Policy Directive 022-006

DATE: March 23, 2022

TO: Executive Steering Council

FROM: Scott R. Frakes, Director

RE: Policy 113.23, Inmate Orders

Effective immediately, the following change will be in effect concerning the above mentioned Policy. These revisions will be incorporated into Policy 113.23 during the next scheduled review. You may contact Deputy Director-Administrative Services Robin Spindler regarding these changes.

A handling charge will no longer be assessed on any inmate orders. Consistent with this revision, reference to “handling charge”/“canteen fees”/“fees” throughout this policy are no longer applicable.

Page 3, PROCEDURE I.D., change section language to the following:

D. Processing of Orders

Special, religious, and hobby orders will be processed on an Inmate Vendor Order Form (Attachment A). A catalog must be available for purchasing reference and items ordered must be in accordance with the Policy concerning property. The catalog generally should not be more than six months old.

No handling charge will be assessed on any inmate orders. A stamped, addressed envelope must be attached to the order form.

Orders may not be cancelled once they have left the institution. Orders to be cancelled due to an extraordinary circumstance will require notification to NDCS Inmate Accounting from the facility Business Office and require the approval of the NDCS Controller/designee.

Scott R. Frakes, Director
Dept of Correctional Services
P.O. Box 94661 Lincoln, NE 68509-4661
Phone: 402-471-2654  Fax: 402-479-5623

corrections.nebraska.gov
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An order should be grouped as follows: Inmate Vendor Order Form and an addressed stamped envelope. Orders sequenced in a different order may have delays in processing. This packet should preferably be stapled in the left corner. An addressed stamped envelope is not needed for Canteen Special Orders.

Page 4, PROCEDURE I.F., change section language to the following:

F. Authorized Vendors for Special Orders

Special orders may only be placed with the designated vendors. Exceptions due to unique needs require Warden approval and will be reviewed by the NDCS Controller/designee. Criteria for selecting vendors may include:

1. Vendor must have been in business for at least five years.
2. History of doing individual sales in an institutional setting.
3. Must have an acceptable return/refund policy.
4. Must have a customer service representative to handle issues.
5. Acceptance of State purchase card for payment.

Page 7, PROCEDURE I.K., change section language to the following:

K. Miscellaneous Orders

1. Magazines, subscriptions, newspapers, and other periodicals ordered direct from the publisher must be prepaid and routed through appropriate team members as defined by the facility. Such orders can be submitted in any month and are not included in the four order limit of canteen special orders.

2. Inmates may only order books and receive books from an approved book vendor. The list of approved book vendors is available upon request from NDCS Legal Division. Any book orders received from other than an approved book vendor will be returned to sender with a notice that includes the URL for NDCS' website for this policy and indicate that such orders are not authorized (Attachment D). The requesting inmate will be informed that the book was returned to sender and the policy is available in the facility library or other inmate resource center (Attachment E).

Correspondence/college course books not available from an approved book vendor shall be available as outlined in Policy 106.01, Education Services. Religious books not available from an approved book vendor may be obtained as identified in I.B. above. Any other book not available from an approved book vendor may be obtained if an inmate makes a specific request that is granted under K.9. below.

3. Orders may not be cancelled once they have left the institution. Orders to be cancelled due to an extraordinary circumstance will require notification to Accounting from the Business Office or the Warden and require the NDCS Controller's/designee's approval.
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4. The Inmate Miscellaneous Order form (Attachment C) and the institutional check must be outside the envelope for Accounting to process and prepare an Inmate Trust Fund check. An order should be grouped as follows: Institutional Check to Vendor, Self-Addressed Stamped Envelope, Inmate Miscellaneous Order Form all facing forward. Orders sequenced in a different order may have delays in processing. This packet should preferably be stapled in the left corner.

5. Orders for mailing lists (such as pen-pals) and memberships are not allowed.

6. Orders for pornographic materials are not allowed.

7. Gift orders for magazines, subscriptions, books, or other periodicals that inmates direct to be shipped to friends or family are not allowed.

8. A book vendor may send NDCS Legal Division a request to become an approved book vendor. In that request, the vendor should address the following list of factors, which NDCS considers in deciding whether to approve the request:

a. Whether the vendor facilitates or otherwise permits sales or shipping from third-party sellers or shippers.

b. Whether the vendor is a reputable seller of books that has an established history (at least five years) of mailing books to prisons and other correctional facilities without facilitating the introduction of contraband into those facilities.

c. Whether the vendor has a customer service representative to handle issues.

d. Whether books that the vendor distributes are unavailable through other approved book vendors.

e. Whether the vendor has an acceptable return/refund policy.

f. Whether the vendor accepts the State purchase card and NDCS checks for payment.

If NDCS denies the vendor's request, the vendor will be provided a letter stating NDCS's reasoning, and the vendor may submit a response letter with additional facts asking the Director or his/her designee to reconsider the initial determination. A book vendor that is approved may be removed as an approved book vendor for good cause, and that vendor will be notified of the reasons for the removal in writing.

9. An inmate who seeks to obtain a book not available from an approved book vendor may submit to NDCS Legal Division a request to purchase that book from an unapproved book vendor. Those requests will be evaluated on a case-by-case basis considering NDCS' overall concern for protecting prison security and preventing the introduction of contraband into an NDCS facility. If a request is denied, the requesting inmate will be informed of the reasons in writing.

Page 7, ATTACHMENTS, change section language to the following:
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III. ATTACHMENTS

A. Inmate Vendor Order Form – DCS-A-cnt-001
B. Inmate Direct Order – DCS-A-cnt-005
C. Inmate Miscellaneous Order – DCS-A-inm-001
D. Template to the Vendor
E. Template to the Inmate
Dear __________________________ (Vendor),

The Nebraska Department of Correctional Services (NDCS) has received a book(s) from your business upon an order you received from an individual incarcerated with NDCS. Please be advised the book(s) is/are being returned to you. NDCS inmates may only order books and receive books from an approved book vendor. NDCS has not approved your business as a book vendor at this time. If your business would like to become an approved NDCS book vendor, your business may submit a request to NDCS. Please refer to NDCS Policy 113.23, *Inmate Orders*, Procedure section I.K – *Miscellaneous Orders* for the process to be considered an approved book vendor. Policy 113.23, *Inmate Orders* is available for review on the NDCS website at [https://www.corrections.nebraska.gov/public-information/rules-regulations/ndcs-policies](https://www.corrections.nebraska.gov/public-information/rules-regulations/ndcs-policies).

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113.23 Attachment D
Dear ______________________ (Inmate),

The Nebraska Department of Correctional Services (NDCS) has received a book(s) upon an order you submitted to an unapproved book vendor. Please be advised the book(s) have been returned to sender. NDCS inmates may only order books and receive books from an approved book vendor. The vendor you have selected in your request is not an approved book vendor at this time. You may submit a request to obtain a book not available from an approved book vendor. Please refer to NDCS Policy 113.23, Inmate Orders, Procedure section I.K. – Miscellaneous Orders for this process. NDCS Policy 113.23, Inmate Orders is available at your facility library or other inmate resource center.
STATEMENT OF AVAILABILITY
*This Policy is to be made available in law libraries or other inmate resource centers.

SUMMARY of REVISION/REVIEW

APPROVED:

Scott R. Frakes, Director
Nebraska Department of Correctional Services
PURPOSE

To provide a uniform Nebraska Department of Correctional Services (NDCS) policy for inmates placing Special Orders, Hobby Orders, Director Orders and Miscellaneous Orders.

GENERAL

This procedure is applicable to all NDCS facilities. 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. SPECIAL ORDERS

A. Canteen Special Orders

Inmates shall be allowed a maximum of four canteen special orders per calendar year, including orders for recreational items such as sporting goods, music equipment, and related supplies. Some facilities may not allow all of these items to be ordered. An inmate may place one order in each of the following periods: January/February, March/April, July/August, and September/October. No special orders for these items may be placed in May, June, November, and December. Inmates at the Work Ethic Camp (WEC) may have limitations on what items may be ordered due to the nature of the program.

Orders for the following items are not part of the four canteen special orders but are only allowed in the months noted above:

1. Repair orders
2. Watch batteries
3. Typewriters and typewriter accessories

The date for determining the allowable orders in a calendar year shall be based on the posting date on the inmate's institutional account. Canteen Special Orders are due in NDCS Inmate Accounting five work days before the end of each two month time period to be assured they will be processed in the allowable period. Facilities should implement internal deadlines in order to meet this time frame.

Insufficient fund orders may be resubmitted once within 30 days and the canteen fee will be waived. Insufficient fund orders count towards the allowable orders; however, the one allowed resubmission does not count. It is the inmate’s responsibility to ensure that they have sufficient funds on their institutional account for special orders. Orders submitted in April and the inmate has insufficient funds may not be resubmitted in May and the canteen fee does not carry forward to July. Orders submitted in October and the inmate has insufficient funds may not be resubmitted in November and the canteen fee does not carry forward to January.

Orders for flowers, items stocked in the canteen, items available through Direct Orders, or Gift Orders are not permitted.
B. Religious Orders

Religious items must be approved by the facility Religious Coordinator. Religious Orders can be ordered in any month and are not included in the four order limit. The Religious Coordinator will approve the order and forward to the canteen for processing.

C. Hobby Orders

Hobby orders can only be placed with a vendor that has a catalog. A maximum of six hobby orders per calendar year will be allowed. Hobby orders will not be allowed in February and August.

Hobby orders are due in NDCS Inmate Accounting five work days before the end of each month to be assured they will be processed in that month. Hobby orders received within the last five work days of January and July will be returned to the facility unprocessed.

Insufficient fund orders may be resubmitted once within 30 days and the fee will be waived.

D. Processing of Orders

Canteen, religious, and hobby orders will be processed on an Inmate Vendor Order Form (Attachment A). A catalog must be available for purchasing reference and items ordered must be in accordance with the Policy concerning property. The catalog generally should not be more than six months old.

A per-order handling charge of $1 will be assessed on all Canteen Special Orders. A per-order handling charge of five percent of the total merchandise, with a $1 minimum and a maximum of $5, will be assessed on all religious and hobby orders. No handling charge is assessed on Miscellaneous Orders. A stamped, addressed envelope must be attached to the order form, but institutional checks do not need to be attached. The handling charge will be collected or assessed on the suspense account even if non-sufficient funds are available for the vendor order. Refunds will not be made on the handling charge; however, if an order cannot be filled by the vendor, the inmate has 30 days to submit the same or similar purchase without an additional handling charge being assessed.

Orders may not be cancelled once they have left the institution. Orders to be cancelled due to an extraordinary circumstance will require notification to NDCS Inmate Accounting from the facility Business Office and require the approval of the Controller/designee.

An order should be grouped as follows: Inmate Vendor Order Form and an addressed stamped envelope. Orders sequenced in a different order may have delays in processing. This packet should preferably be stapled in the left corner. An addressed stamped envelope is not needed for Canteen Special Orders.

E. Item Warranty

All orders are at the inmate’s own risk. Special orders are subject to the warranty as provided by the vendor or manufacturer. Inmates sending items out for warranty work or repair must work through the canteen, hobby, or other area as applicable. Inmates are responsible for payment of all associated costs.
F. Authorized Vendors for Canteen Special Orders

Canteen Special orders may only be placed with the designated vendors. Exceptions due to unique needs require Warden approval and will be reviewed by the Controller. Criteria for selecting vendors may include:

1. Vendor must have been in business for at least five years
2. History of doing individual sales in an institutional setting
3. References will be obtained/provided documenting experience
4. Must have an acceptable return/refund policy
5. Must have a customer service representative to handle issues
7. Acceptance of State purchase card for payment

G. Direct Orders

1. Orders Allowed

Inmates shall not have a limit as to the number of Direct Orders they may process other than restrictions on property limits. Items available on Direct Order may not be ordered via a Special Order. Inmates at WEC may have limitations on what items may be ordered due to the nature of the program.

2. Processing of Orders

Direct Orders shall be submitted to the facility canteen team members with the following information completed on the form, reference Inmate Direct Order form: (Attachment B)

a. Inmate Number
b. Inmate Name Printed – must be the inmates committed name
c. Inmate Signature
d. Facility
e. Location
f. Item Number – obtained from the listing or catalog
g. Description of the item being ordered
h. Size
i. Quantity

j. Price

k. Total

l. Sub-Total

Direct Order forms turned in to the canteen by Wednesday will be ordered the following Tuesday. The pink copy will be returned to the inmate when the order has been placed.

Orders will be debited from the inmates account via a canteen sale prior to the order being placed. Orders may not be cancelled once the sale has been processed in the Corrections Information and Tracking system. Should an inmate have insufficient funds for all items on a Direct Order a partial order will be processed based on the sequence the items are listed. Items not ordered will be lined through by canteen team members, initialed, and noted as insufficient funds.

Two insufficient funds for Direct Orders within a six month time period will place the inmate on a 60 day suspension of placing additional Direct Orders.

Goods will be received in the canteen and verified to the inmate’s Direct Order. Goods will be issued in accordance with facility procedures. Inmates will be required to initial by each line when that item is received and sign the document when the Direct Order is complete. Inmates will sign the transaction tape and receive the yellow copy when the order is complete.

Generally, inmates will not be allowed to make exchanges for ordering the wrong size. Exceptions will be made when new clothing or shoe items are added to the Direct Order process until notice can be provided to inmates regarding the vendors sizing.

H. Special/Direct Order Process

1. The inmate initiates request to order (Attachment A) or (Attachment B).

2. The order is submitted to canteen following facility guidelines.

3. Institutional team members will check the Inmate Property List to see if inmate is eligible to possess item.

4. If an inmate is not eligible to possess the item(s) – the order is returned to inmate as denied. Inmate will need to work with Institutional team members to become eligible to possess the item before the order is resubmitted.

5. If an inmate is eligible to possess the item(s), the order is processed.

a. Inmate Vendor Order Form is approved. Religious Special Orders and Hobby orders are sent to Accounting
b. Direct Order / Canteen Special Orders

1) Funds are removed from the Inmate’s Account

2) Original Order Form is kept in Canteen

6. The ordered items are received at facility.

7. The order is inspected by Inmate.

a. If approved, the item is marked by Institutional team members and given to inmate

b. If disapproved for size or defect only, it is returned to vendor via call tag or inmate expense

8. If item was ordered on exchange basis (see 3. above) – exchange must be made.

9. The item is given to inmate.

10. The inmate signs to register property and receives a copy.

a. If Inmate Vendor Order Form – inmate signs “Registration of Personal Property” and vendor order form (Attachment A)

b. If Direct Order – inmate signs ‘Direct Order Form’ (Attachment B)

11. The property form is sent to Property Office.

12. The property is added into Nebraska Inmate Case Management System.

I. Canteen Purchases

Canteen sales are final. Issues with items must be identified at the time of purchase.

J. Debit Calling

Debit calling time will be available to inmates for purchase in the canteen. All sales will be made in $2.50 increments and do not impact the inmate’s spending limit. Institutions without a canteen will work with another institution to make debit-calling purchases available to their inmates.

Debit calling purchases will be sent daily via electronic file to the NDCS inmate calling telephone provider. Time purchased one day will usually be available at 8:00 AM the next day. The balance available for making calls will be announced in the calling instructions. NDCS team members does not have access to the inmate balances for debit calling.

Refunds will only be processed following an inmate’s parole or discharge from NDCS. The balance will be returned to NDCS in the month following an inmate’s release and will be included in the inmate’s final check.
Canteen team members can correct sale errors only if identified and corrected the same day as the sale.

K. Miscellaneous Orders

1. Magazines, subscriptions, books, books with CD’s, and other periodicals ordered direct from the publisher or bookstore must be prepaid and routed through appropriate team members as defined by the facility. Such orders can be submitted in any month and are not included in the four order limit of canteen special orders.

2. Inmates may only order books and receive books from Edward R. Hamilton. Any book orders received from other than Edward R. Hamilton will be returned to sender. Correspondence/college course books not available from Edward R. Hamilton shall be available as outlined in Policy 106.01, Education Services. Religious books not available from Edward R. Hamilton is identified in I.B. above.

3. Orders may not be cancelled once they have left the institution. Orders to be cancelled due to an extraordinary circumstance will require notification to Accounting from the Business Office or the Warden and require the Controller’s/designee’s approval.

4. The Inmate Miscellaneous Order form (Attachment C) and the institutional check must be outside the envelope for Accounting to process and prepare an Inmate Trust Fund check. An order should be grouped as follows: Institutional Check to Vendor, Self-Addressed Stamped Envelope, Inmate Miscellaneous Order Form all facing forward. Orders sequenced in a different order may have delays in processing. This packet should preferably be stapled in the left corner.

5. Miscellaneous Orders other than newspapers can only be placed through a vendor that has a published catalog.

6. Orders for mailing lists (such as pen-pals) and memberships are not allowed. Orders for pornographic materials are not allowed.

7. Gift orders for magazines, subscriptions, books, books with CD’s or other periodicals are not allowed.

REFERENCE

I. STATUTORY REFERENCE – None noted

II. NDCS POLICIES

A. Policy 106.01, Education Services

III. ATTACHMENTS

A. Inmate Vendor Order Form – DCS-A-cnt-001

B. Inmate Direct Order – DCS-A-cnt-005
C. Inmate Miscellaneous Order – DCS-A-inm-001

IV. AMERICAN CORRECTIONAL ASSOCIATION (ACA) – None noted