	FORMS AND PAYMENT PLANS	
1	**Payment plan "calculator":** Create a standard scheme to determine payment plan amounts similar to the child support payment calculator. The "calculator" would establish a presumptive payment amount relying on such information as: (1) amount of restitution owed, (2) length of supervision period, and (3) financial factors including monthly gross income, number of dependents, child and spousal support obligations, and other factors (to be determined). Ideally, this "calculator" would be automated so that the information can be entered online with a report generated at the completion of the process that can be submitted to the court.	Statutory
2	**Multidisciplinary collaboration:** Create a multidisciplinary group to develop the standardized financial disclosure forms and payment plan schedule including identification of the factors and calculation methodology for the presumptive payment plan schedule.	Practice
3	**Change in circumstances:** Place an ongoing responsibility on offenders to submit a new financial disclosure form when their circumstances have changed (e.g., new job). Provide a clear process in statute that allows the court or its designee to amend a payment plan based on changed circumstances; provide in that process an ability for the offender to contest the requested amendment. (Changes could possibly be made in 611A.04 (1)(b) and 611A.046).	Statutory
4	**Forms:** Develop standard financial disclosure forms for the purpose of (1) establishing ability to pay as required by section 611A.045, subd. 1(2); (2) establishing an appropriate payment schedule; and, (3) determining if noncompliance with restitution order is willful. (Note: Given the passage of time from the initial assessment to establish the payment plan, the offender will, by necessity, need to complete the form again to assess willful noncompliance.)	Statutory
5	**Information from offender prior to sentencing:** The offender should complete the financial disclosure form prior to sentencing such as during a pre-plea investigation or pre-sentence investigation. The restitution amount and recommended payment schedule should be part of the pre-plea or PSI report provided to the court. Given the unique opportunity to get information from the offender when conducting a PSI, the PSI should not be waived when restitution is an issue in the case.	Practice
6	**Information from offender after sentencing:** In those cases where restitution is determined after sentencing, either because it has been reserved or because it has been referred to the court's designee (e.g., community corrections), the offender will be asked to complete the form within a set amount of time after receiving notice of the restitution amount. The offender can either contest restitution, submit the financial disclosure form by the established timeline (e.g. 30 days upon receipt of notice), or pay restitution.	Statutory
7	**Financial disclosure forms and payment plans:** Establish a process that requires the offender to complete the standard, statewide financial disclosure forms and set up a payment plan within a set amount of days (e.g. 60 days) following release from a DOC facility. The offender must provide verification to the supervising agent that a payment plan has been set up. *Note: Currently, the process of setting up a payment plan differs depending on the county. In some counties it is done by court administration; in others, the agent sets up a payment plan and may (or may not) notify the court that a payment plan has been established along with the due date for payment. This recommendation does not specify the exact manner in which the payment plan is set up, just that one is required. Further discussion about how to ensure that appropriate due dates are entered into MNCIS will be necessary.*	Statutory
8	**Condition of release:** Make the requirement that the offender must complete the financial disclosure form and set up payment plan be a condition of the offender's supervision.	Practice
9	**Payment plans** *(reaffirmed recommendation from another group)*: Encourage the use of payment plans with installment amounts based on a standard calculation that takes into consideration the offender's financial circumstances, the amount of restitution, and the length of probation. The offender provides information through submission of standard financial disclosure forms.	Statutory
	INFORMATION TO OFFENDER	
10	**Information to the offender:** Provide consistent and standard information, written in plain language, to the defendant at multiple points in the process (e.g. during PSI, at sentencing, when under supervision) that explains what happens when a debt is sent to collections, how they can contact the Department of Review to discuss payment or other issues, the additional costs associated with debts in collection, and how the defendant can apply their payments to specific debts. This could be done as a fact sheet that can distributed with other correspondence to the defendant. (Statutory or practice recommendation?)	Practice
11	**Information to offender:** Provide the offender with standard information about restitution obligation, payment plans, and consequences for noncompliance, including additional costs that may be assessed if a judgment entered or restitution is sent to collections. This information should be provided both at the PSI stage and during the initiation of supervision.	Practice
12	**Information to offender** *(accompanying the recommendations from other groups)*: Provide information in plain language to offender on collections process, how to get information from DOR, and how to designate a specific DOR payment for restitution.	Practice
	INFORMATION TO VICTIM	
13	**Information to victims:** Provide better information to victims in plain language about civil judgments at key points, including: Information about the process, the required paperwork, the pros and cons of docketing a civil judgment, the implications of the timing of opening a civil case, the process to collect on a civil judgment, and the cost of using the enforcement tools available with a civil judgment.	Practice
14	**Information to victim:** In the enhanced restitution information provided to the victim at the beginning of the process (part of another recommendation), provide guidance on how to justify the requested amount for replacement value.	Practice
15	**Information to the victim:** Victims should be given information about restitution as early in the process as possible. Prosecutors should provide the restitution form in their initial correspondence to victim. Victims should be encouraged in that correspondence to notify the prosecutor that restitution will be requested, even if the exact amount is not yet known.	Practice

16	**Requesting:** Provide better information/guidance to victims to make realistic restitution requests and realistic expectations regarding payment. Need clear guidance on what back-up documentation is needed and provide examples. Need a how-to guide on how to provide competent evidence. **Post-conviction:** • Good information to victim after sentencing, set realistic expectations, good post-conviction advocacy. Inform victim about need to maintain up-to-date address with court. • Provide information to victim when offender on unsupervised probation about how to check status of restitution and who to contact with questions. Include as part of the development of informational materials to victims by OJP. • Provide information to victim about the civil judgment process.	Practice
	PROCESS--PRETRIAL	
17	**Apply bail to restitution in CFD cases:** As a best practice, in cases of continuances for dismissal, the prosecutor should include as part of the agreement that the offender's cash bail be applied to restitution.	Practice
18	**Mandatory application of cash bail to restitution:** Create a statutory presumption that any cash bail be applied to restitution (change "may" to "shall"). This would apply to convictions and stays of adjudication. Minn. Stat. 629.53.	Statutory
19	**Victim information:** The prosecutor shall provide victim information to court administration upon request for the purpose of collecting/disbursing restitution.	Statutory
	PROCESS—PRETRIAL	
20	**Citation cases and victims:** Prosecutors should work with their local court administration to establish policies and procedures for the processing of citation cases that involve victims (i.e., cases that are not payables). These policies should provide prosecutors the ability to identify victim cases and give sufficient opportunity to ensure that crime victims are provided with their statutory crime victim rights, including restitution.	Practice
23	**Primary responsibility for identifying amount of restitution request:** The prosecutor is responsible for providing the restitution form/affidavit to the victim, as well as collecting the form and supporting documentation from the victim and giving it to the court. The prosecutor is responsible for providing the restitution request information to agents conducting a PSI.	Statutory
21	**Forms to victims and screening** • Need to help city prosecutors with getting information (premade packets) out to victims that is easy to understand and has clear guidance on when to submit the documentation (need strong language, prominent placement, bold print). • Better screening of restitution requests to reduce the need for hearings. • Create standard information forms in easy-to-understand language that has clear timelines. Create a standard screening tool and letter/form templates for prosecutors and probation agents to use. Identify in recommendation who is responsible for creating templates (OJP).	Statutory and Process
22	**Advocacy:** Prepare victims prior to contested hearings. Develop best practices, training, protocols for working with victims.	Practice
	PROCESS—ORDERING	
24	**Filing insurance claims:** Victims are not required to file an insurance claim in order to request restitution.	Statutory
25	**Joint and several liability:** In cases of multiple defendants, there should be a presumption of joint and several liability for the restitution obligation. The court has the discretion to order that the defendants pay different restitution amounts, and when doing so, should provide the basis on the record for not ordering joint and several liability.	Statutory
26	**Standard Order:** Create and use a standard, separate restitution order rather than include restitution within the sentencing order. (See Hennepin County example). Establish process by which a proposed order containing necessary defendant and victim information can be submitted to the court for completion at the sentencing hearing.	Practice
27	**Priority of payment:** When there are multiple victims in a single criminal case, there is a priority of payment given to real persons, followed by corporations, then government agencies. (Note: This involves a manual process on the part of court administration; additional cost involved.)	Statutory
	PROCESS--CONTESTING	
28	**Contesting restitution and request for hearing:** Eliminate requirement that the defendant submit an affidavit in order to contest the requested restitution. A motion (containing the basis for the objection) from the defense attorney is sufficient to alert the court that the requested restitution amount is disputed and the issue will have to be heard in a hearing. **[See flowchart.]**	Statutory
	PROCESS—POST-CONVICTION	
29	**Amended restitution orders:** The court shall notify the prosecutor and victim in cases where the restitution order is amended.	Statutory

30	**Notice to victim:** The notice provided to the victim of the disposition of case should include information about restitution and information about the actions necessary to pursue civil docket process.	Statutory
	PROCESS – POST CONVICTION	
31	**Early release from probation:** Create a statutory presumption that a defendant cannot get an early release from probation if restitution is still owed in that case. The court has the authority to grant the early release upon consideration of factors specific to the defendant, including: attempts by defendant to pay restitution during probationary period, the amount of restitution, the length of probation, and the defendant's financial circumstances. Similar to expungement, this creates an incentive to offenders to pay their restitution. Notice that early release is being considered should be given to the prosecutor and the victim if there is outstanding restitution. *Note: The defense attorneys attending were opposed to this recommendation. It is expected that groups who oppose a recommendation favored by the Restitution Working Group (meaning at least 2/3 agreement), will submit a "minority report" for inclusion in the report to the legislature.*	Statutory
31	Ensure that payments to victim are timely and accurate. Track restitution balances at counties and pay out process. Good practices and training issue.	Practice
33	**Automatic referral to revenue recapture:** Develop an automated process whereby a debt returned from DOR to the county will automatically get referred to revenue recapture, thereby eliminating the need for manual entry. (Requires funding)	Statutory
34	Indeterminate sentences – general recommendation (further discussion required) • Someone needs to be responsible for monitoring these cases. • If restitution has not been paid (or there are other terms that have not been met), someone needs to be responsible for bringing it to the attention of the court. • Only in those situations of a willful violation should there be a probation revocation/probation review hearing. • In determining if a violation is willful, the defendant's current financial situation must be assessed. There needs to be a requirement that the financial disclosure form be completed.	Statutory and practice.
35	**DOC commits:** Develop standard process for referring restitution to DOR following DOC offender's release, including identification of due dates for these offenders, timing of referral, and how referral made. Explore development of automated referral process in MNCIS to the DOR. *Reaffirming recommendation from another group:* Once the DOR sends restitution back to court admin, provide automated revenue recapture at the county level.	Process
36	**Expungement:** Create a statutory presumption that a defendant cannot get a criminal case expunged if restitution is still owed in that case. The court has the authority to grant the petition upon consideration of factors listed in the new law.	Statutory
	SUPERVISION	
37	**Role of agents:** The focus of probation should be on work related to the offender including getting offenders to complete the financial disclosure forms and setting payment plans. (Note: the forms/payment plan drill down group recommends a standardize form and process, including a standard calculation for payment amounts similar to child support calculators, preferably automated so that payment plan amount can be easily calculated by persons responsible for setting up payment plans).	Practice
	STRATEGIES TO SUPPORT COLLECTION EFFORTS	
38	**Emphasize restitution at PSI stage:** During PSI process, agent should explain to the offender that restitution will be ordered as part of the sentence and that it can be paid at sentencing. Make clear that restitution obligation starts immediately and should not be put off to the end of probation. Explain the consequences of order going to collections.	Practice
39	**Use available tools:** The DOC hearings and release unit (HRU) should consider a restructure for *willful* nonpayment of restitution. Agents should be encouraged to use informal sanctions in *willful* nonpayment situations.	Practice
40	**Emphasize restitution at sentencing:** Provide strong message from bench at time of plea being accepted and at time of sentencing to defendant about importance of restitution, the expectation of payment, and the consequence of nonpayment. If restitution identified at plea stage, agent can inform offender during PSI to bring payment to sentencing	Practice
41	**Provide past due notice to offender:** Develop strategies to communicate with the defendant when restitution is past due. This could be done by manually sending past due notices by mail or email. As a long range plan, explore technological solutions such as an automated system of providing notices by email or text message through MNCIS.	Practice
42	**Send written reminders to the offender:** Some counties have a system of sending out mailed reminder notices or past-due notices to offenders who owe restitution or who are late on their scheduled payment plan. These counties report an increase in restitution payments as a result of this additional reminder to the offender.	Practice
43	**Accept credits cards:** While the state can accept credit card payments, some local jurisdictions are not set to accept these payments. It is recommended that local jurisdictions, to the extent possible, find ways to accept restitution payments by credit cards.	Practice

44	**Use voluntary wage assignments:** Some counties have a process where the offenders can voluntarily agree to have a deduction from their wages for payment toward restitution. These counties have found that some offenders like having the automatic withdrawals set up and have found that this system is an effective way to improve restitution payments by some offenders.	Practice
45	**Allow revenue recapture by counties:** In some circumstances (such as when DOR returns the restitution order back to the county), employing revenue recapture may be an effective strategy to collect restitution. This strategy is recommended as long as it does not conflict with the revenue recapture efforts of the Department of Revenue.	Practice
46	**Use restorative justice opportunities:** In general, restorative justice programs are supported and encouraged as an alternate way to handle some offenses, particularly those committed by juveniles. Restorative justice programs which notify and include the victim in the process, and take into consideration the victim's desire regarding restitution are favored.	Practice
47	**Support restitution funds:** There are various models for restitution funds in Minnesota with the General concept from affinity group mtgs. being a local, revolving fund where victims are paid restitution from the fund rather than from the offender. Counties which have these funds speak to their effectiveness in getting restitution into the hands of victims. In the past these funds were supported by state grants, but now are funded using a variety of strategies. In general, it is recommended that restitution funds be supported as a strategy to ensure the victim is paid restitution. Note: Any broad scale development and implementation of county-based restitution funds will require financial support from the state.	Practice
	DATA PRIVACY	
55	**Victim data:** Classify as confidential all victim location information provided to the court for purposes of requesting, ordering, and collecting restitution.	Statutory
56	**Offender data**: The information provided by the offender should have data protections similar to the public defender application, subject to the victim's right to offender information under section 13.84, subd. 6(a)(2).	Statutory
57	**Victim data:** Make clear that Safe at Home address can be used, or victim can request that civil file be sealed.	Practice
	CIVIL JUDGMENTS	
52	**Notice to parties:** Clarify the process about providing notice to the parties about the entry of the civil judgment and docketing of the order. Court Administration should mail a copy of the order for judgment and judgment to the prosecutor, defendant and victim upon receipt of the order.	Statutory
53	**Opening a civil case:** The opening of a civil case should be initiated by the victim by filing two documents: *Affidavit of Identification of Judgment Debtor* and a request for entry of judgment (a new process and form). If by the expiration of sentence or end of probation the victim has not taken these steps, court administration will enter the restitution as a judgment in the criminal case, thus starting the 10 year collection period. Note: This would likely be an administrative process and would require some type of new automation that would bring this to the court's attention.	Statutory
54	**Renewal of judgment:** Change process for renewal of judgment so that victim is not required to petition the court to open a new case. Instead, the process would be that the victim can submit a request to the court for a renewal (or extension) of the judgment for 10 years. The request would be submitted under the same case number and there would be no filing fee.	Statutory
	TRAINING	
63	**Training recommendations emerged during nearly all stages in the process, with recommendations for training of judges, court personnel, agents, prosecutors, and advocates:** • Provide training to criminal justice professionals involved on: Statutes, court rules and court policy that specify the timelines and requirements related to restitution, including when restitution is due, when payment plans are set up, and sending restitution to collections.	Practice
64	• Train court administration staff and department of revenue staff on respective functions, procedures, and where to get information. Identify process for ongoing collaboration and communication.	
65	• Provide training to appropriate criminal justice personnel outside of the courts on how to view restitution payments in MNCIS.	
66	• Provide training to agents, judges, and other criminal justice professionals about responsibilities and actions that can be taken related to restitution even if the debt has gone to collections or restitution order has been docketed as civil judgment.	
67	• Provide training to criminal justice professionals involved about ability of victim to proceed with enforcement tools to collect on a civil judgment when offender still on probation. (See Minn. Stat. 611A.05.)	
68	• Provide training to agents and others with court services data, as defined in section 13.84, about the ability of the victim to get otherwise private or confidential information about the offender for the purposes of asserting their right to restitution (Minn. Stat. 13.84, subd. 6(a)(2).	
69	• Educate community-based advocates about restitution process and encourage them to take a bigger role in checking on the status of restitution.	

70	• Provide training for law enforcement on completing citation in crash cases, checking endangerment box to establish it as victim case. Make sure to cite driving conduct that caused the crash in addition to any citation for driving without insurance, driving after revocation, etc. Explain about the importance of checking the "endangerment box" on citations when there is a victim and the implications for the victim regarding restitution when the box is not checked.	
	GENERAL	
58	**Legal services:** Encourage legal services to assist low income crime victims with collecting civil judgments.	Practice
59	**Bench Book:** Recommend that the Minnesota State Bar Association expand the restitution section in the *Minnesota Judges Criminal Bench book* to include more comprehensive information about the restitution process and case law.	Practice
	DATA	
60	**Ongoing data needs**: Need routine/standardized process for collection of data and development of an evaluation strategy to assess effectiveness of collection efforts. Implement ongoing process to assess, monitor, evaluate restitution efforts. Provide ability to distinguish between juvenile and adult cases, and by jurisdiction.	Practice
61	Improve the data related to joint and several cases as well as those cases with multiple juvenile defendants being dealt with in different counties.	Practice
62	Further research needed: What are the number of expungement petitions that are granted with restitution still owing?	Practice
	TECHNOLOGY	
48	**Provide past due notice to offender:** Explore technological solutions such as an automated system of providing notices by email or text message through MNCIS.	Practice
49	**Improving technology:** Develop technological solutions to provide good data on restitution.	
50	**Improved technology**: Develop enhancement to the Minnesota CHOICE restitution module to create an automated process for transmitting information from the DOC to the Department of Review (DOR) on incarcerated offenders with restitution orders. (That is, notify the DOR when an offender is "in.")	Practice
51	**Improved technology:** Explore technology options for improved communication and/or data transfer between the judicial branch/court admin and the DOC related to restitution, including the use of Minnesota CHOICE to facilitate communication and data exchange.	Practice
	OVERALL	
71	Rework the statutes and/or rules in one concise place with an understandable procedure. Break-up 611A.04 into manageable pieces.	Statutory
72	Strive for consistency and uniformity in process/procedures across the state.	Statutory
73	Make restitution a priority: Restitution should be regarded as a right of victims who have been harmed by a criminal offense..	Practice
74	Resources: Need to devote resources to the restitution process in order to improve restitution collection.	Statutory and practice
	ONGOING	
75	Establish ongoing oversight/collaborative group to continue to review, monitor, and evaluate restitution on a statewide level at the conclusion of the RWG effort.	Statutory and practice