



Illinois Department of Corrections

Administrative Directive

Number: 02.42.104	Title: Restitution	Effective: 3/1/2022
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Authorized by:	<i>[Original Authorized Copy on File]</i> Rob Jeffreys Director
Supersedes:	02.42.104 effective 1/1/2000

Authority: 730 ILCS 5/3-2-2 20 IAC 504	Related ACA Standards: 5-ACI-1A-07 and 10, 5-ACI-1B-01, 03, 20, 21, 24
Referenced Policies: 02.27.102, 02.42.106	Referenced Forms: DOC 0486 – Authorization for Disbursement of Funds C-13 – Invoice Voucher

I. **POLICY**

Restitution owed by an individual in custody shall be paid from his or her trust fund account balance or from the individual in custody's Student Member Inmate Compensation (SMIC) voucher in accordance with the guidelines in this directive.

II. **PROCEDURE**

A. **Purpose**

The purpose of this directive is to establish a written procedure governing the processing of individual in custody restitution payments.

B. **Applicability**

This directive is applicable to all correctional facilities within the Department.

C. **Facility Reviews**

A facility review of this directive shall be conducted at least annually.

D. **Designees**

Individuals specified in this directive may delegate stated responsibilities to another person or persons unless otherwise directed.

E. **Definitions**

Restitution – Compensation for loss, damage or injury caused.

F. **General Provisions**

Adjustment Committee and Program Unit hearings shall be held in accordance with Department Rule 504:Subpart A.

1. The committee may consider the individual in custody's willingness to make restitution as a mitigating factor when deciding to impose other disciplinary sanctions. It shall not be considered as an aggravating factor.
2. Punishment shall not be increased due to an inability or unwillingness to pay restitution. An individual in custody shall not be subject to greater punishment because he or she does not have

	Illinois Department of Corrections Administrative Directive	Page 2 of 4
Number: 02.42.104	Title: Restitution	Effective: 3/1/2022

the necessary funds to pay restitution.

G. Requirements

1. Upon determination by the Adjustment Committee or Program Unit that restitution is appropriate, the Committee or Unit shall:
 - a. Document the determination, including the amount and conditions for repayment, in accordance with Department Rule 504. Restitution shall be collected for the following:
 - (1) Theft, including theft of food;
 - (2) Fraud;
 - (3) Damage to state property, including damage to lock or lost keys, when the damage or loss has been determined to be intentional;
 - (4) Damage to the property of another individual in custody; or
 - (5) Medical expenses associated with the substantiated assault of another individual in custody or staff person.
 - b. Complete and provide an Authorization for Disbursement of Funds, DOC 0486. The amount of restitution shall not:
 - (1) Exceed costs incurred or damages sustained by any person, entity or the State as a result of the offense;
 - (2) Exceed the monetary value, minus depreciation, of the damaged or stolen item; or
 - (3) Diminish the account below 80% or an amount sufficient to purchase basic hygiene items, whichever is greater.
2. If the individual in custody has signed the DOC 0486:
 - a. And is a Transitional Security facility resident or an electronic detention individual in custody, the Business Office shall set up an Accounts Receivable in accordance with the arrangements made on the DOC 0486.
 - b. Authorizing an amount to be deducted from his or her trust fund account and has a sufficient trust fund account balance to pay the entire amount, the Business Office shall restrict the individual in custody's trust fund account for the full amount as detailed in the Fund Accounting and Commissary Trading System User (FACTS) Guide.
 - c. And it has been determined that there is an insufficient trust fund account balance to liquidate the entire amount of restitution, the Chief Administrative Officer (CAO) shall determine the amount to be restricted from the individual in custody's SMIC pay or Trust Fund Account. The Trust Fund Officer shall use FACTS to:
 - (1) Establish a Voluntary Restitution in the amount designated on the DOC 0486 which shall be deducted from the Individual's Trust Fund Account.
 - (2) Match the audit printout to the DOC 0486 and file.
 - (3) Run the furlough or restitution payment update daily which will deduct the

	Illinois Department of Corrections Administrative Directive	Page 3 of 4
Number: 02.42.104	Title: Restitution	Effective: 3/1/2022

amount of the payment due or a partial payment from the Individual's Trust Fund. Where a partial payment is made, any outstanding amount due for the month will accrue until such time as the individual in custody has sufficient funds.

- (4) At least monthly, issue a check, for the amount of payments collected, both in full and any partials.
3. All restitution checks shall be made payable to the payee designated on the DOC 0486.
 - a. Restitution payable to the DEPARTMENT OF CORRECTIONS shall be deposited to the Department of Corrections Reimbursement and Education Fund, 523 Fund, in accordance with Administrative Directive 02.27.102.
 - b. Restitution payable to any other payee, such as the individual in custody commissary, or another locally held fund, shall be forwarded to the appropriate payee.
 4. When an individual in custody has refused to sign the DOC 0486, only SMIC payroll monies may be withheld to liquidate the restitution.
 - a. A hold may be placed on the individual in custody's account. A restitution shall be established on FACTS.
 - b. Assignment pay may be suspended in part for a determined period of time;
 - c. The amount to be withheld from an individual in custody's SMIC payroll shall be at the discretion of the CAO. If the facility provides personal hygiene items to indigent individuals in custody, the individual in custody's full monthly pay may be used for restitution. If not, the individual in custody shall receive sufficient pay to purchase personal hygiene items.
 - d. Each month when the individual in custody SMIC payroll is calculated, the Invoice Voucher, C-13, amount shall be reduced by the amount of the involuntary restitution. The balance of the individual in custody's SMIC pay voucher shall be submitted to the Division of Finance and Administration, Management and Budget Unit, to be processed for payment by the Comptroller's Office.
 - e. The individual in custody's balance of restitution shall be modified by the amount of withheld SMIC pay.
 - f. Commissary privileges may be suspended.
- NOTE:** No more than 20% of an individual in custody's account balance can be applied to his or her restitution balance without his or her consent. However, the 20% cannot be deducted until monthly court fees have been paid.
5. Individuals in custody who refuse to sign the DOC 0486 shall be not eligible for transfer to a Transitional Security facility or community status until the DOC 0486 has been signed.
 6. Individuals in custody in a Transitional Security facility or on community status who refuse to sign the DOC 0486 may have their electronic detention or work release status revoked.
 7. When an individual in custody is transferred and has a restitution balance, a DOC 0486 shall be forwarded to the receiving facility's Business Office. The restitution balance shall be deleted from the transferring facility's trust fund records.
 8. Upon receipt of the DOC 0486 from the transferring facility, the Business Office shall establish a

	Illinois Department of Corrections Administrative Directive	Page 4 of 4
Number: 02.42.104	Title: Restitution	Effective: 3/1/2022

restitution on the trust fund system and process payments in accordance with the applicable provisions of this directive. Refer to Administrative Directive 02.42.106 for information on transferring an individual in custody's trust fund account.

9. When the receiving facility processes payment for a transferred-in individual in custody, only checks payable to a locally held fund at the transferring facility shall be sent to that facility. All payments to the State of Illinois shall be deposited to the 523 Fund by the facility writing the check.

 10. When an individual in custody is released or discharged and has a restitution balance, SMIC payments shall be withheld up to the amount of the restitution balance. If an open balance remains on the trust fund account, that amount shall remain until the individual returns to the institution or until the individual's account reaches a dormant status at which time the debit balance will be transferred to the General Revenue Fund as detailed in Administrative Directive 02.42.106.
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