

**Vermont Department of Corrections Final Adopted Rule #08016**  
***Supervision Fees for Offenders under Field Supervision by the DOC***  
***DOC Policy #426***  
**Effective May 5, 2008**

**1. AUTHORITY**

28 V.S.A, Chapter 3, § 102 (c) (14).

Pursuant to statute, the Commissioner is responsible for seeing that the Vermont Department of Corrections collects a supervisory fee up to the amount of \$30 per month from each offender under the supervision of the Department who is on probation, furlough, pre-approved furlough, supervised community sentence, or parole. The law indicates that the Commissioner will adopt rules governing the collection of the supervisory fees, to include the following: maximum period of time offenders are subject to supervision fees and the offender's ability to pay.

**2. PURPOSE**

The purpose of this administrative rule is to set standards for Department assessment of offender payment of supervision fees, including determination of ability to pay, as required in statute. Collection of supervision fees will be used to offset some of the Department's cost of supervising offenders in the community. The Department will collect a supervision fee of up to \$30 per month, as allowed by statute, from each offender under Department community supervision, except as noted in section 5.

**3. DEFINITIONS**

Community Restitution Program: An intermediate sanction program in the reparative track in which an offender performs community work service on a Community Service Team or agency supervised team for up to 60 days. The program is designed to be an alternative to a short incarcerative sentence.

Furlough: An extension of the limits of confinement of an inmate to locations outside a correctional facility.

Intake: An initial meeting where an offender shares identifying information, criminal history, risk issues, and other necessary information with the Caseworker/Probation Officer.

Payment Contract: The Department form which is completed by staff to assess an offender's ability to pay a supervision fee. Ability to pay is based on whether or not the offender meets one of the requirements for an exemption.

Parole: The release of an inmate to the community by the Parole Board before the end of the inmate's sentence, subject to conditions imposed by the Board and subject to the supervision and control of the Commissioner.

Pre-Approved Furlough (PAF): The legal status in which an offender is sentenced to serve a term of imprisonment, but is placed by a court on furlough to participate in such programs administered by the Department that reduce the offender's risk to reoffend.

Probation: The legal status a court may impose on a defendant that suspends all or part of the sentence and places the person in the care and custody of the Commissioner of Corrections, upon such conditions and for such time as it may prescribe, in accordance with law, or until further order of the court.

Supervised Community Sentence (SCS): A court-imposed sentence of incarceration to be served in a community setting subject to the rules of the Commissioner of Corrections. These offenders are under the jurisdiction of the Parole Board.

Supervision: The authority or oversight exercised by supervising authorities of the Department over an offender for a period of time determined by a court or releasing authority, during which the offender is required to report to, or be monitored by, supervising authorities. This includes any condition or requirement imposed on the offender at the time of the offender's release to the community or during the period of supervision in the community.

Tax Setoff Debt Collection: A process by which the Department may submit claims to the Tax Department for collection of offender debts of \$50 or more.

#### **4. GUIDELINES FOR THE COLLECTION OF SUPERVISION FEES**

- a. Statute allows the Department to collect a supervisory fee of up to \$30 per month from offenders under the supervision of the Department and in the community on the following legal statuses: probation, furlough, pre-approved furlough, supervised community sentence, or parole.
- b. The Probation and Parole Officer (PO) will assess supervision fees at intake using the questions on the *Payment Contract*. If the offender is exempt from paying the supervision fee, the PO will indicate on the form the reason(s) why. A copy of this form will be placed in the offender file, and staff will document the information in the Department electronic database.
- c. After assessing the supervision fees, the PO will inform the offender of their responsibilities concerning supervision fees. This will include the amount and the place of payment. The Department will determine the place and appropriate method of payment.
- d. The Department will establish time frames to re-assess the eligibility of offenders exempted from payment of fees.
- e. The offender will only be charged a supervision fee while on a supervision status that requires payment of the fees. Upon closure of an offender's case, any unpaid supervision fee balances over \$50 will be sent to tax setoff.

## **5. EXCEPTIONS TO FEE COLLECTION**

- a. Those offenders exempt from paying the monthly supervision fee to the Department of Corrections are offenders in the following categories only:
  - Offenders whose sole source of income is Supplemental Security Income (SSI), or Social Security Disability Insurance (SSDI), Vermont's Aged, Blind, and Disabled Program (AABD), the Reach Up Program;
  - Offenders sentenced to the Community Restitution Program only;
  - Offenders accepted for supervision in another state, subject to the rules of the Interstate Compact for Adult Offender Supervision;
  - Offenders residing in a residential treatment facility;
  - Offenders housed in a correctional facility.
- b. Offenders on Parole supervision for life may request an exemption from supervision fees when they are on an "Administrative Supervision" status as ordered by the Parole Board.

## **6. NON-PAYMENT OF FEES**

The Department will employ an array of non-incarcerative strategies to encourage payment of supervision fees, including tax setoff.

## **7. APPLICATION OF PAYMENT**

In cases where offenders owe both court-related fines and supervision fees, offender payments will be applied to pay supervision fees first, with amounts paid over the amount of fees owed applied toward fines.

## **8. REVIEW**

A review of Departmental administrative directives associated with this rule will be completed with any necessary updates of relevant documents and procedures within one (1) year of this rule taking effect.