# NEVADA DEPARTMENT OF CORRECTIONS
# ADMINISTRATIVE REGULATION
# 258

# INMATE FISCAL PROCEDURES
# (TEMPORARY)

**Supersedes:** AR 258 (09/16/14) AR 258 (7/9/15 Temporary)
**Effective Date:** 12/17/15

## AUTHORITY

NRS: 120.A, 209.131, 209.221, 209.225, 209.241, 209.425, 209.246, 209.247, 209.2475, 209.459, 209.461, 209.4615, 209.463, 209.511, 353C

## RESPONSIBILITY

1. The institutional Wardens/Facility Managers are responsible for the operation of inmate work programs.

2. Inmate Banking Services (IBS) is responsible for the administration of fiscal procedures to provide for the receipt of all inmate funds, process appropriate deductions from inmate funds, and all other associated inmate banking services.

## 258.01 PRISONERS' PERSONAL PROPERTY FUND (PPF)

1. The PPF is divided into four parts as follows:

   A. Primary Trust Account

      (1) From the PPF account, the Director/designee may permit withdrawals for immediate expenditures by the inmate for personal needs and the Department shall pay to an inmate any remaining balance in the account upon the inmate's release after appropriate deductions have been made.

      (2) Upon the death of an inmate, any remaining funds, after appropriate deductions have been made, shall be paid pursuant to the Department's Administrative Regulation 420.

      (3) Wages earned prior to death will be subject to Department charges and other deductions. Funds received after death from friends and family shall be returned to the sender.

(4) Any remaining balance in the Primary Trust Account upon release is subject to appropriate deductions as detailed in Department rules and regulations and in state and federal statutes.

B. Trust 2 Account

(1) 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.

(2) These funds are for the inmate's personal use. An inmate may spend funds from this account, so long as it is legal and within the guidelines of the Department's rules and regulations. Examples are store purchases and Inmate Account Transaction Requests, DOC-509 (brass slips).

(3) Funds remaining in a Trust 2 Account shall be paid to the inmate upon release after all debts owed to the Department are paid.

C. Trust 3 Account

(1) Trust 3 Account shall include any funds exempt from statutory deductions upon receipt. Examples include some VA benefits and some Indian tribe settlements.

(2) These funds are for the inmate's personal use. An inmate may spend funds from this account, so long as it is legal and within the guidelines of the Department's rules and regulations. Examples are store purchases and Inmate Account Transaction Requests, DOC-509 (brass slips).

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

D. Savings Account

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

(2) This Account exists so an inmate may have funds upon release and funds are available to defray Department costs upon the inmate's death.

(3) Once the $400.00 balance, determined by the Director, 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/Designee through the use of an Inmate Savings Withdrawal Request (DOC-515).

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

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

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

(8) The Director has approved withdrawals from savings to obtain a copy of a birth certificate for identification purposes.

1. Any funds that cannot be processed through the lockbox procedure due to circumstances beyond the Department's control shall be placed on a check log and posted to the inmate's PPF account as indicated in section 258.10. Exceptions shall be processed through Inmate Banking Services (IBS) as indicated in section 258.10.

2. All funds received on behalf of an inmate shall be deposited into the inmate's individual account(s) in the PPF.

3. Any person who aids or encourages any inmate not to deposit all funds, which the inmate receives, into the inmate's individual account in the PPF as required in this section is guilty of a gross misdemeanor per NRS 209.221.

**258.02 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 Inmate Welfare Fund (IWF).

2. The OSF monthly reports will be submitted by Inmate Banking Services (IBS) to the Wardens/Facility Managers and shall include:

A. A Copy of the current month's Summary Budget Report (BSR-BBLS), Budget Status Receipts/Funding (BSR-Report-Obligations (BSR-BCLS).

B. The Notification of Deductions (DOC–542).

C. The advisement of Debts Owing to the Department of Corrections (DOC–540).

3. IBS will be responsible for the distribution of OSF monthly reports and will include a Certificate of Receipts/Posting of OSF Monthly Reports (form DOC–014) in the distribution.

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 IBS as soon as possible.

## 258.03 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 (Form 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 that 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 Casa Grande Transitional Housing (CGTH) and Northern Nevada Transitional Housing (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. Inmates must be notified prior to working 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 institutions 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 approved Prison Industries (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. Provide the Director/designee with a copy of all of 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 Operational Procedures (OP) at the NNTH and CGTH 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.

## 258.04 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 upon the OSF must be credited to the fund and may be disbursed as authorized by the Legislature.

## 258.04 INMATE PAYROLL

1. Inmate wages and payrolls shall be recorded by the institution/facility by the second working day following the month of employment. Inmate payroll shall be submitted monthly to Inmate Banking Services (IBS) and received by IBS 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 industries' 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 Northern Nevada Transitional Housing (NNTH) and Casa Grande Transitional Housing (CGTH) have weekly and bi-weekly payrolls, which are submitted at various times of the month.

2. IBS shall post the payroll as soon as practical after receipt.

A. The reporting period for all inmate payrolls, except as noted in section 258.05.1, shall be from the first day of the previous month 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. Clearing time can 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 account. The exception to this will be any payroll funded by a Nevada State agency (Advantage, Journal Vouchers, or billing claims). These exceptions should be posted within three business days of receipt.

C. Tracking of deposit receipts, billing claims or journal vouchers shall be completed daily with the State of Nevada Accounting System.

D. Posting delays can occur, which include but are not limited to, incorrectly calculated payrolls, missing names or identification numbers, or unauthorized payrolls. If any legitimate delay occurs, the payroll or check log shall be returned to the originator for correction. Payroll and check logs should be given priority over all other postings.

## 258.06 INMATE DEDUCTIONS FROM WAGES

The Director/designee shall establish by regulation criteria for a reasonable deduction from money credited to an inmate's account in 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 (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% of each inmate's payroll to his/her individual account in the inmate's 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 room and board for PI inmates (24.5% for room and board, 5% for PI)

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

F. 10% for credit to the inmate's Savings Account. After the Savings Account reaches $400.00, this deduction will stop with the exception of CGTH and NNTH inmates who will continue to accrue 10% of their payrolls into their respective Savings Accounts.

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 258.06.1.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% of each inmate's payroll to his/her 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 room and board for PI inmates (24.5% for room and board, 5% for PI)

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

E. 10% for credit to the inmate's Savings Account. After the Savings Account reaches $400.00, this deduction will stop with the exception of CGTH and NNTH inmates who will continue to accrue 10% of their payrolls into their respective Savings Accounts.

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

B. 20% of each inmate's payroll to his/her individual account in the inmate's PPF or toward a court ordered filing fee, whichever is applicable.

C. An amount to offset the cost of maintaining the inmate at CGTH or NNTH. After 45 days, if an inmate is unemployed, 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.

(1) 45% for room and board NNTH.

(2) 55% for room and board at CGTH.

(3) At no time will the amount taken for room and board exceed the legislative budgeted amount per NRS 209.247. CGTH offers additional programs and is more expensive to operate than NNTH.

D. 10% for credit to the inmate's Savings Account.

E. 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 258.06.3.A.

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

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

I. 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.

J. Inmates at CGTH and NNTH who are enrolled in the Educational/Vocational Program (EVP) and work for a private employer will be subject to payroll deductions per AR258.06.1.

## 258.07 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. 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 may be taken as the initial payment. All restitution costs are subject to change from the original amount due to receipt of additional billings not known at the time of assessment. An inmate's Trust Account may be frozen and monetary sanctions/restitution ordered for violations of AR 707.

2. 10% for credit to the inmate's account. After the Savings Account reaches $400.00, this deduction will stop with the exception of CGTH and NNTH inmates who will continue to accrue 10% of their deposits into their respective Savings Accounts.

3. 20% towards a court ordered filing fee, if applicable

## 258.08 JUDGMENT OF CONVICTION (JOC)

During an inmate's incarceration in the NDOC, 20% of the balance in the trust account will be taken as initial payment for items listed in sections 258.06.1.G-J, 258.06.2.F, and 258.06.3.E-H - fines, administrative assessments, fees, restitution or any other amounts ordered by the JOC to be collected from the inmate. The initial payment will be applied in order of priority of the deductions until 20% of all have been satisfied or the available funds in the inmate's Trust Account have been exhausted, whichever occurs first.

## 258.09 INMATE DEPOSITS

1. Deposits to inmate accounts shall be made through the Lockbox or Department-approved money transfer service when applicable. The institution/facility designee may download Lockbox coupons from the NDOC website under Inmate Banking Services (IBS). Gift coupons will be ordered by IBS and shipped to the institutions and facilities.

2. The institution/camp/restitution designee shall distribute the coupons to the inmates.

3. Inmates may send the coupons to friends and relatives of their choice.

4. Coupons may also be obtained by family or friends through the Department's website (http://www.doc.nv.gov/) by clicking on Inmate Information, clicking on Inmate Banking Services, and then clicking on Inmate Deposit Coupon.

5. Coupons sent to the friend/relative (sender) shall be filled out in its entirety and sent with the money order or cashier's check to the bank lockbox address indicated on the coupon.

6. The lockbox and money transfer service will send a report listing all deposits to IBS daily.

7. IBS shall post the deposits to the inmate's applicable account retaining the reports for accounting records.

## 258.10 INMATE DEPOSIT EXCEPTIONS

1. 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.

2. Inmates shall never have access to check/cash log forms.

3. The only inmate funds to be accepted by any institution/facility or Inmate Banking Services (IBS) staff are money orders and cashier checks in U. S. dollars only, no foreign funds will be accepted. Cash, personal checks and other money forms shall be returned to the sender. Exceptions to these are:

A. Internal Revenue Service (IRS) Checks – IRS checks received at the institution/facility solely in the name of an incarcerated inmate will not be deposited at any institution that makes their own deposits. These IRS checks shall be forwarded to IBS where the check will be held pending verification with the IRS as to valid funds. If the IRS will not validate the check, the check shall be returned to the IRS. The Inspector General's Office (IG) will be notified by Inmate Banking Services when this occurs and advise them of the reason for the return.

B. Northern Nevada Transitional Housing (NNTH) and Casa Grande Transitional Housing (CGTH) inmates who qualify for stipends are the only inmates permitted to have cash.

C. Intake funds from newly incarcerated inmates will be transmitted from the sending jurisdiction to IBS, using United States Postal Service by first class mail.

D. Any funds, due the inmate, that is beyond the control of the Department and cannot be processed through the Lockbox procedure.

E. Cash found on an inmate shall be confiscated and placed on a separate check log, deposited in the bank and the proper documents forwarded to IBS which shall place the amount in the IWF. The check log must clearly state "Confiscated Cash."

F. If cash is confiscated as a result of suspected criminal activity the IG's office will be notified. An Inspector will be required to take possession of the confiscated cash as part of the ensuing investigation. A receipt will be prepared for the amount of cash confiscated. The staff member releasing the cash and the inspector receiving it will both sign the receipt. The original will be given to the IG's office and copies will be sent to IBS and Central Office Accounting.

4. The mail officer at each institution shall return all unauthorized funds to the sender by the next business day.

5. Preparation of check/cash logs is a function of the designated receiver.

6. Funds received and accepted by the institution shall be deposited at least weekly. Copies of the deposit slips and all check/cash logs shall be forwarded to IBS by the next business day for processing. IBS shall post the monies to the inmate's individual account in the PPF as soon as practical.

7. Due to increased counterfeit activity, funds from ALL money orders and cashier's checks will be available to the inmate fourteen (14) calendar days from the posting date.

## 258.11 INMATE OUTSIDE ACCOUNTS

1. All requests for inmate outside accounts must be approved by the Director/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 to paragraphs 1 and 2 above require the approval of the Director/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 pertinent information for any financial organization.

B. Any monies the inmate sends to the outside account will be through the Inmate Account Transaction Request DOC - 509 (brass slip) procedures.

(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 person authorized by the Warden/Designee to sign brass slips.

(3) The inmate will send the brass slip with a stamped, addressed envelope to Inmate Banking Services.

(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 lockbox procedure. The inmate is prohibited from contacting the bank directly and asking for money from his 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 in the Nevada Department of Corrections (NDOC). Non NDOC issued debit cards,

credit cards or any other instrument used to access outside accounts are likewise not permitted. Inmates who arrive at the NDOC with any of these instruments in their possession must send the instrument to an outside individual of their choice or the instrument will be placed in the inmate's restricted personal property.

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.

8. All inmates who are employed by private employers will provide the Director/designee a copy of all federal income tax returns, reports and withholding forms when they become available to the inmate.

## 258.12 TRANSFER OF INMATE FUNDS

1. No funds may be transferred from one inmate to another regardless of whether the inmates are located in state, out of state, or closely related, without the approval of the Director/designee.

2. All Inmate Account Transaction Requests, DOC-509 (brass slips), shall be approved by the Warden, Facility Manager, or their designee.

A. A list of all personnel authorized by the Warden to review and approve brass slips and samples of their signatures shall be sent to IBS on a yearly basis 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/Facility Manager or designee shall be forwarded to IBS as often as the list is updated.

C. The Warden shall sign the list indicating approval of the authorized signatures.

D. IBS shall compare signatures of brass slips against 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 returned to the Warden/designee by IBS.

F. Internal procedures for IBS contain a number of additional confidential safeguards for the handling of brass slips and shall be changed periodically as needed.

3. Except for Department charges, store orders, and medical/dental co-payments, the inmate shall prepare the necessary brass slips for each deduction from the inmate's individual account in the PPF.

4. All brass slips submitted to IBS 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, printed name, ID number (back number) and institution.

B. A stamped addressed envelope shall be attached to all brass slips for checks sent to the outside.

C. The inmate shall submit the brass slip to an approving authority who can verify that the signature is that of the inmate.

D. If the signature can be verified, the brass slip is fully completed and the transaction is legitimate, the approving authority shall give the inmate a copy and then sign the brass slip.

E. Inmates will never possess a copy of a fully executed brass slip. Brass slips containing authorized signatures must never be returned to an inmate.

F. All brass slips shall be accumulated daily, and forwarded to the Warden, Facility Manager, or their designee, who will review the brass slips for approval or disapproval.

G. Any disapproved brass slips shall not be processed and the contents attached will be returned to the inmate with an explanation of why the brass slip will not be processed.

H. The approved brass slips will be forwarded to IBS with a cover memo on Department letterhead signed by an authorized signer and identifying the quantity of brass slips.

I. Any brass slips not processed by IBS will be voided. The contents attached will be returned to the inmate with a memo denoting the reason it will not be processed and a copy will be placed into the inmate's banking file.

## 258.13 INMATE FISCAL INQUIRY PROCEDURE

1. An inmate inquiry regarding his/her account must be made utilizing an Accounting Inquiry [Form DOC-544 (kite)]. Inquiries not on the correct form may be returned to the inmate without a response from IBS.

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 e-mailing IBS staff; otherwise the inquiry is to be signed by the caseworker and sent to IBS for resolution. Inquiries not signed may be returned to the inmate without a response from IBS.

C. IBS 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 IBS.

D. If IBS 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 IBS.

3. Any accounting inquiry concerning information considered stale dated (over 180 days old) will not be acted upon and will be returned to the inmate.

4. If an inmate is requesting copies of, but not limited to, cancelled checks, brass slips, kites, and statements older than the current month's period, the inmate will be charged $2.00 for each copy. Inmate statements are sent out after month end so some leeway will be considered to allow for mail time before a charge is assessed. A kite and a brass slip must accompany a copy request, both signed by the inmate and an authorized Department representative pursuant to section 258.12.2. If an inmate does not have sufficient funds to cover the cost, the inmate will be notified that his/her request was denied.

5. If an inmate receives a deposit to his account and the funds are returned for various reasons, including, but not limited to; stop payments, non-sufficient funds or closed accounts, the sender will be charged $25.00 for each returned check.

6. If an inmate requests a stop payment on a check issued from the inmate's account, the inmate must submit a kite and a brass slip in the amount of $7.50 to cover the cost charged to the Department for stop payments. If the inmate does not have sufficient funds to cover the charge, the inmate will be notified his/her request was denied.

7. Brass slips submitted for charges mentioned above must be made payable to NDOC. Funds collected from inmates with sufficient funds in their trust accounts will be deposited into the IWF.

## 258.14 RELEASE ASSISTANCE/COST OF TRANSPORTATION

1. The Director, in accordance with NRS 209.511, may furnish inmates being released due to expiration of sentence, pardon or parole with a sum of money not to exceed $100.00 based upon the inmate's economic need. 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. Release assistance funds, which may include the cost of transportation, are prepared by IBS. The Department will not give gate money or provide the cost of transportation if an inmate has sufficient funds in his/her individual account in the PPF after all Department charges are assessed.

E. 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.

F. No money shall be given for clothing allowance.

2. Travel per diem, is designated by the Director. The amount of per diem per day will be $25.00. This total will be the amount of release assistance funds the inmate will receive.

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

B. In calculating the travel days use the following guidelines:

(1) Within Nevada - 1 day

(2) By Air - 1 day

(3) West Coast - 2 days

(4) Mid-West - 3 days

(5) East Coast - 4 days

C. 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. 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.

4. 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.

5. No funds in any format [cash, Personal Property Fund (PPF) check, gate 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.

6. 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, Department number, destination, and date of release. The Pre-Release Coordinator should notify IBS 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. IBS 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. An Inmate Account Transaction Requests, DOC-509 (brass slip) 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. IBS 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 the Department, including restitution charges, shall be subtracted, resulting in a determination of the inmate's remaining balance, if any.

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.

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 funds deposited to the inmate's account after release.

G. Inmates receiving release assistance including the cost of transportation shall sign the Release Verification for Indigent Inmates, DOC-2128.

H. The Pre-Release Coordinator shall forward all release paperwork to IBS daily.

7. The Notification of Release, with the appropriate paperwork as stated in this section shall be forwarded to IBS.

8. Checks and/or release debit cards shall be issued by IBS 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. IBS shall post all release funds and transportation costs, if applicable, to the inmate's account on the same day the release debit cards and/or checks are issued.

9. Emergency releases shall be handled the same as ordinary releases except they will be handled expeditiously.

10. If the inmate is released prior to receiving release assistance funds, the amount will be calculated as above and mailed to the forwarding address left by the inmate at the time of release.

**258.15 BALANCES IN ACCOUNTS OF RELEASED INMATES**

1. Payroll funds and checks from the outside may be received after the inmate is released, resulting in a balance in the inmate's Personal Property Fund (PPF) account payable to the inmate.

2. Inmates may release with a negative balance – owing Department charges.

3. Whenever a released inmate has a positive or negative balance in their account, IBS shall make every effort to contact the inmate.

A. If an inmate received a release card at release and the amount is within the release card guidelines, the card will be loaded with the positive balance amount. If the account has a positive balance and the inmate was not issued a card or the card account is not active, IBS shall write a check to the inmate when a forwarding address has been provided.

B. If the account has a negative balance, the following procedures shall be performed by IBS to contact the inmate and collect the money due.

(1) The inmate shall be given notice prior to release that any balances owed to the Department at the time of release is a valid debt due and payable in full at the time of release.

(2) An Advisement of Debts Owing To The Department of Corrections, DOC- 540, shall be given to inmates upon intake. This advisement must disclose the inmate of the possibility of a negative impact on the inmate's credit history if debts owed to the Department are not paid. This form shall be placed in the inmate's I-file.

(3) The Notification of Debts Owing To the Department of Corrections, DOC- 541, shall be used by the Pre-release Coordinator prior to release to advise the inmate of amounts owed. This notification must also advise the inmate of the possibility of a negative impact on the inmate's credit history if not paid.

(4) A Notification of Deductions shall be posted monthly in locations accessible by all inmates per section 258.02.2.

(5) Inmates shall be given a designated time frame to pay the amount owed to the Department after release. If not paid within this time frame, the account information and the amount owed shall be sent to the State Controller's Office who may send the account information to a contracted Collection Agency.

C. Balances owed by inmates in their Department Charge Account(s) have already been paid from the IWF by IBS to the appropriate budget. Therefore, the IWF shall be reimbursed when the money is collected from the inmate or the contracted Collection Agency, whichever is applicable.

D. When an inmate is released owing Departmental charges, the amount(s) owing shall not be deleted from the inmate's individual account in the PPF. If the inmate returns to the Department under a new ID number, the amount owing shall be transferred to the new ID number.

E. If the amount owed is considered to be non-collectible, IBS shall report this fact to the Controller's Office per NRS 353C.

F. If all attempts to forward positive balances remaining on a released inmate's account fail, the funds shall remain on the inmate's PPF account until the expiration of one year from the date of the inmate's release/parole. After that one-year, the funds shall be forwarded to the State Treasurer's Abandoned Property Trust Account per NRS 120.A.

## 258.16 MAINTENANCE FEE

1. The Department may charge a maintenance fee for maintaining an inmate's Personal Property Fund (PPF) accounts.

2. The maintenance fee will be calculated after the close of business for the previous 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.

## 258.16 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 of Nevada Treasurer determines the amount of interest earned by the PPF.

3. Interest, less applicable maintenance fees, will be paid within thirty (30) days of receipt of an interest payment from the State of Nevada Treasurer to accounts in excess of the maintenance fee mentioned in section 258.16.

258.17 **IRS 1099 REPORTING**

1. Annually, 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.

**APPLICABILITY**

1. This AR requires an Operational Procedure (OP) for the Support Services Division, Casa Grande Transitional Housing, Northern Nevada Restitution Center, 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 4-4031, 4-4032, 4-4033, 4-4034, 4-4044, 4-4045, 4-4047, 4-4407, 4-4446, 4-4461, 4-4462, and 4-4463

Director

12-17-15
Date