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ADMINISTRATIVE REGULATION
NUMBER

114

OPR: ACCOUNTING

ADMINISTRATION OF ACT NO. 2021-249,
CODIFIED AT *ALA. CODE* §§ 14-1-21-23, §§ 15-22-29 & 32, and §§ 15-22-52 & 54

I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes responsibilities, policies and procedures applicable to the Department in the administration of Act No. 2021-249, codified as *Ala. Code* §§14-1-21-23, *Ala. Code* §§15-22-29 & 32, *Ala. Code* §§15-22-52 & 54. This law is related to the payment of per diem and health care costs for parolees and probationers charged with, or sanctioned or revoked for, a parole or probation violation when a validated Claim is submitted by an Alabama County or the County's designee.

II. POLICY

It is the policy of the ADOC to comply with the law as enacted and to remit payment in accordance with the Act, Alabama's Fiscal Policy and Procedures Manual, and the ADOC's Accounting Manual.

III. DEFINITIONS AND ACRONYMS

- A. **Board**: The Alabama Board of Pardons and Paroles.
- B. **Claim**: An application for payment or invoice submitted by a County seeking payment for claimed per diem and/or healthcare costs incurred by the County for housing or providing healthcare to a Parolee or Probationer pursuant to the timeframes stipulated in this Administrative Regulation.
- C. **County**: A County of the State of Alabama, its Sheriff or Sheriff's office employees, or Jail Administrator, County Administrator or other Designee of the County authorized to submit a Claim on behalf of said County.

- D. **Documentation**: Documents, information, invoices, and other written materials submitted in support of a Claim as defined in this Administrative Regulation.
- E. **Parolee**: An inmate paroled to supervision of the Alabama Board of Pardons and Paroles by action of the Board and covered by the terms of Act No. 2021-249, Ala. Code §§15-22-29 & 32, and this Administrative Regulation.
- F. **Probationer**: An offender sentenced to probation by an Alabama Circuit Court and covered by the terms of Act No. 2021-249, Ala. Code §§15-22-52 & 54, and this Administrative Regulation.
- G. **Inmate Released to Mandatory Supervision**: An offender released to supervision by the terms of Ala. Code §15-22-26.2 to the supervision of the Board of Pardons and Paroles.

IV. **RESPONSIBILITIES**

- A. The Department will timely review all Claim(s) and supporting Documentation received from a County or the Board submitted to the Department for reimbursement pursuant to the terms of the Act as codified at *Ala. Code* §§14-1-21-23 and provide comment to the County for any discrepancy or clarification requests, including additional Documentation.
- B. Documentation in support of a Claim for Per Diem should be directed to the Accounting Division.
- C. Documentation in support of health care costs shall be directed to the Office of Health Services.
- D. Upon validation of the Claim, the ADOC will remit payment in accordance with Act No. 2021-249, codified at *Ala. Code* §§14-1-21-23, Alabama's Fiscal Policies and Procedures Manual and ADOC's Accounting Manual and this AR.

V. **PROCEDURES**

- A. Claims for Per Diem Charges:

Counties seeking to submit a Claim for per diem charges should be directed as follows for Claim submission:

1. ADOC's Accounting Division at:

ADOCPayables@doc.alabama.gov

2. Upon receipt by the Department of a Claim and Documentation for the Claim, including Documentation evidencing the dates a Parolee or Probationer was housed in the County Jail, the Accounting Division has the responsibility to process the Claim(s) for payment. Documentation may include the following:
 - a. Completed Fugitive Warrant;
 - b. Form Authorizing Arrest of Parole Violator;
 - c. Action of the Board Subsequent to Parole Court form;
 - d. Judge's Order for Arrest on Probation Violation or Probation Officer's Written Statement of Probation Violation;
 - e. Judge's Order on the Probation Violation;
 - f. Criminal Sentencing Order for a Probationer on the Current Violation;
 - g. Administrative Imposition of Intermediate Sanctions – Parole;
 - h. Administrative Imposition of Intermediate Sanctions – Probation;
 - i. Consent to Intermediate Sanction form;
 - j. Parole Court Action on Sanction or Judge's Order for Sanction;
 - k. Authorizing Arrest of a Mandatory Release Violator form; and
 - l. Any other Documentation evidencing the date or dates in which a Parolee or Probationer was housed in the County jail that permits the Department to calculate the amount of reimbursement for per diem charges.

B. Claims for Health Care Costs:

Counties seeking to submit a Claim for health care costs should be directed as follows for Claim submission:

1. ADOC's Health Services Accounting Division at:
ADOC.OHS@doc.alabama.gov
2. Upon receipt by the Department of a Claim and Documentation evidencing any health care costs incurred by a Parolee or Probationer for dates the Parolee or Probationer was housed in the County Jail covered by Act No. 2021-249, the Office of Health Services has the responsibility to process Claim(s) for payment.
3. A Claim for health care costs must be supported by an itemized medical claim form and proof of payment, demonstrating the validity of the Claim for health care costs corresponding to the dates a Parolee or Probationer was housed in a County Jail pursuant to Act No. 2021-249, codified as *Ala. Code* §§14-1-21-23, *Ala. Code* §§15-22-29 & 32, *Ala. Code* §§15-22-52 & 54.
 - a. Documentation of the Claim with proof of payment may also include the following:
 - (1) Health Insurance Claim Forms;
 - (2) Pharmacy invoices;
 - (3) Dental Invoices.

C. Payment Procedures:

The ADOC will remit separate payments for per diem and health care Claims upon validation of submitted Claims as outlined above in accordance with the following application of the statutes.

1. Parolees:
 - a. Parole Revocation:
 - (1) Pay Claim for a maximum of 20 business days – starting on the calendar date of either the charge for a parole violation (if already incarcerated) or arrest on the charge of a parole violation, *whichever is later*, and
 - (2) the total number of calendar days from the day after revocation through the date the inmate is taken into ADOC custody or released at the

end of sentence. (See Ala. Code §15-22-32 (b)(1) a. & b.)

b. "Dunk" Sanction (Maximum total 45 days):

Pay Claim for a maximum of 45 calendar days– starting on the first (1st) day in the county jail.

c. "Dip" Sanction (Short period of confinement):

(1) "Dip" Sanction with Waiver:

Pay Claim for a maximum of three (3) consecutive days (limited to six (6) total days per month) from the first day in the county jail through the last day of the sanction in the county jail (2 or 3 total calendar days). (See Ala. Code §15-22-32 (e) & (f).

(2) "Dip" Sanction Without Waiver/No Arrest:

Pay Claim for a maximum of three (3) consecutive days (limited to six (6) total days per month) from the first day in the county jail through the last day of the sanction in the county jail (2 or 3 total calendar days). (See Ala. Code §15-22-32 (e) & (f)).

(3) "Dip" Sanction with Arrest for Threat to Public Safety/Flight Risk:

Pay Claim for a maximum of 20 business days - starting the first (1st) day in the county jail for the Dip. (See Ala. Code §15-22-32 (f) (1) a.).

d. No Action/Reinstatement:

Pay Claim for a maximum of 20 business days - starting on the calendar date of the charge for a parole violation (if already incarcerated) or arrest on the charge of a parole violation, *whichever is later*.

2. Probation:

a. Probation Revocation:

- (1) Pay Claim for a maximum of 20 business days - starting on the calendar date of either the charge for a probation violation (if already incarcerated) or arrest on the charge of a probation violation, *whichever is later, and*
- (2) pay for the total number of calendar days from the day after revocation through the date the inmate is taken into ADOC custody or released at the end of sentence. (See Ala. Code §15-22-54 (e) (1) a., b., & c.).

b. “Dunk” Sanction (Maximum total 45 days):

Pay Claim for a maximum of 45 calendar days– starting on the first (1st) day in the county jail.

c. “Dip” Sanction (Short period of confinement):

(1) “Dip” Sanction with Waiver:

Pay Claim for a maximum of three (3) consecutive days (limited to six (6) total days per month) from the first day in the county jail through the last day of the sanction in the county jail (2 or 3 total calendar days). (See Ala. Code §15-22-54 (f) & (g)).

(2) “Dip” Sanction Without Waiver/No Arrest:

Pay Claim for a maximum of three (3) consecutive days (limited to six (6) total days per month) from the first day in the county jail through the last day of the sanction in the county jail (2 or 3 total calendar days). (See Ala. Code §15-22-54 (f) & (g)).

(3) “Dip” Sanction with Arrest for Threat to Public Safety/Flight Risk:

Pay Claim for a maximum of 20 business days - starting the first (1st) day in the county jail for the Dip. (See Ala. Code §15-22-32 (f) (1) a.).

d. No Action/Reinstatement:

Pay Claim for a maximum of 20 business days - starting on the calendar date of the charge for a probation violation (if already incarcerated) or arrest on the charge of a probation violation, *whichever is later*.

VI. DISPOSITION

Any forms used will be disposed of and retained according to the Departmental Records Disposition Authority (RDA).

VII. ANNEXES AND FORMS

There are no Forms prescribed in this Regulation.

VIII. SUPERSEDES

This a new Administrative Regulation and does not supersede any other regulation.

IX. PERFORMANCE

Code of Alabama 1975 as amended, *Ala. Code §§14-1-21-23, Ala. Code §§15-22-29 & 32, Ala. Code §§15-22-52 & 54.*



John Q. Hamm
Commissioner