



NEVADA DEPARTMENT OF CORRECTIONS  
ADMINISTRATIVE REGULATION

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**INMATE FISCAL PROCEDURES FOR INMATE BANKING  
ADMINISTRATIVE REGULATION – 258**

**Supersedes:** AR 258 (09/16/14); (7/9/15, Temporary); (12/17/15, Temporary); 01/14/16; (04/02/18, Temporary); 05/15/18; (09/01/20, Temporary)

**Effective Date:** January 25, 2021, Temporary

**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

**PURPOSE**

To identify the appropriate procedures and policies for the administration of inmate banking services.

**RESPONSIBILITY**

The Deputy Director Support Services is responsible for the administration of this regulation and to ensure the Inmate Services Banking Section (ISBS) complies with all federal and state regulations.

The Chief of Purchasing & Inmate Services is responsible for implementing this regulation and appropriate 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 Industrial Programs, Deputy Director Programs, Wardens, and Facility Managers are responsible for the operation and reporting of inmate work programs, as well as the management, handling and storage of inmate funds, negotiable instruments, and check/cash logs.

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

1. From the PPPF account, the Director/designee may permit withdrawals for immediate expenditures by the inmate for personal needs. The PPPF 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 of Corrections (NDOC and Department) are paid in accordance with NRS 209.2475.

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- B. **Trust 2 Account:** The Trust 2 Account shall include any funds exempt from statutory deductions upon receipt. Examples are tort claims paid to inmates, canteen refunds, and debit phone refunds. A fully executed governmental agency Settlement Agreement must clearly state funds are to be placed in an inmate's Trust 2 Account, or the funds will be placed in the Primary Trust Account. A judgment for the plaintiff from a small claims court against a governmental agency will place funds in an inmate's Trust 2 Account, while all non-governmental small claim judgments will be placed in the Primary Trust Account and subject to statutory deductions.
- (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, Inmate Commissary purchases and Inmate Account Transaction Requests [brass slips (DOC-509)] as described in Section 258.14.
  - (2) Funds remaining in the Trust 2 Account will 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. Examples are applicable United States Department of Veteran's Affairs benefits and tribal 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, Inmate Commissary purchases and brass slips (DOC-509) as described in Section 258.14.
  - (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 an inmate's death.
- (1) Boarders and safe-keepers are exempt from the savings deduction.
  - (2) A minimum balance of \$550.00 (referred to herein as "Minimum Required Balance") in the inmate's Savings Account must be generated and maintained until the inmate's release or death. This amount is based on the Director/designee reviewing the current rates for cremation and other related services and subject to change as needed.
  - (3) The Director/designee may designate a percentage be deducted from funds received by an inmate to be placed in the inmate's individual Savings Account.

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- (4) Once the Minimum Required Balance is generated 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) who will continue to have the Savings Account deduction applied from each deposit/payroll. The procedure to withdraw from a Savings Account of inmates who were at CGTH or NNTH and returned to other Department sites will be the same as outlined in this section.
- (5) Withdrawals from a Savings Account are permitted during incarceration only with the approval of the Director/designee on an Inmate Savings Withdrawal Request (DOC-515). A brass slip (DOC-509) must accompany the request, signed by the inmate and an authorized staff member pursuant to Section 258.14.
- a. Withdrawals from a Savings Account to obtain a copy of a birth certificate for identification purposes are authorized without submission of an Inmate Savings Withdrawal Request (DOC-515) and are exempt from the Minimum Required Balance.
  - b. Withdrawals from a Savings Account to a pre-authorized housing partner identified by the Re-Entry Program or Department of Public Safety Parole and Probation Division, and included in an approved parole or release plan does not require an Inmate Savings Withdrawal Request (DOC-515) and is exempt from the Minimum Required Balance. Any withdrawal for any other housing, or not included in an approved parole or release plan, must follow the Inmate Savings Withdrawal Request process and may be exempt from the Minimum Required Balance.
  - c. Withdrawals to pay Department debt may be allowable for any amount and may be exempt from the Minimum Required Balance.
  - d. Withdrawals for any other purpose may be considered and may be subject to the Minimum Required Balance. Generally, withdrawals are only considered when it would directly improve the inmate's release or parole re-entry in the community. Withdrawals of this type must be processed as transfers to the inmate's Primary Trust Account where the subsequent deduction will occur.
  - e. Withdrawals from an inmate's Savings Account to transfer a balance to the Primary Trust Account for any amount in excess of the Minimum Required Balance are authorized without submission of an Inmate Savings Withdrawal Request (DOC-515).

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- (6) 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 PPPF.
    - A. Any inmate who does not deposit all funds, which the inmate receives into his/her individual account(s) in the PPPF as required is guilty of a gross misdemeanor per NRS 209.221.
    - B. Any person who aids or encourages an inmate not to deposit all funds, which the inmate receives, into his/her individual account(s) in the PPPF as required, is guilty of a gross misdemeanor per NRS 209.221.
  3. PPPF 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, shall be paid pursuant to Administrative Regulation (AR) 420.
  5. Wages earned prior to release or death are subject to deductions pursuant to NRS 209.246. Wages earned after release, and funds received from outside parties after release or death, will be returned to the sender.

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

1. All inmate requests to open outside bank accounts must be approved by the Director/designee.
2. Inmates must choose a person from the community to handle their bank transactions before obtaining an outside checking, savings, or investment account.
  - A. This person must be a non-inmate member on the account and will be responsible for making all outside transactions.
  - B. The inmate must not correspond directly with the financial organization concerning the account. The person 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/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.

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- A. The Department will not supply information for any financial organization regarding interest rates, etc.
  - B. Any monies the inmate sends to the outside account must be through the Inmate Account Transaction Request [brass slips (DOC-509)] procedures as described in Section 258.14.
    - (1) The inmate must fill out the brass slip made payable to the person responsible for 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 must send the brass slip with a stamped, addressed envelope to ISBS.
    - (4) The person responsible for the inmate's outside account, will deposit all funds, and handle any other necessary banking transactions.
4. The person responsible for the inmate's outside banking account, must send all funds requested by the inmate 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.
  5. All funds sent to the inmate from the person responsible for their bank account, will be deposited in the inmate's individual account(s) in the PPPF.
  6. Inmates are not permitted to have a checkbook or savings passbook in their possession while incarcerated. 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. Regular 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.

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- 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.
3. The lockbox and money transfer service vendor(s) will send a report listing all deposits to the ISBS daily.
  4. The ISBS will post the deposits to the inmate's appropriate account(s) in the PPPF as soon as practicable 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. Foreign funds will not be accepted. Cash, personal checks, and other forms of money will be returned to the sender. The mail officer at each institution/facility will 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 if an IRS check cannot be validated, along with the reason for why it was not validated if known to ISBS.
  - B. Intake funds for newly incarcerated inmates will be mailed/transmitted from the sending jurisdiction to the ISBS.
  - C. Funds due to the inmate that are beyond the control of the Department cannot be processed through the inmate deposit procedure (Section 258.03).
  - D. Unauthorized cash:

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- (1) CGTH and NNTH inmates who qualify for stipends are the only inmates permitted to have cash. Eligibility for stipends is outlined in the appropriate Operational Procedures (OP) at CGTH and NNTH facilities.
  - (2) Unauthorized cash found on an inmate will 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 and/or the Attorney General's Office will be notified.
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 will never have access to check/cash log forms.
  6. Funds received and accepted by the institution will be deposited at least weekly in accordance with NRS 353.250. Copies of deposit slips and all check/cash logs will be forwarded to the ISBS by the next business day for processing.
  7. The ISBS will post the monies to the inmate's individual account(s) in the PPPF as soon as practicable. Inmate deposits and payrolls, in Sections 258.03, 258.04, and 258.07, must 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, as set forth in NRS 209.247, from any money deposited in an inmate's Primary Trust Account from any source other than the offender's wages:

1. Up to 50% of the deposit will be applied toward victim-specific restitution, if applicable.
2. Up to 20% of the deposit will be applied toward costs incurred by the Department on behalf of the inmate per NRS 209.246, if applicable.

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- A. At the time any charges pursuant to NRS 209.246 are posted to the inmate account including, but not limited to, monetary sanctions/reimbursement under AR 707 – Inmate Disciplinary Process, 50% of the Trust account(s) may be taken as the initial payment.
  - B. All monetary sanctions/reimbursement 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/reimbursements ordered for violations under AR 707.
3. Up to 10% of the deposit will be applied towards the inmate’s Savings Account. After the Savings Account reaches the Minimum Required Balance, this deduction will stop, except for CGTH and NNTH inmates who will continue to accrue 10% of their deposits into their Savings Accounts regardless of accrued balance.
  4. Up to 3% of the deposit will be applied toward:
    - A. The balance of any fee imposed on the inmate for genetic marker testing, drug tests, or other fees per NRS 176.0915;
    - B. Any existing obligations of the inmate for court-ordered administrative assessments for any crime committed within this state;
    - C. Any existing obligation of the inmate for Judgment of Conviction (JOC) court-ordered fines for any crime committed within this state; and
    - D. If an inmate is serving a sentence and the victim-specific restitution from the JOC is not paid in full, this deduction will not be collected.
  5. Any remaining balance of the deposit will be credited to the inmate’s Primary Trust Account.

#### **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 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 social security number is obtained and verified through the U.S. Social Security Administration.
  - A. During intake, all inmates will complete an Inmate Employment Fiscal Agreement (DOC-533).



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- B. The Fiscal Agreement shall be completed in duplicate:
    - (1) The original copy will be placed in the inmate's Institutional file (I-file); and
    - (2) A copy shall be given to the inmate.
  - C. Only one Fiscal Agreement will 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 will complete the Inmate Employment Fiscal Agreement (DOC-3525) upon entry into the program.
  - 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. 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.
  - 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 will be posted with the Offenders' Store Fund 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:

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- A. Deposit all income from such employment in his/her individual account in the PPPF.
  - B. Upon request, provide the Director/designee with a copy of all his/her 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 at 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.

#### **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 practicable 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.

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- 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 14-calendar days from the posting date of the payroll. Applicable deductions will not be taken until the payroll is available in 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 3-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 Primary Trust Account of an inmate's wages from any source. These deductions, as set forth within NRS 209.463, and in accordance with the federal regulations governing private sector involvement in PI.

1. Hourly wage is equal to or greater than federal minimum wage [except for inmates at CGTH and NNTH locations (see Section 258.08(3))]:
  - A. Up to 50% of the deposit will be applied toward victim-specific restitution, if applicable. This deduction is exclusive of the deduction for the Fund for the Compensation of Victims of Crime as provided in F below.
  - B. Up to 5% of the deposit will be applied toward the Fund for New Construction of Facilities for Prison Industries, if applicable.
  - C. Up to 24.5% of the deposit will be applied toward room and board for an amount to offset the cost of maintaining the inmate in the Department's custody.
  - D. Up to 20% of the deposit will be applied toward costs incurred by the Department on behalf of the inmate per NRS 209.246, if applicable.
    - (1) At the time any charges pursuant to NRS 209.246 are posted to the inmate account including, but not limited to, monetary sanctions/reimbursement under AR 707, 50% of the Trust account(s) may be taken as the initial payment.

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- (2) All monetary sanctions/reimbursement 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/reimbursement ordered for violations under AR 707.
- E. Up to 10% of the deposit will be applied toward the inmate's Savings Account. After the Savings Account reaches the Minimum Required Balance, this deduction will stop, except for CGTH and NNTH inmates who will continue to accrue 10% of their deposits into their Savings Accounts regardless of the accrued balance.
- F. Up to 5% of the deposit will be applied toward the Fund for the Compensation of Victims of Crime.
- G. Up to 3% of the deposit will be applied toward:
- (1) The balances of any fee imposed on the inmate for genetic marker testing, drug tests, or other fees per NRS 176.0915;
  - (2) Any existing obligations of the inmate for court-ordered administrative assessments for any crime committed within this state;
  - (3) Any existing obligation of the inmate for JOC court-ordered fines for any crime committed within this state; and
  - (4) If an inmate is serving a sentence and the victim-specific restitution from the JOC is not paid in full, this deduction will not be collected.
- H. Any remaining balance of the deposit will be credited to the inmate's Primary Trust Account.

2. Hourly wage is below federal minimum wage:

- A. Up to 50% of the deposit will be applied toward victim-specific restitution, if applicable. This deduction is exclusive of the deduction for the Fund for the Compensation of Victims of Crime as provided in F below.
- B. Up to 5% of the deposit will be applied toward the Fund for New Construction of Facilities for Prison Industries, if applicable.
- C. Up to 24.5% of the deposit will be applied toward room and board for an amount to offset the costs of maintaining the inmate in the Department's custody.
- D. Up to 20% of the deposit will be applied toward costs incurred by the Department on behalf of the inmate per NRS 209.246, if applicable.

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- (1) At the time any charges pursuant to NRS 209.246 are posted to the inmate account including, but not limited to, monetary sanctions/reimbursement under AR 707, 50% of the Trust account(s) may be taken as the initial payment.
  - (2) All monetary sanctions/reimbursement 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/reimbursement ordered for violations under AR 707.
- E. Up to 10% of the deposit will be applied toward the inmate's Savings Account. After the Savings Account reaches the Minimum Required Balance, this deduction will stop, except for CGTH and NNTH inmates who will continue to accrue 10% of their deposits into their Savings Accounts regardless of the accrued balance.
- F. Up to 5% of the deposit will be applied toward the Fund for the Compensation of Victims of Crime.
- G. Up to 3% of the deposit will be applied toward:
- (1) The balances of any fee imposed on the inmate for genetic marker testing, drug tests, or other fees per NRS 176.0915;
  - (2) Any existing obligations of the inmate for court-ordered administrative assessments for any crime committed within this state; and
  - (3) Any existing obligation of the inmate for JOC court-ordered fines for any crime committed within this state.
  - (4) If an inmate is serving a sentence and the victim-specific restitution from the JOC is not paid in full, this deduction will not be collected.
- H. Any remaining balance of the deposit will be credited to the inmate's Primary Trust Account.

3. CGTH and NNTH:

- A. Hourly wage equal to, or greater than federal minimum wage. Deductions are based on the declining balance of the gross amount of payroll:
- (1) Up to 50% of the deposit will be applied toward victim-specific restitution, if applicable. This deduction is exclusive of the deduction for the Fund for the Compensation of Victims of Crime as provided in (6) below.

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- (2) Up to 5% of the deposit will be applied toward the Fund for New Construction of Facilities for PI, if applicable.
  - (3) Room and board for an amount to offset the costs of maintaining the inmate in the institution:
    - a. 45% for NNTH.
    - b. 55% for CGTH.
    - c. At no time will the amount taken for room and board exceed the legislatively approved budget amount for these facilities per NRS 209.463.
  - (4) Up to 20% of the deposit will be applied toward costs incurred by the Department on behalf of the inmate per NRS 209.246, if applicable.
    - a. At the time any charges pursuant to NRS 209.246 are posted to the inmate account including, but not limited to, monetary sanctions/reimbursement under AR 707, 50% of the Trust account(s) may be taken as the initial payment.
    - b. All monetary sanctions/reimbursement 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/reimbursement ordered for violations under AR 707.
  - (5) Up to 10% of the deposit will be applied toward the inmate's Savings Account.
  - (6) Up to 5% of the deposit will be applied toward the Fund for the Compensation of Victims of Crime.
  - (7) Up to 3% of the deposit will be applied toward:
    - a. The balances of any fee imposed on the inmate for genetic marker testing, drug tests, or other fees per NRS 176.0915;
    - b. Any existing obligations of the inmate for court-ordered administrative assessments for any crime committed within this state;
    - c. Any existing obligation of the inmate for JOC court-ordered fines for any crime committed within this state; and

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- d. If an inmate is serving a sentence and the victim-specific restitution from the JOC is not paid in full, this deduction will not be collected.

- (8) Any remaining balance of the deposit will be credited to the inmate's Primary Trust Account.

B. Hourly wage is below federal minimum wage, will be processed under 258.08(2).

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 at CGTH and NNTH facilities.

### **258.09 MAINTENANCE FEE**

1. The Department may charge a maintenance fee for maintaining an inmate's PPPF 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 PPPF.
2. Quarterly, the State Treasurer determines the amount of interest earned by the PPPF.
3. Interest, less the applicable maintenance fees described in Section 258.09, will be posted to the 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 1099s to meet IRS requirements.
2. An inmate who receives at least \$600.00 in gross 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.

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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 258.05(1), 258.05(4), 258.08(1)(A), 258.08(1)(G), 258.08(2)(A), 258.08(2)(G), 258.08(3)(A)(1), and 258.08(3)(A)(7) - 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 Sections 258.05 and 258.08, 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, Inmate Commissary purchases, medical/dental co-payments, and court filing fees mandated by a court order issued by a District court, the inmate shall prepare the necessary brass slips for each deduction from the inmate's individual account(s) in the PPPF.

#### **258.13 COURT ORDERS**

In addition to the deductions noted in Sections 258.05 and 258.08, NDOC is obligated and authorized to deduct funds from the inmate's PPPF to comply with any court order directing NDOC to take money from an inmate's account for purposes of complying with the court order.

#### **258.14 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 Inmate Commissary purchases, deductions from deposits and payrolls, medical/dental co-pays, Department charges for monetary sanctions/reimbursement and initial payments, the inmate shall prepare an Inmate Account Transaction Request form [brass slip (DOC-509)] for each deduction from the inmate's individual account(s) in the PPPF. An Inmate Account Transaction Request (Multi-User) (DOC-509A) may also be completed.
3. Inmate Commissary and discretionary purchases are to be funded, in order of priority, from the inmate's Trust 3 Account, Trust 2 Account, and the Primary Trust Account.
4. A fully executed Settlement Agreement and Full & Final Release can be used in lieu of a brass slip.
5. 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.



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- 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 the 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 memorandum detailing the reason it was not processed, and a copy will be placed in the inmate's file in the ISBS.
  - G. Inmates shall never possess a copy of a fully executed brass slip. Brass slips containing an authorized staff member's signature must never be provided to an inmate.
6. 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 memorandum detailing the reason it was not 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.

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## 258.15 INMATE FISCAL INQUIRY PROCEDURE

1. An inmate inquiry regarding his/her account shall utilize 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 PPPF 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.

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## 258.16 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 PPPF 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 Director/designee shall make determination of the destination and mode of transportation based on economic considerations, and the best interests of the state. Air travel (commercial only-no chartered flights) shall be used only in medical situations, 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

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- (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 will 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 will freeze the inmate's PPPF account(s) 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 will 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 owed to the inmate or owed to the Department).
  - E. In calculating inmate funds, all charges owed to the Department, including reimbursement charges, will be subtracted, resulting in a determination of the inmate's remaining balance, if any.
  - F. Inmates will sign the Notification of Release acknowledging that all release assistance and/or transportation costs incurred, may be collected from any remaining funds in or deposited to the inmate's account after release.
  - G. Inmates receiving release assistance including the cost of transportation will sign the Release Verification for Indigent Inmates (DOC-2128).
  - H. The Pre-Release Coordinator will 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.

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- C. Inmates releasing to a hold, and due release funds will be issued a check.
  - D. The ISBS will 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. 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.
  6. All funds, checks or any other negotiable instruments will be drafted, issued or distributed only by authorized Department staff. 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.
  7. No staff with authorization to sign bank checks or any other negotiable instruments may pre-sign blank checks. All checks or other negotiable instruments will be signed by authorized staff only after completion of the financial document.
  8. No funds in any format [cash, PPPF check, gate money check, release debit card or any other financial document] will 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.

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

1. Inmates may be released owing Department charges pursuant to NRS 209.246.
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, and monetary sanctions/reimbursement.
3. Whenever a released inmate has a positive or negative balance in his/her account, the ISBS will make every effort to contact the inmate.
  - A. If the inmate's individual account(s) in the PPPF has a positive balance, the following procedures will 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 for the entire amount due, if a forwarding address was provided.

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- (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 will remain on the inmate's individual account(s) in the PPPF until one (1) year after the inmate's release date. The funds will then be forwarded to the State Treasurer's Unclaimed Property Trust Account in accordance with NRS Chapter 120A.
- B. If the inmate owes Department charges (debt) after release, the following procedures will 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 will 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 will 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.

#### **258.18 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 Offenders' Store Fund (OSF). Cash and other negotiable instruments confiscated from inmates will be placed into the IWA.
2. The OSF monthly reports are distributed by the ISBS to the Warden/Facility Manager and will 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).

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- C. The advisement of Debts Owing to the Department of Corrections (DOC-540).
3. The ISBS is 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 is 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 shall be returned to the ISBS as soon as possible.

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

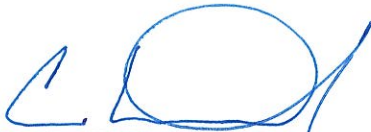
1. The OSF funds will be deposited with the State Treasurer for investment.
2. The interest and income earned from the OSF must be credited to the fund and may be disbursed as authorized by the Legislature.

#### **APPLICABILITY**

1. This Administrative Regulation requires an Operational Procedure for the Support Services Division, each institution/facility, and the Office of the Inspector General.
2. This Administrative Regulation 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.



Charles Daniels, Director

1-25-2021

Date