



POLICY TITLE: PRISONER AND RESIDENT ACCOUNTS		PAGE <u>1</u> OF <u>10</u>
POLICY NUMBER: 2.12		
CHAPTER 2: FISCAL MANAGEMENT		
	STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VII
	EFFECTIVE DATE: February 14, 1983	LATEST REVISION: January 7, 2020

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 3039.

II. APPLICABILITY

All Maine Department of Corrections Facilities

III. POLICY

It is the policy of the Department of Corrections to effectively manage prisoner and resident accounts and to require those prisoners who receive wages or stipends for work to participate in a savings plan in preparation for release and to use for other authorized purposes.

IV. DEFINITIONS

None

V. CONTENTS

- Procedure A: General
- Procedure B: Deposits
- Procedure C: Withdrawals and Obligations
- Procedure D: Documentation and Fees
- Procedure E: Requirements for Investments
- Procedure F: Prisoner Savings Plan

VI. ATTACHMENTS

[Attachment A: Collection Priority List](#)

VII. PROCEDURES

Procedure A: General

1. The Commissioner, or designee, shall ensure that there is maintained the Department Prisoner or Resident Trust Account consisting of all of the monies contained in the individual prisoner and resident facility accounts.
2. At each facility, the Chief Administrative Officer, or designee, shall ensure that for each prisoner or resident there is established an individual general account at the facility to allow the prisoner or resident to engage in authorized monetary transactions.
3. At each facility, the Chief Administrative Officer, or designee, shall ensure that for each prisoner or resident there is also established an individual phone account at the facility to allow each prisoner or resident to make authorized phone calls.
4. All prisoner and resident funds held by the Department are to be safeguarded and accounted for in accordance with generally accepted accounting principles. *ACI 4-4045, 5-ACI-1B-21 (5-1B-4045), & 4-JCF-6B-12*
5. Funds received shall be posted to the prisoner's or resident's general account, unless the funds are clearly designated by the sender for paying for telephone calls, in which case they shall be posted to the prisoner's or resident's phone account.
6. A prisoner or resident may transfer funds from his or her general account (except for funds in a prisoner's personal savings escrow account) to his or her phone account, but a prisoner or resident is not allowed to transfer funds from his or her phone account to his or her general account.
7. Except as set out in Procedure B, all transactions affecting the prisoner's or resident's general or phone account shall be posted to the prisoner or resident accounting system within three (3) working days after receipt in the facility Business Office.
8. Notwithstanding the above, in the event that a transaction has been invalidated or there is reasonable suspicion that a transaction will be invalidated as fraudulent, for lack of sufficient funds, or for any other reason, the Chief Administrative Officer, or designee, may take any appropriate action to prevent the processing of invalid transactions.
9. No financial transactions are allowed between prisoners or residents, prisoners or residents and staff, or prisoners or residents and volunteers or student interns. No financial transactions are allowed between a prisoner or resident and the family or friend of another prisoner or resident, except with the approval of the Chief Administrative Officer and, if applicable, the Chief Administrative Officer of the other facility. *ACI-4-4047, 5-ACI-1B-22 (5-1B-4047), 4-ACRS-7D-30, & 4-JCF-6B-14*

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10. No financial transactions are allowed between a prisoner or resident and a person with whom the prisoner or resident has been prohibited from having contact as a result of any Department policy unless there is a court order permitting the transaction (e.g., child support order).
11. A prisoner or resident may be prohibited from sending funds to or receiving funds from any other person by the Chief Administrative Officer, or designee, when there is reasonable suspicion that the financial transactions would facilitate criminal or juvenile criminal activity or violation of facility rules or would create a risk to the safety of persons, security, or orderly management of the facility.
12. Having a criminal or a juvenile criminal record shall not, in and of itself, constitute a barrier to financial transactions with a prisoner or resident, but the nature and the circumstances of the offense may provide the reasonable suspicion for prohibiting financial transactions.
13. Being a former staff member, volunteer, or student intern shall not, in and of itself, constitute a barrier to financial transactions with a prisoner or resident.

Procedure B: Deposits

1. All funds received in the form of checks, cashier’s checks or money orders payable to a prisoner or resident shall be stamped “For Deposit Only” and shall be deposited into the Department’s Prisoner or Resident Trust Account. The prisoner’s or resident’s signature is not required.
2. If a check, cashier’s check or money order is received payable to two prisoners or residents, it shall be returned to the payer, unless it is a government agency check, in which case it shall be deposited as outlined above, except that half of the amount shall be credited to each payee, unless designated otherwise by the government agency.
3. If a check, cashier’s check or money order is received payable to a prisoner or resident “or” another person who is not a prisoner or resident, it shall be returned to the payer, unless it is a government agency check, in which case it shall be deposited as outlined above.
4. If a check, cashier’s check or money order is received payable to a prisoner or resident “and” another person who is not a prisoner or resident, it shall be returned to the payer, unless it is a government agency check, in which case it shall be forwarded to the other person and the prisoner or resident shall be notified of the action. If that person cannot be located, it shall be returned to the payer and the prisoner or resident shall be notified of the action.
5. All funds received in the form of U.S. Postal money orders, cashier’s checks from a Maine bank, and money orders from a Maine bank, shall be posted to a prisoner’s or resident’s general or phone account within three (3) working days after receipt in the facility Business Office but shall be placed on hold for a period of fourteen (14) calendar days from the date of posting.

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6. All funds received in the form of government agency checks (including tribal government checks) and work release payroll checks shall be posted to a prisoner's or resident's general account within three (3) working days after receipt in the facility Business Office but shall be placed on hold for a period of fourteen (14) calendar days from the date of posting.
7. All funds that are direct deposited shall be posted to a prisoner's or resident's general account within three (3) working days after receipt in the facility Business Office and shall not be placed on hold, except for work release payroll direct deposits, which shall be placed on hold until the prisoner or resident forwards the pay stub to the facility Business Office.
8. All funds that are direct deposited through a web-based credit card system shall be posted to a prisoner's or resident's general or phone account within three (3) working days after receipt in the facility Business Office and shall not be placed on hold.
9. All other funds from outside sources shall be posted to a prisoner's or resident's general or phone account within three (3) working days after receipt in the facility Business Office but shall be placed on hold for a period of fourteen (14) calendar days from the date of posting.
10. Notwithstanding the above, the facility Chief Administrative Officer, or designee, may determine to place a hold on funds or to extend the period for which funds are placed on hold or may determine to not allow the deposit of funds to a prisoner's or resident's account at all upon reasonable suspicion that a check is not backed up by sufficient funds; a check, cashier's check or money order has been forged; or the funds have been obtained through or would be used to facilitate fraud, extortion, drug trafficking, or other illegal activity, or for any other reason relating to safety, security, or orderly management of the facility approved by the Commissioner, or designee.
11. Cash, other than cash brought by the prisoner or resident to the facility at admission, shall not be posted to a prisoner's or resident's account and shall be handled in accordance with Department policy.
12. Cash brought to the facility by the prisoner or resident at admission shall be posted to the prisoner's or resident's general account.
13. All other funds received shall be posted to a prisoner's or resident's general account unless the sender specifically earmarks the funds for deposit into the prisoner's or resident's phone account.
14. One hundred percent (100%) of all funds which are either not placed on hold or for which the time period for being placed on hold has expired shall be applied to the current balance in the prisoner's or resident's general account or phone account, as applicable, unless the Chief Administrative Officer, or designee, has determined to not allow the deposit of the funds as set out above.

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15. Any interest accrued as a result of the deposit of funds in the Department's Prisoner or Resident Trust Account shall first be used to defray the expense of that account and the remainder shall be deposited into the Prisoner or Resident Benefit Fund. *4-JCF-6B-12*

Procedure C: Withdrawals and Obligations

1. The facility Chief Administrative Officer, or designee, may determine to not allow the withdrawal of funds from a prisoner's or resident's account upon reasonable suspicion that the request for withdrawal has been forged or the request for withdrawal or the funds have been obtained through or would be used to facilitate fraud, extortion, drug trafficking, or other illegal activity, or for any other reason relating to safety, security, or orderly management of the facility approved by the Commissioner, or designee.
2. Facility business staff shall make a reasonable effort to prevent the incurring of debt by prisoners or residents, i.e., if a prisoner or resident does not have sufficient funds to cover an elective withdrawal (canteen, etc.), the withdrawal shall not be allowed. This does not preclude the incurring of any of the obligations on the Collection Priority List, Attachment A.
3. Facility business staff shall post non-elective withdrawals as obligations and shall prioritize and collect payments toward obligations in accordance with the Collection Priority List.
4. Funds received in the form of a benefits check from the Veterans Administration may only be used to pay toward those obligations so noted on the Collection Priority List, unless the prisoner or resident specifically requests the funds, or a portion thereof, be applied to another obligation.
5. Upon release from institutional confinement, all funds in the prisoner's or resident's phone account shall be transferred to the prisoner's or resident's general account, and, after the deduction of obligations, the funds remaining in the general account shall be returned to the prisoner or resident, with any subsequent funds received forwarded weekly for up to ninety (90) days, after which the funds shall be returned to the sender.
6. Upon release to a jail, a correctional facility in another jurisdiction, or a psychiatric hospital, all funds in the prisoner's or resident's phone account shall be transferred to the prisoner's or resident's general account, and, after the deduction of obligations, the funds remaining in the general account shall be forwarded to the receiving facility, with any subsequent funds received forwarded weekly for up to ninety (90) days, after which the funds shall be returned to the sender.
7. Upon transfer to a jail, a correctional facility in another jurisdiction, or a psychiatric hospital, all funds in the prisoner's or resident's phone account shall remain in the prisoner's or resident's phone account at the sending facility, unless the receiving facility agrees to ensure that the funds will be used only for phone calls by the

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prisoner or resident, and, if so, the phone account funds shall be sent to the receiving facility with any subsequent funds received forwarded weekly until the prisoner or resident is returned to the Department.

8. Upon transfer to a jail, a correctional facility in another jurisdiction, or to a psychiatric hospital, all funds in the prisoner's or resident's general account (except for funds in a prisoner's personal savings escrow account) shall be sent to the receiving facility, with any subsequent funds received forwarded weekly until the prisoner or resident is returned to the Department. The Commissioner, or designee, shall take appropriate steps to ensure that the receiving facility continues to make deductions for obligations.
9. When a prisoner or resident is transferred to a Department facility from a jail, a correctional facility in another jurisdiction, or a psychiatric hospital and is then returned to the sending facility, all funds in the prisoner's or resident's phone and general account shall be sent to the sending facility.
10. Upon death, funds remaining in the prisoner's or resident's general and phone accounts shall be handled in accordance with Title 34-A Section 3040-A and the applicable Department policy.
11. Thirty-one (31) days after a prisoner or resident is discharged from Department custody, an obligation may be identified as an uncollectible prisoner or resident debt and referred to the collection agency designated by the State Controller for collection.
12. Prisoner or resident debt turned over for collection may be cancelled as uncollectible upon approval from the Controller.
13. The following obligations shall be reinstated and prioritized in accordance with the Collection Priority List, (Attachment A) when a prisoner or resident is returned to institutional confinement in a Department facility:
 - a. court-ordered restitution;
 - b. court-ordered penalties, fines (including Victim Compensation Fund assessments), surcharges;
 - c. ongoing child support;
 - d. order to Enforce Payment after Default;
 - e. court-ordered filing fees – federal;
 - f. court-ordered filing fees – state;
 - g. court-ordered attorney's fees;
 - h. back taxes;
 - i. alimony;
 - j. facility restitution (through disciplinary process); or
 - k. monetary sanctions (through adult disciplinary process).

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Procedure D: Documentation and Fees

1. Facility business staff shall notify each prisoner or resident in writing monthly of all transactions related to his or her general or phone account by providing a copy of an account statement showing the previous month's transactions. Staff shall not provide any additional copies of this monthly statement.
2. Facility business staff shall also notify the prisoner or resident in writing as soon as reasonably possible of any transactions being charged to his or her general or phone account to correct an administrative error. This notification shall inform the prisoner or resident of the nature of the charge, the amount to be withheld, either fixed or as a percentage, and over what period of time the collection is to be extended.
3. Any request from a prisoner or resident for research on his or her general or phone account shall be submitted, in writing, to the facility Business Office, with the prisoner's or resident's signature affixed. Any research on account transactions and supporting documentation shall be limited to records dated within three (3) fiscal years from the date of the request.
4. A service charge of fifty-cents (50¢) shall be assessed for any research requested by a prisoner or resident, in addition to any copying charge. This fee shall be waived if the account was found to be in error due to circumstances beyond the control of the prisoner or resident submitting the request.
5. A prisoner or resident requesting a certified account statement from the facility business office for filing with a court shall write on the request "Certified Account Statement for Court." A request so marked shall be fulfilled by the facility business office within three (3) business days of its receipt by the business office.
6. A prisoner or resident requesting a certified account statement from the facility business office for filing with a court shall be assessed a service charge of fifty-cents (50¢), in addition to the copying charge, unless the prisoner or resident is without the funds to pay the charges. A prisoner or resident may receive no more than two (2) free copies of a certified account statement per month unless the prisoner or resident provides sufficient documentation that he or she has filed the free certified account statements already received that month with a court.
7. Only facility business staff may provide copies of account statements or other financial information relating to a prisoner's or resident's general or phone account.
8. A prisoner or resident account from which more than three (3) checks per week are issued shall be assessed a service charge of fifty-cents (50¢) per check.

Procedure E: Requirements for Investments

1. A prisoner or resident shall be allowed to withdraw funds from his or her general account at the facility (except that any withdrawal of funds under this provision

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shall not result in a balance of less than \$1,000 in the prisoner's personal savings escrow account) to deposit into his or her interest bearing personal savings account at a bank. Any interest earned on a personal savings account at a bank shall accrue to the prisoner or resident. *4-4046, 5-ACI-1B-22 (5-1B-4046), & 4-JCF-6B-13*

2. A prisoner or resident may remove his or her money from his or her general account at the facility (except that any removal of funds under this provision shall not result in a balance of less than \$1,000 in the prisoner's personal savings escrow account) or from his or her personal savings account at a bank and place it in any type of investment that he or she chooses. The prisoner or resident shall be allowed to make a particular investment unless a substantial reason justifies otherwise.
3. Department staff shall not be involved in prisoner or resident investment activities, except to facilitate withdrawal of funds from the prisoner's or resident's general account at the facility as allowed above.
4. All prisoner or resident financial statements, including from bank savings accounts, or investments, shall be forwarded to the facility Business Office and a copy shall be kept in the prisoner's or resident's account file.
5. Upon request of the prisoner or resident, the facility Business Manager shall keep any investment documentation (stocks, bonds, etc.) in the facility safe and shall have the information properly recorded.

Procedure F: Prisoner Savings Plan

1. Any facility prisoner who earns a wage, salary, or stipend for work performed in any job in a facility or the community shall be subject to a requirement to save a percentage of those earnings in a personal savings escrow account at the facility, unless exempted from this requirement as set out below.
2. A prisoner's personal savings escrow account is a part of his or her general account.
3. The minimum percentage that shall be collected by the facility business staff for a prisoner's personal savings escrow account shall be 10% of earnings, except as set out below.
4. The Chief Administrative Officer, or designee, may waive or reduce the minimum percentage when more than 80% of a prisoner's earnings are already being collected for other obligations. The waiver or reduction shall be terminated when other collections fall to 80% or below.
5. A prisoner may request that more than the minimum percentage be deposited into his or her personal savings escrow account.

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6. Once the amount in his or her personal savings escrow account reaches \$1,000, a prisoner may request that there be no further deposits made into that account by notifying the facility Business Office in writing.
7. A prisoner may fulfill the obligation with respect to his or her personal savings escrow account by requesting that \$1,000 be withheld from his or her general account and applied to his or her personal savings escrow account in a lump sum.
8. A prisoner may request the withholding from his or her general account of an amount less than the \$1,000 lump sum with the understanding that the requirement to save a percentage of earnings shall continue until the \$1,000 threshold is reached. The minimum of each withholding amount is \$10.00.
9. A prisoner who is not earning a wage, salary, or stipend may request that the facility establish a personal savings escrow account and withhold amounts from his or her general account funds for deposit into his or her personal savings escrow account. The minimum of each withholding amount is \$10.00.
10. Any prisoner may accumulate more than \$1,000 in his or her personal savings escrow account.
11. Monies held in a prisoner's personal savings escrow account above \$1,000 may be disbursed prior to a prisoner's discharge from Department custody upon the prisoner's written request to the facility Business Office for a transfer of funds from his or her personal savings escrow account. A prisoner may make a request for disbursement only once per quarter. The disbursement of monies under this provision shall not result in a balance of less than \$1,000 in the prisoner's personal savings escrow account. Monies disbursed under this provision are not required to be paid back.
12. In addition to the above, monies held in a prisoner's personal savings escrow account, regardless of balance, may be disbursed prior to a prisoner's discharge from Department custody upon the prisoner's written request to the facility Chief Administrative Officer, or designee, provided it is for a documented educational or family need as determined by the Chief Administrative Officer, or designee.
13. Monies shall also be disbursed from a prisoner's personal savings escrow account if required for an obligation which must be collected from the prisoner's personal savings account as set out on the Collection Priority List.
14. Monies disbursed from a prisoner's personal savings escrow account for a documented educational or family need or disbursed from the account due to an obligation which must be collected from the prisoner's personal savings account as set out on the Collection Priority List shall be paid back up to the minimum requirement of \$1,000 by collecting from the prisoner a minimum percentage of 10% of all future earnings, except for prisoners who have established a voluntary personal savings escrow account.

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15. A prisoner may opt out of the requirement to save a percentage of his or her earnings in a personal savings escrow account or may have any funds already saved disbursed upon the prisoner's written request to the Chief Administrative Officer, or designee, if he or she has no realistic expectation of release because he or she is serving a life sentence without parole or a sentence that would put the prisoner's age at 75 years or older at his or her earliest possible release date or because he or she has been determined by the facility physician to be terminally ill and unlikely to be alive at his or her earliest possible release date.
16. Upon release from institutional confinement, any funds in the prisoner's personal savings escrow account shall be returned to the prisoner. Upon release to a jail, a correctional facility in another jurisdiction, or a psychiatric hospital, all funds in the prisoner's personal savings escrow account shall be forwarded to the receiving facility. Upon transfer to a jail, a correctional facility in another jurisdiction, or a psychiatric hospital, all funds in the prisoner's personal savings escrow account shall remain at the sending facility and may only be disbursed by a prisoner making a written request to the appropriate staff at the sending facility as set out above or if required due to an obligation which must be collected from the prisoner's personal savings account as set out on the Collection Priority List. When a prisoner is transferred to a Department facility from a jail, a correctional facility in another jurisdiction, or a psychiatric hospital and is then returned to the sending facility, all funds in the prisoner's personal savings escrow account shall be sent to the sending facility. Upon death, any funds in this account shall be handled the same as other funds in the prisoner's general account.

VIII. PROFESSIONAL STANDARDS

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| <p>ACI 4-4045
5-ACI-1B-21
(5-1B-4045)</p> <p>ACI-4-4046
5-ACI-1B-22
(5-1B-4046)</p> <p>ACI-4-4047
5-ACI-1B-22
(5-1B-4047)</p> <p>4-ACRS-7D-30</p> <p>4-JCF-6B-12</p> <p>4-JCF-6B-13</p> <p>4-JCF-6B-14</p> | <p>Inmates' personal funds held by the institution are controlled by accepted accounting procedures.</p> <p>Written policy, procedure, and practice provide that the inmate can deposit personal funds in interest - bearing accounts and accrue the interest earned on those accounts.</p> <p>Written policy, procedure, and practice provide that any financial transactions permitted between inmates must be approved by staff.</p> <p>Any financial transactions permitted between offenders, offenders and staff, or offenders and volunteers must be approved by the facility administrator.</p> <p>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.</p> <p>When a juvenile's account balance meets the financial institution's minimum account requirements, the money is transferred to a personal account and the juvenile accrues interest earned.</p> <p>The facility administrator must approve any permitted financial transactions among juveniles, between juveniles and staff, or between juveniles and volunteers.</p> |
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