

FINANCIAL OBLIGATIONS AND SUPERVISION FEES

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.01 AUTHORITY

Wisconsin Administrative Code 328

Wisconsin Statutes 304.074, 303

Wisconsin Statutes 973

Wisconsin Statutes 814

2015 WI Act 355

DCC Administrative Directive 16-06 Supervision Fees

.02 GENERAL INFORMATION

Payment of financial obligations by a client is an important part of supervision. Restitution payments demonstrate concern for the victim through monetary reparation of financial loss. Payment of financial obligations fosters rehabilitation by making the client financially responsible for illegal behavior. Payment planning from the onset of supervision attempts to ensure timely payment of financial obligations.

During the intake period, the agent will inform the client of their responsibility to meet financial obligations to victims, the court, and the Department, and will establish a payment plan. The agent should also consider specific orders of the court, the total amount owed, and the length of supervision in the development of this payment plan. Agents are to inform clients of the option and process to make payments online to pay their restitution, department fees, and other court obligations with a debit/credit card or bank account (ACH) – POC-110 *Online Fee Payment Option*.

Upon determination of the court order amount, if the amount owed is \$2000 or more in restitution, the agent will require the client to provide an itemized budget by completing the DOC-8B Budget Worksheet. If the client is employed or becomes employed, or otherwise has the ability to make regular payments and is not adhering to the payment plan, the agent shall engage in additional measures to ensure regular payments are made. This would include assignment of financial management or budgeting homework, or the utilization of DOC-0148 Wage Assignment and Waiver form, if applicable. If these intermediate measures are not successful, the agent should treat the failure to make consistent payments as a violation.

In planning for the collection of the ordered financial obligations, the agent will attempt regular and reasonable collection. This includes establishing a payment plan, documentation of the client's follow through with the payment plan, and prompts/reminders to the client to make payments. The agent shall document these efforts in a Northpointe (COMPAS) case note. Refusal to pay financial obligations is a violation of supervision. Utilizing an evidence-based response to violations approach, the appropriate response will be implemented.

Wisconsin Integrated Corrections System (WICS) maintains the official accounting system of all client accounts.

Wisconsin Statutes establishes the order of priority for the disbursement of money collected from clients. This priority order is set in WICS. The distribution schedule for DCC clients as of October 2023 is:

| Priority | DCC Client Distribution Priority | Percentage |
|-----------------|-----------------------------------------------------------------------------------|-------------------|
| 1 | DCC Reimbursement Accounts (overdrafts in account) | 100% |
| 2 | Court Ordered Restitution (open cases paid in full in order of discharge date) | 100% |
| 3 | Interstate Compact Application Fee | 100% |
| 4 | Supervision Fees | 100% |
| 5 | GPS Fees | |

| | | |
|----|-----------------------------------------|------|
| 6 | Lost and Damaged Fees | |
| 7 | Jail JOC (973) | |
| 8 | Victim Witness Surcharge A | 100% |
| 9 | Victim Witness Surcharge B | 100% |
| 10 | Crime Lab Surcharge | |
| 11 | DNA Surcharge | 100% |
| 12 | Drug Offender Diversion Surcharge | |
| 13 | Child Pornography Surcharge | 100% |
| 14 | Other Imposed Charges (973.05) | |
| 15 | 973.20 (11)(a) Surcharge (5% Surcharge) | 100% |
| 16 | Jail JOC (814) | |
| 17 | Fines | 100% |
| 18 | Court Costs | 100% |
| 19 | Other Imposed Charges (814) | |
| 20 | Attorney Fees | 100% |

Note – Department fees (which includes supervision fees) can be paid at the same time court order obligations, however court order restitution must be paid in full before department fees can be paid to completion.

CRIME VICTIM COMPENSATION FUND

Victims of crimes or their families involving personal injury or death may be eligible for compensation under Chapter 949 of the Wisconsin Statutes, Awards for Victims of Crimes. This program is administered by the Wisconsin Department of Justice.

REVIEW OF PAYMENTS WHEN RECEIVED BY STAFF:

Money orders or cashier's checks are the only acceptable payment types for DOC staff to accept in the office. Cash payments or personal checks are not acceptable forms of payment and must be refused. Clients who want to pay using a debit/credit card or bank ACH should be encouraged to visit www.doc.wi.gov under P&P payments and pay their fees. Credit cards may not be accepted in the office by staff.

Account errors and discrepancies can be avoided if payments are reviewed and verified when presented by clients. Upon receiving a payment, staff should verify:

- Current date: Money order values diminish over time. If a payment is accepted too long after the money order was issued, the full value is not available. Money orders with an issue date of more than 30 days prior to submission should be refused and the client asked to submit a current money order.
- Payable to: The money order must be made payable to "Department of Corrections", "DOC" or "WI DOC". Money orders payable to an agent or other staff member are not permitted and must be refused.
- Paid in full: If the payment or coupon states "Paid in Full" or "PIF", the payment should be refused as these are rejected by the bank.
- Signature: Ensure the money order is signed by the client when accepting the payment. Unsigned payments are rejected by the bank.
- Client's name: Ensure the client's name is on the money order. If it is not, please fill it in prior to submitting for processing. Payments with no name are rejected by the bank.

.03 SUPERVISION FEES

Supervision fees are charged on a monthly basis including for the month or partial month placed on supervision. Supervision fees are charged on the 8th of the month and are for the previous month's fee. For example, supervision fees charged on June 8th are for May supervision fees.

2015 WI Act 355, effective July 1, 2016, requires that any active restitution account balance be paid in full prior to applying any payments to supervision fees. Clients will be charged the supervision fee for each month or partial month on supervision, however, DOC will not be able to collect the supervision fees until active restitution orders have been paid or a civil judgment has been entered with the court.

Staff shall also ensure the client's social security number and current address are accurately entered into the appropriate DOC system (COMPAS or WICS). These two pieces of data are necessary for submission of an client's unpaid supervision fee balance to the Department of Revenue's Tax Refund Intercept Program (TRIP).

If a payment is presented in a DCC office that is a payment for a current DAI inmate, information should be provided on where to have that payment submitted. DCC staff

should not accept or process payments on behalf of DAI inmates due to the differences in the WICS distribution priority process.

Supervision fees may be waived for cause by the DCC Administrator.

SUPERVISION FEE PAYMENT SCHEDULE

When a client is activated in WICS, the system will automatically begin charging the client at the \$20 monthly supervision fee schedule. When a DAI inmate is activated in WICS, they are also assigned the \$20 schedule, however, they are not charged supervision fees until they are released from DAI. During intake, the agent is responsible for reviewing an client's income to determine if the appropriate supervision fee schedule should be at the \$40 or \$60 level. Sources of income to be considered when determining the supervision fee schedule are listed on the Budget Worksheet (DOC-8B). The following are not to be considered as a source of income: WIC (Women, Infants and Children Program administered by DHS); Food Share; Social Security Income (SSI) for a child recipient, and child support for the recipient of such support (e.g., person who has custody of the child).

Supervision fee earnings levels are currently set at:

| MONTHLY GROSS INCOME | MONTHLY SUPERVISION FEE SCHEDULE |
|----------------------|----------------------------------|
| \$0 - \$799 | \$20.00 |
| \$800 - \$1,499 | \$40.00 |
| \$1,500 and above | \$60.00 |

SUPERVISION FEE EXEMPTIONS

If a client has circumstances making them unable to pay supervision fees for either a short span of time or have circumstances that make it impossible for them to pay their supervision fees over a longer period of time, there are exemptions to being charged supervision fees. To be eligible, clients are required to provide a release of information so the agent can verify prior to approving the exemption. Documentation of the exemption shall be entered in COMPAS including the reason, date, and any special circumstances.

Current exemptions schedules are:

- Clients who are in jail with no Huber privileges: If a client is in jail for more than 30 days with no Huber privileges, they should be exempt from being charged supervision fees. Upon serving of a DOC-414, a DOC-1682 exemption request must be submitted. Short-term sanctions longer than 30 days without Huber privileges shall be exempt as well. The beginning date of the sanction shall be used to determine the date the exemption applies.
- NGI/Chapter 980 DHS clients: Clients who are being supervised by DCC but are DHS clients are not charged supervision fees as DCC is reimbursed by DHS directly.
- Medical exemption: The client has a statement from a licensed physician stating the client is unable to work due to a short-term or a long-term medical condition.
- Full-time student exemption: This exemption applies during the time an client is attending a full-time course of instruction:
 - Enrolled in an accredited course of instruction and registered for more than nine credits in post-secondary education, or
 - Full-time high school or junior high education program.
- Treatment exemption: The client is undergoing inpatient psychological, chemical or medical treatment consistent with the supervision plan and is unable to be employed. This exemption does not apply to outpatient treatment or aftercare while the client may be employed.
- Unemployment exemption: The client has used all reasonable and appropriate means to obtain employment but has been unable to obtain employment. This exemption does not require an outside agency verification.
- Other Facility/Out-of-State Facility/Federal Facility: Clients who are in custody in another state or federal facility are exempt from supervision fees. This does not apply to Interstate Compact clients whose WI supervision fees will stop once the client's status in WICS becomes "Interstate Compact".

Certain other supervision events that stop supervision fees from being charged are done within WICS including discharges, Interstate Compact, revocations, and concurrent prison sentences. These changes do not need to have a DOC-1682 submitted.

Supervision fee exemptions are to be submitted, reviewed, and then entered into WICS within 10 business days upon receipt of all required documentation. The supervision fee exemption becomes effective the date of action noted on the DOC-1682 and entered into WICS. Backdating of supervision fee exemptions is allowed, however, no refunds of supervision fees are allowed due to backdating of an exemption schedule. Clients will be charged supervision fees until the exemption schedule is entered.

All supervision fee exemptions must be reviewed with the client every six months to assess whether the client continues to be eligible for an exemption or has the ability to pay supervision fees. Exemption requests can be backdated but for no more than 6 months from the current date and may not result in a refund. In special circumstances, if an exemption request would result in a refund, the DOC-1682 must be reviewed and approved by regional office, OMB Director, and the Administrator.

SUPERVISION FEE REFUNDS

Refunds of supervision fees will be made only in instances of either overpayment or prepayment. Refunds will be processed following termination or discharge from supervision. Agents must submit a DOC-1682 to the regional supervision fee specialist for processing and enter a COMPAS note related to the refund. Refunds shall be processed within 90 days of the Business Office receiving the DOC-1682. Situations that would warrant a refund include, but are not limited to:

- Death of a client – upon request from the client's estate
- At discharge, it was determined the client overpaid supervision fees
- Court terminates or vacates probation
- Client pre-paid supervision fees and is being discharged early

COLLECTION OF SUPERVISION FEES

If clients pay their supervision fees in the office, DCC staff will receipt supervision fee payments directly into WICS. Supervision fee payments and the bar-coded receipt should be mailed to the appropriate PO Box on a daily basis to avoid delays in processing. Supervision fee payments and court obligations must be sent in different envelopes as there are different lock boxes for processing.

If a client attempts to make a supervision fee payment while they have any active restitution balances, they will be advised that they must pay their restitution balances in full before any monies received will be credited to supervision fees.

DOC utilizes Department of Revenue's Tax Refund Intercept Program (TRIP) for collection of unpaid supervision fee balances for active clients when their supervision fee balance reaches \$200 and all balances for discharged clients. In November, an annual letter is sent to the client notifying them that their supervision fee balance has been referred to DOR TRIP for collection.

SUPERVISION FEE POLICIES FOR ABSCONDERS

Clients who are supervised one day or more in the month prior to or after absconding will be charged supervision fees for that month. If supervision fees were not discussed with the client prior to absconding, the agent must discuss the fees with the client upon return to active status. When a client absconds and their WICS sub-status becomes absconder, supervision fee charging stops. When the client is apprehended and their WICS sub-status is no longer absconder, the client returns to an active fee schedule status unless an exemption schedule is entered. The date selected for return to the active fee schedule status is dependent on whether time is tolled.

Effective Date of Return to Active Fee Schedule: Time Tolled

When time is tolled, the effective date of the return to the active fee schedule is the apprehension date, or if not in custody, the date the client's whereabouts became known.

Effective Date of Return to Active Fee Schedule: No Time Tolled

When time is not tolled, the effective date of the return to active fee schedule is the day after the date of absconder status.

RESOLVING SUPERVISION FEE ACCOUNT DISCREPANCIES:

When a client reports that there may be a discrepancy with their supervision fee account, field staff shall perform a review of COMPAS and WICS to determine the status of the account. Based on that account review, it may be necessary to refer the client's account to the regional supervision fee specialist for reconciliation and/or submit a DOC-1682. Once the account has been reviewed and reconciled, the agent will document the review in COMPAS notes and notify the client in writing of the results along with providing appropriate documentation. If the client's concerns have not been resolved and they feel the account is still in error, clients should be advised to utilize the Request for Administrative Review

([DOC-127](#)) process for resolution. If the agent finds a discrepancy and WICS needs to be updated, email all information to DOCDCCSupervisionfeeissues@wisconsin.gov for a review of the account.

BANKRUPTCY

Supervision fees are not dischargeable through bankruptcy. Upon receipt of a notice that a client has filed for bankruptcy, staff shall forward that notice to the DOCDCCSupervisionfeeissues@wisconsin.gov. The client's obligation to pay supervision fees stays intact during the bankruptcy proceeding and are collectible upon the bankruptcy disposition.

.04 RESTITUTION

DETERMINATION OF RESTITUTION

Restitution can only be determined by the court. Upon receipt of the case, the agent will determine if the Victim Restitution Ordered ([DOC-31](#)) and Confidential Victim Information (CR-247) has been completed and submitted to the Cashiers Unit. The [DOC-31](#) or other court document contains the names of the victims as well as policy or claim numbers if victim's insurance is due the restitution. The CR-247 provides the address in a confidential manner in the event restitution is to be mailed directly to the victim. Multiple CR-247s may be submitted if needed. If the amount of restitution is stated on the court order, the [DOC-31](#) need not be signed by the judge.

The Cashiers Unit will mail restitution checks directly to the victim according to the information provided on the ([DOC-31](#)) or ([CR-247](#)) or other document received from the District Attorney's Office. If a restitution check is returned by the post office as undeliverable, the Cashiers Unit will ask the agent to locate the victim's current address. If a current address cannot be found, funds will continue to accumulate in WICS, however, no funds will be mailed until an address is provided. Restitution payments that have not been disbursed and are held are transferred to the State Treasurer as unclaimed funds on an annual basis.

AGENT ASSISTANCE IN DETERMINING RESTITUTION

Under [Wisconsin Statutes 973.20\(13\)](#), the district attorney has the primary responsibility to determine the amount of loss from the victim prior to sentencing. The DOC will extend full cooperation and assistance to the district attorney. In disputed cases when ordered by the court, the agent will establish the financial loss to the victim. This includes out-of-pocket monetary loss as a result of taken or damaged property or medical expenses. It also includes reasonable out-of-pocket expenses incurred by the victim in assisting with the prosecution of the criminal case including:

- Return, repair or replacement of property, cost of necessary medical and related professional services and devices relating to physical, psychiatric, and psychological care and treatment;
- Cost of necessary physical or occupational therapy and rehabilitation;
- Income lost by an injured person as the result of the crime; and
- Funeral or related services if death resulted.

If the district attorney does not know the amount of restitution at the time of sentencing and the court orders the department to determine restitution, the agent will contact the victim directly to ascertain the amount of loss. The Affidavit of Claim ([DOC-29](#)) may be used to obtain information from the victim. The victim should submit the claim in writing and provide reasonable verification of loss. The agent will make every reasonable effort to assist the victim in making a claim. The victim should be given at least 30 days to respond to the [DOC-29](#) request. The agent may provide the victim with non-PHI information concerning the client's ability to pay, payment plan, and DOC procedures for the collection and distribution of court-ordered payments.

RESTITUTION COURT ORDER

When the amount of restitution owed is not known or not determined at the time of sentencing, the matter must be returned to the court. If the amount established by the district attorney is disputed by any party, a hearing may be held by the court to determine the outcome. The court's restitution determination must be indicated on a signed court order. Priority of restitution payments is based on discharge date of the case. If there are multiple cases discharging on the same date, restitution payments are determined by JOC sequence in WICS.

If the victim chooses to make no claim, the amount recommended to the court is zero. The client should be advised that the victim may enter a claim at any time during the period of probation.

MULTIPLE VICTIMS

When multiple victims are involved, the court must determine the amount each victim is due. Unless the court orders otherwise, these victims should be advised that they will receive proportionate shares of payments made by the client. In certain circumstances, the courts may order priority payments to victims. When individuals, insurance companies, and/or Crime Victim Compensation are listed as payees, individual payee(s) will receive payment priority over the insurance company and/or Crime Victim Compensation. If a DOC-31 is prepared, the agent should indicate priority payments ordered by the court. If a restitution order is for \$50 or less, WICS will prioritize and pay this restitution order first.

JOINT AND SEVERAL RESTITUTION ORDERS

When two or more defendants are involved in the same offense, the court may issue a joint and several restitution order. This means that each co-defendant is responsible for the total amount of the restitution ordered. There is no "fair share" concept in cases where restitution is ordered jointly and severally. When any of the clients under the order makes a payment, it is credited to each client subject to the joint and several order. The status of the co-defendants' accounts can be checked by viewing the WICS Offender Payee (COP010) screen.

In those cases where the client feels that s/he has paid an equitable share of restitution, that client may wish to approach the court and request that their restitution amount be amended from joint and several to sole payment. It should be noted, however, that funds already disbursed by the department cashier will not be affected by such an amendment.

PRIORITY OF RESTITUTION

Per 2015 Wisconsin Act 355, department fee payments may not be collected from a client with an active restitution account with an unpaid balance, as shown in WICS. When a client makes a payment, staff must review the WICS Offender Payee screen (COP010) to determine if the client has an active restitution account. If the client has an active restitution account, inform the client that any payments must be first applied to the active restitution account and receipt the payment as a court obligations payment.

.05 OTHER COURT-ORDERED FINANCIAL OBLIGATIONS

The court may impose other charges such as fines, victim witness surcharges, DNA surcharges, attorney fees, and court costs. These other court-ordered financial obligations will be collected and paid after restitution is paid in full and as listed on the DCC Client Distribution Priority. These dollar amounts are set by the court and imposed on the Judgment of Conviction.

DCC 5% ADMINISTRATIVE SURCHARGE

For offenses committed after May 7, 1982, the department is authorized by [ss. 973.20\(11\)\(a\)](#) to collect a surcharge to reimburse the agency that collects the court obligation. The Department collects the 5% surcharge only when it is imposed on the judgment of conviction. The DCC 5% Administrative Surcharge may not be submitted to the court as part of a civil judgment request.

RESOLVING CLIENT FINANCIAL ACCOUNT DISCREPANCIES

When a client reports there may be a discrepancy with one or more of the court-ordered financial obligations, field staff should review WICS with the client to find the grounds of the issue. Any discrepancies that cannot be resolved can be referred to the regional Cashiers Unit email box for review.

.06 CHILD SUPPORT

Court-Ordered Support Payments

If the court orders child support, the agent will direct the client to pay the support money directly to the appropriate local agency. Child support payments shall not be accepted by DOC staff or receipted into WICS. The agent will regularly require the client to provide proof of payment of the ordered support. Even though the agent is not directly involved in collection of ordered support payments, failure to pay child support is a violation of supervision. Appropriate responses will be imposed consistent with an evidence-based approach to violations decision-making process. If the court orders child support to be paid as restitution, then those payments are accepted and receipted into WICS as with any other court-ordered financial obligation.

.07 CONTROL OF INMATE RELEASE FUNDS

Release funds are intended to assist the client with reentry needs such as housing, transportation, clothing, and obtaining employment. Release funds are not meant to pay financial obligations. In very rare circumstances should an agent have a PIOC's release funds sent to the agent. The circumstances when an agent can have the release funds sent to them are:

- If the client asks for assistance.
- If the DAI social worker and DCC agent agree that the client needs money management assistance.
- If the DAI social worker and DCC agent are concerned with a vulnerable client being released with a large amount of funds.

If one of these three situations is identified, the agent should indicate on the [DOC-15](#) (Client Release Authorization) to have the check sent to the agent, obtain DCC supervisor approval on the DOC-15, and document in COMPAS what assistance the agent will provide and for what time-frame. The agent can facilitate financial management services through community resources, a caregiver, or supportive services.

At no time should the agent have control of or access to the client's bank account. The bank account will only be in the client name and control.

Agents may not request that DAI split the release funds check with a portion being sent to the agent and the remainder be given to the client.

DAI may reach out to the agent of record if a release fund check is returned by the post office as undeliverable only if the address in COMPAS is the same as on the returned check. If the address in COMPAS is different than the address on the returned check, DAI should resend the check to the current COMPAS address. This does not apply to max discharge cases.