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# Common Questions and Answers Regarding Interactions Between the U.S. Probation Office and the Internal Revenue Service in Supervision Cases

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***Q1: What IRS functions are involved in probation matters and what issues do they handle?***

**A1:** The IRS has three main functions that work together on probation matters in cases that involve tax or tax-related offenses –

- Criminal Investigation (CI) (Special Agents) – CI assists in the pre-sentencing and sentencing phases of a case, and monitors the case post-conviction until the supervisory period expires.
- Collection (Revenue Officers, Collection Advisors) – Collection handles collection determinations and takes appropriate action to collect outstanding civil tax assessments, including arranging for payment of past due taxes. In appropriate cases, Collection may also attempt to secure delinquent returns.
- Exam (Revenue Agents, Technical Services Fraud Coordinators) – Exam coordinates with the CI Special Agent, when appropriate, to calculate the amount of tax loss resulting from the criminal offense(s) for which the defendant is convicted; determines whether civil assessments of tax, interest, and/or penalties are appropriate; and ensures that appropriate examination action is taken on cases requiring the filing of additional returns or the assessment of additional tax and/or penalties.
- A fourth IRS function, Disclosure, may assist the other three functions when disclosure of taxpayer information is required.

***Q2: How do I find the IRS function contact assigned to an offender's case?***

**A2:** In criminal tax cases, (see Q/A8 below), a CI Special Agent will be assigned to the case. Contact the Assistant United States Attorney (AUSA) for contact information for the CI Special Agent assigned to the case. If the AUSA has no IRS contact, contact the Collection Advisor for the area in which the case was decided. The Collection Advisor is your contact point for collection issues. The Technical Services Fraud Coordinator is your contact point for exam issues.

***Q3: Who can assist in preparation of the pre-sentence investigation report?***

**A3:** The CI Special Agent can recommend special conditions of probation that might be appropriate, including cooperate with the IRS in an examination, file past due and current tax returns, amend false returns, pay or make arrangements to pay past due taxes, pay restitution to the IRS, etc.

***Q4: What IRS function monitors IRS-related conditions of supervision?***

**A4:** CI, Collection and Exam all monitor IRS-related conditions of supervision. Exam monitors assessment-related probation conditions, such as examinations. Collection monitors collection-related supervision conditions, including filing returns and the collection of unpaid civil tax assessments. Noncompliance is reported to CI, and CI will seek probation's assistance to enforce any IRS-related conditions of supervision.

***Q5: How can I determine if an offender is in compliance with IRS-related conditions of supervision?***

**A5:** Contact the CI Special Agent assigned to the case or the Collection Advisor or Technical Services Fraud Coordinator for the area in which the case was decided. Refer to Q/A8 for documentation needed to obtain taxpayer-specific information.

***Q6: Who do I contact regarding restitution ordered payable to the IRS?***

**A6:** In a tax or tax-related case, the court may order the defendant to pay restitution to the IRS. The Judgment and Commitment Order normally specifies that restitution payments are to be paid to the Office of the Clerk of Court in the district in which the defendant was sentenced. The Clerk of Court forwards the money to the victim(s) listed in the restitution order, including the IRS. All restitution payments made directly to the IRS are processed in a centralized office. The CI Special Agent or Collection Advisor can assist you regarding questions as to whether the IRS received restitution payments by contacting this centralized office on your behalf.

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***Q7: If an offender pays the full amount of restitution ordered payable to the IRS, has the offender satisfied all of his/her obligations to the IRS?***

**A7:** The amount of restitution ordered payable to the IRS in a criminal case is not the same as the civil tax liability that an offender may owe, although restitution payments will be applied to assessed civil tax liabilities for the same years for which restitution was ordered. Offenders responsible for paying restitution remain subject to tax return filing requirements and possibly to examination. An offender's civil tax liability is established only when the IRS makes an assessment. The IRS may assess additions to tax, penalties and interest pursuant to a tax return or examination. Full payment of restitution may not fully satisfy an offender's civil tax liability.

***Q8: Under what circumstances can the IRS make disclosures of taxpayer-specific information?***

**A8:** The circumstances in which the IRS may disclose taxpayer-specific information depend on whether the case is a criminal tax case. Although criminal tax cases generally involve a violation of Title 26 (the Internal Revenue Code), other offenses under Title 18 or Title 31, such as money laundering, concealment of property, and false claims, it may be considered a criminal tax case if it involves tax administration.

Disclosure of taxpayer specific information in criminal tax cases involves any information from the defendant's tax file that is material and relevant to determining the sentence, whether it relates to the conviction year(s) or other tax years, and it may be disclosed in the pre-sentence phase. Where compliance with IRS-related conditions of supervision in a criminal tax case is at issue, information regarding the years specified in the conditions of supervision may be disclosed. A written statement containing the period and the conditions of probation should be submitted to the Collection Advisor.

Information about other tax years generally may not be disclosed unless the information is material for consideration of the court in revoking or extending probation or supervised release.

In a non-tax criminal case, disclosure will not be made to any third party.