

# Statewide Restitution Collection Practices: A Survey of Offender Supervision Agencies

## **Minnesota Restitution Working Group**

Survey Administered by the Minnesota Department of  
Public Safety Office of Justice Programs

May 2014



# Survey Overview

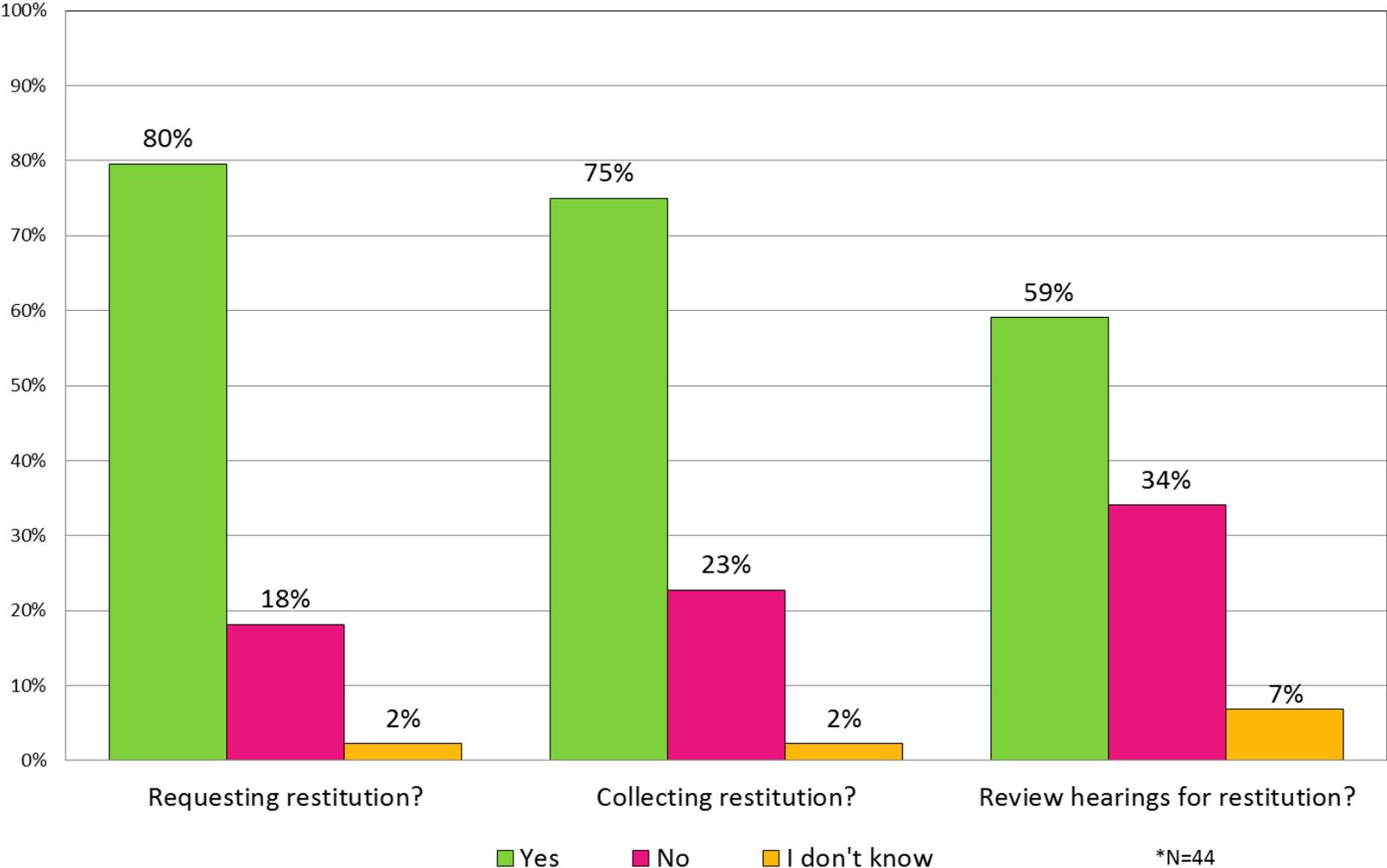
- Sent to all 53 Probation/Supervision Agency Directors:
  - 17 CCA; 22 CPO; 14 DOC Directors
- Survey was 31 questions with numerous opportunities to enter comments
- Survey content included:
  - Agency characteristics; restitution protocols and procedures; agent involvement in requesting & setting restitution; strategies used to collect restitution; use of restitution review and PV hearings; impact of cases going to collections; perceived effectiveness of different restitution collection strategies.

# Respondents & Agency Characteristics

- **Responses:** 44 useable surveys (83% of Dirs).
  - 71% of CCA Dirs.; 96% of CPO; 79% of DOC.
  - Of all surveys received, the largest number are CPO agencies (48%).
- **Jurisdictions:**
  - 64% serve 1 county; 20% serve 2 or 3 counties; 16% serve 4 or more counties.
  - 82% serve in 1 Judicial District; 14% serve in 2 JDs; 5% serve in 3 or more JDs.
- **Agency Size:**
  - 39% have 10 or fewer agents; 45% have 11 to 40 agents; 16% have 41 or more agents (CCA counties).

# Restitution Policies

## Question 5: Does Your Agency have Written Protocols and Procedures Related to the Following:\*

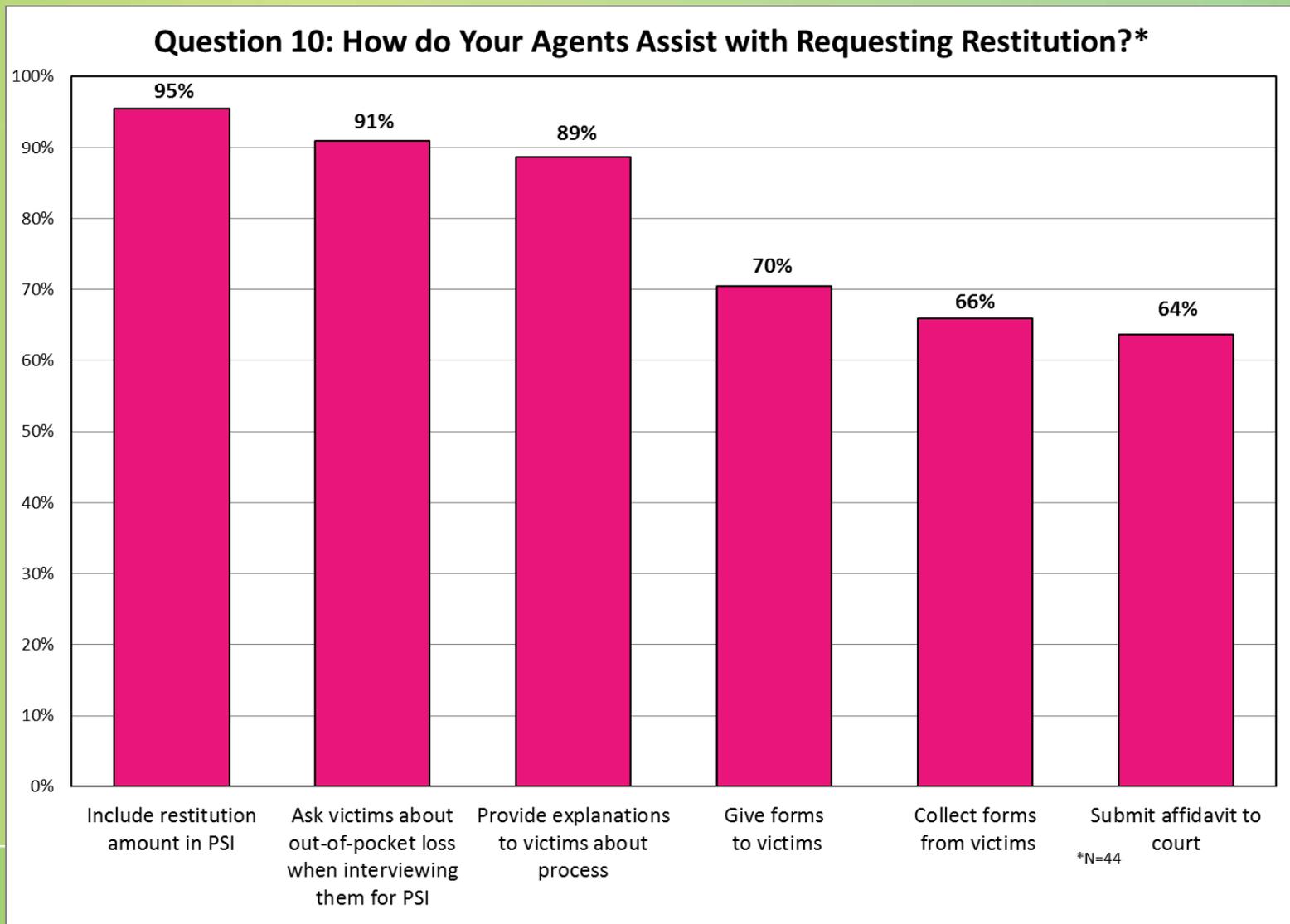


# PSIs and Assisting With Process of Requesting Restitution

- 100% of agencies conduct PSIs in at least some of the counties served.
- 96% of agencies assist with the process of requesting restitution.
- Agents assist with restitution collection in all kinds of cases:
  - 95% Adult M/GM: Domestic Violence
  - 95% Adult M/GM: Other cases
  - 89 % Juvenile cases
  - 50% Adult Felony cases

# How Agents Assist with Requesting Restitution

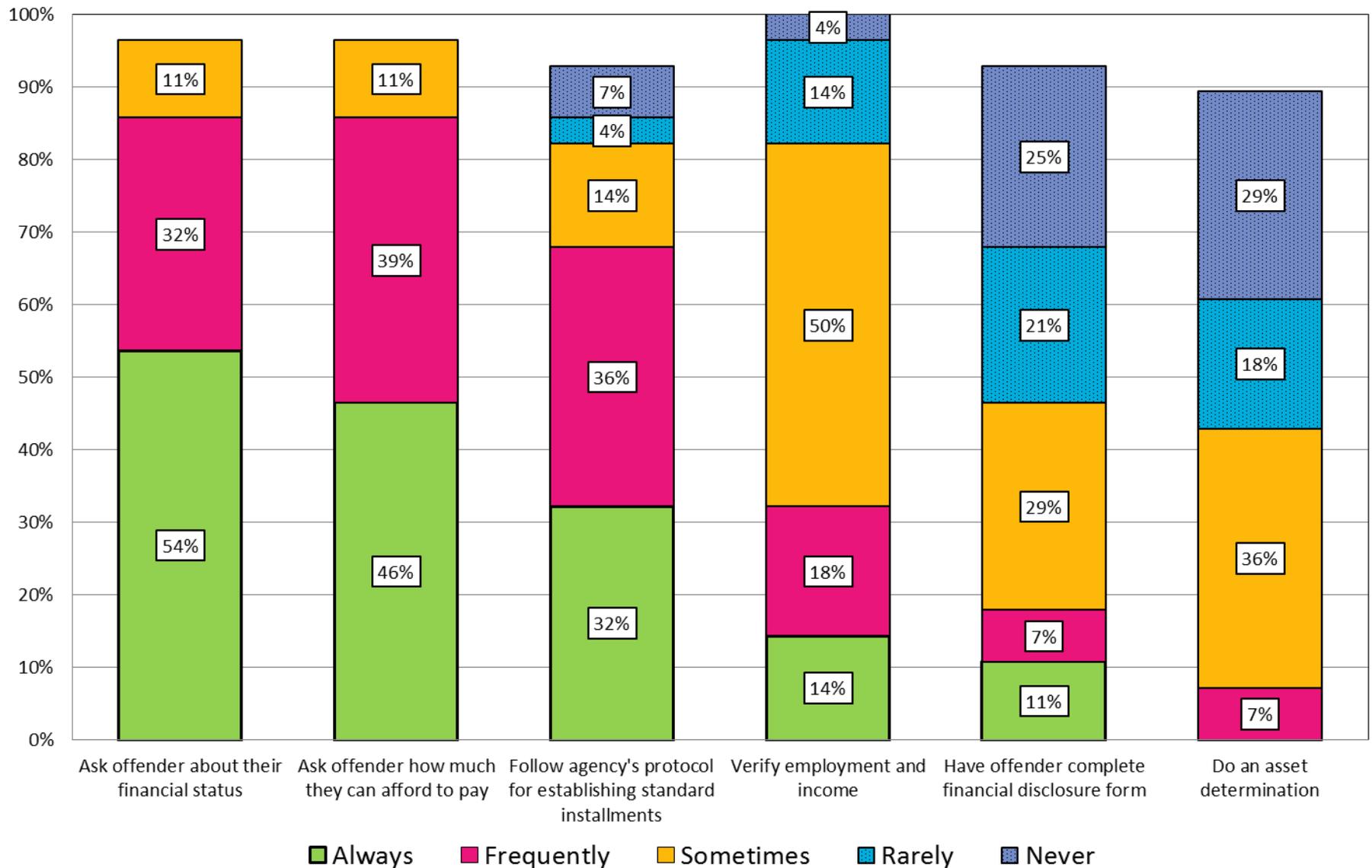
Additional comments provided related to collaborating with or referring victims to a *Victim Advocate* or *Victim Witness Coordinator* to pursue restitution.



# Setting Up Payment Plans

- 63% of Agencies set up payment plans in at least some of the counties they serve.
  - CPO and DOC agencies are statistically more likely to set up payment plans than CCA counties.
  - Large- and medium-sized agencies are statistically less likely than small agencies to set up restitution payment plans.
- 34% of agencies do NOT set up payment plans.

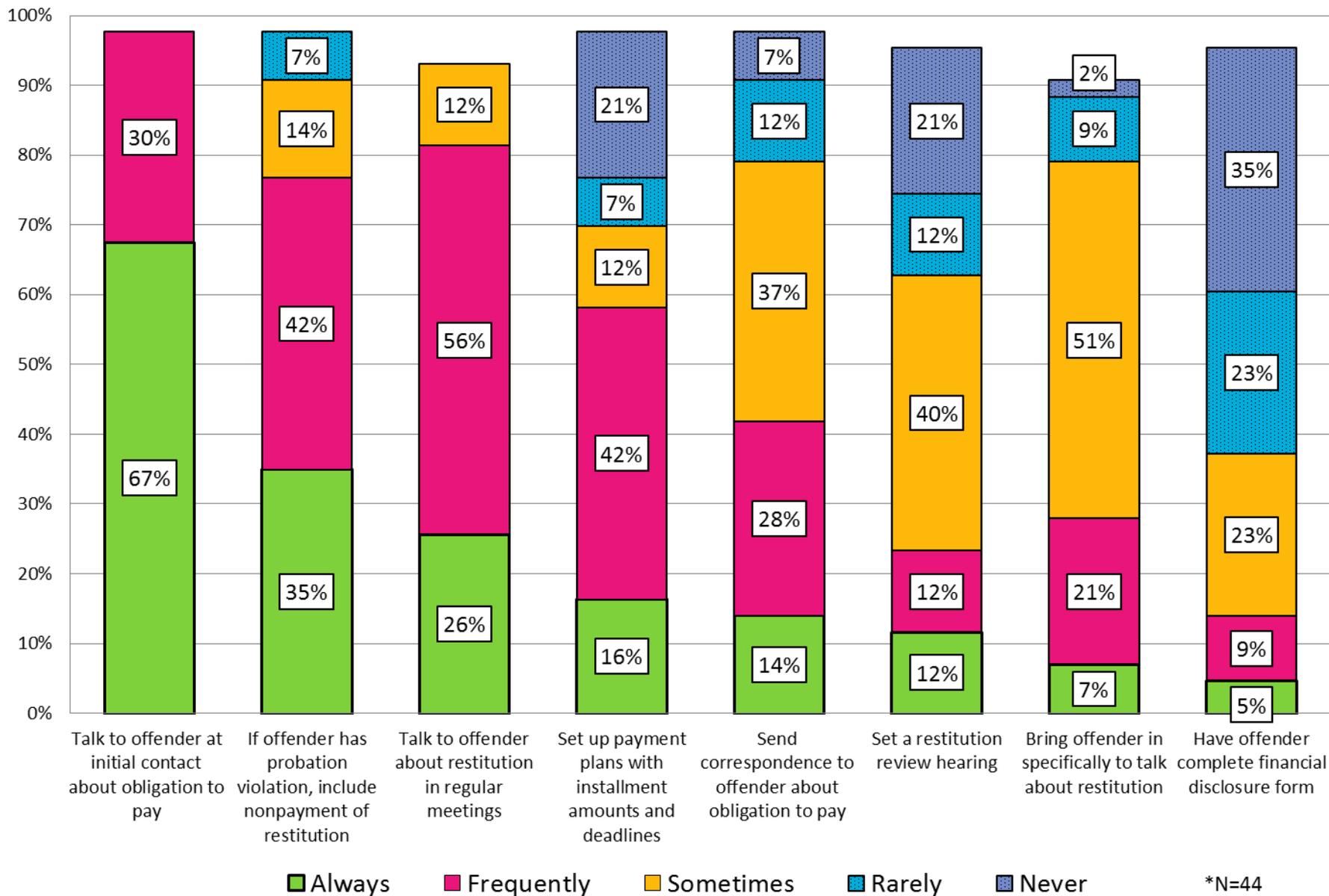
## Question 12: Methods to Determine Restitution Installments\*



# Methods Used to Determine Rest.

- Agents routinely ask about offender's finances and ability to pay.
- Few steps are taken to verify finances through asset determination or financial disclosure forms.

## Question 13: Strategies Used to Get Offender to Pay Restitution\*



# Strategies Used to Get Payment

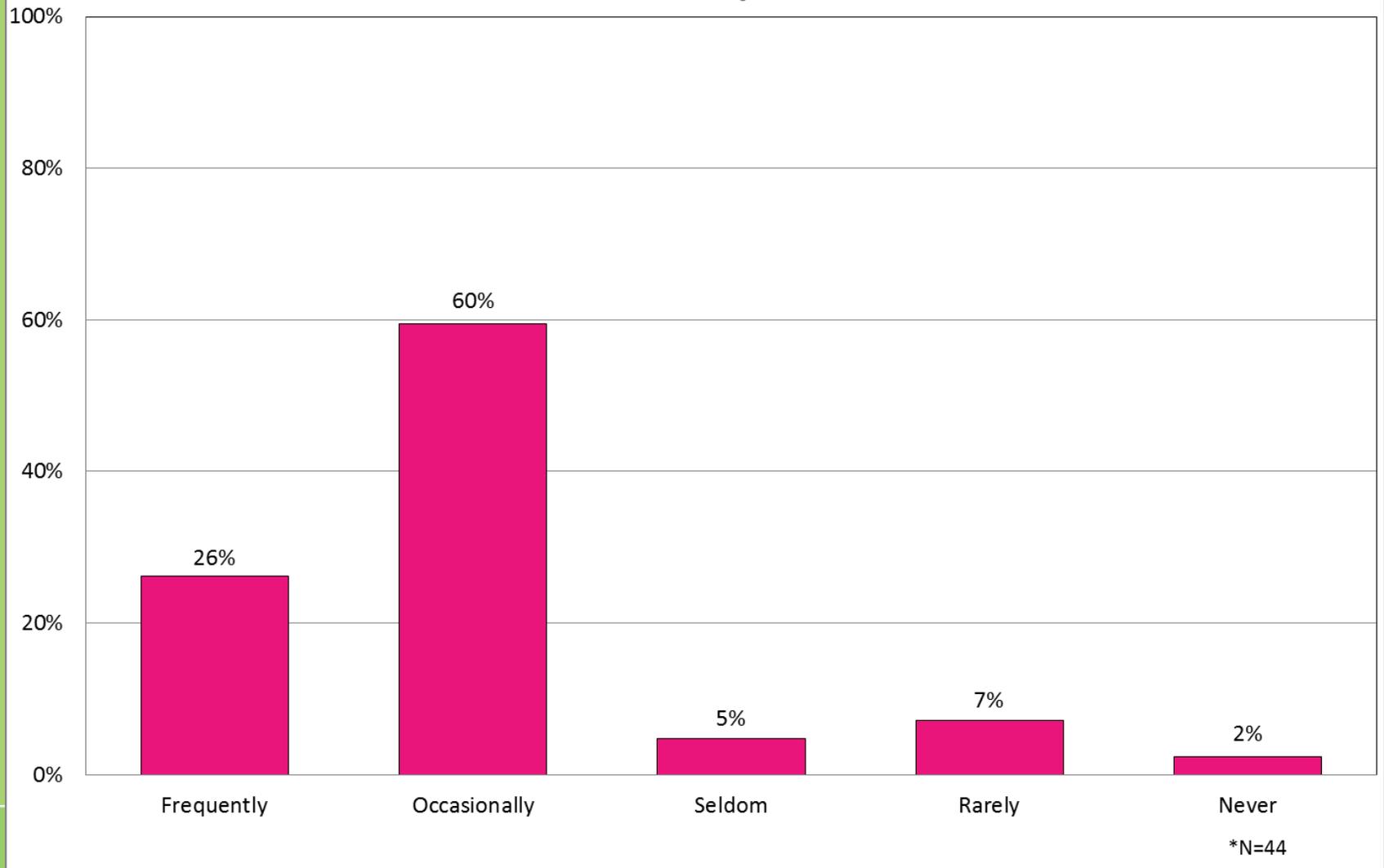
- The obligation to pay restitution is a regular aspect of agents' conversations with offenders.
- Probation Violation is a tool that is used more than restitution review hearings (w/o PV).
  - CPO agencies are statistically more likely to 'always' or 'frequently' bring in offenders to talk specifically about restitution, and to send the offender correspondence about the obligation to pay.
  - CCA agencies are statistically least likely to include non-payment of restitution in probation violations.

# Restitution Review Hearings

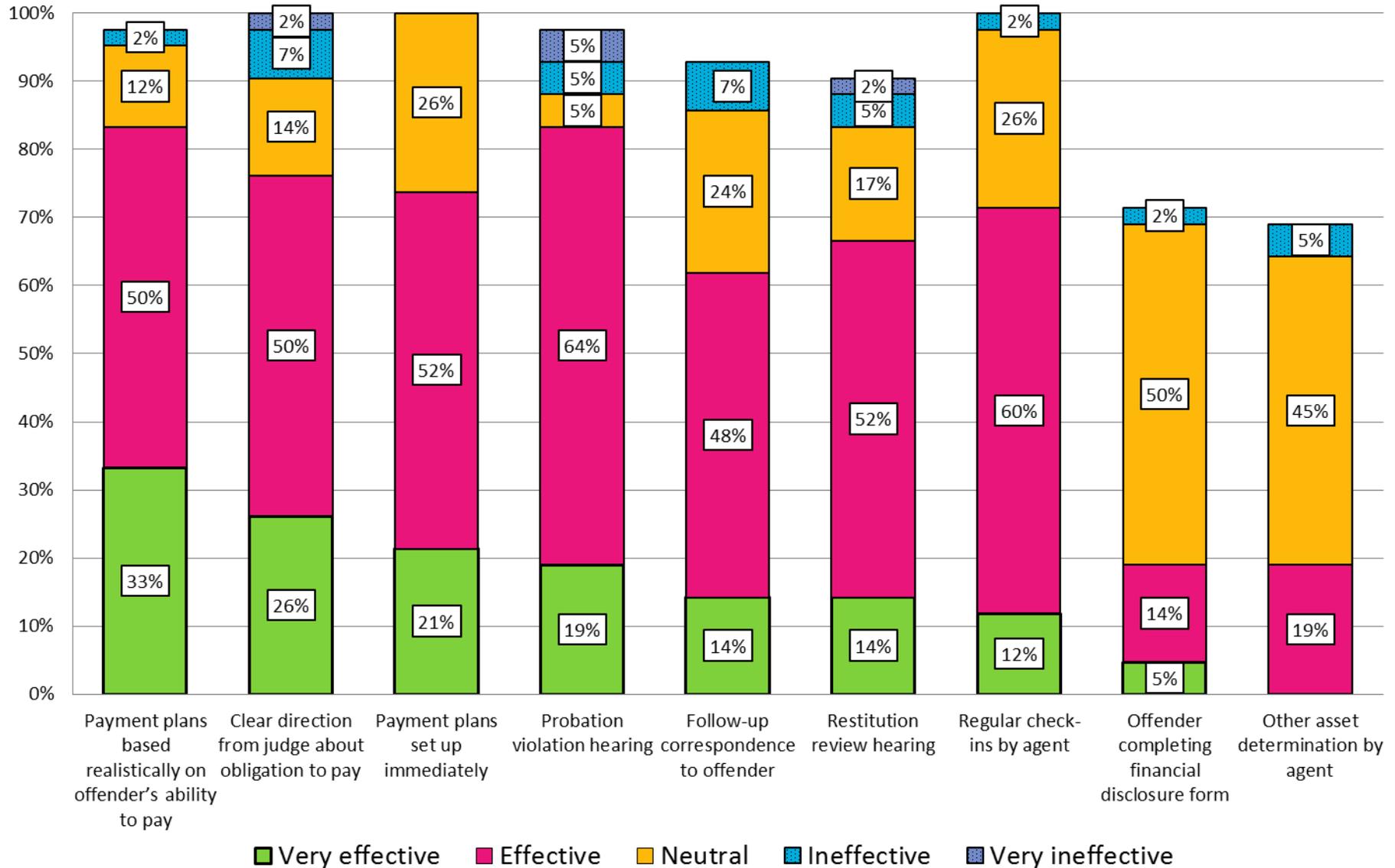
- 50% of agencies (10% frequently, 40% occasionally) use review hearings to address restitution.
- 38% 'rarely or never' schedule review hearings.
- Factors that have a "big impact" on setting a restitution hearing include:
  - Policy of agency (31%); Judges' preference on these types of hearings (26%); compliance by offender with other conditions (21%); court policy (19%); amount of restitution owed (17%); level of communication by victim (17%).

# Extension of Supervision

**Question 16: How Often is Supervision Extended to Allow Offender More Time to Pay Restitution?\***



## Question 17: How Effective are the Following Restitution Collection Strategies?\*



\*N=44

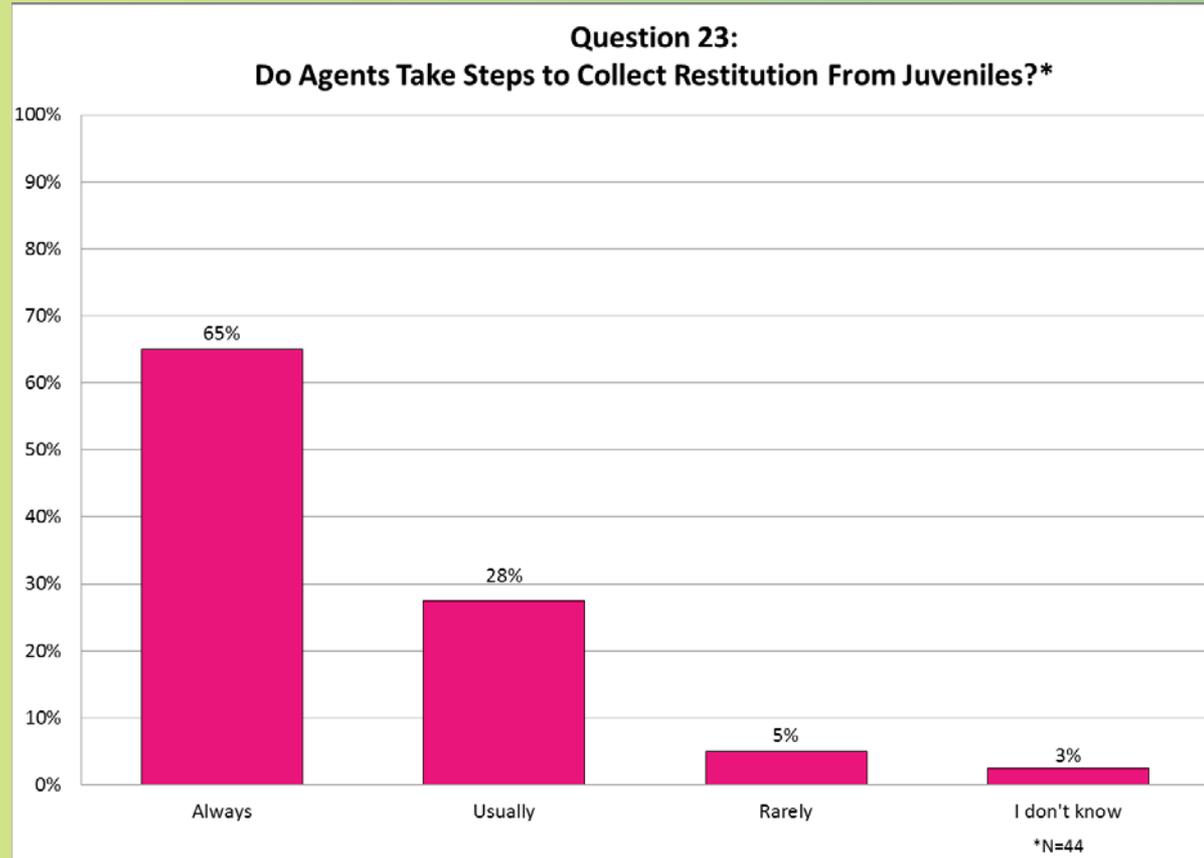
# Effectiveness of Collection Methods

- Realistic payment plans, clear direction from the judge, payment plans set up immediately and PVs hearings for non-payment were deemed most effective in collecting restitution.
  - CCA counties were statistically *least likely* to feel that PVs hearings were effective in getting restitution payments.
  - Large agencies are significantly more likely to feel restitution review hearings are an *ineffective* method of restitution collection.
- Financial disclosure forms and asset determinations were seen as least effective.

# Juvenile Offenders

## Juvenile Collection Strategies:

- 12 respondents described a CWS/work crew option for youth to work off restitution; others lamented the loss of such a program.
- Fines and supervision fees are allocated to help fund the programs.

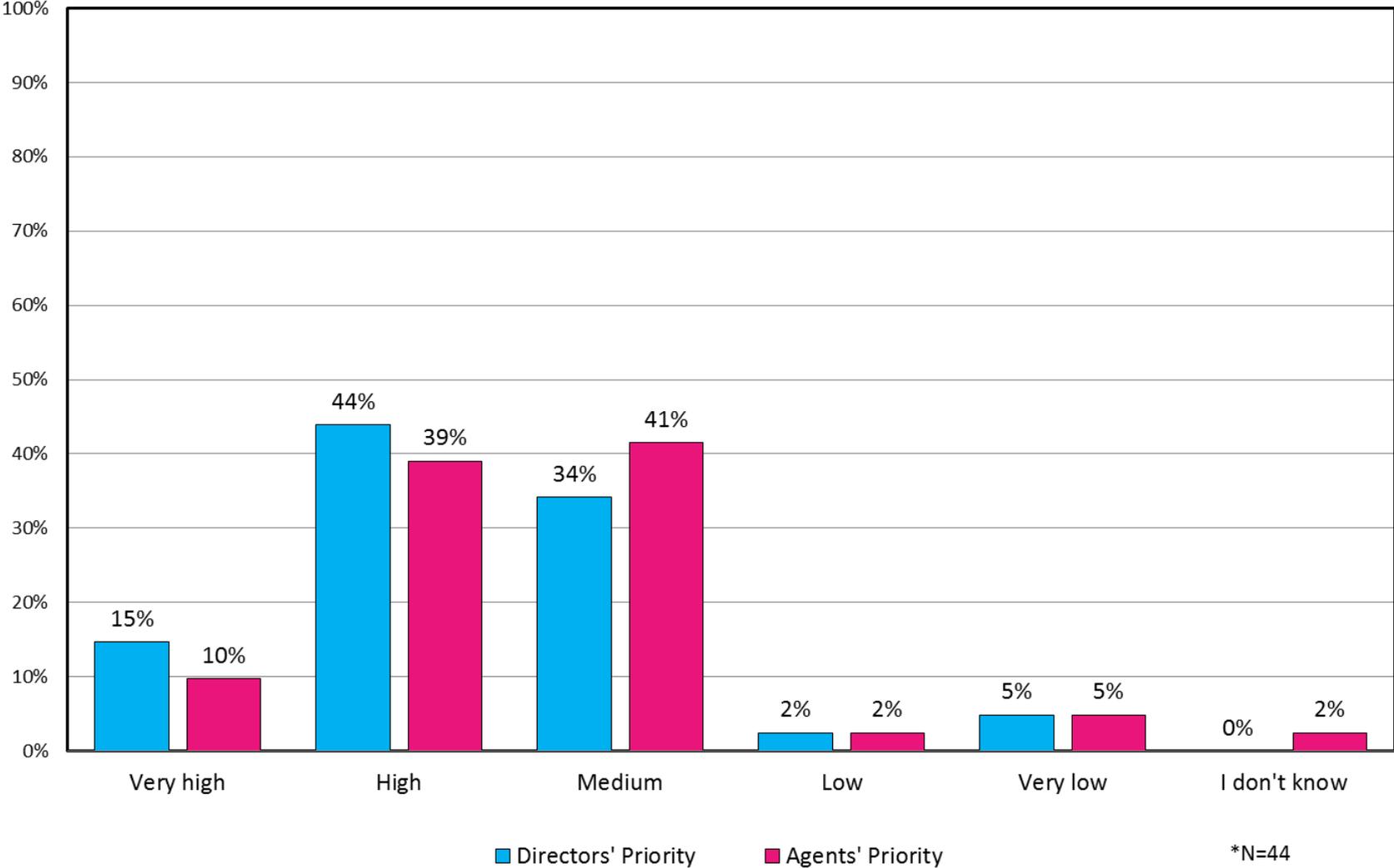


# Collections (MN Dept. Revenue)

- Half of agencies (52%) indicated they are not notified when restitution is sent to “collections.”
- 20% indicated they are notified and 24% indicated they are ‘sometimes’ notified.
- 64% of the time, agents continue to try to get restitution payment after it has been sent to collections; 24% of respondents said it is out of their hands.
  - Some respondents said having clients pay at the state level makes it more difficult for those who do want to pay; also, local control and negotiations can be lost (such as PVs and review hearings) depending on if judges will still hear these issues. Variability by county/agency cultures.

# Restitution Collection Priority

**Question 27:  
Directors' and Agents' Priorities In Collecting Restitution\***



# Restitution Collection Priority

- Directors rated their priority to collect restitution higher than their agents' priority.
- Director's felt agents **make more effort to collect** when:
  - The offender is employed (71%); the offender has known assets (64%); the victim is in contact with the office about restitution (64%); the victim has a financial need (43%); and the restitution amount is substantial (40%).

# Restitution Collection Priority

- Director's felt agents make **less effort to collect when:**
  - The offender is on disability (64%); the offender is not able to work (64%); or the offender has housing instability (62%).
- CCA directors were statistically more likely to state that restitution collection is a 'low' or 'very low' priority both as directors and for their agents compared to CPO and DOC agencies.

# Innovative Strategies

- CWS/STS programs to work off restitution (8).
- Motivational interviewing and victim empathy training to maintain positive rapport has helped to increase restitution collection.
- Tried to implement an APPA protocol (lacked staffing and was not embraced by agents).
- Part of agent's annual performance review to ensure they follow policy and make every effort to collect.
- We use a continuum of interventions to document that all efforts have been made to the court.
- Agents stress that payment in any amount is better than no payment.

# Improvement Recommendations

- **Keep restitution payments locally controlled longer** or during the supervision period (**13**).
- More priority on money going to victims rather than fees for service, fines, bail etc. (4).
- Improved integration between MNCIS and corrections systems.
- Specialized staff person focused on restitution collection; probation does not have the resources to monitor well; not a bill collecting agency; not a public safety issue.
- Make similar restitution work programs for adults as exist for juveniles; create a statewide restitution fund.
- Eliminate need for notarized victim statements of loss. (pending!) Clarify filing restitution as a civil judgment—rarely used by victims.
- Get all required information prior to sentencing so offender knows what is owed up front.

# Final Thoughts: I

- Agents are taking an active role in both requesting and collecting restitution in MN.
- According to Directors, most effective strategies include realistic payment plans; early identification of restitution amounts; clear direction from judges; and use of PV hearings.
- Practices used by supervision agents vary among counties and systems—least likely to do asset determinations or financial assessments. How to determine ‘willful non-payment’ without these objective tools?

# Final Thoughts: II

- Who's role it is to set up restitution and payment plans varies: Victim advocate in CA offices, Court Admin., supervision agents.
- Concerns voiced about restitution going to collections too soon and losing local control over payment and offender accountability tools.
- How to check on restitution balances in MNCIS and once it goes to collections? Possible training issue?
- CCA counties (& larger counties) tend to put less of a priority on restitution collection and use a smaller range of practices regularly. Issue of agency size? Case load size? Other?