

<b>POLICY TITLE: PRISONER/RESIDENT BENEFIT FUNDS</b>		<b>PAGE 1 OF 4</b>
<b>POLICY NUMBER: 2.10</b>		
<b>CHAPTER 2: FISCAL MANAGEMENT</b>		
 <b>STATE of MAINE</b> <b>DEPARTMENT OF CORRECTIONS</b> <b>Approved by Commissioner:</b> 		<b>PROFESSIONAL STANDARDS:</b>  <b>See Section VII</b>
<b>EFFECTIVE DATE:</b> February 12, 2004	<b>LATEST REVISION:</b> October 17, 2017	<b>CHECK ONLY IF</b> <b>APA [ ]</b>

**I. AUTHORITY**

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

**II. APPLICABILITY**

All Adult and Juvenile Correctional Facilities

**III. POLICY**

It is the policy of the Department of Corrections that when money is available from donations, canteen profits, or other sources, expenditures for the benefit of prisoners or residents shall be made from a fund established and maintained by each facility for this purpose.

**IV. CONTENTS**

- Procedure A: General Requirements
- Procedure B: Revenue
- Procedure C: Expenditures

**V. ATTACHMENTS**

[Attachment A: Benefit Fund One-Time and Initial Expenditure Authorization Request](#)

**VI. PROCEDURES**

**Procedure A: General Requirements**

1. Responsibility for administering each facility's prisoner or resident benefit fund shall be assigned by the facility Chief Administrative Officer. The Chief Administrative Officer or the Commissioner, or designee, when applicable, shall have the final authority over the expenditure of all monies from the fund.

2. The fund may only be used for programs, services, activities, capital improvements, supplies or equipment over and above the level provided by the State.
3. The fund shall be kept in an interest-bearing account unless the Service Center Director determines that the associated bank fees and charges are in excess of the interest that can be earned. Any interest earned shall accrue to the fund.
4. The fund shall be managed in accordance with general accounting principles, regulations and requirements of the Department of Administrative and Financial Services (DAFS) and shall be managed to provide the greatest return on investment.
5. Monthly reconciliations, account management, fees and returns for all facility benefit funds shall be managed by the Central Office Service Center Director, or designee.
6. Fund activity shall be reported monthly to the Commissioner and the facility's Chief Administrative Officer in the Monthly Financial Reporting Package.
7. Inquiries, including from prisoners or residents, or Freedom of Access Act requests regarding the benefit funds shall be referred to the Commissioner's Office.
8. The Chief Administrative Officer shall ensure that, at the end of each fiscal year, an accounting of the fund and other information required by 34-A M.R.S.A. Section 1403, subsection 10 (total income for the year, total expenditures for the year, anticipated expenditures for the next fiscal year and balance in the fund) is submitted by the facility to the Commissioner, via the Service Center Director.

**Procedure B: Revenue**

1. Funds may be derived from:
  - a. contributions from organizations or individuals subject to the approval of the Commissioner or the Chief Administrative Officer. (Contributions may never be accepted from a prisoner or resident or family or friend of a prisoner or resident);
  - b. canteen commissions and bottle deposits;
  - c. phone commissions;
  - d. cash received via mail for prisoners or residents from senders without a return address or cash otherwise not approved to be in the prisoner's or resident's possession;
  - e. bank interest accrued as a result of the deposit of monies in the facility's Prisoner/Resident Benefit Fund Account remaining after defraying the expense of that account;

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- f. the facility's share of the bank interest accrued as a result of the deposit of monies in the Department's Prisoner/Resident Trust Account and Phone Account remaining after defraying the expense of those accounts; and
- g. other sources as approved by the Commissioner or the facility Chief Administrative Officer.

**Procedure C: Expenditures**

1. A fund shall be established and maintained by each facility for the overall benefit of prisoners or residents. Fund monies shall not be used for programs, services, activities, capital improvements, supplies or equipment that are necessary to facility operations.
2. All purchasing, capital improvement, and service contract requirements of the State and the Department shall be followed, as applicable.
3. A procurement card may be used for purchases made using monies from the facility's prisoner or resident benefit fund only if prior approval has been received from the Commissioner, or designee. If approved, procurement card purchases shall be made as set forth in the DAFS Division of Purchases Procurement Card Policies and Procedures Manual and training.
4. Routine expenditures require the prior approval of the facility Chief Administrative Officer and may include:
  - a. recreational equipment and supplies;
  - b. entertainment, including cable or satellite TV fees and movie rental fees;
  - c. pay for prisoners or residents or others providing optional services for the direct benefit of prisoners or residents, for example, barber services, paralegal services, and other non-treatment services, etc.;
  - d. approved self-help programs, for example, AA, NA, etc.
  - e. personal care items for indigent prisoners or residents;
  - f. payment of free postage as set out in Department Policies (AF) 21.2, Prisoner Mail and (JF) 16.1, Resident Mail – not including free privileged mail;
  - g. payment of free phone calls for indigent prisoners or residents as set out in Department Policies (AF) 21.3, Prisoner Telephone System and (JF) 16.2, Access to Telephones;
  - h. library materials – not to include required law library materials; and
  - i. commercial transportation and gate money upon release for eligible prisoners as set out in Department Policy (AF) 27.6, Money Upon Release (Gate Money).

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5. Non-routine expenditures require the prior approval of the Commissioner, or designee, and may include, but are not limited to:
  - a. pay for prisoners or residents providing essential labor, for example, kitchen workers;
  - b. special maintenance and capital outlay projects, for example, new gym floor;
  - c. vocational/educational fees and supplies;
  - d. prisoner or resident meals during transportation to funerals and death bed visits; and
  - e. other expenditures not listed as routine.
6. Facility staff shall submit requests for prior approval to the Chief Administrative Officer for all expenditures from the facility prisoner or resident benefit fund using Benefit Fund One-Time and Initial Expenditure Authorization Request (Attachment A). This includes a request for approval for a one-time expenditure and a request for an initial approval for ongoing expenditures.

## VII. PROFESSIONAL STANDARDS

### ACA:

- ACI - 4-4044** Written policy and procedure govern the operation of any fund established for inmates. Any interest earned on monies other than operating funds accrues to the benefit of the inmates.
- 4-ACRS-7D-31** There are provisions for emergency financial assistance and, when appropriate, a weekly allowance.
- 4-JCF-6B-12** Accepted accounting procedures govern the operation of any group fund established for juveniles. Any interest earned on monies other than operating funds, accrues to the benefit of the juveniles.

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