

 Good Life. Great Mission. <hr/> DEPT OF CORRECTIONAL SERVICES	POLICY		
	INMATE ACCOUNTING		
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STATEMENT OF AVAILABILITY *This Policy is to be made available in law libraries and other inmate resource centers.			

EFFECTIVE: August 1, 1980
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SUMMARY of REVISION/REVIEW

Incorporated PD 019-002. Reformatted to match Policy 001.01. Reordered ATTACHMENTS.

APPROVED:



 Scott R. Frakes, Director
 Nebraska Department of Correctional Services

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PURPOSE

To establish uniform practice and procedure for the systematic administration of inmate accounting within the Nebraska Department of Correctional Services (NDCS).

GENERAL

This Policy is applicable to all NDCS facilities. Procedures that relate to transactions processing in the Payroll and Financial Center (PFC) are governed additionally by the State Accounting Manual. (4-4031) All information on inmates' accounts is confidential and can only be discussed with the inmate. Information on inmates' accounts that is provided to external sources must be by court order or to authorized law enforcement through Central Office Accounting.

PROCEDURE

I. INMATE ACCOUNTS

An inmate may have the following accounts: institutional, confiscated, savings, security, suspense, restitution, legal, maintenance, and parole.

A. Institutional Accounts

Upon admission to NDCS, an account in the inmate's name will be established in the Correctional Information and Tracking (CIT) system. All funds in the inmate's possession at the time of admission will be placed in this account. Thereafter, all wage payments from the facility job shall be accrued and applied to the inmate's account on a monthly basis. Non-wage funds placed in an institutional account may only be spent for those purposes for which inmate wages may be spent. All funds in an inmate's institutional account will be handled in a manner consistent with statutes governing inmate wages. (4-4031) The institutional account is a non-interest bearing account. Allowable uses of funds are outlined in Policy 113.09, *Inmate Accounting – Use of Funds*.

B. Confiscated Accounts

A confiscated account will be established to hold:

1. Unauthorized funds or funds in violation of department rules which cannot be returned to the sender.
2. Value of excess tokens determined as purchased by the inmate.
3. Value of photo tickets exceeding the allowable limit and purchased by an inmate.

The confiscated account is a separate account from the inmate's institutional account and is a non-interest-bearing account.

C. Savings Accounts

Inmates may have the following savings accounts: Release, Regular, and Private Venture. All accounts will be held by NDCS and invested through the State of Nebraska. (4-4045) Interest will be posted on the 10th workday of the month to the appropriate account. The

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rate of interest will fluctuate on a monthly basis. Interest will be paid based on the average daily balance in the account. NDCS will assess no fees for handling these interest-bearing savings accounts. (4-4046)

D. Security Accounts

Security Accounts will only exist for those inmates who have existing Savings Bonds or Certificates of Deposit (CD). Due to changes in procedure inmates cannot purchase any new Savings Bonds or CDs, since a physical document is not issued. An inmate can still redeem an existing paper bond by submitting a request to NDCS Inmate Accounting and NDCS Inmate Accounting will obtain the necessary form.

NDCS Inmate Accounting will hold existing bonds that were purchased via NDCS until an inmate is paroled or discharged. No changes to these bonds can be processed.

NDCS will only coordinate the redemption of bonds or CDs purchased through and held by NDCS. NDCS will not hold bonds or CDs inmates may have purchased prior to their incarceration or obtained through outside means while incarcerated.

E. Suspense Accounts

A suspense account will be created for an inmate when insufficient fund institutional checks are written payable to NDCS for the following allowable purposes:

1. Legal postage
2. Legal copies
3. DNA testing fee
4. Emergency telephone calls to attorneys
5. Emergency and court ordered telephone calls
6. Eyeglasses in certain cases
7. Purchase of television headphones/FM receivers (if required by the facility)
8. Travel orders (if approved by the Warden/Program Administrator or designee)
9. Insufficient canteen fees
10. Expense of shipping property out
11. Shower shoes
12. Birth certificates
13. Cost of obtaining driver's license and/or photo ID where applicable
14. Alarm clocks (if required by the facility)

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15. Copies of documents pertaining to an inmate tort claim

Other reasons to allow insufficient fund checks must be approved by the NDCS Controller.

F. Restitution Accounts

A restitution account will be opened for an inmate who is found liable for damages or property destruction in an institutional disciplinary proceeding; escape costs assessed in a disciplinary proceeding, costs for returning parole absconders by a Parole Board hearing; processing errors, or predetermined agreements, such as Inter-library loan agreements.

G. Legal Accounts

Legal accounts will be established for inmates as needed. Garnishments will be collected in the following order unless specified by the court: Regular Savings, Private Venture Savings, Confiscated Account, Release Savings, and Institutional Account. Court orders will be processed as directed by the courts. NDCS Inmate Accounting will provide notification to the inmate.

H. Maintenance Accounts

A maintenance account shall be opened for all inmates on work or educational release. All assessments will be listed on the maintenance account with the appropriate month. All entries to freeze, unfreeze and collect maintenance will be entered on the Maintenance Account and generated over to the Institutional Account.

I. Parole Accounts

A parole account will be opened for each parolee supervised in Nebraska with assessments starting the month after they are paroled.

II. INCOMING FUNDS

A. Authorized Funds

1. All funds sent to an inmate from authorized sources shall be deposited in the inmate's institutional account.
2. Checks or money orders shall be payable to the inmate under his/her committed name or his/her committed name and legal name, if the inmate has legally changed his/her name. Payroll checks or direct deposit for inmates working in private venture or work release will be accepted in the inmate's legal name. Electronic Receipts are paid to the Department for the inmate.
3. Only cash (where appropriate), money orders, or checks in United States (US) dollars will be accepted. (Cash, which is not US issue, shall be placed in the inmate's property. Money orders or checks, which are not in US dollars, shall be placed in the inmate's property or returned to the sender at the inmate's expense if a complete sender name and address is available.) Electronic receipts will be paid to NDCS through an authorized third party vendor.

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4. All funds sent to an inmate must include the first and last name and complete address of the sender on the instrument and/or the envelope to be placed on the inmate's institutional account. Electronic receipts will contain the senders name and address of record associated with the sender's credit or debit card.
5. An immediate family member may send funds to more than one inmate with the Warden's approval. Immediate family shall mean spouse, parent, stepparent, person acting in place of parent, sibling, stepbrother, stepsister, half-brother, half-sister, child, stepchild, grandparent, and grandchild.
6. Financial instruments payable to two or more people and all are incarcerated shall have the money placed on the account of the last person to endorse the check, unless all parties agree in writing prior to the financial instrument being received in Accounting. A receipt should be written for each inmate for the amount he/she would receive when funds are to be split. NDCS Inmate Accounting must be provided a copy of the split funding agreement. Electronic receipts can only be made payable to one inmate.
7. Checks payable to two or more people and all are not incarcerated must only be placed on the inmate's account if he/she is the last payee to endorse the check.
8. Negotiable instruments returned unprocessed by the bank, such as non-sufficient funds, will immediately be debited from the inmate's account. If the inmate funds are not sufficient to cover the returned item then collection will proceed in a like manner of collecting restitution.
9. Financial instruments received for inmates who are unavailable or incapacitated shall be processed without the inmate's endorsement.
10. Financial instruments without a payee will be returned to the sender by the facility Business Manager if the sender's name and address is complete and no conflicting information exists between the envelope and the financial instrument. Financial instruments without a payee and sender's name and address is incomplete or conflicting information exists between the envelope and the financial instrument will be returned to the issuer of the instrument by the facility Business Manager. In both cases, a letter should accompany the funds indicating why they were being returned. These financial instruments should not be sent to the inmate for endorsement. A receipt should be written and voided so as to document receipt of the financial instrument. The facility Business Manager should send a copy of the letter with the voided receipt to Inmate Accounting for their records.
11. An individual who is on the visiting list of two inmates and only one is an immediate family member will be allowed to send funds only to the inmate who is an immediate family member. Attorneys and members of the media (ex. television, newspaper) who are on the visiting list of other inmates will be allowed to send funds to inmates, but it must be approved by the Agency Communications Director.
12. Electronic receipts cannot be refused by the inmate; they will be posted on the inmate's account once Accounting has completed reconciling the file and facility team member have an opportunity to review the receipts. (4-4047) This will

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generally be the same work day the file is received. Files sent on weekends and holidays will be processed the next work day.

13. Checks received from a bank processing center are acceptable as long the sender's complete name and address are included on the actual financial instrument. These will be handled as a personal check and frozen for 21 calendar days.

B. Unauthorized Funds

1. An inmate may not receive funds from another inmate, parolee, or probationer; a relative of another inmate; a person on the visiting list of another inmate except as noted in II.A.11; a person sending money to another inmate or at the request of another inmate, or a volunteer.
2. Financial instruments that do not have sufficient information to determine the sender will be placed on the confiscated account and not returned to the sender.
3. If the Warden or designee determines there is reasonable cause to conclude that the funds have been sent to an inmate by an unauthorized source (another inmate, a relative of another inmate, a person on the visiting list of another inmate, a person sending money at the request of another inmate, or a volunteer), the money shall be identified as confiscated. The original financial instrument, a copy of the confiscated receipt and envelope will be forwarded to Central Office Accounting. The financial instrument will be returned by Central Office Accounting to the sender's name and address on the financial instrument with a letter indicating why it is being returned. The reason for confiscating the funds must be written on the receipt.
4. If information is received within 60 days following the posting of a receipt that it came from an unauthorized source, the funds will be transferred to the inmate's confiscated account. The inmate may appeal the confiscation of these funds.
5. Cash received in the mail will not be returned to the sender, but will be placed on the confiscated account.
6. Checks, money orders, or cash may not be given to an inmate, except as authorized under a work release program.
7. Traveler's checks, gift checks or other instruments that require a signature at the time of presentation will not be accepted, and will be returned to the sender. If the sender cannot be determined, it will be forwarded to the issuer. These items will be returned by the facility Business Manager with a copy of the letter forwarded to Central Office Accounting.
8. Checks or money orders payable to inmates under an alias (not their legally changed name) will be identified as confiscated. The original financial instrument, a copy of the confiscated receipt and envelope will be forwarded to Central Office Accounting. The financial instrument will be returned by Central Office Accounting to the sender's name and address on the financial instrument with a letter indicating why it is being returned.

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9. Gift certificates shall not be accepted, and will be returned to the issuer. Vendor promotional checks are not acceptable as a negotiable instrument and shall be placed in the inmate's property.
10. When an inmate refuses to endorse an authorized financial instrument and the sender (first and last name and complete address) can be determined the financial instrument can be returned to the sender if the inmate provides a stamped envelope within three working days. If no envelope is provided the instrument will be processed and placed on the inmate's confiscated account.
11. Funds received and identified as a referral fee or finder's fee are not allowed and will be returned to the sender or issuer of the instrument by the facility Business Manager with a letter indicating why the funds are being returned. The facility Business Manager should send a copy of the financial instrument and letter to Inmate Accounting for their records.
12. Inmates may not receive funds from an immediate family member on parole unless prior approval has been obtained by the parolee from the Parole Administrator.
13. Checks, money orders, or cash may not be dropped off at a facility. This does not relate to hobby purchases.
14. Funds sent from one source to multiple inmates shall be placed on the inmate's confiscated account, except when prior approval has been granted by the Warden(s) for an individual to send funds to multiple immediate family members in NDCS facilities, attorneys or the media. Inmates may appeal the confiscation of these funds. Funds identified as sent by an unauthorized source shall be returned to the sender.
15. Electronic receipts are subject to the same rules as all other funds sent to an inmate. They may be transferred to the confiscated account if suspected of violating NDCS policy. The specific policy suspected of being violated will be provided to Accounting along with a copy of the receipt. An email notification will be sent to the mail group DCS.AcctgElecRec@nebraska.gov. Central Office Accounting will return these funds via an Inmate Trust Fund check to the sender of record with a letter indicating why the funds are being returned if the email is received prior to receipt being released. If the email is received after it's put onto the inmates account, then rule number 4 will be applicable.
16. Financial instruments that do not have all of the banking information at the base of the financial instrument or is covered up by something such as a name and address label, will be returned to the sender unprocessed. These instruments cannot be processed by the State Treasurer or the bank. If the sender cannot be determined it will be returned to the issuer by the facility Business Manager.
17. When the sender's name and/or address on the financial instrument is different from the sender's name and/or address on the envelope the funds will initially be placed on the inmate's confiscated account. If no other rule violation is found the funds will be transferred to the inmate's institutional account. If a rule violation other

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than the names and/or address being different is identified the funds will remain confiscated.

18. A financial instrument returned to the sender of record or an Inmate Trust check sent to the sender of record and returned as undeliverable will have the funds placed on the inmate's confiscated account.

C. Receipt Preparation

Receipts will be prepared at all facilities for all incoming funds to an inmate. Checks or money orders shall be restrictively endorsed immediately. Receipts shall be used in numerical order based on chronological date funds are received, if completing handwritten receipts. CIT will automatically assign receipt numbers for those created in the CIT system. Electronic Receipts and log will be prepared at Central Office Accounting. Copies of the receipts will be available to the facility Business Office or other location as designated by the Warden for review and distribution to the inmates.

Receipts require the following information to be completed. Numbers on the attachment correspond to the following steps:

1. DATE - Enter the date the money was received and the receipt written. CIT generated receipts have the current date automatically designated.
2. FACILITY - Enter the facility and housing unit where the inmate is located. CIT generated receipts obtain and print this information on the receipts
3. AMOUNT - Write out the amount of funds received (example: nine and 00/100 dollars). Not applicable to CIT generated receipts.
4. DOLLARS - Enter the amount of funds received in numbers (example: 9.00). CIT generated receipts need dollars and cents entered with no decimal point entered.
5. CASH/CK/MO/PER CK - Mark the appropriate box to indicate if money received is cash, check, money order or personal check. If a personal check is received, indicate "IS" for instate bank or "OS" for out-of-state bank. Receipts for personal checks in CIT should have an "I" entered for an instate bank or "O" entered for an out-of-state bank. Additionally, a date 21 days in the future should be entered to identify the date the funds should be unfrozen.
6. CHECK OR MO # - Notate the number of the check or money order. CIT generated receipts have this information entered in ITEM NO. Do not enter any dashes in CIT.
7. INMATE # - Enter the inmate's identification number.
8. NAME - Enter the inmate's first and last committed name. Please note; in some cases a middle initial will be required with common names. If the inmate has legally changed his/her name, then both the committed and legal name should be listed. CIT generated receipts automatically display the inmate's committed name following the entry of the inmate identification number. Verify the correct inmate is listed.

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9. RECEIVED FROM - Enter the name of the person (last name/first name) or business from which the funds were received. This should match as it is listed on the financial instrument or envelope. When differences exist between the financial instrument and the envelope enter the information from the financial instrument on the receipt or in CIT and confiscated the funds.
10. ADDRESS - Enter the address of the person or business that sent the inmate money. Include street address, city and state, ZIP code. The information from the money order should be entered; however, if nothing is on the money order enter the information from the envelope. Do not enter the source financial institution as the sender.
11. CONFISCATED/REASON - Mark the confiscated box if the funds are to be placed on the inmate's confiscated account. Reason must be completed and should indicate the NDCS rule violated. CIT generated receipts should have a C placed in the type of account column to indicate the funds should be confiscated.
12. SIGNATURE - Signature of person completing the receipt. CIT generated receipts will have the preparers name printed on the receipts.

D. Receipt Distribution

1. The yellow copy or "copy" of the receipt should be sent to the inmate, along with the instrument for endorsement. The white receipt or "original" should be forwarded with the instrument to NDCS Inmate Accounting. The pink receipt or a copy of the CIT log should be retained as a control copy. A copy of the CIT log must be sent to NDCS Inmate Accounting with the receipts.
2. Receipts should be submitted to NDCS Inmate Accounting in the following format:
 - a. Receipts not prepared in CIT should be grouped together in numerical sequence with a calculator tape listing the first and last receipt numbers, all amounts, and the date.
 - b. Receipts prepared in CIT should be grouped in numerical sequence and clipped to the CIT Receipt Log.
 - c. Checks, money orders, and cash should be grouped together in a similar manner (order to match the receipts) with a calculator tape listing the first and last receipt numbers; all checks, money orders, cash: and the date.
 - d. Verify the tape in a. or the log in b. to the tape in c. Any differences shall be reconciled before submitting the receipts to NDCS Inmate Accounting.
3. Handwritten receipts being placed on confiscated accounts should be grouped separately in the above manner.

E. Endorsement

1. When NDCS Inmate Accounting completes a receipt, the copy of the receipt will be sent to the facility along with the instrument to obtain the inmate's endorsement

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if a power of attorney is not on file. NDCS Inmate Accounting will retain the original receipt. NDCS Inmate Accounting will supply the endorsement if a power of attorney is on file.

2. Funds received for inmates located at another institution should have a receipt prepared by the institution receiving the funds. The receipts and instrument should be sent to NDCS Inmate Accounting and identified that endorsement is needed and indicate the institution where the inmate is currently assigned.

NDCS Inmate Accounting will forward the copy of the receipt and the financial instrument to the Business Manager at the appropriate institution. Electronic notification will be sent to the Business Manager so they are aware the receipt and financial instrument is being forwarded.

The Business Manager obtains the inmates endorsement and returns the financial instrument to NDCS Inmate Accounting for processing.

3. Electronic receipts do not require an endorsement, since the funds are payable to NDCS on behalf of the inmate.

F. Processing of Receipts

1. Receipts shall be forwarded to NDCS Inmate Accounting daily. All inmate receipts will generally be posted to the inmate's account within two workdays following the date received in NDCS Inmate Accounting. Working days in this Policy are defined as Monday through Friday, excluding state holidays.
2. Non-wage checks (other than government issued checks and refund checks from special order vendors) endorsed by the inmates will be frozen for 21 calendar days. Bond checks issued by the county and received at a later date that exceed \$500 will be frozen on the inmate's institutional account for 21 days.
3. Any financial instrument for \$500 or more OR multiple financial instruments totaling \$500 or more will be frozen for 21 calendar days. Exceptions include inmate work release paychecks and Veteran's benefit checks. Work release paychecks may be frozen by the NDCS Controller if presented with good cause.
4. Money orders will be frozen for 21 days if the date on the money order is 60 days or older.
5. NDCS cooperates with the IRS Criminal Investigation division on the review of income tax refunds. Receipts included in this review will be handled in accordance with the direction received from the IRS. This may include the return of the check to the IRS. The reason for the return is not known by NDCS. A letter will be sent to the inmate with an address to write the IRS. IRS Refund checks in excess of \$500 will be frozen for 21 calendar days.
6. Checks received from the county at the time an inmate is delivered to an NDCS facility will not be frozen.

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7. A cashier or certified check will be frozen for 21 days, since a stop payment can be placed on this check.
8. Receipts that are voided should have the reason the receipt was voided written on the receipt and initialed and dated. CIT generated receipts should have both the original and copy submitted to Accounting.

G. Receipt Log (Non-CIT Generated)

A receipt log must be maintained if the person opening the mail does not also prepare the receipt. The log shall identify the sender's name, amount, inmate name, inmate number, type of receipt (cash, check, money order) and receipt number.

The original log shall be forwarded to Accounting. Accounting will verify receipt of all funds and posting of the receipts in the Payroll and Financial Center (PFC).

H. Direct Deposit of Work Release Inmate Payroll

Only NDCS Inmate Accounting may grant authorization for direct deposit to a NDCS bank account of work release inmate payroll. Employers who select this method of payment should be forwarded a "Direct Deposit Requirements Notice to Employer" (Attachment A). Inmates are required to sign an "Inmate Direct Deposit Agreement" (Attachment B), which should be retained by institutional team member. Employers should send their authorization forms with the inmate's signature to NDCS Inmate Accounting for processing.

Following receipt of a copy of the inmate's pay stub and the bank's credit advice, NDCS Inmate Accounting will prepare an Inmate Trust Receipt. A copy of the Inmate Trust Receipt will be forwarded to the inmate and the original will be used to post the funds to the inmate's Institutional Account.

I. Maintenance assessments

Maintenance assessments for inmates working in private venture operations shall be at the rate specified in Policy 119.03, *Private Venture Projects - Inmate Accounting*. Such collections shall be posted at the same time pay is posted on the inmate's institutional account.

III. **CONFISCATED ACCOUNTS**

- A. Confiscated money shall be forwarded from the facility to NDCS Inmate Accounting. The receiving facility shall complete a receipt for the confiscated money as specified in Procedure II. C. of this Policy.
- B. Confiscated tokens or picture tickets shall have a Merchandise Refund (Attachment C) sent to NDCS Inmate Accounting for processing.
- C. Upon release or parole, the inmate's confiscated account will be included in the release check.
- D. Funds in a confiscated account may not be used by NDCS Inmate Accounting to satisfy inmate obligations or used by inmates to satisfy detainers, court filing fees or other

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obligations. Confiscated funds may be remitted to the court upon receipt of a court order specifying NDCS is to remit such funds.

- E. Any funds confiscated as contraband from an inmate or an inmate's outgoing mail will be placed in the inmate's confiscated account and returned to the inmate upon discharge from NDCS or admission to parole.
- F. Inmates who are serving life-to-life or de facto life to life (which is age plus tentative release date (TRD) is equal to or greater than 85) sentences, have a parole eligibility date 10 or more years in the future, or are an interstate transfer may request a transfer of their confiscated balance, if they do not have any credits posted on their confiscated account in the last five years remaining on their confiscated account. Receipts that have been transferred to the institutional account are not included in the five years. Tokens or photo tickets placed on the inmate's confiscated account will not be transferred to the institutional account.

Requests for a transfer of confiscated funds in these circumstances should be submitted to the facility Business Manager for initial review. The facility Business Manager will forward applicable requests to the NDCS Controller for approval and processing of the transfer. All such transfers will be to the inmate's institutional account and will be treated the same as all other funds placed on an inmate's institutional account. These funds are treated in accordance with all funds placed on an inmate's institutional account.

Funds designated as a potential violation of statute 81-1836 (profiting from their crime) will be held on an inmate's confiscated account until documentation is provided no such violation occurred. These funds will not be eligible for transfer as noted above. When documentation becomes available to NDCS that the funds being held are a violation of statute 81-1836 they will be transferred to the Victim's Compensation Fund.

- G. Accounting will maintain a log on the NDCS shared drive to track all confiscated receipts returned to the sender to include the following:
 1. Date Received at the Facility/Central Office
 2. Receipt Number
 3. Financial Instrument Number, if applicable
 4. Inmate Trust Check Number, if applicable
 5. Inmate ID Number
 6. Inmate Committed Name
 7. Date Received in Accounting
 8. Reason Violated Department Rules
 9. Sender's Name
 10. Sender's Address, including City, State, and ZIP Code

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11. Date Mailed

H. Confiscated Appeal Process

Inmates may appeal decisions for receipts placed on their confiscated accounts, including electronic receipts, by sending a written request to the Warden, within 30 days from the date the funds were placed on the confiscated account. Such request shall provide justification as to why an exception should be granted and details regarding the situation. The Warden will review the request, complete research as needed, and provide a copy of the research along with their decision to approve or deny the appeal to Central Office Accounting. Generally, Accounting will post approved appeals within two work days from receipt of the information. (4-4047)

Appeals received more than 30 days after the receipt has been posted on the confiscated account or for unendorsed financial instruments or cash are not allowed. Funds received and are a rule violation that results in the funds being sent back to the sender but are returned to the Department as undeliverable cannot be appealed.

IV. SAVINGS ACCOUNTS

A. Release Savings

Upon admission to NDCS, a release savings account will be established in the CIT system. Inmates with debts due to NDCS will not have Release Savings withheld until their debts are satisfied. 5% of all earnings will be transferred from the inmate's institutional account to the release savings account when the earnings are posted. Inmates with a Parole Eligibility Date (PED) 10 or more years in the future, serving life-to-life sentences, and death row inmates are exempt from the Release Savings until the first month after their PED equals 10 years. Interstate transfers and safe-keepers will not have Release Savings withheld from their account. The inmate will not have access to this account until he/she is released from NDCS. Additionally, NDCS shall not be able to access these funds for debt to the Department. When an additional sentence or recalculation of their current sentence causes the PED to move to 10 or more years into the future, the inmate can request their release savings balance to be transferred to their institutional account.

An account will be opened with the first transaction; however, interest will not be earned until an average daily balance of \$50 is reached for a month. Should the average daily balance drop below \$50 the Release Savings account will stop earning interest. Deposits will be made on the same day as pay posts on the institutional account. Mid calendar year statements will be generated for all accounts with a balance greater than \$50. End of calendar year statements will be generated for all accounts regardless of balance. 1099 statements reporting the interest will be issued by the State of Nebraska in accordance with Internal Revenue Regulations and the Nebraska Department of Revenue guidelines. Interest will be posted on the 10th workday of the month for two months prior. For example, interest earned in January will be posted in March. Interest that posts to a savings account with a \$0 balance may be transferred to the inmate's institutional account. (4-4046)

B. Regular Savings

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A minimum of \$50 will be required to open or sustain a regular savings account. Two withdrawals and two deposits are allowed per calendar month. One additional withdrawal per month may be requested for an emergency with the Warden's recommendation submitted to the NDCS Controller for approval. Withdrawals that will decrease the account to a balance below \$50 will be adjusted to close the account and all funds will be placed on the inmate's institutional account. Interest will be posted on the 10th workday of the month for two months prior. For example, interest earned in January will be posted in March. Interest that posts to a savings account with a \$0 balance may be transferred to the inmate's institutional account.

Mid calendar year and end of calendar year statements will be generated and distributed. 1099 statements reporting the interest will be issued by the State of Nebraska in accordance with Internal Revenue Regulations and the Nebraska Department of Revenue guidelines.

A Savings Transaction Request form will be used to request a deposit or withdrawal as authorized by NDCS regulation. This form will work similar to the institutional check with a stub to be returned to verify processing of the transaction. Transactions requested on this form will be processed in Central Office Accounting on Thursday; therefore, they generally should be received in Accounting no later than Wednesday.

C. Private Venture Savings

An account will be opened with the first transaction; however, interest will not be earned until an average daily balance of \$50 is reached for a month. Should the average daily balance drop below \$50 the Private Venture Savings account will stop earning interest. Two withdrawals per calendar month will be allowed to send funds for family support; however, a \$50 balance must be maintained to earn interest. Deposits will be made on the same day as private venture pay posts on the institutional account. Interest will be posted on the 10th workday of the month for two months prior. For example, interest earned in January will be posted in March. Interest that posts to a savings account with a \$0 balance may be transferred to the inmate's institutional account.

Mid calendar year and end of calendar year statements will be generated and distributed. 1099 statements reporting the interest will be issued by the State of Nebraska in accordance with Internal Revenue Regulations and the Nebraska Department of Revenue guidelines.

A Savings Transaction Request (Attachment C) form will be used to request a withdrawal as authorized by Department regulation. This form will work similar to the institutional check with a stub to be returned to verify processing of the transaction. Withdrawals must be accompanied with an institutional check for family support and a self-addressed stamped envelope. Family support must meet the definition of immediate family. Transactions requested on this form will be processed in NDCS Inmate Accounting on Thursday; therefore, they generally should be received in Accounting no later than Wednesday.

D. Existing bank accounts

Existing bank accounts previously authorized by NDCS and retained at Wells Fargo will be subject to their banking terms. Additionally, since Wells Fargo Bank is not the Department's method for handling interest-bearing savings accounts, additional funds may not be

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deposited in these bank savings accounts and withdrawals shall be a maximum of two per calendar year.

V. SUSPENSE ACCOUNTS

- A. All assessments will be listed on the Suspense Account with the occurrence date, description of purchase and the amount of the institutional check.
- B. As funds are available on the institutional account the system will automatically freeze amounts up to the total amount due on the Suspense Account. An inmate will be allowed access to \$10.00 during any calendar month if they have or receive such funds from any source on their institutional account. Any balance remaining at the end of a month becomes part of the \$10.00 available for the next month. All freezing entries posted on the Suspense Account are generated over to the Institutional Account.
- C. Periodically, NDCS Inmate Accounting will review the Suspense Accounts to unfreeze funds and collect amounts due. Both of these transactions will be reflected on the Suspense Account, as well as on the Institutional Account. Time will elapse between the freezing and collection due to the other priorities in NDCS Inmate Accounting.
- D. Any funds on an inmate's Institutional account or any receipts received may be used for collection of the amounts due on the Suspense Account.
- E. Suspense Accounts will remain open until 60 days after the account balance is at zero and the inmate has been released from the Department.
- F. Institutional checks for posting to the suspense account should be forwarded to NDCS Inmate Accounting daily.
- G. Suspense account balances for discharged inmates will be transferred to an inmate's new Identification Number should they be sentenced to the Department at a later date.

VI. RESTITUTION ACCOUNTS

- A. All assessments will be listed on the Restitution Account with the occurrence date, description of damages and amount of assessment.
- B. As funds are available on the institutional account the system will automatically freeze amounts up to the total restitution due. An inmate will be allowed access to \$10.00 during any calendar month if they have or receive such funds from any source on their institutional account. Any balance remaining at the end of a month becomes part of the \$10.00 available for the next month. All freezing entries posted on the Restitution Account are generated over to the Institutional Account.
- C. Periodically, NDCS Inmate Accounting will review Restitution Accounts to unfreeze funds and collect amounts due. Both of these transactions will reflect on the Institutional Account, as well as on the Restitution Account.
- D. Any funds on an inmate's Institutional Account or any receipt received may be used for collection of the restitution.

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- E. Restitution Accounts will remain open until 60 days after the account balance is at zero and the inmate has been released from NDCS.
- F. The inmate may be required to pay for the value of damages or cost of the inmate's return to NDCS. The amount to be paid will be determined at the disciplinary hearing or at a subsequent due process hearing and should be the actual value of damages, including labor costs or actual costs of returning the inmate from escape or parole violation. Inter-library loan agreements must bear the inmate's signature and date of signature the book was received. The conditions of items returned should be noted on the agreement and have the inmate's signature and date of signature. The loaning library will set the value of an item, lost or damaged, through an inter-library loan agreement.
- G. When the amount of restitution is determined in a disciplinary proceeding, an institutional check payable to NDCS shall be prepared. If an inmate refuses to sign the institutional check, the disciplinary hearing officer should sign the institutional check and indicate on the check that the inmate refused to sign. Copies of the applicable disciplinary proceedings and hearings should be forwarded to NDCS Inmate Accounting for recovery of these funds.
 - 1. In the event of escape, the Special Services Division will notify NDCS Inmate Accounting in writing of the amount to be collected. This will not be assessed until the facility forwards the information from the disciplinary hearing.
 - 2. In the event of a parole violation, the Parole Board will notify NDCS Inmate Accounting in writing of the amount to be collected.
 - 3. In the event of accounting errors, appropriate team member will notify NDCS Inmate Accounting.
 - 4. In the event of payroll corrections, the Business Manager will notify NDCS Inmate Accounting.
 - 5. In the event of bank returned checks or money orders, the State Treasurer will notify NDCS Inmate Accounting.
- H. Restitution assessed from a disciplinary hearing and reversed at either the institutional or by the Appeals Board will require a copy of the reversal be submitted to Accounting to adjust the inmate's restitution account. Accounting will prepare a journal entry to correct the restitution account.
- I. Restitution account balances for discharged inmates will be transferred to an inmate's new Identification Number should they be sentenced to the Department at a later date.

VII. LEGAL ACCOUNTS

Generally, child support orders require withholding only from earnings and are at the percentages or rates specified in the order. Generally, other court orders require withholding from all funds an inmate receives and are at the percentages or rates specified in the order. Restitution court orders will be withheld at 20% of all earnings unless the court specifies other terms.

Accounting will send a memo to the inmate with a copy of the court order advising them of the order being established in the CIT.

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VIII. MAINTENANCE ACCOUNTS

A. Work Release

1. Inmates in a work release status shall be assessed maintenance from the date when employment begins or on the eighth day in a work release status, whichever comes first. The maximum of seven days with no assessment is once per inmate identification number.
2. The amount frozen shall be the maintenance daily rate of \$12.00 times the number of days that maintenance is due. Maintenance is due at the beginning of a month; however, a limited retention of funds will be allowed for inmate needs. This rate will be reviewed periodically to see that it is an appropriate level.

B. Educational Release

1. Inmates in an educational release status or parole pending status shall be assessed maintenance for each day on such status.
2. The amount frozen shall be the maintenance daily rate of \$12.00 times the number of days that maintenance is due. Maintenance is due at the beginning of a month; however, a limited retention of funds will be allowed for inmate needs. This rate will be reviewed periodically to see that the rate is at an appropriate level.
3. Inmates with an institutional job assignment will not be paid; however, maintenance will be waived. The inmates will be set up in CIPS with the Education Release pay rate and their performance evaluation entered each month. Each Business Manager shall notify NDCS Inmate Accounting on the first workday of each month the inmate name and number of Educational Release inmates with a job assignment. NDCS Inmate Accounting will make an entry to reverse the current monthly maintenance assessed. The maintenance account will be adjusted if Inmate Accounting receives notice from the facility Business Manager that the inmate was terminated from the Education Release assignment.

C. Freezing of Funds for Maintenance

75% of each receipt that a work release or educational release inmate receives will be frozen up to the amount due for maintenance. Adjustments will be made by NDCS Inmate Accounting team member based on a review of the Institutional account balance and input from the facility Business Manager.

When an inmate is removed from Work or Education Release the collection process changes to allow access to \$10 in a calendar month.

D. Inmate Personal Budget

A uniform system for the receipt and disbursement of inmate monies has been established in order to ensure that room and board (maintenance) payments and other Department and facility reimbursements, restitution, court obligations and the like are recorded and paid by Community Custody inmates in a timely fashion. In order to more realistically manage

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income and expenses, each inmate shall develop a written, personal budget, which shall be reviewed by program team member.

The daily rate for maintenance shall be reviewed annually. The daily rate shall be determined based on the hourly minimum wage times 40 hours divided by 30 days.

E. Power of Attorney

Nebraska State Statute 83-184 authorized NDCS to credit wages and other earnings/receipts to an inmate's wage fund and to collect appropriate and reasonable costs incident to the person's confinement. The NDCS Power of Attorney form (Attachment D) shall be signed by those inmates who are classified to a community corrections facility in order that the statutory directive can be carried out.

F. Reports or Data accessible to NDCS Inmate Accounting

Institutions with work release inmates shall forward the following documents to NDCS Inmate Accounting on a daily basis:

1. Daily change sheet.
2. Job/education placement (accessible through the web suite).
3. Notification to employer.
4. Power of Attorney.

G. Collection of Maintenance

Amounts will be debited from the inmate's maintenance and institutional accounts during the last few workdays of the month.

IX. PAROLE ACCOUNTS

Guidelines for parole fees are addressed in *Parole Programming Fees Procedure*.

REFERENCE

I. STATUTORY REFERENCE

- A. Nebraska Revised Statute 81-1836, 83-184

II. NDCS POLICIES

- A. Policy 113.09, *Inmate Accounting – Use of Funds*
- B. Policy 119.03, *Private Venture Projects - Inmate Accounting*

III. ATTACHMENTS

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- A. Direct Deposit Requirements Notice to Employer – DCS-A-acc-019-pc
 - B. Inmate Direct Deposit Agreement – DCS-A-acc-027-pc
 - C. Merchandise Refund – DCS-A-adm-133-pc
 - D. Power of Attorney (Community Correctional Centers) – DCS-A-inm-010-pc
- IV. AMERICAN CORRECTIONAL ASSOCIATION (ACA) STANDARDS
- A. Adult Correctional Institutions (4th edition): 4-4031, 4-4045, 4-4046, 4-4047