

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE		EFFECTIVE DATE 03/01/2019	NUMBER 06.02.105
SUBJECT OFFENDER REIMBURSEMENT		SUPERSEDES 06.02.105 (11/01/2002)	
		AUTHORITY MCL 791.203, 791.237, 791.265a; Administrative Rule 791.4425, 791.7730	
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POLICY STATEMENT:

Offenders shall reimburse the Department for State funds while on electronic monitoring or participating in polygraph examinations.

RELATED POLICY:

06.04.120 Community Service Work

POLICY:

GENERAL INFORMATION

- A. This policy applies only to offenders (i.e., parolees and probationers) on electronic monitoring or participating in polygraph testing as a condition of their parole or probation.
- B. For purposes of this policy, "funds" does not include funds received from the Department of Health and Human Services for child support or Governmental disability assistance (i.e., Social Security, Veteran Affairs disability benefits). It also does not include wages withheld for the payment of taxes or under the Federal Insurance Contribution Act (FICA).

PER DIEM REIMBURSEMENT RATES

- C. The FOA Deputy Director shall establish annually a statewide per diem reimbursement rate for offenders who are being electronically monitored or are required to complete polygraph testing. The reimbursement rates shall be posted in each field office.

OFFENDER REIMBURSEMENT

- D. Parolees and probationers being electronically monitored shall reimburse the Department for the cost of any electronic monitoring system equipment assigned to them that is lost, damaged or stolen. Parolees or probationers, except sex offenders on GPS, who are able-bodied but unemployed and lack sufficient funds to make the required payments may be required to perform seven hours of community service as an alternative method of payment for every full week they are unable to make the required payment.
- E. Community service required pursuant to this section shall be performed in accordance with PD 06.04.120 "Community Service Work."

COLLECTION OF FUNDS

- F. All funds received as reimbursement for electronic monitoring or polygraph examinations shall be monitored by the Fee Collection Unit. Offenders shall pay reimbursement through the Department's authorized vendor in accordance with their procedures.
- G. If an offender is not paying required reimbursement and the supervising Agent believes that the offender is willfully not paying, or not participating in community service as approved by the Agent, s/he shall notify the offender that they may be charged with a parole or probation violation in accordance with PD 06.06.100 "Parole Violation Process" or PD 06.06.120 "Probation Violation Process" as appropriate.
- H. If an offender has not paid all required reimbursement, the Fee Collection Unit shall review the offender's salary/wage history, receipt of other funds, and performance of any required community service to determine if s/he should be held accountable for the unpaid reimbursement.

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- I. Whenever the Fee Collection Unit determines an offender is to be held accountable for unpaid reimbursement, the matter shall be referred as follows:
 - 1. If the offender is transferred to a Correctional Facilities Administration (CFA) institution, the Fee Collection Unit shall place the debt on hold until the offender is paroled or discharged at which time the Fee Collection Unit shall proceed as set forth in no. 2 or 3, below.
 - 2. If the offender is released on parole into the community, the fees still owed shall be added to any other costs/fees imposed by the court or Parole Board.
 - 3. If the offender is discharged from his/her sentence with a balance owed, and is not making payments, the Fee Collection Unit shall refer the amount to be collected to the Department of Treasury for appropriate collection action.

- J. If the Fee Collection Unit determines that the offender has overpaid required reimbursement, the amount overpaid shall be applied toward any of the offender's other Department or court ordered debts before a refund is processed.

OPERATING PROCEDURES

- K. If necessary, to implement requirements set forth in this policy directive, the FOA Deputy Director shall ensure that procedures are developed or updated.

AUDIT ELEMENTS

- L. A Primary Audit Elements List has been developed and is available on the Department's Document Access System (DAS) to assist with the self-audit of this policy, pursuant to PD 01.05.100 "Self-Audits and Performance Audits."

APPROVED: HEW 01/07/2019