



Illinois Department of Corrections

Administrative Directive

Number: 04.01.118	Title: Individual in Custody Restitution for Disciplinary Violations	Effective: 12/1/2021
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Authorized by:	<i>[Original Authorized Copy on File]</i> Rob Jeffreys Director
Supersedes:	04.01.118 effective 8/1/2020

Authority: 730 ILCS 5/3-2-2 20 IAC 504: Subpart A	Related ACA Standards: 5-ACI-3C-01
Referenced Policies: 02.42.104	Referenced Forms: DOC 0486 – Authorization for Disbursement of Funds

I. **POLICY**

It is the policy of the Illinois Department of Corrections to collect restitution in instances when an individual in custody has committed certain infractions.

II. **PROCEDURE**

A. **Purpose**

The purpose of this policy is to identify when restitution can be collected.

B. **Applicability**

This directive is applicable to all correctional facilities, offices, programs and parole services 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 Provision**

1. Adjustment Committee and Unit hearings shall be held in accordance with Department Rule 504:Subpart A. The committee may consider the individual'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. Punishment shall not be increased due to an inability or unwillingness to pay restitution. An individual in custody shall not be subjected to greater punishment because he or she does not have the necessary funds to pay restitution.
2. Restitution payments shall be paid from individual in custody accounts and processed in accordance with Administrative Directive 02.42.104. Upon determination by the Adjustment

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Committee or Unit that restitution is appropriate, a recommendation that an individual in custody make restitution shall be documented in accordance with Department Rule 504.

G. Requirements

1. Upon determination by the Adjustment Committee or 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 only be collected for the following:
 - (1) Theft, including theft of food;
 - (2) Fraud;
 - (3) Damage to state property, including damage to locks or lost keys, when the damage or loss has been determined 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 to the individual in custody the 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) Leave the account with less than \$20 after debiting for court ordered fees.
2. If the individual in custody refuses to authorize the disbursement:
 - a. A hold may be placed on account;
 - b. Funds may be collected from all incoming revenue sources into the account;
 - c. Assignment pay may be suspended in part for a determined period of time; and
 - d. Commissary privileges may be suspended.

NOTE: No more than 20% of an account balance of an individual in custody 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.
