

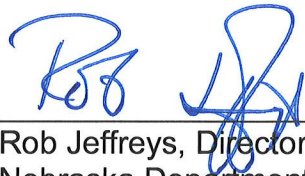
<b>NEBRASKA</b> Good Life. Great Mission. DEPT OF CORRECTIONAL SERVICES	POLICY <b>INMATE ACCOUNTING – USE OF FUNDS</b>		
	REVISED DATE <b>July 31, 2023</b>	NUMBER <b>113.09</b>	PAGE <b>1 of 16</b>
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EFFECTIVE: October 31, 2017  
 REVISED: November 30, 2018  
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 REVISED: July 31, 2023


**SUMMARY OF REVISION/REVIEW**

PROCESS – I.B. – Language updated. I.G.1. – Created subsection. I.G.1.l. – Language updated.  
 I.G.1.m. – Language updated. I.G.1.o. – Language updated. I.G.2.i. – Language updated.  
 I.G.2.j. – Language updated. I.G.3. – Section added. I.H.4. – Language updated.  
 II.A. – Language updated. III.B. – Language updated. III.C. – Language updated.  
 V. – Added “saline Nasal Spray”. IX. – Language updated.  
 XII. – Language updated.

APPROVED:



\_\_\_\_\_  
 Rob Jeffreys, Director  
 Nebraska Department of Correctional Services

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## PURPOSE

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


Procedures that relate to transactions processing in the Payroll and Financial Center (PFC) are governed additionally by the State Accounting Manual. All information on incarcerated individuals' accounts is confidential and can only be discussed with the individual. Information on individuals' accounts that is provided to external sources must be by court order or to authorized law enforcement through Central Office Accounting. (ACI-1B-07)

## PROCESS

### I. USE OF FUNDS (ACI-1B-21)

#### A. An Incarcerated Individual May Use Institutional Account Funds:

1. For the support of immediate family. (See section I.B. for details.)
2. For the discharge of legal obligations including judgments. (See section I.C. for details.)
3. To pay all or part of the cost of their room, board, clothing, medical, dental and other correctional services.
4. To provide for funds payable to the individual upon release. (See section XI. for details.)
5. To make purchases from the canteen or commissary. (Includes special orders, hobby orders, religious orders and direct orders.)
6. To make reimbursement for the value of property damaged or destroyed as specified by statute.
7. To reimburse the state for reasonable costs incurred in returning an individual in the event of escape or absconding from parole supervision.
8. For required state and federal taxes.
9. For payments to the Victim's Compensation Fund as required by law, at 5% of net wages.
10. For payments for dues to NDCS approved clubs, religious programs/organizations and other similar incarcerated individual-based organizations with approval from the NDCS director.
11. For donations to charitable organizations (i.e., American Red Cross for catastrophic event) as approved by the NDCS director. (ACI-1B-23)
12. For payments to external religious organizations, the incarcerated individual institutional check shall be forwarded to the facility business manager. The facility business manager shall verify the religious organization with the religious

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coordinator/designee. Criteria for verification shall include that the religious organization is a registered 501(c)(3) entity with the Internal Revenue Service. If the religious organization is verified, the individual institutional check shall note the tax ID number and be forwarded for processing. If the religious organization is not verified, the individual institutional check shall note such and be returned to individual. (See Policy 208.01, *Religious Services*).

13. For payments for book purchases, refer to Policy 113.23, *Incarcerated Individual Orders*.
14. For payments related to securing housing upon parole or release. Examples include deposit, first month's rent, application fees, etc.

**B. Family Support**

Incarcerated individuals will be permitted to send funds to immediate family as long as they are not incarcerated or on parole or on post-release supervision. For the purposes of disbursements of individual funds, immediate family shall mean spouse, parent, step-parent, person acting in the place of parent (as documented in the institutional file), sibling, stepbrother, stepsister, half-brother, half-sister, child, stepchild, grandparent and grandchild. Each individual wishing to send funds to an immediate family member has the burden of establishing that relationship, the relationship must be indicated on the institutional check, and the relationship should be reviewed for proper approval by the facility. Support for a minor child should be made payable to the name of the adult individual for the support of the name of the minor child. (Example: Jane Doe for the support of Baby Doe)

Requests by incarcerated individuals for an exception to send funds to an immediate family member who is incarcerated within NDCS requires the approval of the wardens of each facility where the incarcerated individuals are assigned. The warden of the facility where the incarcerated individual is assigned and is requesting the exception shall obtain Intel team members review before granting approval. Such exceptions shall not exceed one transaction every six (6) months.


Payments to a Power of Attorney are not allowed unless the individual meets the definition of immediate family, in which case the payment shall be deemed family support.

**C. Legal Obligations**

Legal obligations shall include payments to federal, state and local governmental agencies and contractual debts incurred prior to incarceration. When discharging legal obligations, the incarcerated individual shall supply Central Office accounting with information regarding the obligation at the time of the first payment. Community B custody incarcerated individuals are also authorized to pay legal obligations related to their employment.

**D. Transactions between Incarcerated individuals**

No funds will be transferred from one incarcerated individual to another incarcerated individual unless a team member approved sale of a television is involved. (ACI-1B-23) An *Inmate to Inmate Television Sales Transaction* (Attachment A) form shall be completed not more than 30 days in advance of the seller's discharge, parole or transfer to Community Corrections Center – Lincoln (CCCL), Community Corrections Center – Omaha (CCCO)

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or Work Ethic Camp (WEC). Transfer of property shall occur after the seller discharges, paroles, or transfers to CCCO, CCCL, or WEC.

Section 1 of the form is to be completed by the individual selling the television. Section 2 is to be completed by the individual buying the television. The appropriate facility team members complete sections 3 through 5. The original completed form shall be forwarded to Central Office Accounting for posting the sale between the two incarcerated individuals.

The television must meet all current requirements for new televisions (clear case, headphone jack, speaker removed or disconnected if required by the facility) and be in good working order at the time of the sale.

Minor accessories such as a remote control, two splitters, or two cables may be included in the sale; however, headphones, earbuds, and surge protectors may not be included.

The buyer and seller must agree on a selling price subject to the approval of the warden's designee. The following scale will be used to determine the selling price of the television:

<u>Age of Television</u>	<u>Selling Price</u>
0 to 18 months	75% of original purchase price
18 to 24 months	50% of original purchase price
24 to 30 months	25% of original purchase price
30 months or older	10% of original purchase price


Facility team members will contact Central Office Accounting to freeze the funds on the buyer's institutional account. Only if sufficient funds are available will the sale be allowed to take place. Once the transfer is completed, the original *Inmate to Inmate Television Sales Transaction* (Attachment A) form will be forwarded to Central Office Accounting for processing.

E. Copies

Incarcerated individuals are required to pay 10 cents per page for copies requested, to include copies of store tapes, receipts, institutional checks or other items for which they receive or retain a record. Additionally, incarcerated individuals shall pay 10 cents per page for health care records, legal materials and copies of received/retained documents in support of claims filed with the State Claims Board. Copies of an incarcerated individual's various accounts, such as institutional, confiscated, etc. will be provided at no charge unless the request is for records two years old or older. Individuals will be allowed to write non-sufficient fund checks for the copies of financial records, legal materials, health care records and copies of received/retained documents in support of claims filed with the State Claims Board. Sales tax on copies will be collected as deemed appropriate.

F. Travel Orders

The incarcerated individual will generally pay this cost to NDCS from monies in their institutional account. A copy of the *Inmate Travel Order Costs* form (Attachment B) will be sent to Central Office Accounting. This process shall apply to all travel orders issued for any travel not initiated at NDCS request. The itemized expenses shall include the following information:

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1. Name of team members on travel order.
2. Name and identification number of incarcerated individuals involved.
3. Hours for each team member, minimum permanent rate of a correctional corporal, and total wages billed.
4. Miles traveled, current rate for reimbursement to team members and total mileage amount billed.
5. Meals, lodging and other miscellaneous expenses incurred.
6. Total amount due by each incarcerated individual.
7. Dates and times of the travel.

All costs recovered for travel orders shall be paid from the incarcerated individual's institutional account into NDCS cash fund and will be collected in the same manner as restitution.

The NDCS director/designee shall determine any exception to full payment by an incarcerated individual on a travel order.


Optional medical treatment and related travel order expenses must be frozen on the incarcerated individual's institutional account prior to occurrence. NDCS Medical team members, in conjunction with the facility business manager, will determine amount to be frozen and notify Central Office Accounting. All optional medical treatment must be approved by NDCS Medical team members.

**G. Institutional Checks**

Requests for the disbursement of funds shall be on an *Institutional Check* (Attachment C). Post-dating checks is not acceptable.

Institutional checks and stubs require the following information. Refer to *Institutional Check* (Attachment C) for a blank institutional check and stub.


1. CHECKS:
  - a. DATE - The date the institutional check and stub are completed.
  - b. FAC - Abbreviation to identify the facility where the incarcerated individual is located.
  - c. H.U. - Housing Unit and cell location of the incarcerated individual.
  - d. PAYABLE TO - To whom the institutional check is payable.
  - e. \$ - Amount of the check in numbers.
  - f. ADDRESS - Street address, city, state and ZIP if check is payable to anyone other than NDCS or a facility.

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- g. DOLLARS - The amount of the check written out.
- h. ID # - The incarcerated individual's current identification number.
- i. INCARCERATED INDIVIDUAL (PRINT NAME) - The incarcerated individual's committed name in print.
- j. FOR - The reason the institutional check is being written, such as support, court fees, spending, and catalog order.
- k. INCARCERATED INDIVIDUAL SIGNATURE - The signature of an incarcerated individual. If an individual has legally changed his/her name, both the committed name and the legal name will be shown with the legal name signed.
- l. RELATIONSHIP FOR SUPPORT - The relationship the incarcerated individual has to the payee or minor child.
- m. WITNESSED - The original signature of the facility team members that witnessed the incarcerated individual's signature on the check. Initials and stamped or machine printed names are not acceptable. If signature is illegible, name must be written next to signature.
- n. TRUST CK # - Completed by Central Office Accounting, indicates the trust fund check number.
- o. APPROVED - The original signature of facility team members authorized to approve institutional checks. Initials and stamped or machine printed names are not acceptable. If signature is illegible, name must be written next to signature.

2. STUBS:

- a. FACILITY - Abbreviation to identify the facility where the incarcerated individual is located.
- b. HOUSING UNIT - The incarcerated individual's housing unit number and cell location.
- c. DATE - The date the institutional check and stub are completed.
- d. \$ - Amount of the check in numbers.
- e. TO - To whom the institutional check is payable.
- f. INCARCERATED INDIVIDUAL NAME - Incarcerated individual's name.
- g. ID # - The incarcerated individual's current identification number.
- h. DATE POSTED - Date the institutional check was debited from the incarcerated individual's account.


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- i. WITNESSED - The original signature of the facility team members that witnessed the incarcerated individual's signature on the check. Initials and stamped or machine printed names are not acceptable. If signature is illegible, name must be written next to signature.
  - j. APPROVED - The original signature of the facility team members authorized to approve institutional checks. Initials and stamped or machine printed names are not acceptable. If signature is illegible, name must be written next to signature.
  - k. TRUST CK NO. - Completed by Central Office Accounting indicates the trust fund check number.
3. In addition, Institutional checks requiring an Inmate Trust Fund check (support, legal, book/magazine orders etc.) must also meet the following:
- a. WITNESSED & APPROVED signatures should not be the same team member
  - b. Must be reviewed by a team member in the facility Business Office.

H. Return of Incomplete/Incorrect Institutional Checks

Institutional checks and stubs are to be complete. Under the following circumstances institutional checks will be returned to the institution for completion or correction:

1. Incarcerated individual signature missing on the institutional check.
2. Witness signature by team members missing on the institutional check and/or stub.
3. Approved signature by team members missing on the institutional check.
4. Witness signature that is illegible or only initials, or approved signature is only initials.
5. Witness signature of approved signature is a stamped name.
6. I.D. number missing from both the institutional check and stub.
7. To whom the check is payable is missing from both the institutional check and stub.
8. Incarcerated individual committed name is missing from the institutional check, only the legal name is listed.
9. Postage or stamped envelope is missing.
10. Support institutional check payee and/or address do not match the name and/or address on the envelope.
11. Address is missing from the institutional check or envelope and the check is payable to someone other than NDCS or a facility.

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12. Reason the institutional check is being written is missing.
13. Amounts disagree on the institutional check or with the stub.
14. Support institutional checks do not identify relationship.
15. Order is not outside envelope.
16. Not an authorized purchase.
17. Unable to determine specific religious group or club.
18. Payee is incorrect for support of minor child.

I. Stop Payment of Institutional Checks

Requests for stop payments of institutional checks will not be accepted. Only in extraordinary circumstances will stop payments be considered. A written request must be sent to Central Office Accounting from the business office or the warden and requires approval by the controller/designee.

J. Certified Mailing

Incarcerated individuals may send an envelope, which contains an Inmate Trust check by certified mail at the individual's expense. The incarcerated individual will prepare an institutional check for this payment in the amount determined at the facility. The certified mail card will be completed and attached to the envelope at the facility. The facility will forward the receipt to the incarcerated individual when received.

K. Stop Payment of Inmate Trust Checks


An incarcerated individual may request a stop payment on a trust fund check that has been issued by submitting an interview request along with an institutional check for an amount specified by memorandum, payable to Central Office Accounting to cover the cost charged by the bank. If the incarcerated individual has insufficient funds to cover the cost of the stop payment in their Institutional Account, the stop payment request will be denied. When documentation is presented to the controller/designee that a team member's error resulted in the need for a stop payment, NDCS will pay the stop payment fee.

Central Office Accounting will not issue a stop payment on a check until 14 days after issuance of the trust fund check, unless approved by the controller/designee.

Stop payment fees may be refunded to an incarcerated individual for Trust Fund checks nine months after the stop payment is issued for checks issued to vendors through the special order process or for magazine, newspaper, and book orders. Incarcerated individuals will need to submit a written request to the Controller for such refund to be processed.


If an Inmate Trust Check is returned to Central Office Accounting and the incarcerated individual paid for a stop payment, this amount will be refunded.



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## II. COMMUNITY PREPAID DEBIT CARDS

- A. All incarcerated individuals assigned to a community facility will be enrolled in a prepaid debit card program within a few business days of an incarcerated individual's arrival at the community center. The bank issues a card in the incarcerated individual's committed name and incarcerated individual identification number. No other person is authorized to use the card. Team members will periodically ask to see the incarcerated individual's card to verify it is in their possession. Upon issuance of the card to the incarcerated individual, team members will review the procedures for activation with the incarcerated individual. While the community centers are facilities that allow cash, this card will be an incarcerated individual's primary means of accessing approved funds for spending purposes that have been transferred from their institutional account.
- B. Incarcerated individuals will need to select a four digit personal identification number (PIN) that may need to be used with their prepaid debit card, such as withdrawing funds from an automated teller machine (ATM). This number is to be kept confidential. It is not to be shared with team members or other incarcerated individuals. Incarcerated individuals will be provided procedures on how to change their PIN or what to do if they forget their PIN.
- C. Funds from an incarcerated individual's institutional account will be loaded on the card once a week, usually on Thursday. All institutional checks must be in Central Office Accounting by Monday for the funds to be loaded on Thursday. Should an individual's institutional check be insufficient, no additional funds will be added to the individual's card until the following week. Funds from other sources are not allowed to be added to this card, only funds authorized via a transfer by Central Office Accounting.
- D. Incarcerated individuals should keep their card in a secure place. Individuals shall not allow others to use their card. Lost cards must be reported by the individual to the bank issuing the card via their toll free phone number; however, they must also report a lost card to team members immediately. Once a card is reported to the issuing bank as lost, it will no longer be usable. A replacement card will be issued in seven to ten business days by the bank via Central Office Accounting. Replacement cards will generally have a fee associated with the replacement.
- E. Only certain merchant codes have been allowed with the prepaid debit cards. This restricts where the card can be used. A listing of acceptable types of vendors will be posted. The card can be used at an ATM to obtain cash. Use at a US Bank ATM or Money Pass ATM may have fees associated with any transaction or cash withdrawal. ATMs at the facility are provided by an entity other than US Bank. Receipts for all transactions are to be retained.
- F. All transactions with the card are limited by the balance on the incarcerated individual's account. Additional limitations are as follows:
  1. Maximum Card Balance at any time: \$5,000
  2. Maximum Daily Debits: 5 transactions and \$640 per day
    - a. ATM Withdrawals: 1 transaction and \$85 per day
    - b. Point of Sale purchases: 5 transactions and \$300 per transaction/\$600 per day

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3. Maximum Daily Credits: 10 transactions and \$5,000 per day

c. Returns and Refunds: May not exceed 4 transactions per day

- G. Incarcerated individuals will receive a monthly statement of activity with their prepaid debit card. It is the their responsibility to review all the transactions to assure that they were authorized. A procedure for disputing a charge will be provided; however, the incarcerated individual must also notify facility team members if they have a disputed charge. A disputed charge can lead to a card being cancelled and a new card being issued. Statements will all be sent to Central Office Accounting and then to the facility. During the time that incarcerated individuals have this prepaid debit card, designated NDCS team members have the authority to review all activity associated with the use of this card. Such review shall include, but is not limited to, monthly statements, activity via bank’s website, and receipts related to transactions.
- H. Should an incarcerated individual be removed from a community center to a secure facility, the card must be surrendered to team members. The card will be placed in a secure location at the community center and Central Office Accounting notified immediately to place the individual’s account on hold so no transactions can occur. Facility team members will forward the card to Central Office Accounting and team members there will send a request to the bank to close the card. If the individual is returned to the community center, a new card will be requested.
- I. Use of an incarcerated individual’s card will be monitored by team members. Misuse of the card can lead to a misconduct report. Restrictions on use of the card are applicable when on a pass or furlough.
- J. Incarcerated individuals are required to report the following situations immediately as specified:
1. Lost cards must be reported to US Bank and community center team members.
  2. Disputed transactions must be reported to US Bank and community center team members.
  3. Declined transactions must be reported to community center team members.
  4. Returns of merchandise must be reported to community center team members.
- K. Incarcerated individuals must sign a Prepaid Debit Card Agreement – Community Center regarding the use of the community prepaid debit card. They must agree to the terms and conditions outlined in the agreement for use of the prepaid debit card issued by the bank and NDCS. Additionally, they must comply with the bank’s terms and conditions which are provided when they receive their debit card. Individuals who refuse to sign the agreement will be removed from the community facility.

### III. FREEZING FUNDS

- A. Incarcerated individual institutional accounts may be frozen for the following purposes: maintenance, restitution, suspense, receipt of non-wage checks, financial instruments for \$500 or more or multiple financial instruments totaling \$500 or more, travel orders, medical purchase of glasses, postage/shipping, inmate-to-inmate television transactions, television

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repair, institutional checks due NDCS, and other reasons constituting good cause as determined by the NDCS controller/designee. Individuals shall be allowed to grieve such decisions under the NDCS Rules and Regulations.


Incarcerated individuals will be allowed to write insufficient fund checks for medically necessary eyeglasses if it is not within the allowable time frame for NDCS to provide the eyeglasses. Only the basic eyeglasses will be purchased and the individual will not be allowed to add any extra items such as tinting unless medically required. Eye clinic team members will contact Central Office Accounting with the cost of the eyeglasses that is to be assessed in these situations. Central Office Accounting will establish an amount due NDCS on the individual's suspense account.

- B. Facility team members will email Central Office Accounting to freeze an incarcerated individual's institutional account for travel orders, medical purchase of glasses, postage/shipping, and inmate-to-inmate television transactions. When contacting Central Office accounting, the facility team members must provide the following information: the incarcerated individual's name, identification number, amount to be frozen, and reason for freezing. Central Office Accounting must receive the corresponding institutional check within 10 workdays. Team members making the request for funds to be frozen will note the amount and date the funds were frozen on the institutional check. If a purchase is cancelled, facility team members will notify Central Office Accounting, so the funds can be unfrozen.
- C. Interrogatory requests received by Central Office Accounting will be answered in accordance with the information requested. An interrogatory related to debt the incarcerated individual owes will generally require Central Office Accounting to place on hold all funds in the various incarcerated individual accounts up to the total amount due. This is an action taken at a specific point in time and generally does not impact future funds an incarcerated individual may receive. 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.
- D. The Freeze/Unfreeze Log will be reviewed monthly and business managers notified in writing of situations that need to be addressed.

#### IV. DEBTS

The order for collecting debts from incarcerated individual institutional accounts will be as follows:

- A. Court orders that are not subject to NDCS policy of incarcerated individual access to \$10.00 during any calendar month.
- B. Court orders that are subject to NDCS policy of incarcerated individual access to \$10.00 during any calendar month (i.e. filing fee orders).
- C. Active Maintenance
- D. Inactive Maintenance
- E. Institutional checks
- F. Restitution and like items due to NDCS.

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Debts to NDCS will be collected from an incarcerated individual even if assessed while incarcerated under a previous identification number.

V. INDIGENT INCARCERATED INDIVIDUALS

Indigent incarcerated individuals are those who have not had a balance of \$10.00 or more on their trust accounts available for spending during the past 30 days.

The incarcerated individual should apply for indigent status using an *Indigent Inmate Request* (Attachment D) with the unit manager or unit administrator in coordination with the facility Business Office. Any monies totaling \$10 or more within a 30-day period would disqualify an individual from indigent status. An individual must reapply for indigent status each 30-day period. Supplies needed must be noted on the form and a designation of selecting stamped envelopes, debit calling time or over the counter general and health items specified. Over the counter general and health items are: Loratadine, Ibuprofen, Antacid, Acetaminophen, saline nasal spray, and Mucinex/Guaifenesin (Tussin).

Incarcerated individuals who have not had an institutional account balance more than \$10.00 during the past 30 days will be treated as indigent for being eligible to receive the over the counter general and health items listed above.

Original Indigent Request forms must be submitted by the facility business office to Central Office Accounting for processing the indigent debit calling transaction.

An incarcerated individual who is determined to be indigent shall receive personal hygiene items, up to five stamped envelopes or \$2.50 debit calling time and writing paper each month. Total indigent debit calling time shall not accumulate to more than \$10.00.

VI. INMATE ACCOUNT INFORMATION


Three months of history will be available on the system for each incarcerated individual's Institutional Account. All other accounts will show life-to-date history from the inception of the Corrections Information and Tracking system (CIT) or the creation of the account, whichever is later. Individuals may request a copy of their accounts by submitting a request to appropriate institutional team members.

VII. IN FORMA PAUPERIS STATEMENT OR CERTIFIED COPIES

The U.S. District Court, State District Courts, or an incarcerated individual may request that Central Office Accounting supply six months of the latest monthly transaction lists. The lists will be attached to a cover letter with the NDCS seal certifying the lists are correct. Partial months are not provided. Only Central Office Accounting may provide such certifications. Individuals' requests should be submitted on an Interview Request and specify the certified copies are needed for court.

VIII. INMATE INTERVIEW REQUEST FORMS

Inmate Interview Request forms submitted to Central Office Accounting will be answered as soon as practical within the regular course of business.

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**IX. GATE PAY (ACI-1B-21)**

Gate pay shall be paid to an incarcerated individual in accordance with Neb. Rev. Stat. § 83-187. Probationers are not eligible for gate pay. Gate pay shall be a maximum of \$100 and shall be paid only once per incarcerated individual identification number. The \$100 gate pay amount is reduced by the balance of funds from all account types on the day the Release Statement is prepared and any advancement of gate pay when on work release. Parole violators and incarcerated individuals returned from post release supervision are not eligible for gate pay since it was calculated the first time they were released from custody.

Gate pay shall not be paid to an incarcerated individual who is paroled to a detainer except if the detainer is satisfied prior to the expiration of the individual’s Nebraska parole supervision. The individual must provide the Parole Officer with verification that the detainer has been satisfied. The Parole Officer must provide the current name, address, identification number, social security number and date the detainer was satisfied to Central Office Accounting before gate pay will be calculated.

Gate pay shall not be paid to an incarcerated individual who is released to a detainer, except if the detainer is satisfied within 365 days of release. If the individual has satisfied the detainer within 365 days of release, verification must be provided to Central Office Accounting along with the individual’s name, current address, identification number, social security number, and date the detainer was satisfied before gate pay will be calculated.

Gate pay shall not be issued to incarcerated individuals discharged to a state hospital for a mental health board evaluation.

Claims for gate pay must be made within two years of an incarcerated individual’s institutional release.


**X. RELEASE STATEMENTS**

Prior to an incarcerated individual’s release from custody, a *Release Statement* (Attachment E) will be prepared by Central Office Accounting outlining the individual’s financial status. This document will be submitted to the facility. The individual should enter a forwarding address and sign the document. The white copy is retained by the records department, the canary copy is returned to Central Office Accounting and the pink is given to the individual.

Along with the Release Statement, Central Office Accounting will prepare a release check of all funds on an individual’s account and gate pay, if applicable. The release check will be made available to the individual when leaving the facility.

Savings account documents or securities will be mailed to paroled or released incarcerated individuals when the yellow Release Statement is returned to Central Office Accounting. Pay or other amounts posted to an individual’s account after his/her release will be sent to him/her within two weeks after pay has posted to his/her institutional account.

If an incarcerated individual is paroled or released prior to the release statement being received by the facility, the facility’s business office or records office must contact Central Office Accounting and request permission to write an emergency cash check. Central Office Accounting will prepare a release statement and email it to the business manager. Facilities should not prepare a release statement.

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When an incarcerated individual is transferred to another jurisdiction, the individual's account balance will be forwarded once written notification is received in Central Office Accounting. Generally, written requests are the individual's responsibility.

Incarcerated individuals discharging on a day when it may be difficult to cash their release check, such as a holiday or Sunday, may request the check be cashed in advance of their release date. The individual will be issued cash versus a check. The individual should make the request to the facility business manager via an Inmate Interview Request. If approved by the business manager, an *Authorization to Cash Release Check* (Attachment F) will be completed. Requests outside the scope outlined above require the Controller's approval. When this process is used, the Release Statement should be modified to reflect cash is being issued. The original Authorization to Cash Release Check is to be returned to Central Office Accounting with the Release Statement. Cash held until an incarcerated individual's release will be sealed in an envelope and kept in a secure location. Copies of the completed Authorization to Cash Release Check should be kept in the business office and Facility Records Office. A copy should also be given to the incarcerated individual with their copy of the Release Statement.

XI. TRANSPORTATION UPON PAROLE OR DISCHARGE

Reentry begins at intake and continues as the incarcerated individual returns to the community. In order to provide the greatest opportunity for successful reentry into the community, NDCS provides transportation upon the individual's discharge or parole. In general, transportation is a bus ticket, which will be purchased to the bus depot closest to the individual's destination or residence within the continental United States, if requested. Transportation will be furnished to the closest transportation facility. Whenever possible, the individual will be transported to the transportation facility no more than two hours prior to their departure time. If the destination is a treatment program, half-way house, vocational program, or other such program facility within the state of Nebraska, and the bus does not run to or near that program facility, other means of transportation may be utilized. A *Transportation Voucher Request* (Attachment G) should be completed with the pink copy forwarded to Central Office Accounting.

XII. INMATE TRUST FUND


Surplus funds will be invested with interest to the benefit of the Inmate Welfare Fund. Funds for Institutional Accounts and confiscated accounts are maintained separately. All funds received are generally deposited daily. Checks are generally written daily.

The amount deposited in the trust fund is balanced daily to the amount credited to the individual's accounts. The bank statement is reconciled monthly. The trust fund and confiscated accounts are balanced monthly to the general ledger.

Checks that are outstanding for three years or more are considered unclaimed property and remitted to the Nebraska State Treasurer in accordance with Neb. Rev. Stat. § 69-1310(d).

XIII. TRANSITION TO WORK RELEASE

Incarcerated individuals entering the work release program may request up to \$100 of their release savings. These funds must be used in the individual's efforts to obtain employment or purchase clothing, equipment, or tools for work. Incarcerated individuals may submit an Inmate Interview Request to Unit Team Members specifying how release savings funds will be used within the first 30 days of placement in the work release program. This will be a one-time transfer of funds approved by the warden/designee of a work release facility.

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A review of the individual's recent account history will be conducted in making the decision to obtain \$100 from an individual's release savings account.

All transfers and advances require the controller/designee's approval.

**XIV. PAROLE OR DISCHARGE TO A TRANSITIONAL LIVING FACILITY**

Incarcerated individuals may contact their parole or reentry officer to discuss the option of using funds on their Release Savings account for the first month's rent and deposit, if required. At least \$100 and preferably \$200 would remain on the Release Savings account to be included in their release check to assure they have funds to meet immediate needs other than housing. The individual must be in a parole pending status or within two weeks of discharge to have the funds disbursed to the transitional living facility. Final approval will be required from the department re-entry team members and coordinated with the controller/designee. If approved, the individual will need to provide an institutional check payable to the transitional living facility along with an addressed stamped envelope.

**XV. TOKEN REFUNDS**

Token refunds will be limited to the last substantiated balance plus purchases following the date tokens were substantiated. Token refunds in excess of the authorized limit will be posted to the individual's confiscated account.

**XVI. CREDITING OF COURT ORDERED SUPPORT PAYMENTS**

Neb. Rev. Stat. §42-358.02 governs the method for crediting court ordered support payments and specifies support order payments shall be credited in the following manner:

- A. First, to the payments due for the current month in the following order: Child support payments, then spousal support payments, and lastly medical support payments
- B. Second, toward any payment arrearage owing in the following order: Child support payment arrearage, then spousal support payment arrearage, and lastly medical support payment arrearage
- C. Third, toward the interest on any payment arrearage, in the following order: Child support payment arrearage interest, then spousal support payment arrearage interest, and lastly medical support payment arrearage interest


Court-ordered support payments remitted to other states are generally applied in the same manner as Nebraska.

The department will continue to enter court order information in the Legal Account so that incarcerated individuals are aware of the court orders on file and used for collecting funds.

**REFERENCE**

**I. STATUTORY REFERENCE AND OTHER AUTHORITY**

- A. Neb. Rev. Stat. §42-358.02, §69-1310(d), §83-187

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II. NDCS POLICIES

- A. Policy 208.01, *Religious Services*

III. ATTACHMENTS

- A. Inmate-to-Inmate Television Sales Transaction (DCS-A-inm-007-pc)
- B. Inmate Travel Order Costs (DCS-A-acc-021-pc)
- C. Institutional Check (DCS-A-acc-010)
- D. Indigent Inmate Request
- E. Release Statement (computer generated)
- F. Authorization to Cash Release Check (DCS-A-acc-018-pc)
- G. Transportation Voucher Request (DCS-A-adm-045)

IV. AMERICAN CORRECTIONAL ASSOCIATION (ACA)

- A. Expected Practices for Adult Correctional Institutions (ACI) (5<sup>th</sup> edition): 5-ACI-1B-07, 5-ACI-1B-21, 5-ACI-1B-23