

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Probationer Accounts		
Policy Number: 406.20	Effective Date: 10/30/2017	Page Number: 1 of 3
Authority: Commissioner	Originating Division: Administration and Finance Division (Human Resources)	Access Listing: Level I: All Access

I. Introduction and Summary: It is the policy of the Georgia Department of Corrections (GDC) to maintain a State Probation checking account for the purpose of collections and disbursements for all probationers court ordered fines, fees and restitution payments, that are serving a sentence of probation under the supervision of Department of Community Supervision (DCS).

- II. Authority:**
- A. Crime Victim’s Restitution Act of 2005;
 - B. O.C.G.A.; §§17-14-1, *et seq.*, 42-8-31, 42-8-33;
 - C. Ga. Comp. R. & Regs. 125-2-4-.05, 125-2-4-.22, 144-4-.07;
 - D. GDC Standard Operating Procedures (SOPs): 326 Management of Court Ordered Collections and Victim Notifications-Restitution, 346 Determination of Restitution, and 347 Duty to Collect and Disburse; and;
 - E. ACA Standard: 2-CO-1B-14.

- III. Definitions:**
- A. **Approved Third Party Vendor(s)** - The GDC approved contractors currently doing business with the GDC for the purpose of sending and receiving funds for probation accounts.
 - B. **Court Ordered Obligations** - Court ordered monies imposed as a means of punishment to the probationer.
 - C. **Probationer** - A person who is ordered to serve felony probation and be supervised under the DCS.
 - D. **Restitution** - Compensation or reimbursement to a victim by an ordering authority.
 - E. **State Probation Account** - The account established solely for the purpose of receiving probationer’s court ordered obligations. This is also the account that all disbursements are made to appropriate recipients.

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F. **Victim** - A person who has suffered loss, damages, or injury as a result of a crime.

IV. Statement of Policy and Applicable Procedures:

A. Collection of Funds:

1. Only one account shall be established for each probationer within the Consolidated Banking State Probation Account for whom funds are being held. All transactions affecting an account shall be posted to that account.
2. All funds that are sent through a Third Party Vendor are balanced each business day. Any discrepancies will be resolved in a timely manner.
3. If funds are receipted into a probationer's account and the receipt was posted in error to the incorrect probationer's account by the Third Party Vendor, the funds will only be moved if they have not been spent by the receiving probationer. If there are no funds available in spendable, the third party vendor will be responsible for providing replacement funds to the correct probationer's account.
4. Funds received in the Consolidated Banking Unit, where the sender is unknown and the GDC number cannot be linked to a probationer, shall be held in the State Probation account until more information is provided.

B. Disbursement of Funds:

1. Refunds from overpayment of court ordered obligations will be paid back to the probationer for any amount over five dollars (\$5.00) in accordance with O.C.G.A. § 42-8-33. The probation officer/local probation office staff must send an email to Offender.payments@gdc.ga.gov with the following: offender's name, GDC number, verification of address in Scribe and verification that all court ordered obligations have been satisfied. Upon research, if it is found that all obligations have not been entered/met, the amount in spendable will not be refunded.
2. Apportionment of payments for restitution will be disbursed in accordance with O.C.G.A. § 17-14-8. The Consolidated Banking Unit (CBU) will disburse funds to the restitution victim no later than the last

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day of each month for payments over One Hundred dollars (\$100.00). If the amount has not accumulated to One Hundred dollars (\$100.00), CBU may allow the amount of restitution to accrue until such time it exceeds One Hundred dollars (\$100.00), or until the end of the next calendar quarter.

3. Distribution of payments for court ordered obligations will be disbursed on the last business day of each month.
4. Court ordered restitution funds that have not been claimed in two (2) years will be periodically transferred to the Georgia Criminal Justice Coordinating Council to be deposited into the Crime Victims Emergency Fund in accordance with Board Rule 144-4-.07.

C. Interest: Interest earned in the State Probation bank account, will be used to offset bank fees incurred in this same account.

D. All deposit and withdrawal records are located in Scribe.

V. **Attachments:** None

VI. **Record Retention of Forms Relevant to this Policy:** None