



SOUTH DAKOTA  DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES		POLICY NUMBER 1.1.B.2	PAGE NUMBER 1 OF 14
		DISTRIBUTION:	Public
		SUBJECT:	Offender Accounts and Financial Responsibility
RELATED STANDARDS:	N/A	EFFECTIVE DATE:	November 15, 2022
		SUPERSESSSION:	05/03/2021
DESCRIPTION: Offender Accounts	REVIEW MONTH: November	 <b>KELLIE WASKO</b> <b>SECRETARY OF CORRECTIONS</b>	

## I. POLICY

The Department of Corrections (DOC) may promulgate rules, policies, and procedures to establish, maintain, and manage offender accounts, pursuant to SDCL §§ [1-15-20](#), [1-15-21](#) and [24-2-1](#). The DOC will accurately account, manage, and administer offender funds and transactions through the Offender Banking System. The management of the Offender Banking System shall be in accordance with accepted accounting practices and procedures.

## II. PURPOSE

Provide guidelines for the management of offender funds within the Offender Banking System.

## III. DEFINITIONS

### Costs Incurred:

Payment of costs incurred by the DOC related to the custody and care of the offender. Examples include jail costs as a result of detainment or hold, transportation, costs for the damage or loss of state/DOC property, or outstanding credit obligations.

### Credit Obligation:

A loan resulting from a charge that overdraws an offender's spend account. Includes fees for postage and handling, indigent spending, disciplinary fines, fees for lost or replaced photo IDs, cost of damaged or lost state property, medical service copayments, or other fees and duplication of records or retrieval of records. Advances/loans for work release may be in the form of a credit obligation.

### Disciplinary Fines:

A sanction imposed as a result of institutional disciplinary action (See SDCL §§ [24-2-9](#) and [24-15A-4](#)).

### Fixed Obligations:

1. Documented court ordered restitution, fines, attorney fees, court fees, child support, costs of incarceration, and costs incurred, as assessed by the DOC.
2. May be incurred or assessed upon placement of an offender on work release, employment in Prison Industry Enhancement Certification Program (PIECP), room and board costs, parole supervision fees, or other costs, such as SCRAM, electronic monitoring, or Remote Breath test (RBT), and electric monitoring for those on extension of confinement.

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**Indigent Commissary:**

Limited and controlled commissary for offenders with no funds and no immediate source of income at the time of purchase.

**Offender Account:**

A collective balance of an offender’s subaccounts within the Offender Banking System (OBS).

**Offender Banking Formula:**

The distribution of deposited funds into an offender subaccount which varies by the source of the deposit.

**Offender Banking System (OBS):**

The DOC owned and operated accounting system.

**Offender Financial Obligations (OFO):**

Includes the financial obligations incurred prior to incarceration, during incarceration, and while on parole supervision (including release to extension of confinement). Outstanding financial obligations remain the responsibility of an offender after discharge from DOC.

**Offender Subaccounts:**

**1. Spend Account (REG):**

A subaccount into which a maximum amount of \$100.00 per calendar month may be deposited, depending on receipt type.

**2. Savings (SAV):**

A subaccount into which funds exceeding the \$100.00 per calendar month spend account deposit limit may be placed. Funds placed in SAV are determined based upon a percentage of the total deposit(s) received and receipt type. The maximum amount/balance that may be retained within the account is \$300.

**3. Frozen (FRZ):**

A subaccount which funds (deposits and earnings) may be received. The majority of funds will originate in FRZ for posting and are then transferred to various subaccounts and obligations, depending upon the receipt type. Any funds remaining after the offender banking formula will remain in FRZ until release. In special circumstances, frozen funds may be transferred with approval from the warden to other accounts for purchases and obligations. (See ARSD [17:50:01:21](#)).

**4. Specialty (SPC):**

A subaccount which funds may be received and distributed outside the offender banking formula. Specialty funds may be used for specific purposes, such as purchasing certain property or participation in a program. Offender access to SPC funds and expenditure of SPC funds requires authorization by designated staff.

**5. Private Sector Family (PSF):**

A subaccount which funds may be received from participation in the Prison Industries Enhancement Certification Program. Funds may only be sent out to immediate family.

**6. Work Release Expense:**

A subaccount which funds may be received for work-related expenses of an offender in the Work Release program. Funds may only be spent on work-related expenses.

**Prison Industry Enhancement Certification Program (PIECP):**

A program administered by the DOC that has been certified by the Department of Justice, Bureau of Justice to allow the interstate sale and distribution of offender-produced goods.

**IV. PROCEDURES**

**1. Authorization to Deposit:**

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- A. Upon admission to the DOC, offenders will be offered the opportunity to authorize the DOC to establish subaccounts to deposit funds received by the offender while incarcerated. Offenders must sign an *Admission Document*, (See DOC policy 1.4.A.2 for document), authorizing the DOC to deposit and transfer funds received for the offender. The document shall be scanned into the Comprehensive Offender Management System (COMS). The term of the authorization is for the duration of the offender's current booking. Consent provided by the offender through acceptance of the *Admission Document*, as noted by the offender's signature, shall remain valid until such time as the offender is discharged from the DOC (has no active bookings), or the offender provides written notice to the DOC of their intent to withdraw from participation in the Offender Banking System (OBS).
1. If an offender refuses to sign the *Admission Document*, the staff member witnessing the refusal shall note/document the refusal in COMS. Staff will provide notice to staff in the applicable business office of the offender's refusal. No outside funds received for the offender may be deposited on the offender's behalf into the OBS without a valid, signed *Admission Document* (offender payroll is exempt and may be posted).
  2. Checks or other fund instruments received by the DOC for an offender need not be endorsed by the offender.
  3. Offenders are not allowed to receive cash through the mail. The DOC is not responsible for cash or returned/rejected funds.
- B. Offenders may withdraw from participating in the OBS at any time by completing a *Revocation of Power of Attorney* form (Attachment 1). Unit staff will provide a copy of the form to the business office. No outside funds received for the offender may be deposited in OBS for a minimum of six (6) months after notifying the DOC of their intent to withdraw from participation in the OBS.
1. Offenders may not select specific funds to deposit or provide partial or conditional consent to the DOC to only deposit or transfer select funds.
  2. All funds received for an offender that has elected to not participate in the OBS will be returned to the sender by mail, at the expense of the offender. If an offender refuses to send out rejected funds, the rejected funds shall be deposited into the confiscated funds account, which is deposited into the state general fund (See SDCL § 24-2-26).

## 2. Receiving and Depositing Funds:

- A. Offenders received at a DOC institution with cash or other negotiable funds (excluding personal checks) in their possession, will have these funds collected by staff (See SDCL § [24-2-5](#)). Staff will document the amount of the funds and deposit the funds in the offender's account.
- B. Offenders may receive payroll checks, business checks, checks issued by a government agency (U.S. Treasury), Tribe, or other approved funds received directly or through the offender's Attorney at Record. Offenders may receive cashier's checks or money orders (must be in U.S. dollars and issued by a bank located in the U.S.) for deposit through the OBS (See ARSD [17:50:01:18](#)).
1. Personal checks, cash, or checks/funds from unauthorized sources received at the institution for an offender will be rejected and returned to sender.
- C. Offenders may only receive money orders from those individuals on their approved visit list, their attorney, or others approved by the warden or designee. Money orders or other fund instruments received in foreign currency are not accepted.

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- D. Offenders may have funds electronically deposited into their respective accounts by individuals on their approved visit list or their attorney as on-line deposits through JailATM.com. Availability of such services may vary by institution. Transaction fees may apply and may be assessed to the depositor of the funds.
- E. Earnings/wages received for an offender participating in employment within institutional support, work release, or the Prison Industries Enhancement Certification Program (PIECP), will be deposited into the offender's subaccounts through the OBS, in accordance with DOC policy, state statute, and rule.
1. PIECP payroll posting dates falling on a state, federal or administrative holidays will result in the funds being posted the following business day.
  2. Offender payroll posting dates falling on a state, federal, or administrative holiday will result in the funds being posted the prior business day.
- F. Depending on receipt type, funds received at the institution for an offender will be deposited into the offender's subaccounts through the OBS, usually within three (3) business days of receipt (may be sooner for on-line credit card deposits). Funds will normally be available within one business day of being deposited into the account.
1. Funds received in error, suspected of being received illegally or those which are contrary to policy or rule, may be seized or withheld as evidence for use in any resulting criminal case or disciplinary procedure.
  2. Unauthorized funds received by mistake or through unapproved methods (illegal or contrary to policy) may be forfeited by the offender.
- G. Funds received directly at an institution for an offender from the U.S. Treasury identified as Veterans Benefits, United States Department of Interior with the Office of the Special Trustee for American Indians, Railroad Retirement Benefits, FEMA checks, Military Annuities and Survivor Benefits, Department of Interior/Land Money, and Social Security benefits, including Supplemental Social Security Income (SSI), as well as checks from the Indian Trust Settlement Disbursement Account, (settlement funds), may not be used to pay credit obligations, fixed obligations or PLRA, unless the offender specifically requests the funds, or a portion thereof, be applied to such obligations (See *Funds Transfer Agreement*, Attachment 2). Tax returns are not exempt from garnishment and will be processed as a normal incoming mail deposit. Any stimulus or other federal payments will adhere to federal guidelines and could be subject to garnishment.
1. If an offender receives any such funds while incarcerated, the full amount of the specified funds will be deposited into the offender's specialty account.
  2. Offenders received at a DOC facility with a check issued directly from any of these sources will have the funds deposited into their specialty account. The offender may be required to provide verification of the origin of any funds they claim are issued from any such source.
  3. Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) payments generally are not payable for the months an offender is confined to a jail, prison or certain other public institutions for committing a crime.
- H. Offender subaccounts within the OBS are non-interest bearing.
- I. Offenders will receive notice of any funds deposited into the offender's subaccounts (See ARSD [17:50:01:18](#)). Offender's may view account balances, obligations, debts and financial transactions for the previous 60 days from their tablet or a kiosk.

### **3. Prison Litigation Reform Act (PLRA) Requirements:**

- A. Offenders with financial obligations under the provisions of PLRA will first have PIECP obligations, work release room and board (if the offender's wages are from PIECP or Work Release), and credit obligations deducted from eligible incoming funds, followed by the PLRA amount, which is a pre-determined percent (20%) of the total funds deposited.

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B. A copy of the court order or a billing from the U.S. Clerk of Courts must be presented to the DOC prior to deducting PLRA costs from funds received by the offender.

C. A copy of the court order or bill will be maintained in the offender's institutional file/records in COMS.

#### 4. Spend (REG):

A. An offender may make withdrawals from their spend subaccount.

1. Commissary purchases will not exceed \$25.00 per week and are completed through the online commissary application on the offender's tablet.
2. An offender's spend subaccount will be reduced as a result of any of the following transactions, and the designated amount deducted from the spend balance:
  - a. Medical services copayments, costs, and claims for medical services not paid by the DOC and for which the offender is determined to be responsible.
  - b. Transactions documented on a commissary slip, postage or other correspondence related costs due, fines, deposits required for "loaner" property or forfeiture of a deposit, donations to offender group account or approved fund-raising event, purchases from approved vendors (crafts or religious/cultural items), duplication/copies or retrieval fees for an open records request, or repair or replacement costs for state property.
3. Offenders are responsible for tracking their account balances, including all deposits and withdrawals.
4. An offender's spend subaccount may receive a maximum of funds totaling \$100.00 per calendar month.

B. If insufficient funds exist at the time funds are deducted from the offender's spend account, a credit obligation shall be created. This does not imply permission for an offender to overdraw their account.

1. Offenders who are unable to pay for essential services or items as a result of insufficient funds will not be deprived of those services or items, including but not limited to medical services, and legal copies, materials, or postage.

C. Offenders may withdraw funds from their spend account to send to the following:

1. A business or vendor. This includes a financial institution such as a bank, savings and loan, credit union, etc.
2. A religious/cultural representative, group, or organization.
3. A non-profit organization.
4. An offender's personal representative, such as an attorney or certified public accountant. The legitimacy of an offender's personal representative and the purpose for sending the money out may be subject to approval by the warden or designee.
5. An individual on an offender's approved visit list; however, an offender may not send funds to any DOC volunteer or M-2/W-2 sponsor.

#### 5. Transfers:

A. Offenders may complete the following funds transfers (must be a minimum of \$5.00) with unit staff approval:

1. Spend to savings and consistent with the following requirements:
  - a. Not to exceed the \$300.00 maximum savings balance. Any balance in excess of \$300.00 will be transferred to the frozen account.
  - b. Funds transferred from spend to savings cannot be transferred back to spend.
  - c. Offenders with a zero balance as a result of transferring funds from spend to savings, are not eligible for indigent commissary for thirty (30) days following the date the transfer was completed.
  - d. Funds may not be transferred if the offender has outstanding credit obligations.
  - e. Funds may be transferred from spend to savings for the purchase of commissary property.
2. Frozen to spend or savings (approved by warden or designee).

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- a. Offenders serving a life sentence or significant number of years, may, subject to approval by the warden, transfer funds from frozen to spend or savings (See ARSD [17:50:01:21](#)).
3. Specialty funds to spend. Only exempt funds may be transferred from the specialty subaccount (must be approved by unit staff). Includes the following transactions:
  - a. Specialty exempt funds to the offender's spend account, provided the offender agrees in writing that these funds may be applied to any credit obligations that have accrued or may accrue (*See Funds Transfer Agreement*, Attachment 2). This transfer is subject to the \$100 calendar month deposit limit, plus any credit obligation owed.
  - b. All credit obligations will be paid off immediately following the transfer of funds to the offender's spend account and prior to any other spend transactions occurring. Only one exempt transfer per month allowed if approved.
4. Specialty to savings (\$300.00 limit) if no credit or fixed obligations are owed (except costs of incarceration). If credit or fixed obligations are owed, the warden or designee may specifically authorize the offender to transfer exempt funds to savings, provided the offender agrees in writing to pay any credit obligations owed and that a portion of the funds as agreed upon by the warden, will be applied to fixed obligations owed. Only one transfer from exempt per month allowed if approved.
5. Specialty to fixed obligations and PLRA, if no credit obligations are owed.

## 6. Fixed Obligations:

- A. Fixed obligations include debts related to crimes committed, court-ordered fines, costs, fees, disciplinary sanctions (See SDCL § [24-2-29](#)), restitution, and victim compensation. Fixed obligations include prison and/or parole related obligations, which may be listed on an offender's financial plan. Parole violators/detainees in the custody of the DOC may be charged supervision fees and other parole-related fees. Parolees who return to prison will not be refunded for parole-related fees already submitted to the DOC. Disbursement of an offender's funds shall be completed to defray the offender's obligation(s).
- B. If unit staff becomes aware of an obligation not previously documented on the Offender Obligations in COMS, or changes in a previously documented fixed obligation, or the offender is reclassified, staff will review and update the OFO.
- C. Documentation of costs incurred owed to the DOC may be in the form of jail fees, transportation costs/fees, invoices, and other costs documented through a commissary slip and will be deducted from the offender's account. Costs incurred owed by the offender will be sent to unit staff for inclusion in the OFO and added to the offender's costs incurred without going through the spend subaccount.
- D. Anytime the total of deposits into an offender's spend account for a one (1) month period exceeds \$100.00, a percentage of the funds received, as established by the DOC, will be transferred to the offender's savings subaccount, based on receipt type. Any eligible remaining amount, after disbursement to the offender's savings subaccount, may be disbursed to the offender's fixed obligations. This amount is also based on a percentage, with the order/priority set by the DOC. When a particular fixed obligation is paid in full, the OBS will automatically disburse the available funds to the next identified obligation.
- E. Fixed obligations and costs incurred will be paid from funds received. Offender wages/earnings received from participation in Work Release (See SDCL § [24-8-9](#)), PIECP, and funds described in Section 2.G, are subject to specific rules regarding disbursement. Fixed obligations shall be paid in the following order:
  1. Child Support
  2. Court ordered obligations
    - a. This amount is issued to the county from which the order was issued. The county shall disburse the funds received to restitution owed, fines, fees and other court ordered costs.
  3. Costs incurred while in the custody of the DOC (See SDCL § [24-2-28](#))

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- a. An offender may be charged for costs incurred when costs related to the incarceration/custody of the offender have been incurred by the department or other, and documentation exists describing the cost.
  - b. Any documentation of costs incurred while in custody will be included within the OFO.
4. Parole supervision fees
  5. Parole SCRAM fees
  6. Parole Remote Breath Fees
  7. Extension of confinement
  8. Electronic monitoring
  9. Sober Track
  10. Cost of Incarceration (COI)
    - a. The DOC will set an annual cost based upon the prior year's costs (percent charged, based on receipt type, etc.). Cost of incarceration may include room and board charges, costs associated with providing the offender with medical, dental, optometric and psychiatric services, vocational education training and alcohol treatment (See SDCL § 24-2-28).
    - b. Cost of incarceration charged to the offender will be determined by multiplying the number of days the offender is in DOC custody and determined to owe cost of incarceration by the daily cost, as set by the DOC.
    - c. Offenders in the custody of the DOC from another jurisdiction, when the jurisdiction is paying a set per diem for placement/custody of the offender, will not be charged cost of incarceration. However, the offender shall remain responsible for other fixed obligations, as ordered by the courts, or as directed by the jurisdiction placing the offender in DOC custody. Cost of incarceration only will be waived for initial deposits from another state's institution for offenders on an interstate compact.
    - d. Offenders with fixed obligations may be charged costs of incarceration.
    - e. Offenders earning PSPI, and work release earnings, and offenders held by another jurisdiction housed with the DOC on a per diem basis who do not owe child support, restitution, fines, fees, or court ordered sanctions and/or costs incurred, will have any remaining funds received placed in their frozen subaccount. Any additional funds above and beyond payroll/paycheck wages is subject to cost of incarceration.
    - f. The Secretary of Corrections may, after considering an offender's net income, net worth, number of dependents and existing obligations, determine an offender is unable to pay costs of incarceration and waive all or a portion of the costs of incarceration charged to the offender (See SDCL § 24-2-28). The waiver shall remain in effect until rescinded by the Secretary, based on changes in the offender's status, or until the offender releases/discharges from custody.
- F. The DOC shall notify the offender of any disbursements made from the offender's subaccounts, pursuant to SDCL § 24-2-29 (See ARSD 17:50:01:18).

## **7. Savings (SAV), Frozen (FRZ), Work Release (WRE) and Specialty (SPC) Subaccounts:**

- A. Unit staff may approve an offender's request to use savings funds to purchase approved items, provided the offender has no credit obligations, other than a credit obligation that is the result of a work expense loan.
  1. Aside from magazine or newspaper subscriptions, books, religious items and craft supplies from approved vendors, offenders may not purchase property directly from a vendor.
  2. Approved personal property purchases are submitted for withdrawal from the offender's savings account from the commissary property application on the tablet. The account must contain sufficient funds. If not, the request to purchase the property shall be denied. Indigent offenders are not permitted to request property purchases from savings.
- B. Unit staff may approve an offender to apply funds in their savings subaccount towards fixed obligations, if offender has no credit obligations.,

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- C. Offenders may apply funds in their savings (if no credit obligations or fixed obligations) or spend subaccounts, towards religious tithes or contributions to an approved DOC group account.
- D. Offenders may request to deduct funds in their savings subaccount if the offender has no credit obligations or fixed obligations, and may send the funds to the following:
  - 1. A business or vendor, as approved by DOC staff. This includes a financial institution such as a bank, savings and loan, credit union, etc.
  - 2. A recognized religious representative, group, or organization.
  - 3. A recognized non-profit organization.
  - 4. An offender's personal representative, such as attorney, certified public accountant. DOC staff shall retain authority to determine the legitimacy of the personal representative.
  - 5. An individual on the offender's approved visit list.
    - a. An offender cannot send funds to an institutional volunteer, or an M-2/W-2 sponsor.
- E. An offender may not deduct funds from his/her frozen subaccount without approval from the warden (See ARSD 17:50:01:21). Deductions will only be approved for special circumstances and shall be considered on a case-by-case basis.
- F. If an offender has funds contained within their specialty account that came from funds identified in Section 2.G, the offender is ineligible for indigent status or work expense loans.

## 8. Offender Financial Obligation (OFO)

- A. Establishing obligations and completing an OFO:
  - 1. Unit staff will review the monthly documentation provided by UJS eCourts system, verifying the offender's date of birth matches, to determine whether an offender has court ordered obligations.
  - 2. Unit staff will query the South Dakota SSDC system (Social Services, Division of Child Support) to determine if the offender owes child support and to verify the amount owed.
  - 3. Unit staff will question each offender about any known fixed obligations which the offender may self-disclose.
  - 4. Unit staff will document all other court order obligations (such as court appointed attorney fees and court costs that may come through the auditor's office and not the Clerk of Courts report from eCourts).
- B. Obligations will be added within the Offender Obligations section in COMS. Documentation will be uploaded to ITAG/Inmate Financials/Trust/Deduction/Offender Obligations.
  - 1. Fixed obligations will be added upon confirmation of the amount owed.
  - 2. If there is no record of the obligation on eCourts, but a court order exit documenting an obligation, a confirmation form may be sent (See Attachment 4 *Offender Financial Responsibility Verification* form). Forms returned by the Clerk of Courts will be scanned into ITAG/Inmate Financials/Trust/Deductions/Offender Obligations for documentation.
  - 3. In the case a payee is noted, the payee's contact information and status will be verified by DOC staff prior to issuing funds to the payee. Child support obligations shall be recorded in the Offender Obligations screen in COMS. Child support payments to the same vendor shall be combined into one and include a "+" sign following the case number. In-state child support cases will be verified through the SSDC tracking system of the Department of Social Services (DSS).
  - 4. Court ordered obligations will be recorded in the Offender Obligations section in COMS with the court docket number.
    - a. Multiple obligations under a single docket number will be recorded as a single entry on the Offenders Obligations screen in COMS.
    - b. Multiple obligations with different docket numbers but from the same county, will be recorded as a single entry with a "+" sign after the first docket number.
    - c. Dockets from different counties shall be listed separately.



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5. Costs incurred while in the DOC will be recorded as a single obligation reflecting total costs incurred on the OBS. Documentation of jail bills, transport bills etc. will be scanned into ITAG/Inmate Financials/Trust/Deductions/Offender Obligations.
  6. Certain wages/earnings and funds received by an offender are not subject to garnishment, attachment or execution, either by an employer or the DOC. Exceptions include Work Release earnings (See SDCL § [24-8-10](#)) and funds identified in Section 2.G.
- C. An offender's OFO will be reviewed and modified as necessary, including when an existing obligation is fulfilled, a new obligation is reported or discovered, the offender's work status or employment changes, or the offender is scheduled for release to parole supervision or suspended sentence. Any modification to an OFO will be reflected in COMS.
1. When an offender is transferred to another unit, unit staff from the receiving unit must review the OFO.
  2. Parole fees will be documented in COMS. These fees are community based. The offender shall be responsible for payment of the fees. Prior obligations of child support and restitution payments take precedence over community-based fees (See SDCL §§ [24-15-11](#) and [24-15A-24](#)).
  3. The offender is able to view any changes to their OFO via the tablet.
- D. Refunds received by the DOC on behalf of deductions made from an offender's account for child support or court-ordered obligations, must be applied in entirety to other child support or court-ordered obligations documented on the OFO. If no other child support, court-ordered obligations, or fixed obligation is listed on the OFO, the funds shall be applied to costs of incarceration with any remaining funds being deposited into the offender's frozen account.
1. If a refund is received for child support or court ordered obligations paid by an offender in the Work Release Program, and no other fixed obligation is noted besides COI on the OFO, the amount of the refund will be deposited into the offender's frozen account.
- E. Costs incurred while in the DOC custody will be recorded as a single obligation that includes the total costs incurred which are owed to the DOC by the offender. Documentation may be saved on the Offender Obligations documents.
- F. Obligations and restitution owed by the offender do not terminate upon discharge of an offender's sentence, e.g., an offender serving consecutive sentences remains liable for obligations from their first sentence, even if the first sentence is completed and the offender has begun serving another sentence.
- G. Offenders remain responsible for obligations and restitution owed when released on parole supervision or suspended sentence. Fixed obligations are not limited to an offender's current booking.
1. The Parole Board shall require the implementation of a restitution plan or payment of supervision fees, if reasonably possible, for each offender released to parole supervision (See SDCL §§ [24-15-11](#) and [24-15A-24](#)).
- H. Corrections will not be made to disbursements made to a fixed obligation, or when a fixed obligation is discovered after an offender's funds were applied to costs of incarceration.
- I. Each offender discharging from the DOC, pursuant to SDCL §§ [24-15A-7](#) or [24-5-2](#), who owes court-ordered financial obligations on the sentence or sentences he/she is discharging, will have their name and date of birth provided to the Unified Judicial System. Pursuant to SDCL § [24-15A-54](#), each offender discharging pursuant to SDCL §§ [24-15A-7](#) or [24-5-2](#), who owes court-ordered financial obligations on the sentence or sentences the offender is discharging, shall be transferred by the DOC to the Administrative Financial Accountability System (AFAS), pursuant to SDCL § [23A-47-2](#).

## 9. Statements:

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- A. Offenders are responsible for reviewing and reconciling their subaccounts.
1. The DOC shall make available information about disbursements made from the offender's subaccounts, pursuant to SDCL § [24-2-29](#) and ARSD [17:50:01:18](#). The DOC shall provide banking balances transaction records for the past 60-day period on an offender's tablet. This information may also be accessed by the offender through kiosks located within facility. In the event the balance and transaction information is not available on the offender's tablet or kiosks, the DOC will provide the offender a printed banking statement once each calendar month (See ARSD [17:50:01:20](#)).
  2. The DOC will maintain at least six (6) months of prior deposits and subaccount balance averages for each offender's account, as required by the Prison Litigation Reform Act (PLRA). Offenders submitting a PLRA form to the Business Office must include a signed commissary slip for the 6 months required at \$0.50 per monthly statement along with the PLRA form to the Business Office. If the offender is indigent the costs will be added to the offender's credit obligations.
  3. Offenders requesting statement of their accounts will be charged \$0.50 per statement and must have funds within their spend account.

## 10. Stop Payments:

- A. An offender may request a "stop payment" on a check issued from his/her account, provided the check has not cleared through the bank.
1. The offender must submit a commissary slip for \$10.00 with their request. The offender must have funds within their spend account.
  2. Offenders may be assessed additional fees or costs incurred, including the amount of the check if clears through the bank.
- B. Returned funds resulting from the stop payment will be deposited into the subaccount from which they were drawn.
- C. Offenders requesting a replacement check for a check previously issued from their account must complete an *Application, Affidavit for Replacement Check* prior to the DOC issuing a replacement check (See Attachment 3).

## 11. Stale-Dated Checks:

- A. The DOC may clear stale-dated checks. Stale-dated checks are checks issued from an offender's subaccount and are considered void six (6) months following the date of issue. The DOC may initiate "stop payment" on stale-dated checks.
- B. If a stale-dated check clears the bank at a later time, the offender's account will be charged.
- C. The refunded amount will be deposited into the offender's subaccount from which the check was drawn.
- D. Funds received from checks drawn from inactive offender subaccounts will be deposited in the DOC Deceased/Released account. If the offender is on parole and the amount is \$25 or greater, a check for the amount will be sent to the offender's supervising parole agent.

## 12. Closing Accounts:

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- A. An offender's subaccounts will be closed only upon discharge, placement on extension of confinement or conditional release (parole or suspended sentence), death, escape, or transfer to an out-of-state facility. Subaccounts will not be closed if the offender is placed on temporary status at a county jail or hospital, out-to-court, or temporary absence (TAP).
1. The balance of the offender's subaccounts (spend, savings, family support, work release expense, specialty, and frozen) will include the total funds contained in all subaccounts and any payroll wages earned which are owed. Credit obligations will be paid from eligible remaining funds (does not include exempt funds in the specialty subaccount).
  2. After gate money and transportation provisions are calculated (for eligible offenders only), a debit card and/or check will be issued to the offender for the entire amount of funds remaining in the subaccounts, including any payroll due.
  3. Offenders must contact the vendor to request remaining funds from their tablet or telephone accounts.
  4. Commissary refunds posted after account is closed will first have any gate funds adjusted if received. If no gate funds posted, refunds \$3 or greater received/posted after an account has been closed will be applied to fixed obligations. If no fixed obligations are owed, or the amount of the refund is less than \$3, the refund will be applied to cost of incarceration. If refund is \$25 or greater, a check or debit card will be issued to offender if DOC has a valid forwarding address. If no valid forward, funds will be cleared to the DOC/Deceased/Released account.
- B. For offenders releasing to parole supervision, the amount of any unsatisfied obligations will be transferred to parole services and included in their release plan.
1. If an offender is released on parole or suspended sentence with a credit obligation, the amount of the credit obligation shall be written-off and added to DOC costs incurred.
  2. Offenders are responsible for making arrangements to pay towards costs incurred prior to release to parole, suspended sentence, or discharge.
  3. Parolees may mail payments to the DOC Administration office in the form of a money order. The payment must include a note directing the funds be applied toward costs incurred rather than parole supervision fees.
  4. The DOC may forgive indebtedness upon the offender's final discharge.
- C. If an offender is discharged or dies while in DOC custody with funds remaining in their subaccounts, the warden shall apply any eligible funds remaining towards the offender's obligations, as provided for in SDCL § [24-2-29](#). If the funds exceed the offender's obligations, the excess balance shall be issued to the next of kin or designee, otherwise, the excess balance shall be deposited in the state general fund (See SDCL § [24-5-5](#)).
- D. If any offender dies or is discharged from the DOC with a negative balance, the warden may authorize the offender's account(s) to be closed out (See SDCL § [24-5-6](#)).
- E. All offender funds confiscated as contraband or evidence released to the DOC, shall be deposited into the state general fund.

### **13. Withdrawal of Funds:**

- A. An offender may request funds be deducted from their spend, family support, savings, specialty, or frozen subaccounts in the amount of \$1.00 or more.
- B. The offender must submit a completed commissary slip for a specific amount and indicate from which subaccount the funds will be drawn. If the funds are to be mailed, the offender must provide a stamped envelope containing the name and address of the recipient.

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- C. Designated staff must sign off on the offender's commissary slip before the request is sent to the business office for processing. Staff with authority to approve transaction requests are as follows:
1. Checks from spend subaccount approved by unit staff.
  2. Checks from family support subaccount. Limited to legal dependents or their legally appointed representative. Payments must be to a person, not a bank, business, or third party approved by unit staff.
  3. Checks from savings subaccount when the offender has fixed/and or credit obligations (other than work release loans for actively employed offenders) approved by warden or designee.
  4. Checks from savings subaccount when the offender does not have credit obligations other than fixed and/or credit obligations other than work release loans for actively employed offenders, and/or fixed obligations for work release, PSPI obligations, or COI approved by unit staff.
  5. Checks from work release expense subaccount approved by unit staff.
  6. Checks from frozen subaccount approved by warden or designee.
  7. Checks from specialty subaccount for mother/infant program or to the vendor for lease of a replacement tablet that were deposited as "Tablet Only" in Specialty subaccount are allowed if approved by unit staff. Any other specialty requests must be approved by warden or designee and must be for special circumstances only.

#### **14. Phone Accounts:**

- A. Offenders with a phone account with the approved telephone services vendor may deposit funds into their phone account. Offenders may not close their phone account until release or discharge from custody.
- B. Offenders may transfer money from their spend account to their phone account in \$5 increments. The request must clearly state "transfer to Phone account".
- C. Offenders may transfer funds from their savings account to their phone account in \$5 increments, provided they do not owe any credit or fixed obligations, other than COI.
- D. Offenders may not transfer funds from their frozen account to their phone account unless there is approval from warden.
- E. The DOC does not accept monies intended for deposit into an offender's phone account. All such funds must be sent directly to the vendor. Incoming funds received by the DOC designated as "phone funds" will be deposited into the offender's institutional account(s) in accordance with DOC policy.

#### **15. Tablet Accounts:**

- A. Offenders may transfer funds from their spend subaccount only to the tablet account in \$5.00 increments, with unit staff's approval. The request must clearly state "transfer to Tablet account".
- B. No offender may transfer funds to or from his/her tablet account to another offender's tablet account.
- C. Funds in the offender tablet account may not be used for other purposes. Offenders may not close their tablet account until release/discharge from DOC custody.
- D. The DOC does not accept monies intended for deposit into an offender's tablet account. All such funds must be sent directly to the vendor. Incoming funds received by the DOC designated as "tablet funds" will be deposited into the offender's institutional account(s) in accordance with DOC policy. The only exception is for funds designated for payment to lease a new tablet.

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- E. Offenders or friends and family are unable to add funds to offender's tablets if the offender is indigent.

## 16. Tablet Lease:

- A. An offender may lease a tablet (only applies to offenders who are no longer eligible for free access to a loaner tablet) with funds from their specialty account that were deposited for "Tablet Only" or savings account.
- B. An offender may receive funds to lease a tablet.
1. The money order must be specifically marked "Tablet Lease" and will only be for the full amount of the lease. No partial amounts will be accepted.
  2. The funds received will be deposited directly to the offender's specialty subaccount. If the funds received exceed the cost of the lease, the remaining amount will remain in the offender's specialty account until release or discharge.
  3. When designated funds are deposited, business office staff will note "tablet lease" in the comments section.
  4. Eligible offenders may lease a tablet after the funds have been deposited and the appropriate commissary slip, along with a self-addressed stamped envelope, has been received and processed by the business office. The commissary slip must state "For Tablet Lease from Specialty, Savings, or Spend account" and a check will be issued to the vendor.
  5. Offenders receiving funds marked "Tablet Lease" who are currently issued a tablet, will have the funds deposited into their "Specialty" sub account and remain until release.

## 17. Reimbursement of Offender Liability:

- A. A conditional release offender who posted an interstate compact security bond prior to March 3, 2010, will have his/her offender liability deducted from the proceeds of that bond.
1. Documentation of offender liability will be forwarded for processing to the SDSP business office for male offenders and to the SDWP business office for female offenders.
    - a. If the amount of the offender liability is less than the amount of the interstate compact security bond:
      - 1) The balance will be put in the offender's "Specialty" account if the offender posted the bond from his/her own funds.
      - 2) The balance will be sent out to the person who posted the bond on behalf of the offender; or
      - 3) The balance will be prorated between the offender and the outside person if the bond was posted through a combination of funds from the offender and an outside person. The offender's residual share will be put in his/her "old funds" account and the outside person's residual share will be sent out to them.
    - b. If the amount of the offender liability is greater than the amount of the interstate compact security bond, the business office will document the difference in the restitution owed to the DOC account.
  2. Any residual funds from an interstate compact security bond posted by the offender will not be released to that offender until he/she discharges his/her sentence(s) or paroles in state, and it is determined there is no remaining offender liability.
  3. If a conditional release offender remains on supervised release or is revoked and reinstated, the parole agent can require the offender to reimburse the DOC directly through a money order(s) for the amount of the obligation.

## 18. Administrative Remedy/Due Process:

- A. Offenders who believe they have been deprived of funds earned or received, or disagree with requirement of payment or assessed fees, or the amount of a required deduction, with the exception of court orders, may request Administrative Remedy.

## 19. Audits:

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- A. Offender accounts are open to audit by an external auditing entity to ensure compliance with Generally Accepted Accounting Principles.

## V. RESPONSIBILITY

It is the responsibility of the Director of Finance & Administration to enforce this policy and conduct annual reviews and incorporate revisions as necessary.

## VI. AUTHORITY

SDCL §§ [1-15-20](#), [1-15-21](#), 24-2-9, 24-2-5, [24-2-28](#), [24-2-29](#), [24-5-3](#), 24-5-5, 24-8-9, [24-15-12](#), [24-15A-4](#), 24-15A-11, 24-15A-24 and [24-15A-25](#).

ARSD § [17:50:01:18](#), [17:50:01:20](#) and [17:50:01:21](#).

## VII. HISTORY

November 2022

April 2021

October 2020

March 2019

January 2017

January 2015

November 2013

April 2013

April 2012

March 2011

## ATTACHMENTS (Published in PolicyTech unless otherwise noted)(\* Indicates document opens externally)

1. Revocation of Power of Attorney\*
2. Funds Transfer Agreement\*
3. Application, Affidavit for Replacement Check\*
4. Offender Financial Responsibility Verification\*
5. DOC Policy Implementation / Adjustments (*Not published in PolicyTech*)

**POWER OF ATTORNEY  
(AUTHORIZATION TO DEPOSIT)  
REVOCATION**

I, \_\_\_\_\_, DOC # \_\_\_\_\_, hereby notify the Department of Corrections of my withdrawal from the Offender Banking System. I understand any funds with my name, to include but not limited to checks, money orders, bank drafts and the like, received after my withdrawal from the Offender Banking System will not be endorsed or deposited into my account and will be returned to the sender at my expense. I understand if I decide to once again participate in the Offender Banking System, I will not be able to do so until six months following the effective date of this withdrawal notice. I further understand this notice of withdrawal will not take effect until it has been processed by Offender Banking Staff.

\_\_\_\_\_  
Offender Printed Name

\_\_\_\_\_  
Offender Signature

\_\_\_\_\_  
Offender DOC Number

\_\_\_\_\_  
Date

\_\_\_\_\_  
Offender Banking Staff Name

\_\_\_\_\_  
Date Form was Processed

*I have certain types of exempt funds identified in Policy 1.1.B.2 Inmate Accounts and Financial Responsibility Section 2G that are currently being held on my behalf in a Specialty account. I am requesting \$\_\_\_\_\_ (up to \$100 each month for spend plus any credit obligations owed) of these funds be transferred to my Spend account. I understand that in making this request I am acknowledging that these funds will be applied to any credit (loan) obligations such as medical copayments, commissary slip transactions or fines that I have accrued or I may accrue within my Spend account and my signature below authorizes these transactions.*

Print Name \_\_\_\_\_

ID No. \_\_\_\_\_

Signature \_\_\_\_\_

Officer \_\_\_\_\_

Date \_\_\_\_\_

*I have certain types of exempt funds identified in Policy 1.1.B.2 Inmate Accounts and Financial Responsibility Section 2G that are currently being held on my behalf in a Specialty account. I am requesting \$\_\_\_\_\_ (up to \$100 each month for spend plus any credit obligations owed) of these funds be transferred to my Spend account. I understand that in making this request I am acknowledging that these funds will be applied to any credit (loan) obligations such as medical copayments, commissary slip transactions or fines that I have accrued or I may accrue within my Spend account and my signature below authorizes these transactions.*

Print Name \_\_\_\_\_

ID No. \_\_\_\_\_

Signature \_\_\_\_\_

Officer \_\_\_\_\_

Date \_\_\_\_\_

*I have certain types of exempt funds identified in Policy 1.1.B.2 Inmate Accounts and Financial Responsibility Section 2G that are currently being held on my behalf in a Specialty account. I am requesting \$\_\_\_\_\_ (up to \$100 each month for spend plus any credit obligations owed) of these funds be transferred to my Spend account. I understand that in making this request I am acknowledging that these funds will be applied to any credit (loan) obligations such as medical copayments, commissary slip transactions or fines that I have accrued or I may accrue within my Spend account and my signature below authorizes these transactions.*

Print Name \_\_\_\_\_

ID No. \_\_\_\_\_

Signature \_\_\_\_\_

Officer \_\_\_\_\_

Date \_\_\_\_\_





**Complete and then print for signing before a notary.**

**State of South Dakota**  
**DEPARTMENT OF CORRECTIONS (DOC)**  
Pierre, South Dakota  
**APPLICATION, AFFIDAVIT FOR REPLACEMENT CHECK**

TO THE DOC of the State of South Dakota Located at Pierre, South Dakota

I hereby make application for and request that a replacement check be issued pursuant to the provisions of SDCL 4-9-22. The original check is identified as follows:

Check number:  Date Issued:  Amount \$:

Offender/Account Drawn from:  Payee:

---

**TO BE COMPLETED BY THE APPLICANT:**

---

Applicant's Name:

Address:

Date:

City:

State:

Zip:

(If the applicant is not the payee of the original check, or a bank, then the applicant must attach an assignment by original payee to the applicant.)

I declare that I did not endorse, cash, or otherwise negotiate check number , issued by the Department of Corrections to me as the payee, nor did I authorize, direct, or instruct any other person to endorse, cash, or otherwise negotiate said check, nor did I receive any benefits, money, services, or commodities of any form from the proceeds of said check.

STATE OF

)ss

COUNTY OF

I,  of

being first duly sworn, depose and say that I am the applicant, that this claim has been examined by me, and, to the best of my knowledge, is in all things true and correct.

\_\_\_\_\_  
(Signature of applicant)

On this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, before me, the undersigned, a Notary Public in and for the County and State, personally appeared \_\_\_\_\_ as applicant.

**Complete and then print for signing before a notary.**

<p><b>TO BE COMPLETED BY DOC</b></p> <p>_____</p> <p>Application Approved by _____</p> <p>Date _____</p> <p>Replacement No _____</p> <p>Date _____</p>
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(Notary Public)

\_\_\_\_\_  
(Expiration Date)

## OFFENDER FINANCIAL RESPONSIBILITY VERIFICATION

COUNTY: \_\_\_\_\_

OFFENDER \_\_\_\_\_ HAS BEEN RECEIVED FROM YOUR COUNTY. WE ARE PREPARING HIS FINANCIAL RESPONSIBILITY FORM TO REIMBURSE YOUR COUNTY FOR EXPENSES INCURRED. PLEASE VERIFY THE AMOUNTS OWED AND DOCKET NUMBER(S). THANK YOU.

DOCKET#	SOURCE	OUTSTANDING AMOUNT	OFFICE PAYABLE TO:
	RESTITUTION		
	FINES		
	COURT APPT. ATTORNEY FEES		

Clerk of Courts \_\_\_\_\_ Date \_\_\_\_\_

County Auditor \_\_\_\_\_ Date \_\_\_\_\_

Please mail or fax this document back to:

South Dakota State Penitentiary  
PO Box 5911  
Sioux Falls, SD 57117-5911  
Fax #: 367-5105

Attn: Tim Symes, Offender Accounts