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		INMATE ACCOUNTING	

This Administrative Regulation is to be made available in law libraries or other inmate resource centers.

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SUMMARY of REVISION/REVIEW

Revisions throughout.

APPROVED:



 Scott R. Frakes, Director
 Nebraska Department of Correctional Services

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		<p>INMATE ACCOUNTING</p>	

PURPOSE

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

GENERAL

This procedure 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. 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. The institutional account is a non-interest bearing account. Allowable uses of funds are outlined in section X.

B. Confiscated Accounts

A confiscated account will be established to hold:

- unauthorized funds or funds in violation of department rules which cannot be returned to the sender,
- value of excessive tokens determined as purchased by the inmate, or
- 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. Interest will be posted on the 10th workday of the month to the appropriate account. The rate of interest will fluctuate on a monthly basis. Interest

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will be paid based on the average daily balance in the account. NDCS will assess no fees for handling these interest-bearing savings accounts.

D. Security Accounts

Security Accounts will only exist for those inmates who have existing Savings Bonds or CD's. Due to changes in procedure inmates cannot purchase any new Savings Bonds or CD's, 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.

Inmates holding Certificates of Deposit (CD) may renew them at the bank's terms; however, no additional funds may be used to purchase additional CD's or increase existing CD's. Additionally, a partial transaction of a CD is not allowed, i.e. redeem part and renew part of a CD.

NDCS will only coordinate the redemption of bonds or CD's purchased through and held by NDCS. NDCS will not hold bonds or CD's 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 institutional checks are written payable to NDCS. Insufficient fund checks are allowable in excess of the inmate's institutional account balance for legal postage, legal copies, DNA testing fee, emergency telephone calls to attorneys, emergency and court ordered telephone calls, eyeglasses in certain cases, purchase of padlocks (if required by the facility), purchase of television headphones/FM receivers (if required by the facility), travel orders (if approved by the Warden/Program Administrator or designee), insufficient canteen fees, new commitments shipping-property expenses, shower shoes, birth certificates, and alarm clocks (if required by the facility). Other reasons to allow insufficient fund checks must be approved by the 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

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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.
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

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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 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 and should be returned to the issuer of the instrument. 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 return the financial instrument and attach a copy of the letter with the voided receipt for Accounting's 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.
 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 staff have an opportunity to review the receipts. This will 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 at the request of another inmate, or a volunteer.

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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.
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 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 but they 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.
9. Gift certificates shall not be accepted, but 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.

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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.
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 may be placed on the inmate's confiscated account to determine if any rule violations have occurred; 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. Inmates may appeal the confiscation of these funds. Funds identified as sent by an unauthorized source will remain confiscated and not returned to the sender.
15. Financial instruments without a payee will be returned to the issuer if the sender's name and address is incomplete or conflicting information exists between the sender's name and address on the envelope and the financial instrument. The facility Business Manager should return the financial instrument and attach a copy of the letter with the voided receipt for Central Office Accounting's records.
16. 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. 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.
17. 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.
18. 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 than the names and/or address being different is identified the funds will remain confiscated.
19. 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.

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C. 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.

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.

D. 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. Refer to Attachment A for a blank receipt. 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 this information and print 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.

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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.
 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.
 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.
- E. 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.

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- 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.
- F. 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. 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.
- G. 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 AR 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.

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3. Any financial instrument for \$500 or more OR multiple financial instruments totaling \$500 or more AND not an inmate's work release paycheck will be frozen for 21 calendar days. Work release paychecks may be frozen if the Controller is presented with good cause.
 4. 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.
 5. Checks received from the county at the time an inmate is delivered to an NDCS facility will not be frozen.
 6. A cashier or certified check will be frozen for 21 days, since a stop payment can be placed on this check.
 7. 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.
- H. 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).
- I. Direct Deposit of Work Release Inmate Payroll
- NDCS Inmate Accounting may only 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 B). Inmates are required to sign an "Inmate Direct Deposit Agreement" (Attachment C), which should be retained by institutional staff. 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.
- J. Maintenance assessments for inmates working in private venture operations shall be at the rate specified in AR 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.

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III. Confiscated Accounts

- A. Confiscated money shall be forwarded from the facility to NDCS Inmate Accounting. The receiving facility shall complete a receipt (Attachment A) for the confiscated money as specified in Procedure II. D. of this AR.
- B. Confiscated tokens or picture tickets shall have a Merchandise Refund (Attachment L) 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 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 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 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:
 - Date Received at the Facility/Central Office
 - Receipt Number
 - Financial Instrument Number, if applicable

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- Inmate Trust Check Number, if applicable
- Inmate ID Number
- Inmate Committed Name
- Date Received in Accounting
- Reason Violated Department Rules
- Sender's Name
- Sender's Address, including City, State, and ZIP Code
- Date Mailed

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 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 safekeepers 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.

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

B. Regular Savings

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 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

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

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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.

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 D) 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 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 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

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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.

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.
- 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

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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 staff 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.

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 income 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 monthly maintenance assessed.

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 staff 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

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order to more realistically manage income and expenses, each inmate shall develop a written, personal budget, which shall be reviewed by program staff.

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 E) 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:

- Daily change sheet.
- Job/education placement (accessible through the web suite).
- Notification to employer.
- 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*.

X. Use of Funds

A. An inmate may use institutional account funds:

1. For the support of immediate family. (See section X. B. for details.)
2. For the discharge of legal obligations including judgments. (See section X. C. for details.)
3. To pay all or part of the cost of an inmate's room, board, clothing, medical, dental and other correctional services.
4. To provide for funds payable to the inmate upon release. (See section XX. for details.)
5. To make purchases from the canteen or commissary. (Includes special orders and direct orders.)

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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 inmate 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.

B. Family Support

Inmates will be permitted to send funds to immediate family as long as they are not incarcerated or on parole. For the purposes of disbursements of inmate funds, immediate family shall mean spouse, parent, stepparent, 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 inmate wishing to send funds to an immediate family member has the burden of establishing that relationship. Relationship must be indicated on the institutional check. Support for a minor child under the age of 10 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)

Payments to a Power of Attorney are not allowed unless the individual meets the definition of immediate family, in this 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 inmate shall supply NDCS inmate accounting with information regarding the obligation at the time of the first payment. Community Custody B inmates are also authorized to pay legal obligations related to their employment.

D. Transactions between Inmates

No funds will be transferred from one inmate to another inmate unless a staff approved sale of a television is involved. An Inmate to Inmate Sales Television Transaction (Attachment F) form shall be completed not more than 30 days in advance of the seller's discharge, parole or transfer to CCCL, CCCO or 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 inmate selling the television. Section 2 is to be completed by the inmate buying the television. The appropriate facility staff completes sections 3 through 5. The original completed form shall be forwarded to NDCS Inmate Accounting for posting the sale between the two inmates.

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The television must meet all current requirements for new televisions (clear case, headphone jack, speaker removed or disconnected if designated 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.

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

Institutional staff 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 Sales Television Transaction form will be forwarded to Central Office Accounting for processing.

E. Copies

Inmates are required to pay \$.10 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 inmates shall pay \$.10 per page for health care records and legal materials. Copies of an inmate'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. Inmates will be allowed to write non-sufficient fund checks for the copies of financial records, legal materials and health care records. Sales tax on copies will be collected as deemed appropriate.

F. Travel Orders

The inmate will generally pay this cost to NDCS from monies in their institutional account. A copy of the Inmate Travel Order Costs (Attachment G) shall be sent to NDCS Inmate Accounting. NDCS Inmate Accounting shall collect travel orders in the same manner as restitution. 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:

- Name of staff on travel order.
- Name and identification number of inmates involved.
- Hours for each staff, minimum permanent rate of a correctional corporal, and total wages billed.

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- Miles traveled, current rate for reimbursement to employees and total mileage amount billed.
- Meals, lodging and other miscellaneous expenses incurred.
- Total amount due by each inmate.
- Dates and times of the travel.

All employee expenses shall be paid through the PFC.

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

The Director or designee shall determine any exception to full payment by an inmate on a travel order.

Optional medical treatment and related travel order expenses must be frozen on the inmate's institutional account prior to occurrence. NDCS Medical staff in conjunction with the facility Business Manager will determine amount to be frozen and notify NDCS Inmate Accounting.

G. Institutional Checks

Requests for the disbursement of funds shall be on an Institutional Check (Attachment H). Post-dating checks is not acceptable. NDCS Inmate Accounting will attempt to post institutional checks within four workdays of the date received in NDCS inmate accounting.

Institutional checks and stubs require the following information be completed. Refer to Attachment H for a blank institutional check and stub. Numbers on the attachment correspond to the following steps:

1. DATE - The date the institutional check and stub are completed.
2. FAC - Abbreviation to identify the facility where the inmate is located.
3. H. U. - Housing Unit and cell location of the inmate.
4. PAYABLE TO - To whom the institutional check is payable.
5. \$ - Amount of the check in numbers.
6. ADDRESS - Street address, city, state and ZIP if check is payable to anyone other than the Department of Correctional Services or a facility.
7. DOLLARS - The amount of the check written out.
8. ID # - The inmate's current identification number.
9. INMATE (PRINT NAME) - The inmate's committed name in print.

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10. FOR - The reason the institutional check is being written, such as support, court fees, spending, and catalog order.
11. INMATE SIGNATURE - The signature of an inmate. If an inmate has LEGALLY changed his/her name, both the committed name and the legal name will be shown with the legal name signed.
12. RELATIONSHIP FOR SUPPORT - The relationship the payee has to the inmate.
13. WITNESSED - The original signature of the facility staff that witnessed the inmate's signature on the check. Initials are not acceptable.
14. TRUST CK # - Completed by NDCS Accounting, indicates the trust fund check number.
15. APPROVED - The original signature of facility staff authorized to approve institutional checks. Initials are not acceptable.
16. FACILITY - Abbreviation to identify the facility where the inmate is located.
17. HOUSING UNIT - The inmate's housing unit number and cell location.
18. DATE - The date the institutional check and stub are completed.
19. \$ - Amount of the check in numbers.
20. TO - To whom the institutional check is payable.
21. INMATE NAME - Inmate's name.
22. ID # - The inmate's current identification number.
23. DATE POSTED - Date the institutional check was debited from the inmate's account.
24. WITNESSED - The original signature of the facility staff that witnessed the inmate's signature on the check. Initials are not accepted.
25. APPROVED - The original signature of the facility staff authorized to approve institutional checks. Initials are not acceptable.
26. TRUST CK NO. - Completed by NDCS Inmate Accounting indicates the trust fund check number.

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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:

- Inmate signature missing on the institutional check.
- Witness signature by staff missing on the institutional check and/or stub.
- Approved signature by staff missing on the institutional check.
- Witness signature or Approved signature is only initials.
- Witness signature of Approved signature is a stamped name.
- I.D. number missing from both the institutional check and stub.
- To whom the check is payable is missing from both the institutional check and stub.
- Inmate committed name is missing from the institutional check, only the legal name is listed.
- Postage or stamped envelope is missing.
- Support institutional check payee and/or address do not match the name and/or address on the envelope.
- Address is missing from the institutional check or envelope and the check is payable to someone other than NDCS or a facility.
- Reason the institutional check is being written is missing.
- Amounts disagree on the institutional check or with the stub.
- Support institutional checks do not identify relationship.

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 approved. A written request must be sent to NDCS Inmate Accounting from the Business Office or the Warden and requires approval by the Controller or designee.

J. Certified Mailing

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

K. Stop Payment of Inmate Trust Checks

An inmate 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 NDCS Inmate Accounting to cover the cost charged by the bank. If the inmate 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 that staff error resulted in the need for a stop payment, NDCS will pay the stop payment fee.

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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 or designee.

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

If an inmate trust check is returned to Accounting and the inmate paid for a stop payment this amount will be refunded.

XI. Community Prepaid Debit Cards

- A. All inmates assigned to a community facility will be issued a prepaid debit card within a few days of an inmate's arrival at the Community Center. The card is issued in the inmate's committed name and inmate identification number. No other person is authorized to use the card. Staff will periodically ask to see the inmate's card to verify it is in their possession. Upon issuance of the card staff will review the procedures for activation. While the community centers are institutions that allow cash, this card will be an inmate's primary means of accessing approved funds for spending purposes that have been transferred from their institutional account.
- B. Inmate's 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 staff or other inmates. Inmates will be provided procedures on how to change their PIN or what to do if they forget their PIN.
- C. The prepaid debit card has been restricted to certain merchant codes. This means that it will not be accepted by certain vendors. Funds from an inmate's institutional account will be loaded on the card once a week on Thursday. All institutional checks must be in Central Office Inmate Accounting by Monday for the funds to be loaded on Thursday. Should an inmate's institutional check be insufficient no additional funds will be added to the inmate'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 Inmate Accounting.
- D. Inmates should keep their card in a secure place. Inmates shall not allow others to use their card. Lost cards must be reported by the inmate to the bank issuing the card via their toll free phone number; however, they must also report a lost card to staff 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 three - five business days by the bank via Central Office Inmate Accounting. A second replacement card will generally have a fee associated with the replacement. Cards requested to be replaced in a shorter time frame than three - five business days will also generally have a fee associated with the replacement.
- E. Only certain merchant codes have been allowed with the prepaid debit cards, this will restrict where the card can be used. A listing of acceptable types of vendors will be

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posted. The card can be used at an ATM to obtain cash. Use at a US Bank ATM will not have a fee associated with any transaction, cash withdrawal or balance inquiry. ATM's at the institution are provided by an entity other than US Bank. Inmates are allowed one free withdrawal every seven calendar days from non-US Bank ATM's. Receipts for all transactions are to be retained.

- F. All transactions with the card are limited by the balance on your account. Additional limitations are as follows:
- One ATM withdrawal per day not to exceed \$40
 - Five PIN Based Point of Sale (POS) transactions per day not to exceed \$300 in total
 - Five Signature Based POS transactions per day not to exceed \$300 in total
 - No withdrawals of cash at a bank via a teller
 - No POS transactions that provide cash back
- G. Inmates will receive a monthly statement of activity with their prepaid debit card. It is the inmate's responsibility to review all the transactions to assure that they were authorized. A procedure for disputing a charge will be provided; however, the inmate must also notify facility staff if you have a disputed charge. A disputed charge can lead to an inmate's card being cancelled and a new card being issued. Statements will all be sent to Central Office Inmate Accounting and then to the facility. During the time that inmates have this prepaid debit card designated NDCS staff 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 inmate be removed from a community center to a secure institution the card must be surrendered to staff. The card will be placed in a secure location at the community center and Central Office Inmate Accounting notified immediately to place the inmate's account on hold so no transactions can occur. The balance on the card will remain on the card and unavailable until reclassification is completed. If the inmate is returned to the community center the card will be reactivated and returned to the inmate with the same balance on the card as when they were removed from the community center. If the inmate is not returned to the community center the card will be cancelled and the funds returned to the inmate's institutional account.
- I. Use of an inmate's card will be monitored by staff. 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. Inmates are required to report the following situations immediately as specified:
- Lost cards must be reported to US Bank and community center staff.
 - Disputed transactions must be reported to US Bank and community center staff.
 - Declined transactions must be reported to community center staff.
 - Returns of merchandise must be reported to community center staff.

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- K. Inmates 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. Inmates that refuse to sign the agreement will be removed from the community facility.

XII. Shopping Requests

- A. Shopping requests will only be processed when an inmate cannot use their prepaid debit card to complete a transaction, such as deposit and first month’s rent on a living location. Requests for a shopping check will require the Warden or designee’s approval and the Controller or designee’s approval. Specific purpose of the funds must be identified, a description of “shopping” is not sufficient.
- B. The inmate will complete an institutional check for the requested amount. These transactions are processed daily as received in Central Office Inmate Accounting. If the inmate has insufficient funds on his/her institutional account the check is returned unprocessed. An inmate trust check is prepared payable to the inmate if sufficient funds are on the inmate’s institutional account. An email will be sent by Central Office Inmate Accounting to the Business Manager that a shopping check is being sent to their attention.
- C. An inmate trust fund check that is not used within 10 calendar days should be returned to Central Office Accounting for the check to be voided and the amount returned to the inmate’s institutional account.
- D. The inmate must report how the funds were spent, dollar amount spent, and return any cash that exceeds the institutions allowable limit to appropriate staff. Staff will receipt the cash and forward both to Central Office Accounting so that it may be posted to the inmate’s institutional account.

XIII. Freezing Funds

- A. Inmate 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, hobby postage/shipping, inmate to inmate television transactions, television repair, hobby scissors, institutional checks due NDCS, and other reasons constituting good cause as determined by the NDCS Controller or designee. Inmates shall be allowed to grieve such decisions under the NDCS Rules and Regulations.

Inmates will be allowed to write insufficient fund checks for eyeglasses in the following situation. Eyeglasses are medically necessary and it is not within the allowable time frame for NDCS to provide the eyeglasses. Only the basic eyeglasses will be purchased and the inmate will not be allowed to add any extra items such as tinting unless medically required. Eye clinic staff will contact NDCS Inmate Accounting with the cost of the eyeglasses that is to be assessed in these situations.

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NDCS Inmate Accounting will establish an amount due NDCS on the inmate's suspense account.

- B. Facility staff will email NDCS Inmate Accounting to freeze an inmate's institutional account for travel orders, medical purchase of glasses, hobby postage/shipping, hobby scissors, and inmate-to-inmate television transactions. When contacting NDCS inmate accounting, the facility staff must provide the following information: the inmate's name, identification number, amount to be frozen, and reason for freezing. NDCS Inmate Accounting must receive the corresponding institutional check within 10 workdays. Staff making the request for funds to be frozen will note the amount and date the funds were frozen on the institutional check.
- C. Interrogatory requests received by Accounting will be answered in accordance with the information requested. An interrogatory related to debt the inmate owes will generally require NDCS Inmate Accounting to place on hold all funds in the various inmate 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 inmate may receive.
- D. The Freeze/Unfreeze Log will be reviewed monthly and Business Managers notified in writing of situations that need to be addressed.

XIV. Debts

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

- A. Court orders, which are not subject to NDCS policy of inmate access to \$10.00 during any calendar month.
- B. Active Maintenance
- C. Inactive Maintenance
- D. Institutional checks
- E. Restitution and like items

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

XV. Indigent Inmates

Indigent inmates 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 inmate should apply for indigent status using an Indigent Inmate Request (Attachment L) 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 inmate from indigent status. An inmate must reapply for indigent status each 30-day period. Supplies needed must be noted on the form and a designation of selecting stamped envelopes or debit

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calling time specified. Original Indigent Request forms must be submitted by the facility Business Office to Accounting for processing the indigent debit calling transaction.

An inmate 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.

XVI. Inmate Account Information

Three months of history will be available on the system for each inmate'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.

Inmates may request a copy of their accounts by submitting a request to appropriate institutional staff.

XVII. In Forma Pauperis Statement or Certified Copies

The U.S. District Court, State District Courts, or an inmate may request that NDCS Inmate Accounting supply six months of the inmate's 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 NDCS inmate accounting may provide such certifications. Inmates requests should be submitted on an Interview Request and specify the court.

XVIII. Interview Requests

Interview requests submitted to NDCS inmate accounting will be answered as soon as practical within the regular course of business.

XIX. Gate Pay

Gate pay shall be paid to an inmate in accordance with Nebraska Revised Statute 83-187. Probationers are not eligible for gate pay. Gate pay shall be a maximum of \$100 and shall be paid only once per inmate 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 are not eligible for gate pay since it was calculated the first time they were paroled.

Gate pay shall not be paid to an inmate who is paroled to a detainer EXCEPT if the detainer is satisfied prior to the expiration of an inmate's Nebraska parole supervision. The inmate 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 DCS Inmate Accounting before gate pay will be calculated.

Gate pay shall not be paid to an inmate who is released to a detainer, EXCEPT if the detainer is satisfied within 60 days of release. If the inmate has satisfied the detainer within 60 days of release, verification must be provided to NDCS inmate accounting along with the inmate's name, current address, identification number, social security number, and date the detainer was satisfied before gate pay will be calculated.

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

Claims for gate pay must be made within two years of an inmate's institutional release.

XX. Release Statements

Prior to an inmate's release from custody, a Release Statement (Attachment I) will be prepared by NDCS inmate accounting outlining the inmate's financial status. This document will be submitted to the institution. The inmate should enter a forwarding address and sign the document. The white copy is retained by the records department, the canary copy is returned to NDCS inmate accounting and the pink is given to the inmate.

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

Savings account documents or securities will be mailed to paroled or released inmates when the yellow Release Statement is returned to NDCS inmate accounting. Pay or other amounts posted to an inmate'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 inmate is paroled or released prior to the release statement being received by the facility, the facility's business office or records office must contact NDCS inmate accounting and request permission to write an emergency cash check. NDCS inmate accounting will prepare a release statement and email it to the Business Manager. Institutions should not prepare a release statement.

When an inmate is transferred to another jurisdiction, the inmate's account balance will be forwarded once written notification is received in NDCS inmate accounting. Generally, written requests are the inmate's responsibility.

Inmates that are 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 inmate will be issued cash versus a check. The inmate should make the request to the facility Business Manager via an Interview Request. If approved by the Business Manager, an Authorization to Cash Release Check (Attachment J) 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 NDCS Inmate Accounting with the Release Statement. Cash held until an inmate'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 Institution Records Office. A copy should also be given to the inmate with their copy of the Release Statement.

XXI. Transportation upon Parole or Discharge

Reentry begins at intake and continues as the inmate returns to the community. In order to provide the greatest opportunity for successful reentry into the community, NDCS provides transportation upon the inmate's discharge or parole. In general, transportation is a bus

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ticket, which will be purchased to the bus depot closest to the inmate's destination or residence within the continental United States, if requested. Transportation will be furnished to the closest transportation facility. Whenever possible, the inmate 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 K) should be completed with the pink copy forwarded to NDCS Accounting.

XXII. 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 inmate's accounts. The amount of trust fund checks written each day is balanced to the total posted from the inmate's account. The bank statement is reconciled monthly. The trust fund and confiscated accounts are balanced monthly to the general ledger.

Checks that are outstanding for two years or more are written off and the money transferred to the inmate welfare account on a monthly basis. Outstanding checks more than three months old and over \$75 are researched and the payee contacted whenever possible.

XXIII. Transition to Work Release

Inmates entering the work release program may request up to \$100 of their release savings. These funds must be used in the inmate's efforts to obtain employment or purchase clothing, equipment, or tools for work. Inmates may submit an Interview Request to Unit Staff 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 or designee of a work release facility.

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

All transfers and advances require the Controller or designee's approval.

XXIV. Parole or Discharge to a Transitional Living Facility

Inmates 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 inmate 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 Staff and coordinated with the Controller or designee. If approved, the inmate will need to provide an institutional check payable to the transitional living facility along with an addressed stamped envelope.

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XXV. 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 inmate's confiscated account.

XXVI. Crediting of Court Ordered Support Payments

The Department is not involved in the decision as to the method for crediting court ordered support payments. This is governed by Nebraska statute 42-358.02 and specifies the following on how support order payments shall be credited:

- 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, and
- 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 state are likely applied in the same manner as Nebraska.

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

REFERENCE

I. ATTACHMENTS

- A. Trust Fund Receipt (hand written and computer generated) – DCS-A-acc-005
- B. Direct Deposit Requirements Notice to Employer – DCS-A-acc-019-pc
- C. Inmate Direct Deposit Agreement – DCS-A-acc-027-pc
- D. Savings Transaction Request – DCS-A-acc-020
- E. Power of Attorney (Community Correctional Centers) – DCS-A-inm-010-pc
- F. Inmate-to-Inmate Television Sales Transaction – DCS-A-inm-007-pc
- G. Inmate Travel Order Costs – DCS-A-acc-021-pc
- H. Institutional Check – DCS-A-acc-010
- I. Release Statement (computer generated)

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- J. Authorization to Cash Release Check – DCS-A-acc-018-pc
- K. Transportation Voucher Request – DCS-A-adm-045
- L. Indigent Inmate Request – DCS-A-inm
- M. Merchandise Refund – DCS-A-adm-133-pc
- II. ACA STANDARDS
 - A. Adult Correctional Institutions (fourth edition): 4-4031, 4-4045, 4-4046, 4-4047