



RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE

DIRECTOR:

Wayne P. Santolucito, Jr.

**POLICY
NUMBER:
28.23-4 DOC**

**EFFECTIVE
DATE:
01/10/2024**

**SUBJECT:
RESTITUTION**

**LAST REVIEWED:
11/2023**

**SECTION:
PROBATION AND PAROLE**

**SUPERSEDES:
28.23-3**

AUTHORITY: Rhode Island General Laws (RIGL) § 42-56-10 (22), Powers of the director; § 42-56-7, Probation and parole; § 12-19-8, Suspension of sentence and probation by superior or district court; § 12-19-32 Restitution; § 12-19-32.1; § 12-19-34

REFERENCES: the most recent versions of RIDOC Policies 28.08 DOC, Pre-Sentence Investigations and Reports; 28.05 DOC, Court Coverage/Intake; 28.17 DOC, Probation Violation Requests

INMATE/PUBLIC ACCESS: YES

AVAILABLE IN SPANISH: YES

I. PURPOSE:

To describe procedures to be followed by employees of the Rhode Island Department of Corrections' (RIDOC's) Adult Probation & Parole Unit for determining and monitoring court-ordered restitution as a special condition of Probation.

II. POLICY:

A. RIDOC's Adult Probation & Parole Unit determines and/or monitors restitution when it is a Court-ordered special condition of Probation.

RIDOC's Adult Probation & Parole Unit *determines* the restitution (basis of claims, amounts, and/or payment schedules) when so directed by the Court.

B. Any offender who does not pay restitution which is a special condition of Probation may be presented as a violator and may face additional sanction(s).

III. PROCEDURES:

A. General Information

1. Restitution is a means of rehabilitation and accountability for offenders, and it compensates victims for crime-related losses.
2. Sentencing courts have jurisdiction with respect to ordering restitution, determining specific amounts, and establishing payment schedules.
3. In accordance with established procedures of RIDOC's Adult Probation & Parole Unit and the courts, and unless otherwise ordered in particular cases, offenders make restitution payments directly to the Supreme Court Central Registry (hereinafter referred to as the "Central Registry"), Department of Human Services (DHS), or other identified agency responsible for the collection and disbursement of such monies.
4. RIDOC's Adult Probation & Parole Unit staff is responsible for notifying the appropriate collection agency of changes in an offender's status or case which may substantially affect his/her ability to pay restitution.
 - a. Such changes may include, but are not necessarily limited to:
 - (1) unscheduled case closing;
 - (2) modification of payment schedule;
 - (3) modification of another court order;
 - (4) adjustment in restitution amount;
 - (5) judgment of civil liability is entered.
 - b. Notification includes documentation, such as:
 - (1) a copy of an amended court disposition;
 - (2) written notice of consent by the victim (if amount is not court-ordered);
 - (3) other supporting documentation.

- c. All correspondence to any collection agency regarding a specific restitution case must include:
 - (1) offender's name;
 - (2) offender's date of birth;
 - (3) offender's address(es);
 - (4) specific case number.

- d. The Restitution Action Request Form is used to document any amendments or changes in RIDOC Adult Probation & Parole Unit staff's responsibility with respect to:
 - (1) Probation/Parole Officer caseload number;
 - (2) victim's mailing address;
 - (3) offender's mailing address;
 - (4) requests for review by the Special Master;
 - (5) requests for restitution determination by the investigator (Superior Court cases only);
 - (6) other related requests;
 - (7) DHS referrals have a separate referral form.

B. District Court Restitution Determinations

- 1. When **District Court restitution determinations are specified as part of the disposition and/or charge**, the Probation/Parole Officer or other assigned staff:
 - a. determines the name(s) and addresses(s) of victim(s);
 - b. completes the State of Rhode Island, Superior Court, Central Registry Agreement Form for cases in which restitution is to be paid through the Central Registry;

- c. instructs the offender relative to making payments;
- d. monitors restitution payments.

If payments are chronically behind schedule or will not be completed prior to the expiration of the case, the Probation/Parole Officer (or Minimum supervision staff, if the case was banked with the Minimum Supervision Unit) files a Technical Violation form (form 32f; see the most recent version of DOC policy 28.05 DOC Court Coverage/Intake) with the court at least one hundred twenty (120) days prior to termination of Probation.

NOTE: Particular attention should be paid to cases with significant amounts of restitution.

Following the filing of a technical violation (32f), should the court enter a Judgment of Civil Liability, the Probation/Parole Officer notifies the victim using the form "Stayed Sentence" Victim Letter, and notifies the Central Registry using the form Restitution Action Request. Civil Judgements are now sometimes being entered at sentencing; this does not negate the Probation/Parole Officer's responsibility to try their best to collect restitution from the defendant.

- 2. **When District Court restitution is court-ordered, but not determined at time of disposition**, the Probation/Parole Officer or other assigned staff:
 - a. determines the name(s) and addresses(s) of victim(s);
 - b. sends a letter to the victim(s) requesting a written response;
 - c. documents (in the record) the victim's(s') response, non-response and/or response that no restitution is sought;
 - d. requests documentation from the victim(s) when out-of-pocket expenses were or will be incurred as a result of the offense. If the restitution amount is disputed by the probationer, the Probation/Parole Officer shall request the court schedule a restitution determination hearing at which time the victim may appear and provide supportive documentation to the court;
 - e. follows procedures specified in [III.B.1.b.-d.](#), above.

C. Superior Court Restitution Determinations

1. When **Superior Court restitution determinations are specified as part of the disposition and/or charge**, the Probation/Parole Officer or other assigned staff:

- a. completes the State of Rhode Island, Superior Court Central Registry Agreement Form for cases in which restitution is to be paid through the Central Registry;

NOTE: In cases where the victim information (name and address) is not readily available, the Probation/Parole Officer or other assigned staff shall contact the Attorney General's Office to obtain same. A copy of the documentation from the Attorney General's Office shall be attached to the Intake form 1A package (see the most recent version of RIDOC policy 28.05 DOC, Court Coverage/Intake).

- b. refers offender to DHS for restitution in Welfare fraud cases via DHS restitution referral form;

NOTE: The Department of Human Services' Unit of Collections, Claims, and Recoveries monitor restitution payments made through that agency. RIDOC's Probation and Parole Unit may verify that payments are made through contact with DHS.

- c. instructs the offender relative to making payments;

- d. monitors restitution payments;

(1) If payments are chronically behind schedule or will not be completed prior to the expiration of the case, the assigned Probation/Parole Officer files a Superior Court Presentment Report (see the most recent version of RIDOC policy 28.17 DOC, Probation Violation Requests) with the Office of the Attorney General at least one hundred-twenty (120) days prior to the termination of Probation.

NOTE: Particular attention should be paid to cases with significant amounts of restitution.

2. When **Superior Court restitution is court-ordered but not determined at the time of disposition**, the Probation/Parole Officer or other assigned staff refers the case to the Special Master to schedule a Determination of Restitution Hearing by using the Restitution Action Request Form, including the Police Report (if available).

NOTE: The Central Registry notifies the victim if the restitution amount is to be determined.