

Purpose: To establish a guideline to assist local community-based probation agencies and programs in developing consistent and uniform standard operating procedures for developing and implementing the assessment, collection, reporting, budgeting, auditing, and utilization of a Supervision and Intervention Fee.

Related Standard: Department of Criminal Justice Services' *Minimum Standards for Local Community Corrections and Pretrial Services*, Part II. § 2.3 A & B; Part III. §3.8 A, B, and C & Part IV, § 4.7 A

Related Guidelines:

- *Local Community-based Probation and Pretrial Services Program Guide for Continuation Funding*
- DCJS Guideline No.3: Supervision Case Transfer

Supersession: Supersedes and replaces DCJS policy 3.6 Fees (undated) made effective on 12/1/01

Authority: § 9.1-182, Subsections D. and E., and §§ 9.1-174 & 9.1-176 and 19.2-303.3 Subsection D of the *Code of Virginia*.

Definitions:

- **Appropriate Supervision Placement** is, for purposes of local community-based probation placement, an adult offender (or a juvenile adjudicated as an adult) sentenced to twelve months or less for a Class I or II misdemeanor or nonviolent felony, and who has been placed on probation with a local community-based probation agency following a sentence that has been suspended in whole or in part or who has been provided a deferred judgment and placed on probation for a Class I or II misdemeanor offense authorized by state statute.
- **Supervision and Intervention Fee** is a fee charged to an offender for reimbursement towards the combined cost of supervision and intervention services. This may be referred to as simply "fees" in this guideline.
- **Intervention services** include, but are not limited to, community service; community service in lieu of fines and costs; home incarceration with or without electronic monitoring; substance abuse screening, assessment, testing, and treatment; sex offender treatment; shoplifting education; batterers' intervention and anger management programs; and other educational or treatment services required as conditions of probation.

Policy:

- A. Fees shall be collected by local community-based probation agencies in accordance with the statewide system of supervision and intervention fees established by the Department pursuant to § 9.1-182 of the *Code of Virginia*. Supervision and Intervention fees are not the same as the Sentencing/Supervision Fee collected as a pro-rated part of the court costs assessed pursuant to § 16.1-69:48:1 B, §§ 17.1-275.1, 17.1-275.2, 17.1-275.7, 17.1-275.8 and § 53.1-150 of the *Code of Virginia* on all offenders, collected by clerks of court, and deposited in the general fund.
- B. The collection of fees is optional for any city or county acting as the administrative and fiscal agent for single jurisdiction or multi-jurisdictional local community-based probation agencies.

- C. The fees, charged for intervention services only (see definition), shall be used solely for the expansion and development of the agency or to supplant local operating costs of the agency.
- D. Requests to collect fees shall be submitted with the written approval of the administrative and fiscal agent to the Department. Requests shall include the standard operating procedures which address, at a minimum, the following:
1. the amount to be assessed,
 2. the collection procedures,
 3. any forms to be used in conjunction with the collection of fees,
 4. assurances that the collected fees will be reported in accordance with the requirements of the Department,
 5. that the fees collected will be audited annually by the administrative and fiscal agent,
 6. that the fees shall be used solely for the expansion and development of the agency or to supplant local operating costs of the agency, and
 7. the annual budget for projected fees collected.
- E. Fees collected shall be utilized in accordance with the *Local Community-based Probation and Pretrial Services Program Guide for Continuation Funding*.
- F. Local community-based probation agencies may assess and collect a supervision and intervention fee, subject to the review of their Community Criminal Justice Board (CCJB) and the approval of their administrative and fiscal agent, in accordance with the following:
1. A supervision and intervention fee not to exceed \$150 for the first six (6) months of supervision.
 2. After the initial 6 month period of supervision, an additional one-time only fee, not to exceed \$25, may be assessed.
 3. The agency may charge the offender \$25 for each subsequent court placement during the first six months of supervision.
 4. Local community-based probation agencies may allow a waiver of the fee or a reduction in the fee, based on approved local agency standard operating procedures.
 5. Payments may be made in installments.
 6. Community service work may be imposed in lieu of fee payment with a schedule based on minimum wage.
 7. Probationers may not be returned to court solely for non-compliance for failure to pay the Supervision and Intervention Fee.
 8. Supervision shall not be extended solely for the purpose of collecting the Supervision and Intervention fee.
- G. Payment of supervision and intervention fees shall be made directly to the locality serving as the administrative and fiscal agent pursuant to § 9.1-182 of the *Code of Virginia*.
- H. Collection of supervision and intervention fees should be strictly monitored and controlled by the approved administrative and fiscal agent of the local community-based probation agency imposing the fees.

The recommended process is as follows:

1. The local community-based probation agency will keep a master receipt book or provide staff with individual receipt books.
2. The fee will be collected and a receipt provided to the offender. The receipt provided to the offender may be the original or a photocopy.

3. A copy of the receipt will be placed in the offender's file.
 4. Fees collected shall be kept in a secure location at the local community-based probation agency until forwarded to the agency's administrative and fiscal agent in accordance with local procedure.
 5. The payment and a copy of the receipt will be sent to the agency's administrative and fiscal agent for deposit in the account established for fees.
 6. The administrative and fiscal agent shall provide the agency with verification of the deposit in the agency's account.
 7. The agency's collection procedure shall be audited in conjunction with administrative and fiscal agent's annual fiscal audit.
 8. Fees shall be collected by money order or cashier check.
 - a. cash shall not be accepted for payment of these fees.
 - b. personal checks may be accepted as payment for these fees as a local option
- I. Any funds generated as a direct result of Department grant funded projects are deemed project income and are generally subject to the same Department guidelines and requirements for the expenditure of general funds awards. Supervision and Intervention Fees collected are deemed project income and must be reported on a quarterly basis on the *Subgrant Financial Report for Project Income* form. (see Attachment)
- J. Supervision and Intervention Fee Collection for Transfer Cases immediately following initial court placement
1. Fees for transfer cases shall be collected as follows:
 - a. If approved, the sending agency may collect a one-time supervision and intervention fee not to exceed \$25. The collection of this fee is the responsibility of the sending agency. Agencies may not delay transfer of offender in order to collect the fee.
 - b. If approved, the receiving agency may collect a Supervision and Intervention Fee not to exceed \$125 or the amount of the receiving agency's established / approved fee, whichever is less.
 - c. When both sending and receiving agency are approved to collect supervision and intervention fees, the total fee collected from the offender by both agencies for transfer cases in the first six months of supervision shall not exceed \$150, or the \$25 fee for the sending agency (outlined in J.1.a. above) together with the receiving agency's established/approved fee, whichever is less.
 - d. When only the receiving agency is approved to collect a Supervision and Intervention Fee, the total fee collected from the offender in the first six months of supervision shall not exceed \$150 or the agency's established/approved fee, whichever is less.
 - e. After the initial six month period of supervision, the receiving agency may charge a one-time only fee, not to exceed \$25.
 2. Any issue regarding collection of the Supervision and Intervention fee that arises between agencies will be addressed by the Directors of each respective agency. If not resolved at this level, the issue may be forwarded to the Department for review, comment, technical assistance, and possible resolution.

