
 <p>Corrections and Community Supervision</p> <p>DIRECTIVE</p>	<p>TITLE</p> <p>Supervision Fees (Community Supervision)</p>		<p>NO. 9250</p>
			<p>DATE 03/19/19</p>
<p>SUPERSEDES DIR. #9250 Dtd. 03/09/17</p>	<p>DISTRIBUTION A B</p>	<p>PAGES PAGE 1 OF 9</p>	<p>DATE LAST REVISED</p>
<p>REFERENCES (Include but are not limited to) NYS Correction Law; NYS Penal Law; Directive #9402; OMH Article 10</p>	<p>APPROVING AUTHORITY</p> 		

- I. **PURPOSE:** The purpose of this directive is to provide guidance to Program Services and Community Supervision personnel regarding a parolee's obligation to pay the required monthly supervision fee in accordance with NYS Correction Law §201 (9)(a).
- II. **POLICY:** This directive is applicable to all affected personnel assigned to Program Services and Community Supervision. New York State Correction Law §201 (9)(a) requires that the Department of Corrections and Community Supervision (DOCCS) collect a monthly supervision fee of thirty dollars (\$30.00) from all individuals over the age of eighteen (18) who are supervised on presumptive release, parole, conditional release, or post-release supervision. Parolees from outside of New York State who are supervised by DOCCS personnel under the authority of the Interstate Commission for Adult Offender Supervision (ICAOS) and local conditional releasees supervised by DOCCS personnel under the authority of New York State Penal Law §70.40(2) are required to pay a monthly supervision fee. DOCCS may waive all or part of the supervision fee due to the indigence of a parolee. DOCCS may also waive all or part of the supervision fee if payment would cause an unreasonable hardship on the parolee, his or her immediate family, or any other person who is dependent on the parolee for financial support.

The payment of the monthly supervision fee shall not be a condition of community supervision and non-payment shall not constitute a violation of the terms and conditions of community supervision. In the event of non-payment of supervision fees that have not been waived, the Department (DOCCS) reserves the right to seek enforcement of payment in any manner permitted by law for enforcement of a debt owed to the State of New York. Enforcement and the collection of supervision fee payments shall not include the use of any private debt collection agencies or services.

A parolee's final discharge from sentence or from a period of community supervision shall not be denied solely for non-payment of supervision fees. However, the payment or non-payment of supervision fees may be considered by supervising Community Supervision personnel, in addition to other factors relating to the parolee's performance under supervision, in deciding whether to recommend a final discharge from sentence or from a period of community supervision (e.g., three-year discharge, five-year discharge, or a merit termination of sentence).

It is also the policy of the Department to ensure that multiple payment methods (e.g., online, phone, mobile app, “walk-up” at retail locations, and money order) are available for payment of the supervision fees by individuals under supervision. The DOCCS approved contractor (vendor) shall provide services and support for the aforementioned payment methods. The approved contractor (vendor) shall also provide a dedicated lockbox service for payment of the fees via money order. DOCCS policy requires payment via debit card, credit card, MoneyGram network, or money order. Personal checks shall not be accepted by the DOCCS approved contractor (vendor) for payment of supervision fees. Supervision fee payments shall not be collected by DOCCS personnel.

Regional Directors, Bureau Chiefs, Senior Parole Officers, and Parole Officers are responsible for compliance and monitoring payment activity by parolees under supervision in the community.

Note: References to “parolee” and “releasee” are intended to refer to individuals released to community supervision and presently under the jurisdiction of DOCCS. References to “parolee”, for purposes of this directive, shall also include any OMH Article 10 identified respondents who are presently under the jurisdiction of DOCCS and subject to an undischarged period of conditional release, parole, or post-release supervision.

III. PROCEDURE

A. Pre-release Notification

1. Orientation: During the reception (admission) phase, the Supervising Offender Rehabilitation Coordinator (SORC) or the SORC’s designee will advise newly received inmates regarding the statutory requirement (NYS CL §201) to pay the monthly supervision fee while under community supervision.
2. Parole Board Interviews/Case Reviews: The Offender Rehabilitation Coordinator (ORC) will review the supervision fee requirement with the inmate during the pre-Parole Board interview and the ORC will document the fact that the inmate was notified regarding the requirement by recording the notification via the Parole Board Report and entry in the Case Management System (CMS) record of the inmate.
3. Pre-release Notification, Form #CS6001: Prior to release to community supervision, the SORC or ORC will review the “Supervision Fee Acknowledgement Form,” [Form #CS6001](#) with the inmate. [Form #CS6001](#) is to be reviewed with the inmate during the pre-release interview. Refusal to sign the form shall not relieve the inmate of the obligation to pay the required supervision fee. The notification form, [Form #CS6001](#) shall be distributed as follows:
 - a. Original – shall be attached to the original (parolee) copy of the certificate of release to supervision form.
 - b. Copy – Community Supervision Case Folder
 - c. Copy – Community Supervision Central File

B. Supervision Fee Payment Process - Instruction and Contractor (Vendor) Information

1. Initial Interview: At the time of the initial release interview, the Parole Officer (PO) will review the "Supervision Fee Acknowledgement Form," [Form #CS6001](#), with the parolee and affirm the parolee's obligation to make monthly payments. If [Form #CS6001](#) was not completed prior to release or if the parolee refused to sign the form prior to release, the PO will prepare the form and review the payment requirements with the parolee. If the parolee refuses to sign the acknowledgement form, the PO will note the refusal on the form and distribute the form as noted in Section III-A-3 of this directive. The service of the form, review of the fee payment requirement, and any refusal to sign shall be documented in the Case Management System (CMS) record of the parolee.

Note: In response to a refusal to sign [Form #CS6001](#) the parolee is to be advised that refusal to complete the form does not relieve the obligation to comply with NYS Correction Law §201, Subdivision 9, "Supervision Fees".

2. Payment Date: The supervision fee is due on the first day of each month. The payment requirement will begin on the first day of the month following release to community supervision. Parolees are obligated to pay for each full month of community supervision. There is no obligation to make payments for the first partial month of supervision or the last partial month of supervision.
3. Supervision Fee Payments: Supervision fee payments may only be made through the Department's (DOCCS) approved contractor (vendor) and via the authorized payment processes. The Department does not accept or process supervision fee payments and under no circumstances shall any staff member accept any form of payment from parolees, their families, or other interested parties. Payments must be submitted to the authorized contractor (vendor) via the options listed in Section III-B-5 of this directive.
4. Supervision Fee Account Identification Number: Upon release to community supervision an account is established with the Department's contractor (vendor) for purposes of making supervision fee payments. The account is identified by the current DOCCS identification number or "DIN" and the initial account PIN number is the last four digits of the current DIN. The parolee is required to select a PIN following the initial login to the contractor's (vendor's) website. The contractor's (vendor's) payment portal may be accessed via the DOCCS website.
5. Supervision Fee Payment Options: The following contractor (vendor) provided payment methods are available to parolees under supervision:
 - a. Online via the contractor's (vendor's) website: Payments may be made by using a debit or credit card.
 - b. Contractor's (vendor's) Mobile App: Payments may be made by using a debit or credit card.
 - c. Contractor's (vendor's) Call Center (Toll-Free Number): Payments may be made 24 hours a day seven days a week by using a debit or credit card. The Call Center is staffed with bilingual customer service agents.
 - d. Walk-Up Cash/MoneyGram: Payments may be made by cash at MoneyGram outlets and at retail locations that accept payments through MoneyGram agents.

- e. Money Orders Sent to Contractor's (vendor's) Lockbox Service: Payments may be sent to the contractor's designated PO Box. Contractor provided money order deposit forms must be used and payments must be made payable to the Department's Contractor.

Note: Money transfer fees apply if a parolee chooses to make a payment online, by telephone, or through MoneyGram payment services. There is no money transfer fee if paying by money order.

Note: Payments are applied directly to the parolee's account with the contractor (vendor). Parolees receive immediate receipts and payment confirmation if paying by debit or credit card.

- 6. Contractor (Vendor) Payment Information and Instructional Resource Materials: Regional Directors, Bureau Chiefs, Senior Parole, and Parole Officers will ensure that supervision payment information, instructional materials, and money order deposit forms are made available to parolees at all field bureau locations throughout the state. The following resource documents and information supplied by the Department's authorized contractor (vendor) shall be made readily available at all office locations:
 - a. Posters and Display Boards
 - b. Brochures
 - c. Wallet Cards
 - d. Money Order Deposit Forms

Note: The above referenced documents are to be provided in Spanish and English. The Department's (DOCCS) contractor (vendor) is responsible for producing the documents in both Spanish and English.

- 7. Contractor (Vendor) Website and Payment Portal: Regional Directors, Bureau Chiefs, Senior Parole Officers, and Parole Officers will ensure that parolees receive assistance with accessing the payment portal, account activation, making payments, payment history, account balances, and account issues and/or discrepancies.

C. Waiver of Supervision Fee

- 1. DOCCS may waive the monthly supervision fee in whole or in part if a determination is made that payment of the fee would constitute an undue hardship on the parolee or his or her family due to unemployment, limited income, physical or mental disability, child or dependent financial support, or Court Ordered restitution.
- 2. Unemployment status shall include but not be limited to the following
 - a. Limited employment opportunities as verified by the Parole Officer;
 - b. Recently paroled or conditionally released and presently seeking employment;
 - c. Participation in residential treatment or program where the parolee is not permitted or able to work;
 - d. A short or long-term disability determination as verified by a medical professional;
 - e. Hospitalization; or

- f. Incarceration in response to release to a detainer, a revocation of community supervision, or commitment to a correctional facility on a new offense.
- 3. Limited income and/or limited financial resources shall not apply to parolees who are unemployed due to circumstances under their control. Parolees who receive income or financial resources and are considered self-supporting are required to make supervision fee payments.
- 4. Waivers sought for a claimed physical/mental disability or medical condition shall require supporting documentation from a medical professional.
- 5. A parolee may request that the supervision fee be waived by providing supporting documentation to the assigned Parole Officer. The Senior Parole Officer will review the case-specific circumstances and documentation for purposes of making a recommendation. Permanent waivers require the approval of the Regional Director. Temporary waivers in excess of two (2) months require the approval of the Bureau Chief. The parolee is required to provide supporting documentation on the basis of hardship or inability to pay the fee if any of the following circumstances or other similar circumstances apply:
 - a. Existence of a Court Order to make restitution to a crime victim(s) or other individual or entity, or a civil judgment to pay damages, and the parolee has provided documentation that these payments are being made;
 - b. Parolee is under a Court Order to make child support payments and has provided documentation that support payments are being made;
 - c. Parolee claims to have a physical or mental disability or a medical condition that prevents him or her from working;
 - d. Parolee is able to show he or she lacks the financial resources to provide for his or her basic needs and payment of the supervision fee would create even further financial hardship; or
 - e. Parolee is able to show that payment of the supervision fee would result in financial hardship for his or her family and/or place an unreasonable financial burden on the household.
- 6. A temporary waiver in excess of two (2) months requires review and approval by the Bureau Chief. Approved temporary waivers are to be entered in the Case Management System (CMS) record of the parolee.
- 7. A permanent waiver authorized by the Regional Director is to be memorialized in a memorandum with distribution as follows:
 - a. Director of Internal Operations for Community Supervision;
 - b. Community Supervision case folder; and
 - c. Community Supervision Central Files.

Note: Approval of a permanent waiver must also be entered in the Case Management System (CMS) record of the parolee.

Note: The Regional Director or Bureau Chief may also authorize a temporary waiver of payments after an examination of the supporting documentation, or the Regional Director or Bureau Chief may authorize the payment of a lesser amount per month based on the assigned Parole Officer's current assessment of the parolee's financial circumstances.

D. Employment Standard

1. The Senior Parole Officer (SPO) and Parole Officer (PO) will authenticate employment status and earning levels via the following established categories:
 - a. Full time employment with earnings above minimum wage;
 - b. Full time employment at minimum wage;
 - c. Part time employment; or
 - d. Unemployed or unable to work.
2. Employment and earnings will be verified by the assigned Parole Officer via employment verifications (e.g., employment visits, paystub, tax returns etc.).
3. Supervision fee payment levels will be established and confirmed by the SPO and PO.
4. Payment amounts of \$30.00 or \$15.00 are accepted by Department's contractor (vendor) based on the employment status referenced in Section III-D-1-a through c, of this Directive, and the contractor (vendor) is also authorized to accept any other payment amounts as submitted by parolees. All submitted and processed payments will be applied to the parolee's current supervision fee account.
5. Employment status, earnings, and verification shall be entered and recorded in the CMS record of the parolee.

E. Parolee Responsibilities

1. Parolees under supervision in the community are required to pay a monthly supervision fee of \$30.00. Payment amounts of less than \$30.00 may be authorized if payment of the full amount (\$30.00) is not possible and the assigned Parole Officer has compiled, evaluated, and documented the parolee's ability or inability to pay the supervision fee. If either a reduction in the payment amount or a waiver of payment is to be considered, the parolee is responsible for submitting appropriate documentation to the Parole Officer.
2. Parolees under supervision shall monitor and verify payments made to the DOCCS contractor (vendor) via their unique user credentials and account identifier.
3. Parolees are required to make payments by the first day of every month while under supervision in the community.
4. Payments are to be made via the methods described in Section III-B-5 of this directive. Payments may only be made to the contractor (vendor). No payments will be accepted by DOCCS personnel.
5. Overdue payments and outstanding payment balances are the responsibility of the parolee. The parolee is to make every effort to remain in compliance with the supervision fee requirement and is to discuss any issues, problems, or concerns with the assigned Parole Officer.
6. If a parolee refuses to make payments or contests the process, the parolee is to be reminded of the supervision fee payment requirement as defined in NYS Correction Law §201, subdivision 9. Payment levels, waiver disapprovals, and other claims regarding a parolee's inability to make payments are to be addressed via Directive #9402, "Parolee Grievance Program."

F. Interstate Supervision

1. Cooperative Supervision: Parolees from other states approved for supervision in New York via the Interstate Compact process are required to pay supervision fees while under the jurisdiction of DOCCS.
2. Out of State Supervision: Parolees approved for supervision in another state via the Interstate Compact are not required to make supervision fee payments to New York State. Parolees may be obligated to make supervision fee payments while under supervision in another state, if supervision fees are collected in the particular state.

G. Failure to Pay Supervision Fees

1. Parole Officers will track the payment of supervision fees by parolees on their caseload through contractor (vendor) created parolee accounts and reports as well as DOCCS produced data and reports.
2. Parole Officers, Senior Parole Officers, and Bureau Chiefs have the authority to impose graduated responses and sanctions in response to non-compliance by parolees.
3. Parole Officers, Senior Parole Officers, Bureau Chiefs, and Regional Directors may consider the non-payment of supervision fees as well as other factors related to performance and compliance under supervision when deciding whether to recommend a parolee for early discharge consideration.
4. The Department (DOCCS) has the authority to seek enforcement of non-payment of supervision fees in any manner permitted by law for the enforcement of a debt owed to New York State.

H. Compliance Monitoring by Community Supervision (Staff Responsibilities)

1. Parole Officer
 - a. Inform and advise parolees regarding the supervision fee requirement at the time of the initial interview and throughout the period of supervision.
 - b. Provide contractor (vendor) and DOCCS produced documents and information regarding payment methods and directions on how to access the contractor's (vendor's) website, telephone customer service center, and payment locations.
 - c. Under no circumstances shall a Parole Officer or any other DOCCS staff person accept a supervision fee payment from a parolee. All payments must be made to the DOCCS approved contractor (vendor).
 - d. Monitor parolee compliance via the contractor (vendor) provided account database and via parolee reporting (e.g., office reports, field visits, and field activities).
 - e. Compliance monitoring shall include payment activity, account balance, and outstanding or overdue fees.
 - f. Recommend and enforce graduated responses and sanctions as necessary and in the interests of achieving compliance.
 - g. Determine the parolee's ability to pay the supervision fee as outlined in Section III-D-1 through 5 of this directive (Employment Standard).
 - h. Provide guidance and direction regarding employment search.

- i. Determine if it is appropriate to seek either a temporary or permanent waiver of the supervision fee payment as outlined in Section III-C-1 through 7 of this directive (Waiver of Supervision Fee). Compile case-specific documentation as necessary.
 - j. Where appropriate, provide parolees with assistance regarding the Parolee Grievance Program, (See Directive #9402).
 - k. Enter all compliance monitoring and instructional information in the Case Management System (CMS) record of the parolee.
2. Senior Parole Officer
- a. Monitor parolee compliance via the contractor (vendor) provided account database and via parolee reporting (e.g., office reports, field visits, and field activities) as authenticated and recorded by the Parole Officer.
 - b. Monitor compliance via CMS data and ensure that supervision fee compliance and non-compliance information is memorialized via the case conference process.
 - c. Intervene in non-compliant situations and provide appropriate direction to parolees. Provide information regarding the Parolee Grievance Program, (See Directive #9402), where appropriate.
 - d. Where appropriate, authorize temporary waivers of two (2) months or less.
 - e. Authorize graduated responses and sanctions as necessary and in the interests of achieving parolee compliance.
 - f. Review and authenticate documentation related to requests for temporary waivers of more than two (2) months and requests for permanent waivers for review and consideration at the level of Bureau Chief and Regional Director.
 - g. Monitor overall unit (staff) compliance with the supervision fee procedure and produce reports and written information as required by the Bureau Chief or Regional Director.
 - h. Ensure that all compliance monitoring and instructional information is entered in the Case Management System (CMS) record of the parolee.
3. Bureau Chief
- a. Ensure that contractor (vendor) produced publications, notices, payment information, and related documents are readily available and prominently displayed in office locations.
 - b. Monitor overall Bureau compliance with the supervision fee procedure and produce reports and written information as required by the Regional Director.
 - c. Monitor parolee compliance via the contractor (vendor) provided account database, via parolee reporting (e.g., office reports, field visits, and field activities), and case conference activity as authenticated and recorded by the Parole Officer and Senior Parole Officer.
 - d. Intervene in non-compliant situations and provide appropriate direction to staff and parolees. Provide information regarding the "Parolee Grievance Program," (See Directive #9402), where appropriate.
 - e. Provide training to Bureau staff as necessary.

- f. Ensure that all compliance monitoring and instructional information is entered in the Case Management System (CMS) record of the parolee by Parole Officers and Senior Parole Officers.
4. Regional Director
- a. Monitor overall compliance by the Region with the supervision fee program and produce reports and written information as required by the Director of Internal Operations, Assistant Commissioners, and Deputy Commissioner for Community Supervision.
 - b. Review and evaluate documentation, and authorize permanent waivers in accordance with Section III-C of this directive (Waiver of Supervision Fee).
 - c. Evaluate and monitor the effectiveness of graduated responses and sanctions.
 - d. Participate in policy and procedure development under the direction of the Director of Internal Operations, Assistant Commissioners, and Deputy Commissioner for Community Supervision.
 - e. Provide assistance to the Director of Internal Operations and Assistant Commissioners in the preparation of annual reports and program analysis.
5. Director of Internal Operations
- a. Develop policy documents and written procedures for review and approval of the Assistant Commissioners, Deputy Commissioner, and Commissioner.
 - b. Prepare reports and formal program analysis in collaboration with the Department's internal units (Research, Budget, and Contract Unit).
 - c. Maintains the role of primary liaison and "contract manager" with the Department's contractor (vendor) and internal DOCCS units as well as other affected areas within DOCCS.
 - d. Manages Community Supervision day to day operating requirements on statewide basis.
 - e. Monitors compliance and reporting statewide utilizing contractor provided data and internal reports.
6. Deputy Commissioner and Assistant Commissioners:
- a. Guides policy development and provides direction to Community Supervision personnel under the authority of the Commissioner.
 - b. Monitors overall compliance on a statewide basis and provides direction and instruction as required in the areas of enforcement and contract management.
 - c. Prepares and approves formal reports and program analysis for both internal and external use.
 - d. Responsible for the production of an annual report of the following information:
 - (1) Number of parolees required to pay the supervision fee;
 - (2) Number of parolees who have paid fees;
 - (3) Number of parolees who received authorized exemptions;
 - (4) Total amount of fees collected; and
 - (5) Costs of administering the program.