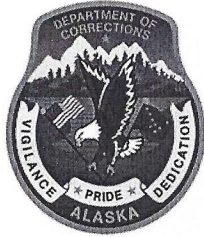



**STATE OF ALASKA  
DEPARTMENT OF CORRECTIONS**



**POLICIES & PROCEDURES**

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CHAPTER: <b>910</b>	NUMBER: <b>910.04</b>	P&P TYPE: <b>Public</b>
TITLE: <b>Fines, Court Costs And Restitution</b>		
APPROVED BY:  <b>Dean R. Williams, Commissioner</b>		DATE: <b>12/29/16</b>
ATTACHMENTS / FORMS: <b>(A.) Restitution / Fine Payment Schedule. (B.) 50% Restitution Waiver For Interstate Compact (ISC) Transfer Form.</b>		AUTHORITY / REFERENCES: <b>22 AAC 05.155            AS 33.30.021 AS 33.05.010            AS 44.28.020 AS 33.16.180            AS 44.28.030 AS 33.30.011</b>

**EFFECTIVE DATE:**

This policy will have a future effective date of 01/01/2017.

**POLICY:**

- I. It is the policy of the Department of Corrections (DOC) that offenders placed under the supervision and jurisdiction of the Department will be required to pay restitution as ordered by the court.
- II. It is the policy of the Department of Corrections (DOC) that offenders placed under the supervision and jurisdiction of the Department will be expected to pay any and all fines, court costs, civil debts and family support, as ordered by the court.
- III. To this end, Probation / Parole Officers will work with offenders to establish an appropriate restitution payment schedule based on an offender's income and ability to pay if the court has not already set a restitution payment schedule.

**APPLICATION:**

This policy and procedure will apply to all Department employees and offenders.

**DEFINITIONS:**

As used in this policy, the following definitions shall apply:

**Interstate Compact (ISC):**

The interstate compact for probation and parole supervision provides for the transfer, supervision, and return of offenders for violations between member states. This agreement applies to all 50 states, the District of Columbia, Puerto Rico, and the Virgin Islands.

**Significant Event:**

A change in employment status; change in marital status; gain or loss of dependent through birth, adoption,

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marriage, divorce, or death; significant change in health; period of incarceration, which may affect the aforementioned; receipt of an income tax return or dividend payment (e.g. Native Corporation or Alaska Permanent Fund).

## PROCEDURES:

- I. Unless a payment schedule has been established by the Court, a Probation / Parole Officer (PO) shall develop a *Restitution / Fine Payment Schedule* (Attachment A) within 60 days of receipt of a restitution judgement. The established schedule will take in to account the following:
  - A. This schedule will take into account an offender's income and ability to pay.
  - B. This schedule will be reviewed with and a copy will be provided to the offender.
  - C. This schedule shall be placed in the offender's field file.
  - D. This schedule shall be reviewed and adjusted as a significant event occurs in the offender's life.
- II. POs shall notify an offender that restitution payments are to be made directly to the responsible collection agency.
- III. POs shall notify the offender that compliance credits are not earned if he or she is failing to make consistent fine and / or restitution payments.
- IV. POs may file a petition to modify or revoke probation and / or parole, requesting a summons, if sanctions outlined in DOC P&P 902.16, Incentives And Graduated Responses To Supervision Violations have been exhausted and the offender fails to make regular or reasonable efforts to follow the payment schedule that was established.
- V. All information regarding the victim's address shall remain confidential.
- VI. POs shall monitor the offender's payments through a method established by the collecting agency.
- VII. POs shall advise an offender requesting interstate compact transfer of supervision that normally 50% of the offender's restitution must be paid prior to leaving the jurisdiction of the State of Alaska. A regular payment schedule for the remaining restitution must be established and agreed to as a condition of the interstate transfer agreement. Any reduction of the requirement that at least 50% be paid before transfer must be approved in writing via the *50% Restitution Waiver For ISC Transfer Form* (Attachment B) by the Director (or designee).
- VIII. If the restitution amount is known at the time of preparing a presentence report, Probation Officers preparing presentence reports must specify any restitution in the report or any subsequent addendum. (I.e. A financial statement form as required by Criminal Rule 32.1 (b) (2) (B).)
- IX. POs preparing a presentence report where there are financial obligations should:
  - A. Make a recommendation to the court to order the offender be responsible for all financial obligations.

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- B. Make a recommendation the offender apply for the Alaska Permanent Fund Dividend.
- C. Make a recommendation the court order the offender disclose Native Corporation Dividends, Tax Returns, or other significant financial gains.

X. POs shall regularly document progress of the restitution payment schedule in the DOC offender database.

NOTE:

- Any cases prior to January 1, 2002, having unpaid restitution, may be pursued by the victim as a civil remedy.
- For all cases after January 1, 2002, a Criminal Judgement for restitution is also a civil judgement and continues in effect until the restitution is paid in full.

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