), shall go to the county treasurer in the county where supervision is*

provided. These fees may only be used in accordance with section 244.18, subdivision 6."

b) To comply with this statute, MNDOCFS staff designate each offender as "county" or "Department of Corrections" in the supervision fees database, according to which type of agent, contract or non-contract, is assigned supervision.

c) Payment process – see Procedure C below.

3. Beginning July 1, 2008, offenders who are under MNDOCFS supervision are assessed a supervision fee. This fee is assessed on the date each offense is sentenced.

4. Offenders released from a Minnesota correctional facility are assessed a fee or fees upon their release, less any amount already assessed for prior supervision on the same offense.

5. Incoming intra/inter-state cases
An incoming intra/inter-state offender is assessed a fee or fees upon acceptance of supervision from a non-DOC agency, regardless of fees owed to other jurisdictions.

6. Outgoing intra/inter-state cases
If an offender does not reside in a MNDOCFS-supervised county at the time of sentencing, no fee is assessed if the offender continues to reside in a non-MNDOCFS supervised county at time of transfer.

7. Designated staff run CSTS error reports periodically and distribute the error reports to all field services office and administrative specialist seniors (OAS Srs.), as well as to all field services district supervisors.

B. Collection Guidelines

1. Fees are collected within one year of sentencing, or upon the offender leaving supervision for any reason.

2. Restitution priority
Minn. Stat. §241.272 subd. 5 states:
"*If an offender has been ordered by a court to pay restitution, the offender shall be obligated to pay the restitution ordered before paying the correctional fee. However, if the offender is making reasonable payments to satisfy the restitution obligation, the commissioner may also collect a correctional fee.*"

3. Offenders are not confronted with possible probation/parole/supervised release violations for failure to meet financial obligations other than those which are conditions of probation/parole/supervised release.

4. Revenue recapture
When an offender fails to pay the fee in full within one year and the offender has not received a waiver, MNDOCFS staff submit the unpaid balance for revenue recapture to the Minnesota Department of Revenue not prior to the twelfth month from imposing the fee(s). Exceptions to this practice are: an offender on supervised release with an expiration date of less than twelve months, and offenders who transfer to a non-MNDOCFS county/state. In both of these cases, MNDOCFS staff submit the unpaid balance for revenue recapture

upon the expiration of sentence or acceptance of the transfer. However, unpaid fees are immediately submitted for revenue recapture upon an offender's revocation of probation and execution of sentence or revocation of supervised release.

a) MNDOCFS staff must complete the required information through the Department of Revenue's on-line revenue recapture system.

b) Within five days of submitting the information to the Department of Revenue, MNDOCFS staff must send a Revenue Recapture Notice (sample attached) to the offender's last known address. The notice must include:
   (1) The basis for the claim (supervision fees);
   (2) Date obligation was assessed;
   (3) That the MNDOCFS has requested revenue recapture; and
   (4) The offender's right to contest the claim. If an offender contests a claim:
      (a) The offender must send written notice to the agent within 45 days of receipt of notice of the claim. The notice must also set forth the basis for contesting the claim.
      (b) If the offender claims that the notice was not received, the 45 days does not begin until the offender receives the actual notice. The offender has the burden of showing that notice was not received.
      (c) MNDOCFS staff must complete the Contested Recapture Claims form (sample attached) and submit it to central office legal services.
      (d) MNDOCFS staff must put the recapture claim on hold in the Department of Revenue on-line revenue recapture system.
   (5) The right of a third party to contest the collection of the claim. Occasionally, the recapture system collects fees from a tax refund from a joint return without regard to the source of the income or percentage of refund.
      (a) The injured party must submit a written request for an evaluation of the collection. The request must include a copy of the tax return in question.
      (b) The request for review is submitted to the financial management director for analysis and processing.
      (c) The financial management director must notify MNDOCFS of the outcome so that the information in the CSTS database is updated.
   (6) A copy of the Revenue Recapture Notice is retained electronically in the CSTS database for a period of six years.

5. Once the supervision fee has been submitted for revenue recapture, staff may accept a money order from the offender for full or partial payment.
   a) Staff must access the Department of Revenue's on-line system to determine the amount owing.

   b) Following full or partial payment, and on the same business day, staff must file a Decertification/Modification Request, noting the amount paid, in the Department of Revenue's on-line system.

6. Claims for supervision fees are removed from the revenue recapture system by MNDOCFS staff upon satisfaction of the debt or after six years from the date the fee was imposed, whichever occurs first.

7. To ensure that supervision fees are imposed on all files, designated support staff periodically run a report through the CSTS system to ensure compliance and correct any data entry errors.

8. Support staff use CSTS reports to track timelines for revenue recapture submissions as well as de-certifications following submission. Designated support staff periodically run reports to ensure compliance and correct any data entry errors.

C. Payment Process

1. Offenders must make payment directly to the agent or support staff in all offices, in the form of money order or cashier's check. MNDOCFS staff cannot accept cash, personal checks, or any other form of payment except money orders or cashier's checks. Upon receipt of payment, MNDOCFS staff must log the payment on a Supervision Fees Collection Ledger (sample attached) and place a copy of the money order or cashier's check in the offender's file(s). In addition to the Supervision Fees Collection Ledger, MNDOCFS staff must make the appropriate payment entry in the CSTS fee tracking module.

2. Offenders supervised by non-contract agents:
   a) Offenders must make money orders/cashier's checks payable to "Minnesota Department of Corrections."

   b) To comply with Minn. Stat. § 16A.275; DOC Policy 104.150, "Recording and Depositing Receipts;" and Minnesota Management and Budget (MMB) Statewide Operating Policy 0602-01, "Recording and Depositing Receipts;" receipts totaling over $1,000 must be sent in on a daily basis, along with a copy of the Supervision Fee Collection Ledger, to central office financial services staff, who make an entry in CSTS acknowledging the payment. Notes: Supervision Fee Collections Ledgers must be separated into non-contract payments and contract payments. Only non-contract payments are logged on the Supervision Fee Collections Ledger for submission to central office financial services. If daily receipts are under $1,000, they must be sent in when they total $1,000 or, at a minimum, on a weekly basis.

   c) The non-contract agent's probation office must maintain a copy of the Supervision Fee Collection Ledger and retain this document for four years according to financial services policy/procedure.

3. Offenders supervised by contract agents:
   a) Offenders must make money orders/cashier's checks payable to the county where the contract agent is providing supervision.

   b) To comply with Minn. Stat. § 16A.275: DOC Policy 104.150, "Recording and Depositing Receipts;" and MMB Statewide Operating Policy 0602-01, "Recording and Depositing Receipts;" receipts totaling over $1,000 must be sent in on a daily basis, along with a copy of the Supervision Fee Collection Ledger to the auditor in the county where the agent is providing supervision. If daily receipts are under $1,000, they must be sent in when they total $1,000 or, at a minimum, on a weekly basis.

c) The contract agent's probation office must maintain a copy of the Supervision Fee Collection Ledger and retain this document for seven years.

4. Agents with dual caseloads and group supervision:
   a) In offices supervising both contract and non-contract cases, staff must maintain two separate Supervision Fee Collection Ledgers, applying the above procedures individually for each. Entering supervision fees in CSTS requires an entry in "comments" stating which county receives the fee when the county retains the fee.

   b) In those areas where cases are referred to group supervision programs run by either contract or non-contract agents, the fee goes to the county if the offender was originally a contract case and to the MNDOCFS if the offender was originally a non-contract case.

5. The Supervision Fee Collection Ledger is cross referenced with data entry into the CSTS fee tracking module. Designated support staff periodically run reports to ensure compliance and correct any data entry errors.

D. Waivers

1. The commissioner of corrections may waive payment of the fee if the commissioner determines that the offender does not have the ability to pay the fee, the prospects for payment are poor, or there are extenuating circumstances justifying waiver of the fee.

2. In order to process a waiver, staff must complete a Field Services Supervision Fees Waiver form (sample attached), which is reviewed and approved by a district supervisor. Staff must place the original waiver form in the offender's field office file.

3. Waivers are only granted when the offender is financially unable to meet the obligation but will perform sentencing to service (STS) or community work service in lieu of the fee.

4. If, however, an offender is ineligible for STS or community work service due to a sex offense, predatory offender designation, or other reason, the commissioner may exercise discretion to waive the fee without STS or community work service.

5. Fees not waived are due at the time indicated pursuant to Procedure B.

E. Data collection

Minn. Stat. § 241.272 subd. 7 requires an annual report to the Legislature on supervision fees. MNDOCFS staff must compile the report utilizing the CSTS database information. Consequently, it is imperative that staff keep the data current and accurate to ensure compliance with the statute. In the event that access to the database is unavailable, staff must enter the information on a Manual Supervision Fees Data Collection form (sample attached) and into the database as soon as possible.

INTERNAL CONTROLS:

A. All approved fee notices and revenue recapture forms are electronically retained in CSTS.

B. Fee and payment information is retained electronically in the CSTS database.

C. Supervision Fee Collection Ledgers are retained in the field office where the supervision fee is collected.

ACA STANDARDS: 4-APPFS-3D-25 and 4-APPFS-2F-01

REFERENCES: Minn. Stat. §§ 14.03, subd. 2(b); 16A.275; and 241.272; and Chapter 270A
Minnesota Management and Budget (MMB) Statewide Operating Policy 0504-01, "Debt Collection Process and Actions"
Minnesota Management and Budget (MMB) Statewide Operating Procedure 0504-01, "Debt Collection Process and Actions"
MMB Statewide Operating Policy 0602-01, "Recording and Depositing Receipts"
Minnesota Department of Revenue, Revenue Recapture Agencies
DOC Policy 104.150, "Recording and Depositing Receipts"

REPLACES: Policy 201.013, "Supervision Fees-Field Services," 12/20/16.
All facility policies, instructions, memos, or other communications whether verbal, written or transmitted by electronic means regarding this topic.

ATTACHMENTS: Revenue Recapture Act Certification form (sample, 201.013B; DOR online form)
Revenue Recapture Notification memo to offender (sample, 201.013D)
Field Services Supervision Fee Waiver form (sample, 201.013E)
Supervision Fees Collection Ledger (sample, 201.013F)
Manual Supervision Fees Data Collection form (sample, 201.013G)
Contested Recapture Claims form (sample, 201.013H)
Supervision Fee Notice (sample, 201.013I)

APPROVALS:
Deputy Commissioner, Community Services
Deputy Commissioner, Facility Services
Assistant Commissioner, Operations Support
Assistant Commissioner, Facility Services