

## Restitution Account Balance on: 06/05/2014

<b>Northern Command - Carson Office</b> Total # of Offenders 157	<b>Current Balance:</b>	<b>\$1,318,551.34</b>
<b>Northern Command - Elko Office</b> Total # of Offenders 68	<b>Current Balance:</b>	<b>\$464,885.74</b>
<b>Northern Command - Ely Office</b> Total # of Offenders 12	<b>Current Balance:</b>	<b>\$11,555.92</b>
<b>Northern Command - Fallon Office</b> Total # of Offenders 73	<b>Current Balance:</b>	<b>\$774,859.77</b>
<b>Northern Command - Headquarters Office</b> Total # of Offenders 911	<b>Current Balance:</b>	<b>\$10,385,419.19</b>
<b>Northern Command - Pahrump Office</b> Total # of Offenders 85	<b>Current Balance:</b>	<b>\$272,760.53</b>
<b>Northern Command - Reno Office</b> Total # of Offenders 683	<b>Current Balance:</b>	<b>\$7,254,598.77</b>
<b>Northern Command - Tonopah Office</b> Total # of Offenders 7	<b>Current Balance:</b>	<b>\$41,236.35</b>
<b>Northern Command - Winnemucca Office</b> Total # of Offenders 10	<b>Current Balance:</b>	<b>\$142,175.34</b>
<b>Southern Command - Campos Office</b> Total # of Offenders 2548	<b>Current Balance:</b>	<b>\$49,286,069.92</b>
		<b>Statewide Total : 1,142,541,833.32</b>



**Parole and Probation  
DIVISION DIRECTIVE MANUAL**

AG REVIEW BY:	ORIGINATION DATE: <b>12/09/1998</b>	APPROVED BY: <b>BERNARD W. CURTIS, CHIEF</b> <i>(original signature on file)</i>
REFERENCES:	DATE EFFECTIVE: <b>05/08/12</b>	SUBJECT: <b>Court Ordered Fines, Assessments, and Attorney's Fees</b>
PROCESSED BY: <b>CHERIE KONVICKA, MA II</b>	REVISION DATE: <b>01/01/99, 05/17/2006, 05/08/12</b>	DIRECTIVE NUMBER: <b>3.3.110</b>

**A. PURPOSE:**

To establish guidelines for the enforcement of payments towards Court ordered fines, assessments and attorney's fees.

**B. POLICY:**

The Division will attempt to enforce the payment of all Court ordered fines, assessments and attorney's fees during the period of time the offender is supervised by this Division.

**C. PROCEDURE:**

1. When the Court has ordered the offender to pay any type of fine, assessment or attorney's fees the payment will be made directly to the Court Clerk.
2. The supervising employee will validate offender compliance by receiving verification from an offender or contacting the Court Clerk.
3. Sixty days prior to the discharge of an offender the case file shall be reviewed to determine if the Court fines, assessments and attorney's fees have been paid in full. If the offender is in default the supervising employee will order the fines and assessments paid and note status of payment on the discharge request.



**Parole and Probation  
DIVISION DIRECTIVE MANUAL**

AG REVIEW BY:	ORIGINATION DATE: <b>12/18/1998</b>	APPROVED BY: <b>BERNARD W. CURTIS, CHIEF</b>
REFERENCES: NRS 176A.430, NRS 176.145, NRS 217.070	DATE EFFECTIVE: <b>06/01/12</b>	SUBJECT: <b>Restitution</b>
PROCESSED BY: <b>Cherie Konvicka, MA II</b>	REVISION DATE: <b>10/15/99, 02/15/01, 04/05/02, 06/30/03, 11/15/04, 02/15/06, 05/17/06, 07/21/2008, 06/01/12</b>	DIRECTIVE NUMBER:  <b>3.3.105</b>

**A. PURPOSE:**

To set forth the conditions governing the determination, scheduling, collecting and disbursement of restitution ordered by the Court or Board of Parole Commissioners.

**B. POLICY:**

If, during the Presentence Investigation, the Division determines a victim(s) has incurred a financial loss and appropriate documentation of the loss is received by the Division, a recommendation for restitution will be made to the Sentencing Court. If restitution cannot be determined during the Presentence Investigation, the Division will submit all available information regarding the financial loss to the court for determination of restitution. The Division will establish payment schedules for each offender, pursue collection of payment, and provide for the disbursement of monies to victim(s). If an offender is sentenced to prison, and restitution was ordered by the Sentencing Court, collection of restitution will commence when the offender is released to parole and will be addressed in the Parole Board Order and Parole Agreement.

**C. DEFINITIONS:**

**1. Civil Confession of Judgment**

A civil judgment imposed by a judge against an offender, which allows the victim to seek relief for unpaid court ordered restitution.

**2. Co-Defendant**

More than one person charged in the criminal information or complaint with the same crime.

**3. Co-Offender**

More than one person involved in the commission of a crime, but charged via a different criminal information or complaint.

**4. Restitution**

The act of restoring monetary compensation to the rightful owner or victim for the Amaterial value@ of a loss, damage, or injury incurred as the result of an offender=s unlawful conduct.

**5. Victim**

A person, business, or governmental entity against who a crime has been committed, a person who has been injured or killed as a direct result of the commission of a crime or a relative of a person who has been injured or killed as a direct result of a crime.

**D. PROCEDURES:**

**1. Considerations in Determining Victim(s)**

- a. Where applicable, restitution for repayment of extradition costs incurred will be determined and recommended at the time of sentencing or in the event of an offender=s reinstatement to probation or parole supervision.
- b. The investigating employee will review the District Attorney's file to determine what victims (if any) must be contacted. Information in the file, including Police Reports will provide contact information regarding victims.
- c. Child support obligations, Attorney General Investigative costs, and Presentence Report fees are not considered restitution. These obligations are payable to the District Attorney, Attorney General and District Court Clerk respectively.

**2. Uncharged crimes**

- a. If an offender has agreed to pay restitution in an uncharged case as a condition of a Guilty Plea, the District Attorney is responsible for researching and providing victim information, including amount of financial loss. The information provided will be included in the presentence report.

3. **Considerations in Determining Amount of Loss**

- a. The employee determining restitution will provide any victim(s) with a Victim Impact Statement Form.
- b. The investigating employee will exhaust all reasonable efforts to contact victims. The investigating employee will document all information obtained during the contact attempts in a chronological entry in OTIS.
- c. If no response is received from the victim(s) by the report due date, no further attempts will be made, and the Court will be made aware of the lack of response from the victim. If the victim responds after the report has been submitted to the court, restitution information will be provided to the Court verbally at sentencing and/or the victim will be directed to contact the Victim Advocate or the assigned District Attorney who can provide restitution information on their behalf at sentencing.
- d. Claims received from victim(s) will be carefully reviewed by the employee. Receipts, bills for repairs and/or estimates will be obtained from the victim(s) if possible. Only actual losses will be recommended. The Division will not recommend restitution for sentimental value, lost wages or inconvenience. In situations involving inconsistencies in property losses reported by the victim, the employee will refer to the original police report(s) for guidance.
- e. When an insurance company has paid for all or part of the victim's loss, the entire loss will be reported, but only the amount the victim was not reimbursed will be requested for restitution, i.e. "The victim realized a total loss of \$10,000, of which insurance has paid \$9,000. Therefore, restitution in the amount of \$1,000 is recommended".
- f. In cases when there are co-defendants or co-offenders, the Division will recommend that all parties be responsible for the full amount of restitution jointly and severally. Resultantly, if any of the co-defendants or co-offenders are severed from supervision or otherwise not paying their portion, the remaining parties are responsible to continue making payments until restitution is paid in full. The employee will only recommend restitution jointly and severally if a co-defendant(s) or co-offender(s) has pled guilty or been convicted at the time a report is submitted.
- g. A Civil Confession of Judgment may be recommended based on Area Command practice and if the investigating employee believes it appropriate. A Civil Confession of Judgment should not be recommended for restitution obligations less than \$100.00.

4. **Restitution Payment Schedules**

In establishing the restitution schedule, Division employees will encourage offenders to remit full restitution as quickly as possible.

- a. The investigating employee will ascertain the financial status of the offender through the use of the employment and financial section of the PSI Questionnaire. The investigating employee will determine a specific minimum monthly amount that the defendant can be reasonably expected to pay. In no case will the amount be less than \$20. The Special Condition for Restitution will read as follows:

“That the defendant effect restitution to the victim in the amount of \$\_\_\_ as ordered by the Court, paid through the Division of Parole and Probation , and that you make monthly payments of \$\_\_\_ every thirty (30) days subject to modification based upon income as verified by the Division.”

- b. During the presentence process, or immediately after sentencing, a Restitution Schedule and Agreement will be created. Restitution will also be set up in OTIS. The restitution schedule will specify the exact payment amount due per month and the date the payment is due.
- c. Distribution of the Restitution Schedule and Agreement is to be as follows:
  - Original - Area Command File
  - Copy - Offender (this copy will not contain any victim information)
- d. All Restitution Schedules and Agreements will be saved in OTIS. Due to mandates contained in Internal Control Policies, NPP Headquarters Accounting staff are prohibited from creating, altering, adjusting, or modifying Restitution Schedules and Agreements.

5. **Civil Confession of Judgment**

If the Court orders a Civil Confession of Judgment, the offender will sign the document in the presence of a Notary at intake. The document will be sent to the court for signature, and when returned, placed in the supervision file. If the offender pays restitution in full prior to discharge, the document will be shredded. If restitution is not paid, the document will be mailed to the victim with an instructional letter.

6. **Disbursements**

Monies held in trust accounts for victims will be reviewed by the Fiscal Unit, NPP Headquarters, on a 90-day basis, or more often if applicable for disbursement to victims.

In cases where a victim has relocated and left no forwarding information, the Fiscal Unit will attempt to locate the victim via the State Controllers Office, internet search or other available means. If a new address is located, the restitution payment will be re-sent to the victim's current residence. If a current address is not located, three years following discharge or closure of the case any outstanding restitution funds will be transferred to the fund for compensation of Victims of Crime.

**7. Collection**

- a. Payments will be accepted in the form of a check, e-check, money order, certified check, cashier's check, or a check from a government entity. All payments are to be made payable to the Division of Parole and Probation. Under no circumstances will cash be accepted.
- b. The offender may pay amounts greater than the established monthly payment; however, this does not constitute a paid in advance. The offender is still required to make the minimum monthly payment until restitution is paid in full.
- c. The minimum monthly payment established on the Restitution Schedule and Agreement must always be accurately reflected in the subject's restitution account in OTIS.
- d. Refunds for restitution paid by an offender will only be made in those cases when the total sum of payments has exceeded the court ordered amount.

**8. Delinquency of Restitution Payments**

Each supervising employee will motivate their offenders to remit current and back restitution payments, including the offender's prior closed cases that have restitution outstanding. Emphasis will be placed on active cases. Chronological entries will be documented regarding direction given to the offender and any attempts to collect restitution.