



## POLICY DIRECTIVE

Policy:	<b>DOC 1.2.6</b>	<b>INMATE FINANCIAL TRANSACTIONS</b>
Effective Date:	05/01/1996	Page 1 of 3
Revision Date(s):	01/11/2012; 04/24/2026	
Signature/Title:	/s/ Eric Strauss, Director	

### I. POLICY

The Department will account for all inmate funds in compliance with generally accepted accounting principles, establish adult inmate non-interest-bearing accounts, and discourage theft and the inappropriate use of cash that may present safety and security concerns within Department and contracted facilities and programs.

### II. APPLICABILITY

The secure facilities and programs that include Montana State Prison, Montana Women's Prison, Montana Correctional Enterprises, Riverside, and Pine Hills Youth Correctional Facilities, and contracted facilities, as specified in contract.

### III. DEFINITIONS (see Glossary)

### IV. REQUIREMENTS

#### A. Financial Disclosure

1. Designated facility staff will require an inmate to complete and sign the *Offender Financial Disclosure* form authorizing Department access to all of the inmate's financial records.
2. Staff will forward the original, completed financial disclosure form to the inmate file and provide copies of the form to Department Investigations and the facility or program accounting unit.
3. If the monies identified on the *Offender Financial Disclosure* form are deposited in the inmate trust account, Financial Services will freeze the funds until notified by the Investigations Bureau that the funds may be disbursed or until an order directing payment of the monies is received from a court.
4. If an inmate refuses to complete and sign the *Offender Financial Disclosure*, facility staff will notify the Investigations Bureau.
  - a. A designated staff member will serve the inmate with a disciplinary infraction report for failure to follow a direct order and refer the inmate to the appropriate Hearings Officer for disciplinary action in accordance with *DOC 3.4.1 Inmate Disciplinary System*.
5. If the Investigations Bureau has probable cause to believe that the inmate has committed an offense outlined in 53-1-108, MCA or 45-7-302, MCA, it should refer the case to the applicable county attorney for possible criminal prosecution.

#### B. Deposits

1. When an inmate is admitted to a facility, admissions or reception staff will:
  - a. take all monies in the inmate's possession;
  - b. place the money in an envelope;
  - c. ensure it is sealed, dated, and signed by two employees; and
  - d. process the transaction in accordance with the facility or program guidelines.

2. Admissions staff will secure the envelopes with inmate funds in a locked area and take the envelopes to the facility business office as soon as possible but in all cases by the end of the business day in which the monies were received.
3. The business office will deposit all inmate funds no later than the end of the next business day.
4. The facility business office will establish an inmate account in compliance with facility guidelines.
5. Youth facility staff have the option to place youth inmate money in an interest-bearing account if recommended by a caseworker and approved by the facility administrator.
  - a. Principal and interest will be held in trust for the youth in accordance with *3-JTS-IB-20, ACA Standards for Juvenile Correctional Facilities, 2003*.

### **C. Transactions/Purchases**

1. A designated supervisor will approve all inmate account transactions, and the facility business office will enter the transaction on the inmate's account.

### **D. Deductions**

1. The facility accounting unit will make deductions from an inmate's account in accordance with a court order prior to crediting the inmate's trust account.
  - a. However, deductions from an inmate's account must not result in a balance of less than the indigent benchmark.
2. Child Support Orders
  - a. Designated facility staff will maintain child support orders in the inmate's file and ensure the following receive a copy of any child support order:
    - 1) Financial Services;
    - 2) Records; and
    - 3) Montana Correctional Enterprises.
  - b. The Prison Industry Enhancement Certification Programs (PIECP) will ensure that deductions for family support are withheld for the payment of child support orders.
    - 1) The PIECP program will document the amount of income withheld for the payment of child support and provide that information to Financial Services on a monthly basis.
    - 2) If the child support deduction by the PIECP program is not sufficient to satisfy a child support order, Financial Services will deduct from inmate income any further funds necessary to comply with the child support order.
  - c. When an inmate is subject to more than one child support order and there are insufficient funds to satisfy all orders, Financial Services will divide the available funds by the number of child support orders to determine the amount of child support to deduct for each child support order.
3. Financial Services will deduct the appropriate funds from the inmate's account in accordance with the order or directive and this policy.
  - a. If orders or directives are unclear, Financial Services will consult with the Department's Legal Services for clarification.

### **E. Significant Inmate Financial Transactions**

1. When a Department employee becomes aware that an incarcerated inmate has received or is entitled to receive a significant amount of money from any source, the employee will immediately notify the facility administrator and the accounting unit of the facility in which the inmate is housed.

2. The facility administrator, or designee, will prepare a report within 2 business days identifying the monetary obligations.

#### **F. Transfer of Inmate Account Information to Facilities Not Utilizing the Department's Inmate Trust and Commissary System (CACTAS)**

1. If an inmate is transferred from one correctional facility to another, inmate account information will be transferred to the accounting unit of the receiving facility within 10 business days. The information will include:
  - a. the inmate's current inmate trust account balance; and
  - b. any obligations owed by the inmate, including:
    - 1) a description of each obligation;
    - 2) the total amount of each obligation;
    - 3) the amount of each obligation that has been paid by the inmate;
    - 4) the remaining balance owed by the inmate for each obligation; and
    - 5) the name and address of the payee, frequency of payment, and other pertinent information necessary for the receiving facility to continue to make payments on behalf of the inmate.
2. If an inmate is released from a correctional facility and placed on supervision in the community, the releasing facility will transmit the information immediately above to the supervising authority.
3. If an inmate is transferred from community supervision to a correctional facility, the supervising authority will transfer the information identified immediately above to the accounting unit of the receiving correctional facility.
4. The receiving facility or supervising authority will ensure that the inmate continues to make the necessary payments to satisfy the inmate's outstanding financial obligations.

#### **G. Statement of Funds**

1. Inmate funds will be accounted for in compliance with facility or program requirements. Inmates' account systems will be reconciled at least on a monthly basis.

#### **H. Closing Accounts**

1. When an inmate is released from a facility or program, the balance of all monies from that account will be returned to the inmate in compliance with facility or program guidelines.

### **V. CLOSING**

Questions about this policy should be directed to the inmate's facility administrator.

### **VI. REFERENCES**

- A. §§ 45-7-302; 46-18-241; 53-1-107; 53-1-108; 53-1-109, MCA
- B. Policy Number 399, Internal Control Guidebook, Montana Operations Manual (MOM)
- C. 4-4044; ACA Standards for Adult Correctional Facilities, 4th Edition
- D. 3-JTS-1B-18, 3-JTS-1B-19, 3-JTS-1B-20, 3-JTS-1B-21; Standards for Juvenile Correctional Facilities, 2003
- E. DOC 3.4.1 Inmate Disciplinary System; DOC 4.1.4 Indigent Status

### **VII. FORM**

*Offender Financial Disclosure*