

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND
OPERATING PROCEDURE**

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DATE: 11/04/15

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SUPERSEDES: 07/14/15

SUBJECT: RESTITUTION/POST-SECONDARY EDUCATION REIMBURSEMENT/FEEES/
COLLECTION PROCESS

AUTHORITY: Texas Government Code § 508.182, 508.186, 508.189, 508.322; Texas Code of Criminal Procedure Art. 42.037(H) and (O); General Appropriations Act, 84th Leg. R. S., Art. V, Riders 29 and 30.

PURPOSE: To establish procedures for the collection of restitution, post-secondary education reimbursement, and fees required as conditions of release.

DEFINITIONS:

Active Supervision: All persons subject to the supervision of the Texas Department of Criminal Justice-Parole Division (TDCJ-PD) with the exception of those for whom an active pre-revocation warrant is in effect, and for those who are no longer required to report.

Cashier: TDCJ-PD staff who is responsible for collecting and accounting for payment of funds in district parole offices (DPOs), in accordance with procedures established in the *Cashier's Manual*.

Crime Victim Compensation Fee: An eight-dollar (\$8.00) monthly fee assessed to all clients under active supervision by the TDCJ-PD in Texas whose offense occurred on or after August 30, 1993.

Offender Information Management System (OIMS): A computerized system that maintains and tracks case management information for clients on supervision.

Post-Secondary Education Reimbursement (PSER): Clients who enroll in post-secondary education courses at the expense of the State of Texas while incarcerated at a Texas Department of Criminal Justice-Correctional Institutions Division (TDCJ-CID) facility shall reimburse the State for the costs of such secondary education programs. PSER is a statutorily mandated condition imposed by the Texas Board of Pardons and Paroles (BPP).

Restitution: Payment by a client to the victim of the offense for financial loss sustained as a result of the offense.

Sexual Assault Program Fund: A five-dollar (\$5.00) monthly fee assessed to sex offenders under active supervision on or after August 30, 1993. The applicable offenses are Indecent Exposure, Indecency with a Child, Sexual Assault, Aggravated Sexual Assault, Prohibited Sexual Conduct, Sexual Performance by a Child, Possession or Promotion of Child Pornography, and Continuous Sexual Abuse of a Young Child or Children.

Sex Offender Public Notice Fee: Clients required to register under Chapter 62 of the Code of Criminal Procedures, and for whom law enforcement authorities were required to publish public notice of the client's release, must pay a fee that equals the actual cost to the law enforcement authority for publishing that notice. The Sex Offender Public Notice Fee applies only to high risk clients whose offense occurred prior to September 1, 2005.

Supervision Fee: A ten-dollar (\$10.00) monthly fee assessed to all clients under supervision by the TDCJ-PD in Texas, including clients supervised under the Interstate Compact. Texas cases accepted through Interstate Compact for supervision in other states are excluded from this fee payment; however, may be subject to the supervision fee the receiving state charges for clients in that state.

PROCEDURE:

I. RESTITUTION

- A. Prior to the client's release (from TDCJ-CID or custody), Review and Release Processing (RRP) staff shall review all Judgments and Sentences for active offenses only to determine whether the client has been ordered to pay restitution.
 - 1. If the client owes restitution and the amount is not determined, RRP staff shall forward the information, prior to certificate issuance, to the Central File Coordination Unit (CFCU). CFCU staff shall verify the amount of restitution and the required victim information to process payments. After verification, CFCU staff shall return the information and include the CFCU Restitution Research form (RRP-43) to the RRP requestor and Accounting and Business Services. If it is determined the client owes restitution, RRP staff shall process in accordance with PD/POP-2.2.25, *Imposing Mandated Special Conditions*.
 - 2. If, due to imminent release, the above process has not been completed prior to the client's release, the release certificate shall reflect Special Condition "R" (To Be Determined [TBD]). The parole officer shall contact Accounting and Business Services to verify the amount of restitution owed and request imposition of the condition.

- B. If a client owes restitution, the parole officer shall:
1. Instruct the client to provide paystubs for any current employment within the previous calendar month at the next office contact.
 2. Update the OIMS Employment Screen with the client's employment information, including the job title and net income. This information will populate on the Income Screen.
 3. Instruct clients who owe restitution to pay 10% of their net income toward restitution, regardless of the amount of income or expenses.
 4. Complete and print an Advisement Form indicating the required 10% of the net income restitution payment amount, no later than 60 calendar days after the client's initial arrival.
 5. Complete and submit any subsequent Advisement Form, indicating a change to the required restitution payment amount no later than five (5) business days after receiving information of any financial change to Advisement Form-Accounting & Business Services (advisement.form_abs@tdcj.texas.gov).
 6. Complete and submit an updated Advisement Form indicating the required restitution payment amount within the calendar month of the anniversary date of the last Advisement Form, if there are no financial changes for a calendar year.
 7. Read the Advisement Form to the client and have the client sign it.
 8. Update the OIMS Contacts screen to reflect that an Advisement Form has been read to and signed by the client.
 9. Image the initial and subsequent Advisement Forms in the OIMS imaging system within three (3) business days.
 10. Staff the case with the respective unit supervisor for deferment of the Supervision Fee. If the Supervision Fee is deferred, the client shall apply \$10.00 towards the restitution balance in addition to the required 10% of the client's net income. The deferral of the Supervision Fee does not require a Texas BPP transmittal. The eight dollar (\$8.00) Crime Victim Compensation Fund fee shall not be waived.
 11. Inform the client to mail restitution payments to the following address, if the amount owed cannot be paid before the client's discharge date:

Accounting and Business Services
P.O. Box 4015
Huntsville, TX 77342

Clients may pay the restitution balance in a lump sum or make monthly payments until the restitution balance is paid in full.

12. Submit an email to Restitution_ABS@tdcj.texas.gov or the Restitution Program Supervisor III within five (5) business days requesting confirmation that the client's restitution is paid in full. Within five (5) business days of receipt of confirmation, the parole officer shall satisfy Special Condition "R" in the OIMS and image a copy of the confirmation email into the OIMS imaging system. Special Condition "R" may not be satisfied without written confirmation from the Accounting and Business Services Section or the Restitution Program Supervisor III that restitution is paid in full.

II. POST SECONDARY EDUCATION REIMBURSEMENT

Once PSER is paid in full, the parole officer shall document in the OIMS the date the client made the final payment as the date the client satisfied the special condition.

III. SUPERVISION FEES

- A. Applicable supervision fees are assessed each month regardless of financial ability, and a current balance is automatically updated in the Fees Section of the OIMS.
- B. The \$10.00 supervision fee shall be collected monthly, unless deferred for restitution purposes. The client remains responsible for payment of the supervision fee when it is deferred. Additionally, the client is responsible for any supervision fee balance owed from a previous period of supervision.
- C. The \$8.00 Crime Victim Compensation Fund fee shall be collected and applied to the Crime Victim Compensation Fund.

IV. COLLECTION PROCESS

- A. Parole officers shall provide detailed instructions to clients regarding supervision fees, restitution, and other financial obligations. Instructions shall be written on an Advisement Form and signed by the parole officer and client. Instructions shall be specific and include the amount the client is required to pay each month, location where the payment is to be made, and method of making payments. Advisement Forms shall be imaged in the OIMS imaging system within three (3) business days from the date of completion.
- B. Cashiers shall be responsible for collecting, issuing a receipt, and accounting for all payments received from clients, in accordance with policy and procedure as outlined in the *Cashier's Manual*.
- C. Payments shall be received only in the form of a money order or cashier's check payable to the TDCJ. Cash and personal checks will not be accepted.

1. Parole officers shall indicate payments on the Verification Table in the OIMS monthly.
 2. If the client fails to make payments as directed, the parole officer shall document failure to pay fees in the Contacts screen in the OIMS.
 3. The cashier shall issue two receipts when funds are received: one shall be forwarded to the parole officer for verification and the other shall be given to the client. The parole officer shall update the Verification Table of the Contacts screen in the OIMS. The receipt does not need to be maintained in the district parole file and may be disposed of after entry into the verification table is confirmed.
- D. Supervision Fees, Crime Victim Compensation Fees, and Sexual Assault Program Fees may be paid with one cashier's check or money order. Restitution, PSER, and the Sex Offender Public Notice Fees require a separate cashier's check or money order for each.
- E. Parole officers collecting payments outside of the DPO shall:
1. Verify the cashier's check or money order is filled out correctly, payable to TDCJ, signed by the client, contains a complete address with a zip code, and the client's TDCJ/SID number.
 2. Complete a receipt for each money order or cashier's check indicating whether it is for fees, restitution, PSER, or for the Sex Offender Public Notice Fee. Parole officers shall use a TDCJ-PD receipt book available from the cashier. If payment is for fees, note "automatic distribution" on the receipt. If payment is for delinquent payments, note "exception" on the receipt and to which type of fee the delinquent payment applies.
 3. Provide the pink copy of the receipt to the client. The white copy will be secured to the money order or cashier's check and submitted to the cashier or lockbox upon return to the DPO. The gold copy will remain in the receipt book.
 4. Reconcile the receipt book by ensuring each cashier's check or money order has been entered, and a money order is turned in for each receipt in the book, prior to placing the above documents in the secure lockbox.
- F. Receipt books shall be kept in a designated area accessible to parole officers on duty when the cashier is absent. Persons authorized to accept collections in the absence of the cashier shall adhere to procedures cited in Section IV. Money orders and receipts shall be deposited in a secure lockbox arranged by the cashier.
- G. Appropriate interventions shall be applied whenever the client fails to comply with payment instructions in accordance with PD/POP-4.1.1, *Processing Violations of the Rules and Conditions of Release*.

- H. Each month, unit supervisors shall review all district Supervision Fees, Crime Victim Compensation Fees, PSER, Restitution, and Sexual Assault Program Fees collection reports to verify that parole officers applied interventions to clients who failed to make the required payments as instructed, in accordance with PD/POP-4.1.1, *Processing Violations of the Rules and Conditions of Release*.

V. FEES, FINES, AND COURT COSTS

- A. The parole officer shall, upon the client's initial report, instruct the client to check with the clerk of the court of original jurisdiction regarding any unexpired outstanding fees, fines, and court costs owed by the client. The parole officer shall utilize the TDCJ Payment of Court Costs form (PDFO-0501) and fax it to the respective district clerk's office, and, upon receipt of the completed information, image it in the OIMS Imaging System. Parole officers shall inform clients of their responsibility to pay outstanding balances owed on active offenses, court-imposed fees, fines, and court costs, by providing the client with the location of where payments shall be made. The parole officer shall document this information in the Contacts Section of the OIMS.
- B. At the next scheduled visit, the client will be required to provide verification from the court clerk of payment in full or the payment plan, if payments are required. If a payment plan is approved, the client will provide verification to the parole officer at each scheduled visit. Once fees or court costs have been paid in full, the client will provide the parole officer with verification. Interventions shall be imposed if the client fails to comply in accordance with Section IV.A.

Stuart Jenkins
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