



OFFICE OF THE COMMISSIONER
Contributing to a Safer Minnesota

January 22, 2009

Honorable Michael Paymar, Chair
House Public Safety Finance Division Committee

Honorable Linda Higgins, Chair
Senate Public Safety Budget Division

Honorable Debra Hilstrom, Chair
House Public Safety Policy & Oversight Committee

Honorable Mee Moua, Chair
Senate Judiciary Committee

Dear Committee Chairs:

The 1999 Legislature authorized the Department of Corrections (DOC) to collect supervision fees from offenders on probation and supervised release pursuant to M.S. §241.272 and directed the department to report annually on fees imposed and collected. According to this statute, the purpose of this fee is to help offset costs related to correctional services. The 2001 Legislature amended M.S. §241.272 at the DOC's request to allow supervision fees collected by DOC contract agents to be kept by the county and the fees collected by state agents deposited to the General Fund. This only has an impact on misdemeanor cases supervised by contract agents.

This report contains a 12-month cycle of imposing and collecting the fees and provides the following information requested in the statute: types of correctional services for which fees were charged, aggregate amount of fees imposed, and aggregate amount of fees collected.

Types of correctional services for which fees were charged

- Probation – assessed \$120 upon the offender's first visit and annually thereafter
- Supervised release and parole – assessed upon the offender's release from prison and annually thereafter



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- Special supervised release which includes Intensive Supervised Release (ISR), Challenge Incarceration Program Phases II and III (CIP), and Conditional Release Program (CRP) – assessed upon the offender’s release to the community and annually thereafter

Aggregate amount of fees imposed and collected

Table 1 illustrates the amount of supervision fees imposed and payments made during Fiscal Years 2007 and 2008. It is important to note that the fees imposed during any given year could be paid in a subsequent year as offenders are allowed up to one year to pay the fee. Therefore, a significant amount of fees imposed during one calendar year will be collected during the next calendar year.

When legislation was passed allowing collection of supervision fees, it was projected that \$720,000 would be collected each fiscal year after the first year of implementation. The initial projections assumed a 50 percent compliance rate with 12,000 adult offenders under active department supervision. This past fiscal year’s fees were imposed on 15,474 offenders. The 50 percent compliance rate has been exceeded, but the original projection of 12,000 adult offenders did not take into consideration waivers or offenders not under active supervision (see Table 2). It remains difficult to project the compliance rate and number of offenders. If the department’s experiences continue, the compliance rate and overall dollars collected can be expected to increase over time.

Table 1: Supervision Fees Imposed and Collected for Fiscal Years 2007 and 2008

RELEASE TYPE	2007 FEES IMPOSED	2008 FEES IMPOSED
CIP	\$ 21,410	\$ 32,220
ISR	43,490	39,010
CRP	1,570	890
Probation	1,598,220	1,641,650
Supervised release	147,270	146,220
Total	\$ 1,811,960	\$1,859,990
RELEASE TYPE	2007 FEES COLLECTED	2008 FEES COLLECTED
CIP	\$ 12,063	16,329
ISR	10,358	11,496
CRP	1,220	300
Probation	827,697	910,774
Supervised release	56,294	59,633
Total	\$ 907,632	\$ 998,532
Disbursement 2008		
General Fund \$782,663 County \$215,869		

Table 2 illustrates the reasons for waiver along with the percentage each waiver reason is to the number of fees imposed. During this past year, 15,474 fees were imposed with 2,409 waived. This is a waiver rate of less than 16 percent.

Table 2: Supervision Fee Waivers by Release Type

Waiver Type	Special Supervision (ISR/CIP/CRP)	Probation	Supervised Release	Total Number of Waivers	Waiver Rates
Disability/unemployable	9	290	23	322	2.1%
Extenuating circumstances	20	452	43	515	3.3%
Revoked and committed	121	493	552	1,166	7.5%
Significant restitution	0	93	5	98	.6%
Treatment costs	0	54	10	64	.4%
Under \$25 – no revenue recapture	5	15	14	34	.2%
Work service	1	193	16	210	1.4%
Total waivers	156	1,590	663	2,409	15.5%

Please contact me if you have questions regarding this report.

Sincerely,

/s/

Joan Fabian
 Commissioner

Enc.

- c: Honorable Bill Ingebrigtsen
- Honorable Paul Kohls
- Honorable Bruce Anderson
- Honorable Warren Limmer
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- Minnesota State Law Library (two copies)
- Chief Clerk of the House
- Secretary of the Senate