

**NEVADA DEPARTMENT OF CORRECTIONS  
ADMINISTRATIVE REGULATION  
258**

**INMATE FISCAL PROCEDURES FOR INMATE BANKING**

**Supersedes:** AR 258 (09/16/14); (7/9/15, Temporary); (12/17/15, Temporary);  
01/14/16; (04/02/18, Temporary)  
**Effective Date:** 05/15/18

**PURPOSE**

To ensure the appropriate procedures and policies are identified for the administration of inmate banking services.

**AUTHORITY**

NRS Chapter 120A, 176.0915, 209.131, 209.221, 209.225, 209.241, 209.246, 209.247, 209.2475, 209.425, 209.459, 209.461, 209.4615, 209.463, 209.511, 353.250, Chapter 353C

**RESPONSIBILITY**

The Deputy Director of Support Services is responsible for the administration of the Inmate Banking Procedures regulation and to ensure that the Inmate Banking Services Section is compliant with all federal and state regulations.

The Chief of Inmate Services Banking Services Section (ISBS) is responsible for the implementation of this regulation and fiscal procedures to provide for the receipt of all inmate funds, process appropriate deductions from inmate funds, and all other associated inmate banking services.

The Deputy Director of Prison Industries, Warden, Facility Manager or designee(s) is responsible for the operation and reporting of inmate work programs; the management, handling and storage of inmate funds, negotiable instruments, and check/cash logs.

**258.01 PRISONERS' PERSONAL PROPERTY FUND (PPF)**

1. From the PPF account, the Director/designee may permit withdrawals for immediate expenditures by the inmate for personal needs. The PPF is divided into four parts as follows:
  - A. **Primary Trust Account:** Funds remaining in the Primary Trust Account shall be paid to the inmate upon release after all debts owed to the Department are paid in accordance with NRS 209.2475.

B. **Trust 2 Account:** The Trust 2 Account shall include any funds exempt from statutory deductions upon receipt. Examples are Gift Coupon funds, tort claims paid to inmates and canteen refunds.

(1) An inmate may spend funds from this account within the guidelines of the state and federal law as well as the Department's rules and regulations. Examples include, but are not limited to, store purchases and Inmate Account Transaction Requests [brass slips (DOC-509)] as described in section 258.13.

(2) Funds remaining in the Trust 2 Account shall be paid to the inmate upon release after all debts owed to the Department are paid in accordance with NRS 209.2475.

C. **Trust 3 Account:** The Trust 3 Account shall include any funds exempt from statutory deductions upon receipt. (i.e. United States Department of Veteran's Affairs benefits and Indian tribe settlements.)

(1) An inmate may spend funds from this account within the guidelines of state and federal law as well as the Department's rules and regulations. Examples include, but are not limited to, store purchases and brass slips (DOC-509) as described in section 258.13.

(2) Funds remaining in the Trust 3 Account shall be paid to the inmate upon release.

D. **Savings Account:** The Savings Account exists so an inmate may have funds upon release and funds are available to defray Department costs upon the inmate's death.

(1) Boarders and safe keepers are exempt from the savings deduction.

(2) The Director or designee may designate a percentage to be deducted from funds received by an inmate to be placed in the inmate's individual Savings Account.

(3) Once the \$400.00 balance, determined by the Director or designee, is reached and maintained, the savings deduction will no longer occur, except for inmates located at Casa Grande Transitional Housing (CGTH) or at Northern Nevada Transitional Housing (NNTH), where there is no limit to the Savings Account balance. The procedure to withdraw from a Savings Account of inmates who were at CGTH or NNTH and were returned to other Department sites will be the same as outlined in this section.

(4) Withdrawals from a Savings Account are permitted during incarceration only with the approval of the Director or designee on an Inmate Savings Withdrawal Request (DOC-515).

a. A brass slip (DOC-509) must accompany the request, signed by the inmate and an authorized staff pursuant to section 258.13.

b. The Director or designee has approved withdrawals from a Savings Account to obtain a copy of a birth certificate for identification purposes without submission of an Inmate Savings Withdrawal Request (DOC-515).

c. Upon approval of the Director or designee, charitable contributions to 501(c)(3) organizations may be deducted.

(5) Funds remaining in the Savings Account shall be paid to the inmate upon release after all debts owed to the Department are paid in accordance with NRS 209.2475.

2. All funds received on behalf of an inmate shall be deposited into the inmate's appropriate account(s) in the PPF.
  - A. Any inmate who does not deposit all funds, which the inmate receives, into the inmate's individual account(s) in the PPF as required is guilty of a gross misdemeanor per NRS 209.221.
  - B. Any person who aids or encourages any inmate not to deposit all funds, which the inmate receives, into the inmate's individual account(s) in the PPF as required, is guilty of a gross misdemeanor per NRS 209.221.
3. PPF account activity is available to inmates through a kiosk. For inmates without access to a kiosk, a monthly statement will be printed by the ISBS and distributed to the inmates through the institution/facility.
4. Upon the death of an inmate, any remaining funds, after appropriate deductions have been made, shall be paid pursuant to Administrative Regulation (AR) 420.
5. Wages earned prior to release or death will be subject to deductions pursuant to NRS 209.246. Wages earned after release and funds received from outside parties after release or death shall be returned to the sender.

#### **258.02 INMATE OUTSIDE ACCOUNTS**

1. All requests for inmate outside accounts must be approved by the Director or designee.

2. Inmates must choose a person from the community to handle bank transactions before obtaining an outside checking, savings or investment account.
  - A. This person will be a non-inmate member on the account and will be responsible for making all outside transactions.
  - B. The inmate will not correspond directly with the financial organization concerning the account. The non-inmate member on the account must handle all correspondence.
  - C. The Department will not be responsible for any outside transactions.
  - D. Any exceptions require the approval of the Director or designee.
3. Inmates who desire to open an outside account will be responsible for gathering information regarding accounts from the financial organization of his/her choosing.
  - A. The Department will not supply information regarding interest rates or other information for any financial organization.
  - B. Any monies the inmate sends to the outside account will be through the Inmate Account Transaction Request [brass slips (DOC-509)] procedures as described in Section 258.13.
    - (1) The inmate will fill out the brass slip made payable to the non-inmate member on the outside account.
    - (2) The brass slip must have the signature of the inmate and the Department personnel authorized to sign brass slips.
    - (3) The inmate will send the brass slip with a stamped, addressed envelope to the ISBS.
    - (4) The non-inmate member will deposit all funds in the outside account and will handle any other banking transaction necessary.
4. The non-inmate member will send to the inmate all funds requested by the inmate from the outside account in the form of a cashier's check or money order following the inmate deposit procedure in Section 258.03. The inmate is prohibited from contacting the bank directly and asking for money from his/her account.
5. All funds sent to the inmate from the non-inmate member will be deposited in the inmate's individual account in the PPF.
6. Inmates are not permitted to have a checkbook or savings passbook in their possession while incarcerated with the Department. Non-Department issued debit cards, credit cards

or any other instrument used to access outside accounts are not permitted. Inmates who arrive at the Department with any of these instruments in their possession must send the instrument to an outside individual of their choice or the instrument(s) will be placed in the inmate's I-file.

7. Upon the request of the Director/designee, inmates will provide copies of records of bank accounts, including but not limited to, checking accounts, savings accounts, investment accounts or accounts with brokerage firms.

### **258.03 INMATE DEPOSITS**

1. Deposits to inmate accounts shall be made through the Lockbox or Department-approved money transfer service when applicable.
2. Gift deposits will be processed in accordance with Department rules and regulations.
3. Regular deposit coupons and gift deposit coupons will be available for Lockbox deposits.
  - A. Coupons will be ordered by the ISBS and shipped to each institution/facility.
  - B. The institution/facility designee shall distribute the coupons to the inmates and provide coupons in visitation areas.
  - C. Inmates may send the coupons to outside parties.
  - D. Coupons may also be downloaded by outside parties from the Department's website.
  - E. Coupons sent by outside parties shall be filled out completely and sent with a money order or cashier's check to the lockbox address indicated on the coupon.
4. The lockbox and money transfer service vendor(s) will send a report listing all deposits to the ISBS daily.
5. The ISBS shall post the deposits to the inmate's appropriate account(s) in the PPF as soon as practical after receipt and retain the report(s) for accounting records.

### **258.04 INMATE DEPOSIT EXCEPTIONS**

1. The only inmate funds to be accepted by any institution/facility or the ISBS are money orders and cashier checks in U.S. dollars only. Foreign funds will not be accepted. Cash, personal checks and other forms of money shall be returned to the sender. The mail officer at each institution/facility shall return all unauthorized funds to the sender by the next business day.
2. Exceptions include:

**A. Internal Revenue Service (IRS) checks**

(1) IRS checks received at the institution/facility solely in the name of an incarcerated inmate will not be deposited at any institution that makes its own deposits.

(2) IRS checks will be forwarded to the ISBS where the check will be held pending verification with the IRS as to validity of funds.

a. Validated IRS checks will be deposited and posted to the inmate's Primary Trust Account.

b. If the IRS will not validate the check, the check will be returned to the IRS. The ISBS will notify the Office of the Inspector General (IG) and advise the reason the check could not be validated, if provided.

**B. Intake funds for newly incarcerated inmates will be mailed/transmitted from the sending jurisdiction to the ISBS.**

**C. Any funds, due to the inmate, that is beyond the control of the Department and cannot be processed through the inmate deposit procedure in section 258.03.**

**D. Unauthorized cash**

(1) Casa Grande Transitional Housing (CGTH) and Northern Nevada Transitional Housing (NNTH) inmates who qualify for stipends are the only inmates permitted to have cash. Eligibility for stipends is outlined in the Operational Procedures (OP) at the CGTH and NNTH facilities.

(2) Unauthorized cash found on an inmate shall be confiscated and placed on a separate check/cash log, deposited in the bank and the proper documents forwarded to the ISBS for posting to the Inmate Welfare Account (IWA). The check/cash log must clearly state "Confiscated Cash."

(3) If cash is confiscated due to suspected criminal activity the Inspector General (IG) will be notified.

a. A receipt will be prepared by the designated institution/facility staff for the amount of cash confiscated.

b. An IG investigator will be required to take possession of the confiscated cash as part of the ensuing investigation.

c. Both the staff member releasing the cash and the IG investigator receiving it will sign the receipt.

d. The original will be given to the IG investigator and a copy will be sent to the ISBS.

5. Preparation of check/cash logs is a function of the designated institution/facility staff.
  - A. Inmate Check/Cash Logs shall be considered negotiable instruments, maintained in a locked security controlled area and completed and processed with the same security precautions as cash.
  - B. Inmates shall never have access to check/cash log forms.
6. Funds received and accepted by the institution shall be deposited at least weekly in accordance with NRS 353.250. Copies of the deposit slips and all check/cash logs shall be forwarded to the ISBS by the next business day for processing.
7. The ISBS shall post the monies to the inmate's individual account in the PPF as soon as practical. Inmate deposits and payrolls, in section 258.07, should be given priority over all other postings.
8. Due to increased counterfeit activity, funds from ALL money orders and cashier's checks received by the Department will be available to the inmate 14 calendar days from the posting date.
9. Posting delays may occur which include, but are not limited to, incorrect names or identification numbers. If any delay occurs, the ISBS will work with the originator for correction.

#### **258.05 INMATE DEDUCTIONS FROM ANY SOURCE OTHER THAN WAGES**

The Director/designee may make the following deductions, in the following order of priority, as set forth in NRS 209.247, from any money deposited in an inmate's individual account in the PPF from any source other than wages:

1. 50% for costs incurred by the Department on behalf of the inmate per NRS 209.246.
  - A. At the time any charges pursuant to NRS 209.246 are posted to the inmate account including, but not limited to, monetary sanctions/restitution under AR 707, 50% of the trust account(s) may be taken as the initial payment.
  - B. All monetary sanctions/restitution costs are subject to change from the original amount due to receipt of additional billings not known at the time of assessment.
  - C. An inmate's trust account(s) may be frozen and monetary sanctions/restitution ordered for violations under AR 707.

2. 10% for credit to the inmate's Savings Account. After the Savings Account reaches \$400.00, this deduction will stop except for CGTH and NNTH inmates who will continue to accrue 10% of their deposits into their Savings Accounts.
3. 20% towards a court ordered filing fee, if applicable.

#### **258.06 INMATE EMPLOYMENT**

1. No inmate has a right to employment and the Department has no obligation to employ an inmate.
2. All inmates approved for inmate work programs must provide a valid Social Security Number (SSN) and execute any agreement forms required by the specific program in which the inmate will work. Inmates who do not have a verified SSN are not permitted to work for pay until a SSN is obtained and verified through Social Security.
  - A. During intake, all inmates shall complete an Inmate Employment Fiscal Agreement (DOC-533).
  - B. The fiscal agreement shall be completed in duplicate.
    - (1) The original copy shall be placed in the inmate's Institutional file (I-file).
    - (2) A copy shall be given to the inmate.
  - C. Regardless of the inmate's agreement to sign the fiscal agreement, the Department is permitted to take deductions from the inmate's wages per NRS 209.461.
  - D. Prior to the first day of work, the classification committee shall verify the inmate has been given the opportunity to review the fiscal agreement.
  - E. Only one fiscal agreement shall be completed during the inmate's incarceration period, unless the form is revised, requires updating, or the original cannot be located. Inmates located at CGTH and NNTH shall complete the Inmate Employment Fiscal Agreement (DOC-3525) upon entry into the program.
  - F. Inmates who refuse to sign the fiscal agreement cannot work in any private sector operation. Federal requirements include proof of voluntary participation and this form meets that requirement.
3. Prior to working, inmates must be notified of all deductions that may be taken from their wages.
  - A. A Notification of Deductions (DOC-542) shall be given to the inmate upon intake.



- B. The Notification of Deductions shall be posted with the OSF monthly report in areas of the institution/facility accessible to inmates.
  - C. The fiscal agreement shall note the statute number – NRS 209.463 – authorizing the Department to take specific deductions.
4. An inmate shall obtain the approval of the Director/designee before the inmate:
- A. Engages in any employment, which includes, but is not limited to, employment by a private employer or self-employment except in an approved Prison Industry (PI).
  - B. Enters into a contract.
  - C. Participates in a business activity other than approved PI or hobby craft.
5. The Director/designee has sole discretion to approve or disapprove employment, contractual activity or business activity and may withdraw approval at any time pursuant to NRS 209.4615.
6. Any inmate who is employed by a private employer shall:
- A. Deposit income from such employment in the inmate's individual account in the PPF.
  - B. Upon request, provide the Director/designee with a copy of all the inmate's federal income tax returns, reports and withholding forms when they become available to the inmate. Collection of inmate income is outlined in the OPs at the CGTH and NNTH facilities.
  - C. Upon request, provide the Director/designee with a record of any of the inmate's accounts including, but not limited to, any checking, savings, investment or brokerage firm account.
7. Inmates must sign a release allowing the employer to provide information to the Director/designee.
8. Upon the request of the Director/designee, a private employer who employs any inmate shall:
- A. Provide the Director/designee with monthly statements accounting for all wages the employer paid to any inmate.
  - B. Provide the Director/designee with any additional information requested concerning the employment of any inmate.

9. At CGTH or NNTH, if an inmate is unemployed after 45 days, the evaluation team will review the inmate's case to determine if a suitable program exists to enroll the inmate or if employment should continue to be sought. No later than 60 days from arrival, the inmate will be suitably employed, enrolled in an appropriate program, or transferred to another Department location.

#### **258.07 INMATE PAYROLL**

1. Inmate wages and payrolls shall be recorded by the institution/facility by the second working day following the month of employment.
2. Inmate payroll shall be submitted monthly to the ISBS by the fifth working day following the month of employment to allow for timely posting. Exceptions include:
  - A. PI has a variety of payroll periods resulting from private sector operations.
    - (1) Forms to report individual payrolls will be developed by PI.
    - (2) Private sector PI payroll will be included in this procedure.
  - B. Nevada Division of Forestry has incident payrolls and sends them via email during the middle of the month following the month of employment.
  - C. The CGTH and NNTH have a variety of payroll periods resulting from private sector employers, which are submitted at various times of the month.
3. The ISBS shall post the payroll as soon as practical after receipt.
  - A. The reporting period for all inmate payrolls, except as noted in section 258.07.2, shall be from the first day to the last day of the previous month.
  - B. Inmate payrolls paid with a personal check, business check, etc., shall not be available until the check has cleared the bank.
    - (1) Clearing time may take up to fourteen (14) calendar days from the posting date of the payroll. Applicable deductions will not be taken until the payroll is available on the inmate's Primary Trust Account.
    - (2) The exception to this will be any payroll funded by a Nevada State agency. These exceptions should be posted within three business days of receipt.
    - (3) Posting delays can occur which include, but are not limited to, incorrect names or identification numbers, incorrectly calculated payrolls or unauthorized payrolls. If any delay occurs, the ISBS will work with the originator for correction.

- C. Tracking of cash receipts, billing claims and/or journal vouchers shall be completed daily using the State of Nevada Financial System.

#### **258.08 INMATE DEDUCTIONS FROM WAGES**

The Director/designee shall establish by regulation criteria for a reasonable deduction from money credited to the inmate's individual account in the PPF to repay or defray the costs assessed to an inmate pursuant to NRS 209.246. These deductions will be in order of priority as set forth within NRS 209.463 and in accordance with the federal regulations governing private sector involvement in Prison Industries.

- 1. Hourly wage is equal to or greater than minimum wage [except for inmates at CGTH and NNTH locations (see section 258.06.3)]:
  - A. 5% for credit to the Victims of Crime Fund for the compensation of Victims of Crime.
  - B. 20% for any existing obligation of the inmate for the support of his/her family.
  - C. 20% for credit to the inmate's individual account in the PPF or toward a court ordered filing fee, whichever is applicable.
  - D. An amount to offset the cost of maintaining the inmate in the institution:
    - (1) 24.5% for room and board
    - (2) 29.5% for PI inmates (24.5% for room and board, 5% for PI Capital Improvement Fund)
  - E. 50% for costs incurred by the Department on behalf of the inmate per NRS 209.246.
    - (1) At the time any charges pursuant to NRS 209.246 are posted to the inmate account including, but not limited to, monetary sanctions/restitution under AR 707, 50% of the trust account(s) may be taken as the initial payment.
    - (2) All monetary sanctions/restitution costs are subject to change from the original amount due to receipt of additional billings not known at the time of assessment.
    - (3) An inmate's trust account(s) may be frozen and monetary sanctions/restitution ordered for violations under AR 707.
  - F. 10% for credit to the inmate's Savings Account until the account reaches \$400.00.

- G. 20% for any existing obligation of the inmate to pay court ordered restitution to his/her victim. This deduction is in addition to the 5% taken for Victims of Crime Fund as stated in section 258.08(1)(A).
  - H. 1% to pay the balances of any fee imposed on the inmate for genetic marker testing, drug tests, or other fees per NRS 176.0915.
  - I. 1% for any existing obligations of the inmate for court ordered administrative assessments for any crime committed within this state.
  - J. 1% for any existing obligation of the inmate for court ordered fines for any crime committed within this state.
2. Hourly wage is below minimum wage:
- A. 5% for credit to the Victims of Crime Fund for the compensation of Victims of Crime.
  - B. 20% for credit to the inmate's individual account in the PPF or toward a court ordered filing fee, whichever is applicable.
  - C. An amount to offset the cost of maintaining the inmate in the institution:
    - (1) 24.5% for room and board
    - (2) 29.5% for PI inmates (24.5% for room and board, 5% for PI Capital Improvement Fund)
  - D. 50% for costs incurred by the Department on behalf of the inmate per NRS 209.246.
    - (1) At the time any charges pursuant to NRS 209.246 are posted to the inmate account including, but not limited to, monetary sanctions/restitution under AR 707, 50% of the trust account(s) may be taken as the initial payment.
    - (2) All monetary sanctions/restitution costs are subject to change from the original amount due to receipt of additional billings not known at the time of assessment.
    - (3) An inmate's trust account(s) may be frozen and monetary sanctions/restitution ordered for violations under AR 707.
  - E. 10% for credit to the inmate's Savings Account until the account reaches \$400.00.
  - F. 1% to pay the balances of any fee imposed on the inmate for genetic marker testing, drug tests, or other fees per NRS 176.0915.

G. Once the deductions, in order of priority, exhaust the available funds, the deductions will stop.

3. CGTH and NNTH:

A. Hourly wage is equal to or greater than minimum wage:

(1) 5% for credit to the Victims of Crime Fund for the compensation of Victims of Crime.

(2) 20% for any existing obligation of the inmate for the support of his/her family.

(3) 20% for credit to the inmate's individual account in the PPF or toward a court ordered filing fee, whichever is applicable.

(4) An amount to offset the cost of maintaining the inmate at CGTH or NNTH.

a. 45% for room and board NNTH.

b. 55% for room and board at CGTH.

c. At no time will the amount taken for room and board exceed the legislative budgeted amount per NRS 209.463. CGTH offers additional programs and is more expensive to operate than NNTH.

(5) 50% for costs incurred by the Department on behalf of the inmate per NRS 209.246.

a. At the time any charges pursuant to NRS 209.246 are posted to the inmate account including, but not limited to, monetary sanctions/restitution under AR 707, 50% of the trust account(s) may be taken as the initial payment.

b. All monetary sanctions/restitution costs are subject to change from the original amount due to receipt of additional billings not known at the time of assessment.

c. An inmate's trust account(s) may be frozen and monetary sanctions/restitution ordered for violations under AR 707.

(6) 10% for credit to the inmate's Savings Account.

(7) 20% for any existing obligation of the inmate to pay court ordered restitution to his/her victim. This deduction is in addition to the 5% taken for Victims of Crime Fund as stated in section 258.08,3. (1).

(8) 1% to pay the balances of any fee imposed on the inmate for genetic marker testing, drug tests, or other fees per NRS 176.0915.

(9) 1% for any existing obligations of the inmate for court ordered administrative assessments for any crime committed within this state.

(10) 1% for any existing obligation of the inmate for court ordered fines for any crime committed within this state.

(11) Once the deductions, in order of priority, exhaust the available funds, the deductions will stop. Deductions are based on the declining balance of the gross amount of payroll.

**B. Hourly wage is below minimum wage:**

(1) 5% for credit to the Victims of Crime Fund for the compensation of Victims of Crime.

(2) 20% for credit to the inmate's individual account in the PPF or toward a court ordered filing fee, whichever is applicable.

(3) An amount to offset the cost of maintaining the inmate at CGTH or NNTH.

a. 45% for room and board NNTH.

b. 55% for room and board at CGTH.

c. At no time will the amount taken for room and board exceed the legislative budgeted amount per NRS 209.463. CGTH offers additional programs and is more expensive to operate than NNTH.

(4) 50% for costs incurred by the Department on behalf of the inmate per NRS 209.246.

a. At the time any charges pursuant to NRS 209.246 are posted to the inmate account including, but not limited to, monetary sanctions/restitution under AR 707, 50% of the trust account(s) may be taken as the initial payment.

b. All monetary sanctions/restitution costs are subject to change from the original amount due to receipt of additional billings not known at the time of assessment.

c. An inmate's trust account(s) may be frozen and monetary sanctions/restitution ordered for violations under AR 707.

- (5) 10% for credit to the inmate's Savings Account.
- (6) 1% to pay the balances of any fee imposed on the inmate for genetic marker testing, drug tests, or other fees per NRS 176.0915.
- (7) Once the deductions, in order of priority, exhaust the available funds, the deductions will stop. Deductions are based on the declining balance of the gross amount of payroll.

C. Inmates at CGTH and NNTH who are enrolled in the Educational/Vocational Program (EVP) and work for a private sector employer will be subject to payroll deductions per sections 258.08,1 and 258.08,2. Eligibility for EVP is outlined in the Operational Procedures (OP) at the CGTH and NNTH facilities.

#### **258.09 MAINTENANCE FEE**

1. The Department may charge a maintenance fee for maintaining an inmate's PPF accounts.
2. The maintenance fee will be calculated after the close of business for the previous State Fiscal Year based on actual costs of maintaining the inmate accounts.
3. The maintenance fee is charged against interest earned on all inmate accounts. However, to the extent that the maintenance fee exceeds interest earned by any inmate, the fee is waived for that amount.

#### **258.10 INTEREST ON INMATE ACCOUNTS**

1. Interest will be calculated on the weekly average account balance in an inmate's Primary Trust, Trust 2, Trust 3 and Savings Account portion of the inmate's individual accounts in the PPF.
2. Quarterly, the State Treasurer determines the amount of interest earned by the PPF.
3. Interest, less applicable the maintenance fees described in section 258.09, will be posted to eligible inmate's Primary Trust Account within thirty (30) days of receipt of an interest payment from the State Treasurer.

#### **258.11 Internal Revenue Service (IRS) 1099 REPORTING**

1. The Department will prepare required 1099's to meet IRS requirements.
2. An inmate who receives at least \$600.00 in payroll income from a Department source will be subject to IRS Form 1099-MISC reporting.

3. An inmate who receives at least \$600.00 in payroll income from a PI source will be subject to IRS Form 1099-MISC reporting.
4. An inmate who receives at least \$10.00 in interest will be subject to IRS Form 1099-INT reporting.

#### **258.12 JUDGMENT OF CONVICTION (JOC)**

1. During an inmate's incarceration with the Department, 20% of the balance in the inmate's trust account(s) will be taken as initial payment for items listed in sections 258.08(1)(G-J), 258.08(2)(F), 258.08(3)(A)(7)-(10) and 258.08(3)(B)(6) (fines, administrative assessments, fees, restitution or any other amounts ordered by the JOC to be collected from the inmate).
2. The initial payment(s) will be applied, in order of priority of the deductions per NRS 209.247, until 20% of the available funds in the inmate's trust account(s) have been exhausted or payment for all JOCs have been applied, whichever is the lesser amount.
3. Except for Department charges, store orders, medical/dental co-payments, and court filing fees mandated by a Settlement Agreement and Full and Final Release issued by a district court, the inmate shall prepare the necessary brass slips for each deduction from the inmate's individual account in the PPF.

#### **258.13 TRANSFER OF INMATE FUNDS**

1. No funds may be transferred from one inmate to another regardless of whether the inmates are located in-state or out of state without the approval of the Director/designee.
2. Except for store purchases, deductions from deposits and payrolls, medical/dental co-pays, Department charges for monetary sanctions/restitution and initial payments, the inmate shall prepare an Inmate Account Transaction Request form [brass slips (DOC-509)] for each deduction from the inmate's individual account in the PPF. An Inmate Account Transaction Request (Multi-User) (DOC-509A) may also be completed.
3. All brass slips submitted to the ISBS shall conform to the following:
  - A. An inmate initiates a brass slip by completing it in its entirety, including date, dollar amount, payee or purpose, signature, inmate name, ID number and institution.
  - B. A stamped addressed envelope shall be attached to all brass slips for checks sent to outside parties.
  - C. The inmate shall submit the brass slip to authorized staff who will verify the inmate's identity.



- D. If the inmate's identity can be verified, the brass slip is fully completed and the transaction is legitimate, the authorized staff shall give the inmate a copy and then sign the remaining copies of brass slip. If the authorized staff does not approve the brass slip, the form and contents must be returned to the inmate with an explanation of why the brass slip was not approved.
  - E. Approved brass slips will be forwarded to the ISBS for processing.
  - F. Any brass slips not processed by the ISBS will be voided. The contents attached will be returned to the inmate with a memo detailing the reason it was not be processed, and a copy will be placed in the inmate's file in the ISBS.
  - G. Inmates will never possess a copy of a fully executed brass slip. Brass slips containing an authorized staff's signature must never be provided to an inmate.
4. All brass slips (DOC-509) must be approved by authorized institution/facility staff.
- A. A list of all staff authorized by the Warden to review and approve brass slips and samples of their signatures shall be sent to the ISBS annually, no later than January 31.
  - B. The signature list shall be updated whenever a change of personnel occurs. Updated authorized signature lists approved by the Warden shall be forwarded to the ISBS as often as the list is updated.
  - C. The Warden shall sign the list indicating approval of the authorized signatures.
  - D. The ISBS shall compare staff signatures on approved brass slips to the authorized signature list before processing.
  - E. Brass slips, which do not appear to be signed by an authorized signature, will not be honored and will be voided. The contents attached will be returned to the inmate with a memo detailing the reason it was not be processed, and a copy will be placed in the inmate's file in the ISBS.
  - F. The ISBS internal procedures contain additional confidential safeguards for the handling of brass slips and shall be changed periodically as needed.

**258.14 INMATE FISCAL INQUIRY PROCEDURE**

- 1. An inmate inquiry regarding his/her account should be made utilizing an Accounting Inquiry [kite (DOC-544)].
- 2. An inmate must complete a kite, attach any documentation available and forward it to his/her caseworker.

- A. A caseworker will review the inquiry and determine if it can be resolved at the local level.
  - B. Simple accounting inquiries such as deposit or payroll postings may be resolved by contacting the ISBS; otherwise the inquiry is to be signed by the caseworker and sent to the ISBS for resolution.
  - C. The ISBS will answer the inquiry based upon the facts and thorough research. A copy of the inquiry and related response will be placed in the inmate's file in the ISBS.
  - D. If the ISBS is unable to answer the inquiry, the original will be forwarded for response to the Division to which the inmate's question applies. Notification of this action will be sent to the inmate. A copy of the inquiry, copies of all pertinent documentation and a copy of the notification will be placed in the inmate's file in the ISBS.
3. If an inmate requests a stop payment on a check issued from his/her account or copies of inmate banking documents, including but not limited to, cancelled checks, brass slips (only with authorized staff signatures redacted), kites, and account statements older than the current month's period, the inmate will be charged \$2.00 for each copy.
- A. A brass slip (DOC-509) must accompany the kite request, both signed by the inmate and an authorized staff pursuant to section 258.13.
  - B. If an inmate does not have sufficient funds to cover the cost, the inmate will be notified that his/her request was denied.
4. If an inmate receives a deposit to his/her individual account(s) in the PPF and the funds are returned for various reasons, including but not limited to, stop payments, non-sufficient funds or closed accounts, the sender may be charged \$25.00 for each returned check.
5. Brass slips (DOC-509) submitted for charges mentioned in this section must be made payable to NDOC. Funds collected from inmates for these requests will be deposited into the IWA.

#### **258.15 INMATE RELEASE FUNDS**

- 1. Release funds are prepared by the ISBS. The Department will not provide release assistance funds (per diem/gate money or the cost of transportation) if there are sufficient funds in the inmate's individual account(s) in the PPF after all Department charges are assessed.
- 2. The Director, in accordance with NRS 209.511, may furnish inmates being released due to expiration of sentence, pardon or parole with a per diem not to exceed \$100.00 based

upon the inmate's economic need and release destination. The cost of transportation may also be provided.

- A. No release assistance funds shall be given to any inmate paroling or expiring to a detainer or hold.
- B. Inmates in custody for other jurisdictions shall not receive release assistance funds unless specified by contract or approved by the Director.
- C. The Warden/designee based on economic considerations and the best interests of the state shall make determination of the destination and mode of transportation. Air travel (commercial only-no chartered flights) shall be used only in medical situations and upon presentation of written justification and recommendation by the Medical Director.
- D. If an inmate does not require transportation (e.g., the inmate is picked up by family or friends upon release) and has insufficient funds of their own, only per diem shall be issued.
- E. No money shall be given for clothing allowance.
- F. Travel per diem is designated by the Director. The amount of per diem per day will be \$25.00.

(1) The amount of travel per diem is calculated by the number of days the inmate will be traveling.

(2) In calculating the travel days use the following guidelines:

*a. Within Nevada - 1 day*

*b. By Air - 1 day*

*c. West Coast - 2 days*

*d. Mid-West - 3 days*

*e. East Coast- 4 days*

(3) These regions are designated by the various time zones within the United States. The West Coast Region, however, combines the Pacific and Mountain Time zones allowing two (2) days travel time.

- 3. Prior to an inmate's release, the Pre-Release Coordinator shall complete a Notification of Release (DOC-563). This form will indicate the inmate's name, ID number, destination, and date of release. The Pre-Release Coordinator should notify the ISBS of an inmate's

pending release no more than 30 days prior to the release date when possible to ensure sufficient time to process paperwork.

- A. The ISBS shall freeze the inmate's account upon notification from the Pre-Release Coordinator.
  - B. The Forwarding Address form (DOC-2032) is essential to forward any money that the inmate may receive after the inmate's release, particularly payrolls posted after release.
  - C. A brass slip (DOC-509) signed by the inmate indicating release and closure of the inmate account shall be attached to the release form. This brass slip will be used as a posting document and will facilitate later referencing, if necessary.
  - D. The intent of the Notification of Release (DOC-563) is to start an accounting of all funds due to the inmate at the time of the inmate's release. There shall be no pre-posting of anticipated funds. The ISBS will combine the account balances if applicable to determine the net effect of the inmate's account (i.e., either funds are owed to the inmate or are owed to the Department).
  - E. In calculating inmate funds, all charges owed to the Department, including restitution charges, shall be subtracted, resulting in a determination of the inmate's remaining balance, if any.
  - F. Inmates shall sign the Notification of Release acknowledging that all release assistance and/or transportation costs incurred by the released inmate may be collected from remaining funds and deposited to the inmate's account after release.
  - G. Inmates shall sign the Notification of Release acknowledging that all release assistance and/or transportation costs incurred by the released inmate may be collected from funds deposited to the inmate's account after release.
  - H. Inmates receiving release assistance including the cost of transportation shall sign the Release Verification for Indigent Inmates (DOC-2128).
  - I. The Pre-Release Coordinator shall forward all release paperwork to the ISBS weekly at a minimum.
4. Checks and/or release debit cards shall be issued by the ISBS staff as follows:
- A. Release assistance funds per NRS 209.511 may be issued via debit cards or checks.
  - B. Release debit cards will be issued up to \$9,000.00. If an inmate's release funds exceed \$9,000.00, the balance will be issued to the inmate via check.

- C. Inmates releasing to a hold and due release funds will be issued a check.
  - D. The ISBS shall post all release funds and transportation costs, if applicable, from the inmate's account on the same day the release debit cards and/or checks are issued.
5. Emergency releases shall be handled the same as ordinary releases except they will be handled expeditiously.
  6. If the inmate is released prior to receiving a Department-issued release card, the release amount will be calculated as above, a check will be issued and mailed to the forwarding address provided by the inmate at the time of release.
  7. All funds, checks or any other negotiable instruments shall be drafted, issued or distributed by authorized free staff only. Department staff shall maintain all funds, checks, and negotiable instruments in a locked, secure vault, safe or stationary metal cabinet. All keys and/or lock combination numbers must be inaccessible to all inmates.
  8. No staff with authorization to sign bank checks or any other negotiable instruments may pre-sign blank checks. All checks or other negotiable instruments shall be signed by authorized staff only after completion of the financial document.
  9. No funds in any format [cash, PPF check, gate money check, release debit card or any other financial document] shall be drafted, issued or distributed by any inmate. No inmate assigned the prison job of clerk, administrative aide or assistant to any free staff shall have access to any funds, checks, release debit cards or financial instruments.

#### **258.16 BALANCES IN ACCOUNTS OF RELEASED INMATES**

1. Inmates may release from the Department with a negative balance – owing department charges.
2. The ISBS may post charges to a released inmate's account based on information received after the inmate's release including, but not limited to, approved brass slips, medical/dental co-pays, monetary sanctions/restitution.
3. Whenever a released inmate has a positive or negative balance in his/her account, the ISBS shall make every effort to contact the inmate.
  - A. If the inmate's individual account(s) in the PPF has a positive balance, the following procedures shall be performed by the ISBS to forward the funds to the inmate:

(1) If the inmate received a Department-issued release card and the amount is within the card vendor's guidelines, the ISBS will load the card with the positive balance amount.

(2) If the inmate received a Department-issued release card and the amount is not within the card vendor's guidelines, the ISBS will issue and mail a check to the inmate if a forwarding address was provided.

(3) If the inmate was not issued a Department-issued release card or the card account is not active, ISBS will issue and mail a check to the inmate if a forwarding address was provided.

(4) If all attempts to forward positive balances remaining on a released inmate's account are unsuccessful, the funds shall remain on the inmate's individual account(s) in the PPF until one year after the inmate's release date. After one year, the funds shall be forwarded to the State Treasurer's Unclaimed Property Trust Account in accordance NRS Chapter 120A.

B. If the inmate owes department charges (debt) after release, the following procedures shall be performed by the ISBS to contact the inmate to collect the money owed:

(1) The ISBS will send a letter to the forwarding address provided by the inmate advising of the amount due and that payment is due in full immediately.

(2) If not paid immediately and the amount owed is considered non-collectible, the ISBS shall report the inmate's information and the amount owed to the State Controller's Office who may send the information to a contracted collection agency in accordance with NRS Chapter 353C.

C. Debt balances owed by inmates in their Department Charge Account(s) have already been paid from the IWA by the ISBS to the appropriate budget accounts. Therefore, the IWA shall be reimbursed when the money is collected directly from the inmate or the State Controller's Office via a contracted collection agency, whichever is applicable.

D. If the inmate returns to the custody of the Department, any debt owed from prior incarcerations will become active department charges except for debt written off in accordance with NRS Chapter 353C.

#### **258.17 OFFENDERS' STORE FUND (OSF) MONTHLY REPORT**

1. All funds received for the benefit of inmates through contributions and from other sources not otherwise required to be deposited in another fund, must be deposited into the OSF. Cash and other negotiable instruments confiscated from inmates will be placed into the IWA.

2. The OSF monthly reports will be distributed by the ISBS to the Warden/Facility Manager and shall include:
  - A. A copy of the prior month's Summary Budget Status Report and Budget Status Receipts/Funding for the OSF and IWA.
  - B. The Notification of Deductions (DOC-542).
  - C. The advisement of Debts Owing to the Department of Corrections (DOC-540).
3. The ISBS will be responsible for the distribution of OSF monthly reports and will include a Certificate of Receipts/Posting of OSF Monthly Reports (DOC-014) in the distribution.
4. Each Warden/Facility Manager will be responsible for providing the information for inmate access providing proof that the monthly OSF reports have been posted. Once the DOC-014 is completed, the form with the original signatures of the Warden/Facility Manager will be returned to the ISBS as soon as possible.

#### **258.18 INVESTMENT AND DISTRIBUTION OF OSF INCOME**

1. The OSF funds will be deposited with the State Treasurer for investment.
2. The interest and income earned from the OSF must be credited to the fund and may be disbursed as authorized by the Legislature.

#### **APPLICABILITY**

1. This AR requires an Operational Procedure (OP) for the Support Services Division, each institution/facility, and the Office of the Inspector General.
2. This AR requires an audit as part of the annual review of internal controls pursuant to SAM 2418.0.

#### **REFERENCES**

ACA Standards 4<sup>th</sup> Edition: 4-4031 through 4-4035, 4-4044 through 4-4047, 4-4446 and 4-4461 through 4-4463

  
James Dzurenda, Director

5/15/18  
Date