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Inmate/Offender Financial Responsibility Program	ACA Standards: 4-4461-1, 4-ACRS-6D-01, 4-ACRS-6D-02, 4-APPFS-2F-01, 4-APPFS-2F-02		
Joe M. Allbaugh, Interim Director Oklahoma Department of Corrections		Signature on File	

Inmate/Offender Financial Responsibility Program

The Inmate/Offender Financial Responsibility program requires inmates/offenders to address legitimate financial obligations while under Oklahoma Department of Corrections (ODOC) incarceration/supervision. ODOC assists inmates/offenders in developing suitable financial management plans that enable them to contribute toward their financial obligations while reinforcing responsible money management practices. ODOC will provide services and opportunities that encourage inmates/offenders to take responsibility for their actions and to make restitution to the victims of their crime(s) and/or to the community. (4-4461-1, 4-ACRS-6D-01, 4-ACRS-6D-02, 4-APPFS-2F-01, 4-APPFS-2F-02)

All inmates will be required to have 10% of their earnings withheld each month for state court costs due in criminal cases, 20% of all funds received withheld for cases filed under the Prisoner Litigation Reform Act (PLRA), and an amount arranged through district court for court-ordered child support payments.

“Inmate” applies to anyone under the custody or care of a prison or community-based facility operated by or contracted with the Oklahoma Department of Corrections (ODOC) or assigned to a specialized pre-release program (GPS, etc.).

“Offender” will apply to anyone under agency supervision; to include those released from incarceration to parole, suspended sentence/probation, or other court-ordered post incarceration supervision by the Oklahoma Department of Corrections (ODOC).

I. Development of a Financial Plan

The inmate/offender financial plan process will begin during initial assessment at a reception facility or upon reception by a probation and parole district intake office.

A. Initial Reception of Inmates

1. During the initial assessment and reception process, the assessment and reception staff records officer will conduct a review of the inmate's obligations for court costs, fines and any other financial sanctions rendered by the court as presented in the Judgment and Sentence or other court documents. This information will be entered into OMS.
2. Following initial facility placement from the assessment and reception unit and prior to the new arrival review, the inmate's assigned case manager will complete the "Inmate/Offender Financial Responsibility Plan" ([DOC 090131A](#)) utilizing the assessment case history, OMS information and any information subsequently received. Financial obligations will be listed and funds will be withheld in the following order of priority:
 - a. 10% of all earnings for state criminal court costs;
 - b. 20% of all funds received for PRLA cases;
 - c. An amount arranged through district court for court-ordered child support;
 - d. Court costs in civil or criminal cases as ordered by court or allowed by law;
 - e. Judgments in favor of the state of Oklahoma;
 - f. Judgments in favor of the United States;
 - g. Other debts owed the federal, state or local government. Debts owed the federal government may include: student loans, Veterans Administration claims (e.g., home loan default, education benefit overpayment), tax liabilities, Freedom of Information and Privacy Act fees, etc.;
 - h. Other court-ordered obligations to include restitution, alimony, or other judgments against the inmate/offender (4-4461-1, 4-ACRS-6D-02, 4-APPFS-2F-02); and
 - i. Payments due to ODOC for transportation charges related to a Writ of Habeas Corpus in regard to a civil matter (12 O.S. § 397), transports under the provisions of [OP-031001](#) entitled "Offender Escorted Leave/Activities" and/or legal and medical copays.
3. Staff will explain the mandatory deductions and will reinforce to the inmate their responsibility to make payments toward their financial

obligations.

4. Subsequent new arrival, adjustment reviews and periodic contacts will include financial plan review or revisions in accordance with [OP-060203](#) entitled "Adjustment Review."

B. Initial Intake of Probation and Parole Offenders

1. When conducting the orientation of offenders, the probation and parole officer will review of the offender's obligations for court costs, fines, supervision fees and any other financial sanctions rendered by the court as provided in the Judgment and Sentence or other court documents. The officer will outline the offender's obligations utilizing the "Orientation to Supervision" form ([OP-160103](#), [Attachment D](#)) (4-APPFS 2F-01).
2. A review of plan progress or modification of plan components will take place during the offender's regularly scheduled reviews and contacts with the probation and parole officer.
3. If the probation or parole offender fails to comply with the restitution payment schedule, the supervising officer will notify the releasing authority via a violation report as outlined in [OP-160701](#) entitled "Collection of Probation/Parole Fees, Restitution and Program Support Fee."
4. When a pre-release program inmate has agreed to a payment schedule with the courts and is removed from the program and returned to a facility, the officer will inform the court of the inmate's status.
5. After the pre-release inmate has been removed from supervision, Section V. A. items 1. through 3. of this procedure will need to occur prior to any release.
6. If an inmate/offender is assigned to GPS, the probation and parole officer will direct the inmate/offender to report to the court clerk within thirty (30) days of placement in community, to address payment of any fines, costs, restitution and assessments owed (57 O.S. & 510.9).

II. Mandatory Payment Procedures

In accordance with state statute 57 O.S. § 549, payments of costs and expenses for criminal actions against the inmate/offender are mandatory. The inmate/offender is responsible for making all payments required by the financial responsibility plan or in accordance with the payment schedule as set forth by the court and for providing documentation of payment to staff.

Payments may be made in two ways:

A. Direct Payments

1. Outside payments may be made by the offender or the offender's family directly to the party to whom the obligation is to be paid.
2. Payments to victim restitution will be made to the agency restitution office as outlined in [OP-160701](#) entitled "Collection of Probation/Parole Fees, Restitution and Program Support Fees." (4-4461-1, 4-ACRS-6D-02, 4-APPFS-2F-02)

B. Payments by Inmates

1. Automatic withdrawals for each pay period will be initiated by completion of the "Inmate/Offender Financial Responsibility Plan" ([DOC 090131A](#)) as approved by unit staff and processed by the facility's business office staff in accordance with [OP-120230](#) entitled "Offender Banking System." Deductions will be made through the Offender Banking System (OBS) from the inmate's net pay (work release or prison industries) or facility inmate pay and any funds deposited into the inmate's account. Settlement funds received by inmates will be processed in accordance with 57 O.S. § 566.1.
2. Additional payments may be made through a disbursement signed by the inmate, approved by unit/designated staff, and processed by the facility's business office staff in accordance with [OP-120230](#) entitled "Offender Banking System."

III. Flagging Actions

Inmate/offender files and OMS records will indicate financial obligations and the inmate's/offender's level of participation in the financial responsibility program.

IV. Quarterly Summary for Inmates

Finance and Accounting will forward a copy of the quarterly summary of court costs payments to the director and the chief administrator of Business Services.

V. Court Cost Hearings/Notification Process

The Rules of the Court of Criminal Appeals, 22 O.S. § 18, provides that a judicial hearing be conducted to determine a defendant's ability to satisfy court-ordered fines and costs. If a defendant is not immediately able to pay fines and costs, then a payment schedule is established. In the case of a Judgment and Sentence of Imprisonment, the hearing to determine the ability to pay will occur after release from incarceration.

A. Notification Process

All cases of the Judgment and Sentence containing language ordering a defendant to return or be returned to the sentencing court for payment of

finances and costs will be considered a detainer or hold by the sentencing court. In all such cases, the following steps will be taken to ensure compliance with the court order:

1. Upon reception, such orders will be noted on the "Consolidated Record Card" ([DOC 060211H](#)) and computerized Offender Management System (OMS) as a detainer.
2. The inmate's case manager will ensure that orders of this nature are noted on the "Inmate/Offender Financial Responsibility Plan" ([DOC 090131A](#)). The inmate's payment progress while incarcerated will be monitored in accordance with [OP-060203](#) entitled "Adjustment Review."
3. Approximately 30 days prior to the inmate's projected discharge, parole, or as soon as possible prior to placement on another community-based supervision program, the records officer will complete the "Notice of Court Hearing for Payment of Fines and Costs" ([DOC 090131B](#), attached). If the inmate refuses to sign the notice, such refusal will be noted on the form. The inmate's signature, or the records officer's documentation of the inmate's refusal to sign, is considered an acknowledgement of the hearing. If the inmate refuses to provide a forwarding address, the most recent emergency contact address will be used.
 - a. Since a refusal to sign the notice or provide a forwarding address may constitute a refusal to pay pursuant to Oklahoma Court of Criminal Appeals Rule 8.2, the sentencing court must be immediately notified so that they may exercise their detainer prior to any release from imprisonment.
 - b. If the detainer is exercised, officers from the sentencing county are required to provide the transportation necessary for the defendant's return to court. The agency will not provide transportation.
 - c. Upon the inmate's refusal to sign or provide a forwarding address, the records officer will immediately contact the sentencing court so that transportation arrangements can be made.
 - d. Copies of "Notice of Court Hearing for Payment of Fines and Costs" ([DOC 090131B](#)) will be placed in the field file (Section I), given to the inmate and forwarded to the sentencing court.

B. Exception When Other Detainers Are Involved

The court cost hearing notification will not be necessary if the inmate also has a detainer from an in-state, out-of-state, or federal jurisdiction to assume custody for the service of a sentence or for an untried indictment.

1. The records officer will contact the sentencing court in writing regarding the release to another jurisdiction.
2. The sentencing court will be provided with the name and address of the detaining jurisdiction, the case reference numbers of the offenses involved, and, if known, the sentence length.

C. Exceptions by the Judiciary

The court cost notification process is a nonbinding agreement between the agency and the state judiciary. No judge is required to participate in this cooperative agreement. Finance and Accounting staff will be advised by administrative memorandum in cases where individual judges or counties develop their own notification process.

VI. References

Policy Statement No. P-090100 entitled "Provisions of Programs"

OP-031001 entitled "Offender Escorted Leave/Activities"

OP-060203 entitled "Adjustment Review"

OP-120230 entitled "Offender Banking System"

OP-160701 entitled "Collection of Probation/Parole Fees, Restitution and Program Support Fees"

12 O.S. § 397

22 O.S. § 18

57 O.S. § 549

57 O.S. § 566.1

Oklahoma Court of Criminal Appeals Rule 8.2

Prisoner Litigation Reform Act (PLRA)

28 U.S.C. § 1915(b)(1)

VII. Action

The division managers are responsible for compliance with this procedure.

The associate director of Field Operations is responsible for the annual review and revisions.

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Any exceptions to this procedure will require prior written approval from the director.

This procedure is effective as indicated.

Replaced: Operations Memorandum No. OP-090131 entitled "Offender Financial Responsibility Program" dated August 26, 2014

Distribution: Policy and Operations Manual
Agency Website

<u>Referenced Forms</u>	<u>Title</u>	<u>Location</u>
DOC 060211H	"Consolidated Record Card"	OP-060211
DOC 090131A	"Inmate/Offender Financial Responsibility Plan"	Attached
DOC 090131B	"Notice of Court Hearing for Payment of Fines and Costs"	Attached

<u>Referenced Attachments</u>	<u>Title</u>	<u>Location</u>
Attachment D	"Orientation to Supervision"	OP-160103

