

**ARIZONA DEPARTMENT OF CORRECTIONS
DIRECTOR'S OFFICE**

MEMORANDUM

TO: DISTRIBUTION

FROM: CHARLES L. RYAN, DIRECTOR

DATE: November 20, 2014

SUBJECT: Director's Instruction # 322, Modification to DO 301, Fiscal Management; DO 905, Inmate Trust Account/Money System; and DO 914, Inmate Mail - REVISED

This Director's Instruction is effective October 15, 2014 and supersedes DI 322, dated October 15, 2014. This Director's Instruction will remain in effect until incorporated into Department Order #301, Fiscal Management, Department Order #905, Inmate Trust Account/Money System, and Department Order #914, Inmate Mail.

This Director's Instruction supersedes related sub-sections of Department Order #301, Department Order #905, and Department Order #914, as follows:

PROCEDURE

{Department Order #301, Fiscal Management – section 301.03, 1.6 through 1.7}

301.03 FISCAL MANAGEMENT/DEPOSITS

1.6 **Electronic Funds Transactions - Upon notice from the Arizona State Treasurer's Office, (Treasurer's Office), the ADC Financial Services Bureau (FSB) shall:**

1.6.1 **Reconcile the electronic funds transactions against the secure deposits vendors' websites.**

1.6.2 **Post the Community Corrections fees to the Statewide Accounting System and submit the deposit forms to the Treasurer's Office.**

1.7 **Community Corrections shall post the electronic fund transaction for Community Corrections fees to the offender records.**

{Department Order #905, Inmate Trust Account/Money System – section 905.01, 1.3 through 1.6; section 905.03, 1.1 through 1.1.2.21; and section 905.09, 1.1 through 1.3.3}

905.01 INMATE FUNDS

1.3 **Funds acceptable to be received for deposit to an inmate's account:**

1.3.1 Shall be in the form of an **electronic funds transfer**, Business check, or Government check.

1.3.1.1 **Money Orders and cashier's checks will be accepted for Compassionate Leave and Interstate Compact disbursements only. Funds deposited for Compassionate Leave and Interstate Compact will be placed on suspense status until the funds are collected.**

1.3.2 **If in the form of a check pursuant to section 1.3.1 above, be made payable to "The Arizona Department of Corrections" (ADC) and marked "For the account of inmate legal name and number", and must be mailed directly to the inmate using the housing unit address. All checks shall be stamped with a restrictive "deposit only" endorsement for the institution upon receiving these funds by mail. A pre-numbered or individually identifiable receipt shall be issued for all negotiable instruments received except for **electronic funds transfers**.**

1.3.3 **All checks pursuant to section 1.3.1 equal to or greater than \$25, be placed on suspense or hold for ten working days from the date the deposit was sent to the bank or until they clear the financial institution on which they are drawn:**

1.3.3.1 **SECTION DELETED.**

1.3.3.1.1 **SECTION DELETED.**

1.3.3.2 **SECTION DELETED.**

1.3.3.3 **SECTION DELETED.**

1.3.3.4 All checks must be U.S. currency only. Out of country checks in U.S. currency shall be placed on suspense. All out of country checks received that are not U.S. currency shall be returned to the sender.

1.4 **Funds not acceptable to be received for deposit to an inmate's account:**

1.4.1 Funds received for deposit to an inmate's account shall **not** be accepted in the form of cash, Personal checks, Traveler's checks, saving bonds, or on-line Bill Payment checks, **cashier's checks and Money Orders** and shall be returned to the sender.

1.4.2 Cash received by mail for deposit into an inmate account shall be receipted then deposited into the Institution's Revolving fund. Cash not returnable due to "no return address" shall be classified as Abandoned Funds. A Revolving fund check shall be:

1.4.2.1 Made payable to the sender in the amount of the cash received and shall be written, mailed or given to the sender with notification that **electronic fund transfers** are required.

1.4.2.2 Issued for returned or stale-dated Revolving fund checks originally issued for cash received. These checks shall be voided and the funds deposited with the State Treasurer as Abandoned Funds.

1.5 **SECTION DELETED.**

1.5.1 **SECTION DELETED.**

1.5.2 **SECTION DELETED.**

1.6 **SECTION DELETED.**

905.03 DISBURSEMENT OF INMATE MONIES

1.1 Inmate initiated disbursements from the Spendable Account.

1.1.1 An inmate shall complete and sign an Inmate Request for Withdrawal, Form 905-1, to initiate a disbursement from the spendable account.

1.1.2 Inmates may request disbursements from their spendable account for the following purposes:

1.1.2.1 Store/commissary and Over the Counter Medication purchases.

1.1.2.2 Bus tickets for transportation when the inmate is released from Department custody.

1.1.2.3 ID card replacement.

1.1.2.4 Copies.

1.1.2.5 Additional postage/shipping fees.

1.1.2.6 Telephone calls for reimbursement of long distance calls the inmate was authorized to make from Department phones. This does not include payment for collect calls made by the inmate.

1.1.2.7 Lost/damaged books and clothing.

1.1.2.8 Magazine/newspaper subscriptions payable to the vendor only.

- 1.1.2.9 **To send funds** to relatives limited to: spouse, children (or legal guardian of said children), parents, grandparents, step-children, step-parents. Inmates wishing to make payments on behalf of relatives or significant others, shall complete and submit a Request for Withdrawal, Form 905-1 indicating the commercial account number payable to a company or financial institution.
- 1.1.2.10 Legal fees paid to an attorney of record (the inmate's attorney registered with the courts).
- 1.1.2.11 Contributions to charitable organizations, political parties and/or candidates and other recognized organizations.
- 1.1.2.12 Contributions to religious organizations or purchase of religious items payable to the organization, not the clergy.
- 1.1.2.13 Correspondence courses, colleges, college bookstores, and transcripts.
- 1.1.2.14 Photos taken in an authorized photography program at the Institution/Unit.
- 1.1.2.15 Storage rental payable to the storage company only.
- 1.1.2.16 To a designated Power of Attorney who shall be the inmate's Attorney of Record.
- 1.1.2.17 Purchases from recognized retail stores or established business firms for inmate personal use not available at the inmate store or to purchase gifts for family members listed in 1.1.2.9 of this section to be shipped directly to the family member.
- 1.1.2.18 Contributions to inmate funded celebrations approved by the Warden.
- 1.1.2.19 GED testing fee.
- 1.1.2.20 Interstate Compact fee.
- 1.1.2.21 **MVD Credentials.**

905.09 DISCHARGED INMATE MONIES, CLOTHING AND TRANSPORTATION

- 1.1 Dedicated Discharge Accounts (DDA) shall be established for all inmates.
 - 1.1.1 The Department shall withhold 25% of all wages earned by each inmate and deposit this amount into the inmate's Dedicated Discharge Account, until the balance of the account reaches **\$100. (Inmate's serving a natural life sentence will have a DDA maximum deduction of \$50).**
 - 1.1.2 The Dedicated Discharge Account shall be reserved (regardless of sentence length) until the inmate's discharge or release from the Department and shall not be considered available funds when computing indigent status.
 - 1.1.3 Upon discharge from the Department or release to a status under the supervision of the Community Corrections Bureau inmates shall be provided the balance of their Dedicated Discharge Account, in accordance with Attachment D.
 - 1.1.4 Any wages deposited after the inmate is discharged shall not be eligible for the dedicated discharge deduction. If a deduction is made, it shall be moved and included with the spendable amount.
- 1.2 Eligibility Criteria for Discharge Allowance and Clothing - An inmate may be entitled to a discharge allowance upon release or discharge, including a supervised release, (See Attachment D). Checks or cash shall not be issued in lieu of clothing.
 - 1.2.1 Inmates shall be provided gender appropriate clothing upon release or discharge, as follows:
 - 1.2.1.1 One pair of blue jeans.
 - 1.2.1.2 One shirt.
 - 1.2.1.3 One pair of underwear/panties.
 - 1.2.1.4 One bra.
 - 1.2.1.5 One pair of hosiery or socks.
 - 1.2.1.6 One pair of shoes or boots for inmates who do not own personal footwear (inmates wearing footwear that has been issued to them shall not be issued new footwear prior to their discharge).

- 1.2.1.7 Female inmates may choose a dress, instead of jeans and a shirt or a skirt instead of jeans at facilities where donated clothing is available.
- 1.2.2 An inmate with less than \$50 in a dedicated discharge account shall receive the allowance amount needed to make a total of \$50 from the discharge fund, if eligible. (See Attachment D)
- 1.3 Determination of Eligibility - Before an inmate is released or discharged, staff shall confirm the inmate's entitlement to a discharge allowance by:
 - 1.3.1 Examining the inmate's file to determine if the inmate meets the eligibility criteria for discharge allowance.
 - 1.3.2 Ensuring inmates who meet the eligibility criteria for discharge allowance receive the discharge allowance, **not to exceed \$50.**
 - 1.3.3 Including the discharge allowance with the inmate's balance **that is included in the amount loaded on the Discharge Card or in an Inmate Trust fund check if the inmate is not released to the community.**

{Department Order #914, Inmate Mail – section 914.02, 1.6 through 1.6.3}

914.02 INMATE MAIL

- 1.6 Inmates may only receive **funds** for deposit into inmates' accounts, in accordance with Department Order #905, Inmate Trust Account/Money System. No other monetary instrument shall be deposited into an inmate's account **unless authorized in Department Order #905.**
 - 1.6.1 **SECTION DELETED.**
 - 1.6.2 **SECTION DELETED.**
 - 1.6.3 The Business Office/designated staff shall process the monetary instruments that meet the Department requirements and return those that do not meet Department requirements at the **Department's** expense.

DEFINITIONS

DEDICATED DISCHARGE ACCOUNT - An account that is established from a percentage of an inmate's wages, which contains a maximum of \$50 **for inmate's serving a sentence of natural life, and \$100 for all other inmates** and that is held for the inmate's discharge or release from prison.

DISCHARGE ALLOWANCE - Funds issued to an eligible inmate upon inmate's parole or discharge from the Department's custody. **Discharge Allowance** is expended from funds that are appropriated to the Department, **not to exceed \$50.**

BUSINESS CHECKS – Checks received through the mail for deposit into the spendable account limited to Payroll, Vendor refunds, Annuity, Trust, Inheritance, and Settlement checks.

GOVERNMENT CHECKS – Checks received through the mail for deposit into the spendable account limited to City, County, State, Federal, and Tribal Checks.

{Original Signature on File}