Distribution: Public Inmate Accounts and Financial Responsibility

# 1.1.B.2 Inmate Accounts and Financial Responsibility

## I Policy Index:



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# **II Policy:**

The Department of Corrections may promulgate rules, policies and procedures to establish, maintain and manage inmate accounts, pursuant to SDCL § 1-15-20 and § 1-15-21. Each inmate will have an account set up in his/her name through the Department of Corrections Inmate Banking System (IBS). Deposits to and disbursements from an inmate's institutional account will be made according to the procedures established by this policy.

#### **III Definitions:**

## Inmate Financial Responsibility (IFR):

An inmate is responsible for any financial obligations that result from the crime committed or debts as a result of his/her incarceration.

## **Fixed Obligations:**

- An obligation resulting from court ordered restitution, fines, attorney fees, court fees (as provided by Unified Judicial System (UJS) Odyssey records), child support, costs of incarceration and costs incurred while in the DOC. These obligations can be incurred by an inmate prior to or during his/her incarceration or while released to parole supervision.
- 2. Fixed obligations will also include work release, Private Sector Prison Industry (PSPI) and/or Community Transition Program (CTP) room and board and parole supervision and/or SCRAM program fees and Remote Breath test (RBT).
- Obligations that originate at the institution will be noted as "ITAG" and "PAROLE" for parole services fees.

#### **DOC Costs Incurred Restitution Owed to the DOC:**

Required repayment of costs by an inmate or parolee for expenses the offender caused the DOC to incur. Restitution is not a disciplinary sanction and may be required independent of disciplinary action. Examples of costs where an offender will be held responsible for restitution are: jail costs as a result of a parole violation or minimum custody violation, transportation costs as a result of a parole violation or minimum custody violation, costs for the intentional destruction of state property and loss of state property.

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## **Credit Obligations:**

A loan obligation resulting from a charge that overdraws an inmate's Spend account. Charges could include postage, indigent commissary, disciplinary fines, lost ID tags, damage to DOC property, med co pays, repairs, legal and other copies. Work Release and CTP advance expenses will be a credit obligation resulting from an inmate's work release expense loan. All credit obligations will be paid in full before the IBS posts to an inmate's subaccounts and/or other fixed obligations, except for PSPI obligations and work release room and board, which will be deducted first

#### **Financial Plan:**

A plan developed between an inmate and his/her unit staff that is designed to pay the financial obligations of the inmate. This is documented on an Inmate Financial Worksheet (See Attachment 1) and recorded in the computerized Inmate Banking System. Parole supervision, SCRAM fees, GPS fees and Remote Breath Tests will not be recorded on the inmate's institutional IFR.

## **Special Program:**

For purposes of this policy, special programs include Work Release (WR), the Community Transition Program (CTP) and Private Sector Prison Industries (PSPI).

## Inmate Banking System (IBS):

The DOC computerized inmate account system.

#### Inmate:

An offender in the custody of the DOC adult institutional system.

#### Parolee:

An offender under parole or suspended sentence supervision by South Dakota Parole Services.

#### **Disciplinary Fines:**

A sanction imposed as a result of an institutional disciplinary action pursuant to SDCL §§ 24-2-9 and 24-15A-4.

#### **Inmate Account:**

A collective balance of all subaccounts.

#### **Inmate Subaccounts:**

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

A subaccount into which is placed a maximum deposit of \$140.00 per calendar month from funds received depending on receipt type.

#### 2. Savings (SAV):

A subaccount into which funds may be placed after exceeding the \$140.00 per calendar month deposit limit from funds received based upon a percentage of the deposit and receipt type.

#### 3. Frozen (FRZ):

A subaccount where the majority of funds will originate for posting and are then transferred to various subaccounts and obligations, depending upon the receipt type. Any funds remaining after formula distribution will remain in the frozen account until release.

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## 4. Specialty (SPC):

A subaccount where funds may be placed outside the banking formula. Specialty funds are normally held until an inmate's release or for a specific purpose, unless otherwise authorized by the Warden.

## 5. PS Family (PSF):

A subaccount that holds funds received due to participation in the Private Sector Prison Industries work program. Funds can only be sent out to immediate family.

#### 6. Work Release Expense:

A subaccount where funds are placed for work related expenses of an offender in the Work Release program or Community Transition Program.

#### **Immediate Family:**

For the purpose of this policy, immediate family consists of an inmate's spouse, biological or legally adopted children, stepchildren, brother, step-brother, half-brother, sister, step sister, half-sister, parent, step-parent, grandparents, great grandparent, grandchild, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law or legal guardian.

## **Community Transition Program (CTP):**

A DOC program to assist with community transition for adult offenders and provide a transition link between the DOC and the community by providing programming and case management assistance in developing community transition plans.

#### **IV Procedures:**

## 1. Authorization to Deposit:

- A. Inmates requesting to deposit business, government, payroll, cashier's checks or money orders into their institutional account(s) must sign the Admission Document (See Attachment 2). This form is typically signed by the inmate during the Admission process and scanned into the Comprehensive Offender Management System (COMS) (See DOC policy 1.4.A.2 Inmate Admission).
  - 1. If the inmate refuses to sign the Admission Document, a staff member will witness the refusal and note this on the document with the staff member's signature.
  - 2. The Admission Document applies to all funds received by an inmate.
  - 3. Inmates may not select specific funds to deposit, nor are they permitted to submit an authorization to deposit funds only from specific sources.
- B. All checks or money orders received for an inmate without a signed Admission Document will be returned to the sender by mail and at the expense of the inmate. Un-returnable checks, money orders or other funds an inmate refuses to return shall be deposited into a fund designated by the Warden.
- C. Inmates may withdraw (revoke) the Authorization to Deposit at any time through written notice to the DOC, however, inmates will not be allowed to reinstate the Authorization to Deposit for a minimum of six (6) months after the revocation date of the agreement.

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## 2. Receiving and Depositing Funds:

- A. Newly admitted inmates with cash or other negotiable funds (excluding personal checks), will have these funds collected from them at the time of admission to a DOC facility and may sign the authorization to deposit so the funds may be deposited in the inmate's institutional account (See ARSD 17:50:01:18).
- B. Inmates may receive payroll checks, United States cashier's checks or money orders in U.S. dollars from a United States bank through the mail for deposit into their institutional account (See ARSD 17:50:01:18).
  - 1. Personal checks, cash or checks from unauthorized sources mailed to an inmate will not be accepted for deposit into an inmate's institutional account and will be mailed back to the sender at the expense of the inmate. The DOC is not responsible for cash sent by mail.
    - a. Inmates are responsible for return postage and a Certificate of Mailing.
    - b. Any funds which an inmate refuses to return may be deposited into a fund designated by the Warden.
- C. Inmates may not receive funds from another inmate, parolee, person on felony probation from any jurisdiction, another inmate's family or friend(s), a M-2/W-2 or other DOC volunteer, unless authorized by the Warden or his/her designee. If funds are received which violate this restriction, the funds will be returned to the sender by mail and at the expense of the inmate (See DOC policy 1.5.D.3 Offender Correspondence).
- D. Any earnings received by an inmate from the institution, work release, Community Transition Program (CTP), traditional Prison Industries or Private Sector Prison Industries (PSPI) payroll will be deposited into an inmate's institutional account according to procedures established by this and other applicable DOC policies (See SDCL § 1-15-21).
  - 1. All PSPI payroll posting dates that fall on a state, federal or administrative holiday will result in the payroll being posted the following business day.
- E. Checks received from the Veterans Administration (VA) or United States Department of Interior Office of the Special Trustee for American Indians, will be deposited in the inmate's spend subaccount, subject to provisions outlined in within this policy.
  - 1. The balance of VA or United States Department of Interior- Office of the Special Trustee for American Indians funds in excess of the \$140.00 deposit limit will be deposited in the inmate's frozen subaccount.
  - 2. Funds received from the VA or United States Department of Interior with the Office of the Special Trustee for American Indians may not be used to pay toward disbursement obligations unless the inmate specifically requests the funds or a portion thereof, be applied to fixed obligations. Credit obligations will be deducted prior to depositing the funds into the inmate's spend subaccount.
- F. Inmate accounts are non-interest bearing accounts and as such will not be charged transaction fees other than stop payments on checks requested by the inmate.
- G. The DOC shall notify the inmate of any money placed in the inmate's account (See ARSD 17:50:01:18).

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

- A. Inmates who have financial obligations under the provisions of PLRA will first have PSPI obligations (if applicable), work release room and board, and any credit obligations deducted from incoming funds; followed by the amount as ordered by the court for filing/appeal fees and court costs. Any remaining amount from the funds received will be distributed according to this policy.
- 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 any deductions being made.
- C. A copy of the court order or bill from the U.S. Clerk of Courts will be maintained in the inmate's institutional file.

## 4. Special Program Requirements:

- A. Inmates cannot request extra money be withheld from their paychecks.
- B. Inmates assigned to the Work Release program will first have funds applied/deducted for room and board charges based on an assigned percentage rate established by the DOC. All credit obligations, including work release expense loans will be deducted from the inmate's work release pay check(s) and a percentage will go towards any authorized work release related expenses in the work release expense subaccount (See DOC policy 1.5.A.5 Work Release). Any remaining funds subject to disbursement will be distributed according to this policy.
- C. Any deposits received after an inmate has been terminated from the Work Release program will be applied to the inmate's room and board charges, credit obligations, PLRA and/or any fixed obligations documented on the inmate's IFR.
- D. Inmates assigned to PSPI will first have obligations designated in DOC policy 1.5.A.2 *Private Sector Prison Industries Employment* deducted from their PSPI payroll. Any remaining funds will be distributed according to this policy.
  - Family support amounts deducted from PSPI wages may be used only for support of the inmate's immediate family. The "immediate family" member must be on an inmate's approved visit list in order to receive these funds (See DOC policy 1.5.D.1 *Inmate Visiting* for definition of immediate family).
  - 2. If an inmate does not have any immediate family on his/her approved visit list, he/she may elect to leave the funds in the family support account, or transfer these funds to either the victim's compensation fund or to fixed obligations.
- E. Money earned or received by an inmate during participation in the Community Transition Program (CTP) will first be applied to credit obligations, including CTP work release expense loans. Room and board charges will be deducted next, based on an assigned percentage rate established by the DOC. Next, a percentage will be applied towards authorized work related expenses. The remaining funds will be retained in the inmate's institutional account in either the inmate's spend account, savings account, work release expense account or frozen account, according to the provisions of this policy (See DOC policy 1.5.G.2 Community Transition Program).
- F. Any deposits received after an inmate is removed from CTP will be applied to the inmate's room and board charges, credit obligations and PLRA, with any remaining funds deposited into the inmate's frozen subaccount (See ARSD 17:50:01:18).

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## 5. Adjustments to an Inmate's Financial Responsibility (IFR):

- A. If an inmate has a new obligation, a change in an existing fixed obligation, or a reclassification, unit staff will review the inmate's IFR.
- B. Documentation of restitution owed the DOC in the form of jail bills, transportation bills, invoices and other bills not documented through a commissary slip will be sent to unit staff for inclusion in the costs incurred without going through the spend subaccount.

## 6. Spend (REG):

- A. An inmate may make withdrawals from his/her spend subaccount at the rate not to exceed \$35.00 per week to purchase commissary items.
  - 1. Any commissary purchases such as clothing or headphones exceeding the \$35 per week amount must be submitted for withdrawal from the inmate's savings subaccount.
  - The inmate's spend subaccount will be reduced for any of the following transactions and the amount deducted from their spend balance:
    - a. Medical co-pays (See DOC policy 1.4.E.10 *Inmate Medical Co-Pay*).
    - b. Transactions requiring the use of a commissary slip such as postage, certified letters, fines as a result of internal disciplinary sanctions (see DOC policy 1.3.C.2 *Inmate Discipline System*), deposits required for "loaner" property, books, fees for copies of records requested by the inmate, restitution owed to the DOC, etc.
  - 3. Inmates may transfer money from their spend account to their phone account in \$5 dollar increments. The balance of the inmate's phone account cannot exceed \$200 dollars (See DOC policy 1.5.D.4 Inmate Access to Telephones).
- B. Transactions such as institutional disciplinary fines, restitution owed to the DOC, deposit (commissary) slips on lost/damaged items, indigent commissary, legal copies or medical co-pay applied to the inmate's spend subaccount may result in a credit obligation (loan); however, this does not imply permission for an inmate to overdraw his/her commissary spend subaccount.
  - 1. Inmates are expected to manage their commissary purchases to accommodate other weekly costs applied to their spend subaccount.
  - 2. Commissary expenses incurred through the submission of a commissary slip, medical copay or electronic notification will be applied to the inmate's spend subaccount. A medical copay may be charged by medical staff at the time of the encounter and will be electronically deducted from the inmate's spend subaccount or documented on a commissary slip and deducted from the inmate's spend account.
  - 3. If the inmate's spend account has credit obligations, any funds received for the inmate will be deposited towards the obligation first, except PSPI and work release room and board. The spend subaccount may receive up to the \$140.00 calendar month deposit limit.
- C. Inmate's may send funds from his/her spend account to any of the following:
  - 1. A business or vendor recognized and approved by DOC staff. This includes a financial institution such as a bank, savings and loan, credit union, etc.

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- 2. A recognized religious representative/group/organization.
- 3. A recognized non-profit organization.
- 4. An inmate's personal representative, such as his/her attorney, certified public accountant etc. The legitimacy of an inmate's personal representative will be determined by staff on a case-by-case basis.
- 5. An individual on an inmate's approved visit list; however, and inmate may not send funds from his/her spend subaccount to a DOC volunteer or M-2/W-2 sponsor.

#### 7. Transfers:

- A. Inmates may complete the following funds transfers with staff approval:
  - 1. Spend to savings.
    - a. Subject to the \$250.00 maximum savings balance;
    - b. Transfers must be for a minimum of five dollars (\$5.00);
    - c. Once funds are transferred from spend to savings, they cannot be transferred back;
    - d. Inmates who transfer funds from spend to savings are not eligible for indigent commissary;
    - e. Must be approved by unit staff; and
    - f. Must not have any credit obligations outstanding.
  - 2. Frozen to spend/savings.
    - a. Specific to inmates serving a life sentence and with Warden's approval.
  - 3. Inmates may not transfer funds from their spend to the frozen account or from their savings to spend account.

## 8. Fixed Obligations:

- A. Fixed obligations include debts related to crimes committed and prison/parole related obligations listed on an inmate's financial plan, including cost of incarceration.
- B. After an inmate's spend subaccount limit reaches \$140.00 during any calendar month, a percentage established by the DOC may be transferred to the inmate's savings subaccount based on receipt type. Any remaining funds received will have a percentage disbursed to Fixed Obligations in priority by type. The Inmate Banking System (IBS) will then go to the next fixed obligation type if funds are remaining.
- B. Fixed obligations and other DOC costs incurred will be paid according to the inmate's financial plan (See SDCL § 1-15-21) and will be distributed and recorded on the IBS according to the following priority, except for Work Release, CTP and PSPI (See DOC Policy 1.3.C.11 Offender Obligations):
  - 1. Child Support combine by vendor if more than one case and add "+" after case number.

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- Court ordered obligations. Combine by vendor if more than one case and add "+" after the case number.
  - a. Through a County to include restitution, fines, fees and court ordered sanctions.
- 3. Costs incurred while in the custody of the DOC.
  - a. An inmate may be charged for costs incurred while in the custody of the DOC when the DOC has to pay costs or bills as a result of the inmate's behavior and documentation of the costs exist (See SDCL § 24-2-29).
  - Any documentation of costs incurred while in the custody of the DOC will be documented on the inmate's IFR.
- 4. Parole supervision fees.
- 5. Parole SCRAM fees.
- 6. Parole Remote Breath Test.
- 7. Costs of incarceration (See SDCL § 24-2-28).
- D. The DOC shall notify the inmate of any disbursements made from the inmate's subaccounts pursuant to SDCL § 24-2-29 (See ARSD 17:50:01:18).
- E. Inmates requesting a replacement/duplicate copy of their transaction statement will be charged a fee of .50 cents per 2-sided legal copy.

## 9. Costs of Incarceration (COI):

- A. The DOC Administration will set an annual adult system per diem cost, which will be based upon the prior year's costs.
- B. An inmate's cost of incarceration may not exceed the number of days incarcerated, multiplied by the DOC adult system per diem cost.
- C. Any <u>additional</u> funds above and beyond the payroll/paychecks (wages) received by PSPI, CTP or Work Release (WR) inmates are subject to costs of incarceration.
- D. Cost of incarceration does not apply to inmates housed in South Dakota's prison system from other jurisdictions when the other jurisdiction is paying the SD DOC a per diem for the inmate's housing.
- E. For PSPI, CTP and WR inmate wages and other jurisdiction inmates housed on a per diem payment basis who do not owe child support, restitution, fines, fees or court ordered sanctions and/or costs incurred; the remaining funds will be placed in the inmate's frozen subaccount.
- F. Inmates with fixed obligations may be charged costs of incarceration at the discretion of the DOC.

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## 10. Savings (SAV), Frozen (FRZ) and Specialty (SPC) Subaccounts:

- A. Funds in the inmate's savings subaccount may be used to purchase property items approved by unit staff, if the inmate has no credit obligations other than work release loans.
  - 1. Aside from approved magazine and/or newspaper subscriptions, books, religious items and crafts, inmates may not receive property directly from a company vendor.
  - Attachment 3 contains a listing of the property items that may be purchased with savings subaccount funds.
- B. At the inmate's request, money in his/her savings subaccount and frozen subaccount, leaving a minimum balance of \$50, may be used to enhance payments in the inmate's fixed obligations.
- C. Inmates may access funds contained within his/her savings or spend subaccounts for religious tithes and contributions, according to the procedures established in this policy.
- D. Inmates may receive funds clearly marked for the purchase of a television. These funds will be placed directly into the inmate's specialty subaccount, thereby bypassing the distribution formula (See section on TV Purchase).
- E. Inmates employed in PSPI may purchase work supplies from their savings or spend subaccount, provided the inmate presents an invoice from their employer to their unit staff for approval.
- F. Funds in the inmate's savings subaccount may not be used for purposes other than the approved purchase of items on the property list (See Attachment 3), or to purchase PSPI work supplies, unless the inmate has no credit or fixed obligations, other than a work release expense loan or cost of incarceration.
  - 1. If the inmate has credit or fixed obligations, only the warden or his designee may approve an inmate's request to withdraw funds from his/her savings subaccount to purchase items (other than property, WR or PSPI work supplies).
  - 2. If the inmate does not have credit obligations other than work release expense loans or fixed obligations outstanding, withdrawals from the inmate's savings subaccount for approved purposes other than property purchases; such as sending money to family, religious tithes/contributions or transfers to their phone account (in \$5.00 increments), or WR or PSPI work supply purchases, may be authorized by unit staff.
- G. Inmates may request to send funds from his/her savings or frozen subaccounts to the following:
  - 1. A business or vendor recognized and 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/organization.
  - 3. A recognized non-profit organization.
  - An inmate's personal representative, such as his/her attorney, certified public accountant (CPA), etc. DOC staff will determine the legitimacy of the personal representative on a caseby-case basis.
  - 5. An individual on the inmate's approved visit list.

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- H. An inmate cannot send funds from his/her savings or frozen account to an institutional volunteer or an M-2/W-2 sponsor.
- I. Funds in an inmate's frozen subaccount will remain in the subaccount until his/her release from custody. Inmates may not withdraw funds from their frozen subaccount without the approval of the Warden and then, only if they are serving a life or death sentence, or the inmate has a documented, legitimate reason to request the withdrawal of the frozen funds (See ARSD 17:50:01:21).

## 11. Inmate Financial Responsibility (IFR):

- A. The unit staff will review available documentation to determine whether an inmate has financial obligations stemming from court ordered obligations. Unit staff will question each inmate as to whether the inmate has any fixed obligations. Unit staff may also gather information on obligations through communication with county officials and other sources.
  - Unit staff may use verified documentation provided by UJS at the time of admission to the DOC.
  - 2. An inmate's date of birth (DOB) must be matched with the DOB listed on JAS/Odyssey system.
  - 3. Fixed obligations stemming from obligations do not terminate upon the inmate's completion of a sentence(s); e.g. an inmate serving consecutive sentences is still liable for obligations from his/her first sentence, even if the first sentence is completed and the inmate has begun serving his/her consecutive sentence.
  - 4. These obligations also remain open even if unrelated to the sentence(s) the inmate is currently serving, whether the inmate is currently incarcerated or under parole services supervision.
  - 5. If an inmate denies any fixed obligations and is later found to have been untruthful about known obligations, disciplinary action may be initiated against the inmate.
  - Corrections will not be made to disbursements when an inmate discloses a fixed obligation, or a fixed obligation is discovered after the inmate's funds were applied to costs of incarceration.
  - 7. Each inmate 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, shall be transferred by the department to the Administrative Financial Accountability System (AFAS) pursuant to § 23A-47-2. SDCL § 23A-47-2 states a parolee, inmate, or probationer, who is discharged from supervision but has outstanding, court-ordered financial obligations, shall be managed by the AFAS, as administered pursuant to SDCL § 23A-47-3 in order to satisfy all court-ordered financial obligations.
  - 8. Any funds received following the addition of a fixed obligation will be applied to the fixed obligation pursuant to this policy (exceptions may be made for inmates coming in with large amounts of money in A&O).
- B. An inmate's IFR may be modified when an obligation has been fulfilled, a change in work status has occurred, or the inmate is scheduled to be released to parole supervision or suspended sentence.

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- 1. Any modification to an inmate's IFR will be reflected on both a revised Inmate Financial Worksheet (signed by the inmate and unit staff) and in the IBS.
- 2. When an inmate is transferred to another unit, unit staff from the receiving unit will review his/her Inmate Financial Worksheet, obligation information and IBS records.
- 3. The information contained on the Inmate Financial Worksheet and the IBS records must reconcile. Parole supervision and SCRAM fees will not be listed on the IFR. These amounts/fees are community based charges and the inmate is responsible for payment.
- 2. Unit staff will document, sign and date the IFR form each time a review is conducted or a change is made.
- C. Unit staff will document an inmate's IFR on the Inmate Financial Worksheet (See Attachment 1).
  - 1. Fixed obligations and amounts will be added to the worksheet when information from UJS Odyssey system indicates the inmate owes the court ordered obligation.
    - a. If there is no record of the obligation on JAS/Odyssey, but a court order exisits documenting an obligation, the amount on the order will be listed and a confirmation form will be sent to the county.
  - Child support may be listed based on a court order or inmate report. Payee information will be verified by DOC staff prior to issuing payments. 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 mainframe tracking system of the Department of Social Services (DSS).
  - 3. Court ordered obligations will be recorded based on the docket number.
    - a. Multiple obligations under a single docket number will be recorded as a single entry in the court ordered obligation section in the Inmate Financial Worksheet.
    - 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.
  - Costs incurred while in the DOC may be listed separately on the Inmate Financial Worksheet
    but recorded as a single obligation reflecting total costs incurred while in the DOC on the
    IBS.
- D. Refunds received for payments sent from DOC for child support or court ordered obligations paid will be reapplied to any other child support or court ordered obligations documented on the IFR. If no other fixed obligations are listed on the IFR, the refund shall be applied to costs of incarceration and any remaining funds deposited into the inmate's frozen account, in accordance with the provisions set forth in this policy.
  - If the refund received for child support or court ordered obligations was paid by an inmate in the Work Release Program, and no other child support or court ordered obligation is noted on the work release inmate's IFR, the amount of the refund will be deposited into the inmate's frozen account.
- E. Each inmate with jointly and severally liable court ordered restitution shall have the total

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amount of the court ordered restitution owed entered on their IFR as a fixed obligation.

#### 12. Subaccount Balances:

- A. Inmates are responsible for keeping track of their own subaccount balances.
  - Inmates will receive periodic printouts of their subaccount balances (See ARSD 17:50:01:20).
  - 2. Inmates may be charged \$0.50 per replacement or duplicate copy of their subaccount printouts.
  - 3. The DOC will maintain six (6) months of prior deposits and subaccount balance averages for each inmate account in accordance with the PLRA.

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## 13. Stop Payments:

- A. An inmate may request stop payment on a check issued from his/her account, provided the check has not cleared through the bank.
  - 1. The inmate must submit a commissary slip for \$10.00 with their stop payment request to the accounting office.
  - 2. A \$10.00 dollar fee is charged from the inmate's commissary subaccount for all "Stop Payment" requests on checks, regardless of the amount of the check.
- B. Funds received as a result of the stop payment will be deposited into the inmate's subaccount that the check was originally drawn from.
- C. If a check is lost or destroyed, the offender is required to complete an Application, Affidavit for Replacement Check prior to a reissuance of a check (See Attachment 5).

#### 14. Stale Dated Checks:

- A. The DOC may clear stale dated checks of six (6) months or older from the IBS. The DOC may initiate a stop payment on state dated checks.
- B. Checks written from an active inmate subaccount will be deposited in the inmate's account that was the source of the check.
- C. Funds from checks written from inactive subaccounts will be deposited in the DOC Deceased/Released account. If the inmate is on parole, a check will be sent to the inmate's assigned parole agent.

#### 15. Closing Accounts:

A. An inmate's account will be closed upon the inmate's release (discharge), or conditional release (parole or suspended sentence), or transfer to an out-of-state facility. This does not apply to temporary absence, out-to-court transfers or inmates moving directly to CTP.

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- 1. The balance of the inmate's subaccounts (spend, savings, family support, specialty, work release expense and frozen) will be included and any payroll money due. Credit obligations will be deducted from any funds prior to closing the subaccount(s).
- 2. After gate money and transportation provisions are made pursuant to DOC policy 1.4.G.2 *Inmate Release Procedure*, a single check will be issued to the inmate for the entire amount of funds remaining in the account.
- B. For inmates releasing to parole supervision, any unsatisfied obligations will be part of the release plan. Parolees are financially responsible for payment of unsatisfied obligations.
  - 1. If an inmate is discharged or released on parole or suspended sentence with a credit obligation in his/her institutional account, the amount of the credit obligation will be written off and transferred to costs incurred while in the DOC.
  - 2. Offenders are responsible for repayment of costs they incurred while in a DOC institution within six (6) months of their release to parole or discharge from the DOC..
  - Payments on these costs will be mailed to the DOC Administration office in the form of a
    money order and must include a note directing that the funds be used toward costs incurred
    while in DOC rather than parole supervision fees (See DOC policy 1.5.G.1 Supervision
    Fees).

#### 16. Withdrawal of Funds:

- A. An inmate may request a check be issued from their spend, family support, savings, or frozen subaccount, subject to the limitations and guidelines set forth by DOC policy.
- B. The inmate must complete a commissary slip for the amount of the check, indicate which subaccount they are requesting the check be drawn from, and state the name, relationship (if for family support) and address of the person/entity receiving the check. If the check is intended for an individual person, Unit Staff must verify the recipient is on the inmate's approved Visit List.
  - 1. The approving authority must sign off on the commissary slip before the slip can be sent to the business office. The approving authority shall be determined as follows:
    - a. Checks from spend subaccount unit staff, CTP coordinators or property officer.
    - Checks from family support subaccount unit staff. Slip must identify the relationship of the person and payment must be direct to the person (not a bank, business or third party).
    - c. Checks from savings subaccount when the inmate has fixed and/or credit obligations Warden or designee.
    - d. Checks from savings subaccount when the inmate does not have fixed and/or credit obligations other than work release or CTP room and board, PSPI obligations or cost of incarceration - unit staff.
    - e. Checks from frozen subaccount Warden or designee.
  - 2. A stamped, addressed envelope must be included with the approved commissary slip.

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C. Commissary slips requesting a check be issued for withdrawal of funds from any inmate subaccount are subject to staff approval.

#### 17. Phone Accounts:

A. Inmates with a phone account with the approved telephone contract provider may deposit funds into their phone account in accordance with DOC Policy 1.5.D.4 *Inmate Access to Telephones*.

#### 18. TV Purchase:

- A. An inmate may purchase a T.V. with funds available in his/her savings subaccount.
- B. An inmate may also have a money order sent in for the purchase of a TV.
  - 1. The money order will be specifically marked "for TV purchase" and will only be for the full amount of the TV purchase. No payment plans will be accepted.
  - 2. A money order for a TV purchase will be deposited directly to the recipient's specialty subaccount (bypassing the inmate banking system formulas). If the money order is for more than the cost of the TV, the remaining funds will be held in the inmate's specialty subaccount until the inmate's release.
  - 3. When the money order is deposited, the business office staff will note "TV purchase" in the comments section for future reference.
  - 4. An inmate may order a TV once the "TV purchase" deposit has been placed in his/her specialty subaccount, consistent with any other applicable DOC policies or facility OMs.
  - 5. Inmates receiving money orders marked "TV purchase" who already own an operating TV shall have the funds deposited into their specialty subaccount until their release.
  - 6. Inmates with a credit obligation from overdrawing their spend subaccount may not purchase a TV.

#### 19. Audits:

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

#### V Related Directives:

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SDCL § 1-15-20, 1-15-21, 24-2-9, 24-2-28, 24-2-29, 24-5-3, 24-15-12, 24-15A-4 and 24-15A-25. ARSD § 17:50:01:18, 17:50:01:20, 17:50:01:21 DOC policy 1.3.C.2 – Inmate Discipline System DOC policy 1.3.C.11-- Offender Obligations DOC policy 1.4.A.2 -- Inmate Admission DOC policy 1.4.E.10 – Inmate Medical Co-Pay DOC policy 1.4.G.2 – Inmate Release Procedure DOC policy 1.5.A.2 – Private Sector Prison Industries Employment DOC policy 1.5.D.1 – Inmate Visiting DOC policy 1.5.D.3 -- Offender Correspondence DOC policy 1.5.D.4 -- Inmate Access to Telephones DOC policy 1.5.G.1 – Supervision Fees
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DOC policy 1.5.G.2 – Community Transition Program

## VI Revision Log:

March 2002: Added the following definitions: Inmate, Parolee, Disciplinary fines and Restitution owed to the DOC. Added that inmates may receive checks issued by a government agency. Changed Power of Attorney to Authorization to Deposit Checks. Added that PLRA is listed as 20% on the IFR. Revised provisions to allow annual transfer of negative commissary balances in excess of \$100 to costs incurred account. Added priority order for disbursement account obligations. Added that a maximum of two disbursement account obligations will be designated as receiving a percentage of funds. Added that IFR on banking system shouldn't be changed unless obligation is paid off or added. Added books, religious items and crafts to what can be purchased from vendors. Limited use of savings account funds to property items. Clarified that pending paychecks and expense account funds are frozen with special program violations. Added that DOB must be matched with JAS system. Added that corrections won't be allowed when a disbursement obligation is identified after funds have been applied to Costs of Incarceration. Added that the inmate or other party is responsible for getting copies of civil judgments to DOC. Added procedures of Stop Payments and Stale Date Checks. Added procedures of withdrawal of funds. Added that religious contributions can be made from either commissary or savings account subject to provisions. Changed Legal Dependents to Immediate family for PSPI family support account. Added that PSPI work supplies may be purchased from savings account. Changed references of "Central Office" to "DOC Administration". Revised attachments 1). Inmate Financial Worksheet, 2). Authorization to deposit check form. 3). Property list from savings and 4), Confirmation form. August 2002: Added references to debit phone account in Policy and in sections on Commissary

Spending Account C, D, D.4. Revised section on Closing Accounts A, A.1 and A.2. Added section on Phone Accounts.

October, 2002: Added language in Policy and in section on Phone Accounts to clarify that money sent in to inmate must be for either phone account or for inmate banking account and will not be split between the two accounts. Raised 28 day balance/deposit limit to \$140.00 and commissary account spending limit to \$35/week.

December 2002: Added B.1. under Commissary Spending Account (Spend Account on IBS) to allow for TV purchases.

December 2003: Added references to other DOC polices and SDCL. Added definitions for Commissary Spend Account and Savings and Frozen Accounts. Revised the definition of Inmate. Parolee, Restitution Owed to the DOC and Immediate Family. Revised the policy statement. Added clarification on the use of Authorization to Deposit forms. Moved Costs of Incarceration into a separate section. Clarified how Costs of Incarceration apply to Work Release and PSPI inmates. Clarified the applicability of court ordered financial obligations under the section on Financial Plan. Changed generally accepted accounting procedures to Generally Accepted Accounting Principles in the section on Audits. Revised institutional banking system account to institutional account in the section on Phone Accounts. Changed IFR to IFR database. February 2006: Added that Private Sector payroll posting dates that fall on a state or administrative holiday will be posted the following business day. Added a requirement that unit staff document changes or reviews on the IFR. Added procedures for handling funds of inmates in the community transition program. Added restrictions for the transfer of funds under the commissary section. Revised attachment 1. Revised the definition of commissary spend account. Added phone accounts as an account that funds from the outside may be placed in. Clarified gate money for CTP offenders. Added restrictions on where an inmate can send funds. Added a reference to DOC policy 1.5.D.1. January 2008: Added provisions that under most circumstances inmates working for PSPI can not have extra money withheld from their paychecks. Added a note that inmates may purchase tennis shoes from their commissary account, subject to staff approval and account balance requirements. Added a note that inmate transfers from commissary to savings must be for a minimum of \$5. Clarified the difference between active and doubtful restitution owing through a county. Clarified that an inmate's financial plan "will" versus "may" be notified when an obligation has been fulfilled. Added a \$200 maximum balance on the phone account. Added a section specifically for TV Purchases and

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added procedures to allow money to be sent in specifically for a TV purchase and by-pass the distribution formula. **Revised** the definition of Special Program. **Added** a note that inmate accounts are non-interest bearing. **Moved** the section on Authorization to Deposit to the front of the procedures. **Added** procedures for CTP offender accounts regarding PLRA and re-establishing obligation percentages when an offender is removed from the CTP. **Added** a restriction that checks cannon be sent to institutional volunteers or M-2/W-2 sponsors. **Added** a section on Work Release Supplemental. **Added** ARSD § ARSD 17:50:01:18 as a Related Directive. **Added** a definition for Old Funds and used that term in relation to TV purchases. Numerous other minor wording changes made throughout the policy.

March 2008: Added section on Private Sector Prison Industries Supplemental. Added that no inmate will be allowed to purchase a TV until while they have a negative balance in their Spend Account. Added language indicating that checks received from the US Department of Interior with the Office of the Special Trustee for American Indians will be managed similar to checks received from Veterans Administration. Deleted statement regarding earnings not being subject to volunteer deductions under Receiving and Depositing funds section. Added language in the Special Program Requirements section referring to inmates earning PSPI or WR wages may not elect to have additional amounts of money withheld from their wages for income tax, as well as any additional voluntary deductions from PSPI or WR wages must be approved by unit staff. Added MDSP and SDWP contact information to Attachment 4.

<u>April 2008:</u> Removed PSPI section of this policy. Revised formatting throughout policy and updated dates on footers. Added headers to Attachments 1, 2 and 4. Clarified Attachment 2 Admission Document that the form title was consistent throughout attachment.

August 2008: Revised formatting of policy in accordance with DOC policy 1.1.A.2. Added PSPI section. Deleted former ss (D1), replaced following bullet E to D and revised statement to include that the CTP Coordinator will make notification to the respective unit staff in ss (9c) within Special Program Requirements section. Replaced "processed as a new account" with "placed in a frozen account" in ss (A6 of Phone Accounts). Revised minor spelling and grammatical changes throughout policy.

March 2009: Added delinquent costs relating to SCRAM in the definition of Restitution Owed to the DOC. Added statement regarding personal checks in ss (A of Receiving and Depositing Funds). Replaced CTP with transitional case managers in ss (D1), revised ss (D6) to state DOC may charge CT offenders for room and board and referenced DOC policy 1.5.G.2, added statement regarding gate money being withheld, approved CTP and statement regarding transitional CTP in ss (D8), added ss (D8a), added statement regarding TCMs notifying respective business office when an inmate removed from CTP in ss (D9), added ss (b and b1) all within Special Program Requirements. Added ss (4a, 4a1-4a3) and (b and b1) and replaced 5 with ss (C) of Spend Account. Added ss (C of Stop Payment). Replaced "conditional release" with "parole supervision" within ss (B), replaced Release Manager with TCM in ss (B2) both within Closing Accounts. Replaced Authorization to Deposit" to "Admission Document' throughout policy. Added Attachment 5.

December 2009: Added ss (C of Authorization to Deposit) regarding withdrawing the authorization. Deleted "phone account" in ss (B of Receiving and Depositing Funds). Added new ss (E of Savings, Frozen and Old Funds Accounts) regarding funds in frozen account. Deleted 'phone" in ss (A2 of Closing Accounts). Added new ss (A5 and A5a) regarding setting up a phone account and contact information for CSA, deleted reference of being approved by the warden in ss (A6), revised ss (B) to state funds from the community will not be accepted, deleted former ss (B1, B2 and B3) regarding US Cashier Checks, added new ss (B1 and B2) regarding funds from the community being set up by CSA and the transition date and revised former ss (D, now F) regarding inmates contacting CSA to claim any remaining balance in their phone account all within Phone Accounts. Added hyperlinks.

March 2010: Deleted reference to phone account in ss (A) and added staff's signature to ss (A1) both within Authorization to Deposit. Deleted reference to funds in the work release account, added all offender trust account funds in Savings and WR Expense accounts within ss (D9) and revised bullets for ss (D9 and D10) all within Special Program Requirements). Deleted ss (A4a-1-3 and A4b1) added new ss (E and F) all within Spend Account. Added new Transfers section with previous content. Replaced court ordered with financial to ss (A and C of Disbursement Account). Revised ss

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(C) to state any additional funds above payroll/paychecks for PSPI and WR inmates from approved source is subject to costs of incarceration and **added** "savings or" and **added** normally going to disbursement account within ss (E) all within Costs of Incarceration. **Revised** ss (C of Costs of Incarceration) to state any additional funds above payroll/paychecks for PSPI and WR inmates from approved source is subject to costs of incarceration. **Revised** ss (I of Savings, Frozen and Old Funds Accounts) to include Phase II of CTP and **added** reference to all inmate trust account in Savings and WR Expense accounts will be frozen. **Deleted** court ordered in ss (A, A4, B, B1 and D1 of Financial Plan). **Added** reference to CSA in ss (A), **deleted** former ss (A7) regarding funds in excess of \$200. will be placed in frozen account, **deleted** former ss (B1) referencing funds from the community can be directed to CSA to set up accounts, **deleted** spend from new ss (B1) and **added** at DOC within new ss (B1) all within Phone Accounts.

March 2011: Removed "Gate money" includes all funds in the offender's account at the time of transfer to CTP from Section 4 D. 8. Added a. b. c. d. to Section 6 A. 2. Added hyperlink for DOC Policy 1.5.D.4 Inmate Access to Telephones. Added hyperlink for Work Release policy to Section 9 B. Added "that are clearly" earmarked to Section 11 B. Added "for the items listed in Section D." to Section 11 D. 1. Deleted Section 11 E "Funds in the inmate's frozen account may not be used for approved purchase and withdrawals unless the inmate has no disbursement obligations other than cost of incarceration. Deleted 1. "Inmates removed from special programs or inmates in Phase II of CTP will have funds from pending paychecks and all inmate trust account funds in the Savings and Work Release Expense accounts frozen" from Section 11. Deleted "These frozen funds will be used for costs incurred as a result of the inmate's removal from the special program assignment. From Section 11 I. 1. Added hyperlink to DOC Policy 1.3.C.11 Offender Obligations.

April 2012: Added definition of Community Transition Program. Added "from a United States bank" to Section 2 B. Added "or a M-2/W-2 or institutional volunteer, unless authorized by the Warden or his/her designee to Section 2 C. Added "Community Transition Program II" to Section 2

D. Deleted 3. "Any funds sent to an offender in the CTP must be directed to the appropriate mail room and labeled "CTP", Offender Name and Inmate Number" from Section 4. D. Deleted "unit staff or CTP coordinators will change the" and Replaced with "offender will not have" and Deleted "To reflect a zero percentage" and Replaced with "deducted from payroll earnings" in Section 4 D. 7. **Deleted** "has been placed in the approved community CTP II placement. This does not apply to temporary or transitional placements" and Replaced with "is released to parole supervision or discharged" in Section 4. D. 7 a. Added "savings or spend" to Section 4 D. 9. a. Deleted "Disbursement account obligations will have the respective percentage re-established by the CTP coordinator with" and Added "and business office for any offender removed from CTP II" in Section 4 D. 9 d. Deleted 10. "If a CTP participant exceeds the \$1500 limit while in the CTP and is not actively developing a release plan to leave CTP, they may be charged \$18.00 for the additional days spent in the program" in Section 4 D. Deleted "Parole supervision fees will require a commissary slip signed by the parole agent or an e-mail from the parole agent sent to the appropriate business office" and Replaced with "Parole agents will notify the appropriate business office when supervision fees are due." in Section 4 D. 11. a. Added new section 5. Advance of Spending Cash for WR and CTP and Renumbered sections that follow. Deleted "not documented through a commissary slip" and "without going through the spend account" in Section 6 B. 3. Deleted "annually" from Section 6 B. 2. Deleted "annually, normally at the time of a scheduled classification review" and Replaced with "whenever new or update information is received" to Section 6 B. 2, a. Added "Documentation to note what changed when the review was completed" to Section 6 B. 2. c. Added d. "transfers must be for a minimum of five dollars" to Section 7 A. 2. & 3. Added "combine by vender if more than one case and add "+" after case number to Section 8 C. 1. Added "fines/fees and court ordered sanctions-combine by vendor if more than one case and add "+" after docket number" to Section 8 C.2. Deleted "1) Active (listed in order from newest to the oldest" and "2) Doubtful (the county to whom money is owed is doubtful they will receive any money from the inamte" in Section 8 C. 2 a. Deleted "Fines, fees and court ordered sanctions" and Added "Combine by vendor if more than one case and add "+" after case number" to Section 8 C. 3. Deleted a. Active and b. Doubtful in same section. Added "Note as much detail as possible within 32 characters" to Section 8 C. 4. Deleted "a. Inmates subject to the WR and PSPS Supplemental will not send or transfer frozen or savings

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account monies out without Warden or his designee's approval" in Section 12 D. 2. Added new E. "Funds in the inmate's frozen account may not be used for approved purchase and withdraws unless the inmate has no disbursement obligations other than cost of incarceration" and Renumbered subsections that follow in Section 12. Added "or frozen" to Section 12 F. and G. in Section 12. Added "at the time of admission" to Section 13 A. Added "or UJS Odyssey system" to Section 13. Added "Include documentation as to what changed" to Section 13 C. 4. Deleted "docket number" and Replaced with "vender" in Section 13 D. 2. Deleted a. "Multiple obligations under a single docket number will be recorded as a single entry in the court ordered obligation section in the IFW" in Section 13 D. 2. Added "to same entity/county" and Deleted "separate entries" and Replaced with "a combined single entry with most current docket number in the memo field with a "+" sign following the docket number" in Section 13 D. a. Added "unless approved by the Warden" in Section 14 B. Deleted 1-6 and 6. a. in Section 19. Deleted B. "DOC will no longer receive funds from the community for the inmate's phone account" in Section 19 Deleted "after the transition date" in Section 19 A. 2. Deleted D. "Inmates may not transfer funds to their phone account from any other inmate banking account" in Section 19. Added "in \$5 increments" in Section 19. Deleted G. "The phone account balance will be electronically reduced when the inmate makes a call using the inmate phone system and selects the debit option" in Section 19. Added "Any amount exceeding TV purchase will remain in the old funds account" in Section 20 B. 1. Deleted "returned to send with postage paid by the inmate" and Replaced with "remain in old funds until release" in Section 20 B. 5. April 2013: Deleted definition of "Financial Obligation" Added definition of "Inmate Financial Responsibility (IFR). Added definition of "Fixed Obligations" Added definition of "DOC Costs Incurred Restitutions Owed to the DOC" Added definition of "Credit Obligations" Added definition of "Inmate Account" Added definition of "Inmate Subaccount" Added definition of "Frozen Account" **Deleted** definition of "Old Funds" **Deleted** previous definition of "Restitution Owed to the DOC" Added "definition of "Specialty (SPC)" Added definition of "PS Family" Added definition of "work Release Expense" Added "The DOC may promulgate rules, policies and procedures to establish, maintain and manage inmate account pursuant to SDCL" to the Policy statement. Deleted "alimony" from "Financial Obligation" definition. Added "Parole supervision and SCRAM fees will not be recorded on the inmate's institutional IFR" in definition of Financial Plan. Added "Staff shall notify the business office of the refusal to sign" in Section 1 A. Added "via certified mail with the" and Added "Unreturnable checks, money orders or other funds an inmate refuses to return shall be deposited into a fund designated by the Warden" in Section 1 B. Added "via certified mail at the inmate's expense" in Section 2 A. Added "or rejected checks mailed to an inmate" and Added "and will be returned to the sender by mail and at the expense of the inmate" in Section 2 B. 1. Added a. and b. to Section 2 B. 1. Deleted 2. "Personal check and cash received through the mail will be returned to the sender, if known with postage paid by the inmate" in Section 2 A. Deleted "disbursement account obligations" and Replaced with "fixed obligations" and Added "Credit obligations will be deducted prior to depositing the funds to the spend subaccount" in Section 2 E. 2. Added "PSPI obligations (if applicable), work release room and board and any credit obligations" and Deleted "as 20% on the IFR database" in Section 3 A. Deleted "if their net paycheck is insufficient to cover room and board expenses and/or other authorized work expenses" in Section 4 A. Added "funds applied/deducted for" and Deleted "expense and/or other authorized work expenses deducted from their work release paychecks" and Replaced with "charges are deducted based on an assigned percentage rate established by the DOC. All credit obligations including work release expense loan will be deducted from the inmate's work release pay checks and a percentage will go towards authorized work expenses in the work release expense subaccount" in Section 4 B. Added "will first have funds applied to all credit obligations including CTP work release expense loans. Room and board charges will be deducted next based on an assigned percentage rate established by the DOC and a percentage towards authorized work release expenses will be deducted from their paychecks. The remaining funds" in Section 4 D. Deleted items 1-9 in Section 4 D. Deleted "Advance of Spending Cash for WR and CTP" and Replaced with "IFR Obligations" in title of Section 5. Deleted "Inmates who do not have sufficient funds in their account to pay for approved and necessary employment related start up expenses may be allowed an advance in the amount determined by their unit manager" and Replaced with "As a result of a new or a change in

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an existing fixed obligation or a reclassification, unit staff shall review an inmate's IFR" in Section 5 A. **Deleted** 1. "All employment related expenses must be approved be designated unit staff or transitional case managers" and Deleted 2. "The inmate must pay the spending cash advance back in full to the DOC no later than the receipt of his/her second paycheck and Deleted 3. "Inmates who are removed from the WR or CTP program are required to pay back the advance" all in Section 5 A. Added B. to Section 5. Added "for commissary purchases only" in Section 6 A. Deleted "Inmates are allowed, with written permission from unit staff, to purchase tennis shoes from their spend account subject to the \$140 balance/deposit limit per twenty-eight day period" and Replaced with "Any commissary (property related) i.e.clothing, headphones, etc. purchases exceeding the \$35 per week amount must be submitted for withdrawal from the Savings subaccount" in Section 5. A. 1. Deleted 2. "The \$35 per week spending limit in commissary may be overridden by unit staff to allow the tennis shoe purchase, provided the spend account has sufficient funds" and Deleted 2. "The \$35 per week withdrawal limit from the spend account applies to:" and Replaced with "The inmate's spend subaccount will be reduced for any of the following transactions and be deducted from their spend balance" in Section 5 A. Deleted "and the purchase of property items of \$35 or less per item" in Section 5 2 b. Deleted a. "Transfers to the phone account must be in \$5 increments" in Section 5 A. 4. Deleted "run negative as a result of" and Replaced with "result in a credit obligation (loan) due to" in Section 5 B. Added "during the calendar month" in Section 5 B 1. Deleted "The inmate's spend account may temporarily go beyond the \$1000 negative. This amount will be moved to costs incurred while in DOC custody" and Replaced with "Med copay may be charged by medical at the time of the encounter and be electronically deducted from the inmate's spend account" in Section 5 B. Deleted a-c. in Section 5 B. 2. Deleted 3. "Documentation of restitution owed the DOC in the form of jail bills, transportation bills and other bills will be sent to unit staff for inclusion in the costs incurred while in DOC placement" in Section 5 B. Renumbered previous 4. to 3 in Section 5 B. **Deleted** "negative balance" and **Replaced** with "any credit obligations" and **Deleted** "in the spend account and applied to the negative balance, subject to the \$140 per 28-day deposit limit. If an inmate overspends his/her spend account, the amount they over spent (over \$35 per week) will be applied towards their allowable expenditures from the spend account during that 28-day period" and Replaced with "towards the obligation first except PSPI and WR Room and board. The spend subaccount may still receive up to the \$140 calendar month deposit limit" in Section 5 B. Deleted b. "Provided they already have a minimum of \$100 in their frozen account" and Deleted C. "Counts toward the \$35 weekly spend limit" and Renumbered subsections and Added f. all in Section 7 A. 1. Deleted 2. "Savings to Spend" and Deleted a-d. in Section 7 A. Deleted b. "Transfers must be for a minimum of \$5" in Section 7 A. 3. Deleted "Disbursement Account" and Replaced with "Fixed Obligations" in title of Section 8. Deleted "The disbursement account is established at the time of the inmate's admission to pay debts from financial obligations and other prison related obligations listed on an inmate's financial plan" and Replaced with "Fixed obligations are established to pay debts related to crimes committed and other prison/parole related obligations that are listed on an inmate's financial plan, including costs of incarceration" in Section 8 A. Deleted "28 day period" and Replaced with "calendar month" and deleted 50% of and Replaced with "a percentage established by the DOC may go to the savings based on receipt type" and **Deleted** "shall be placed in the disbursement account" and Replaced with "will have a percentage disbursed to fixed obligations in priority by type. Only one fixed obligation by type will have funds applied. IBS will then go to the next fixed obligation type if funds are available" in Section 8 B. Added "except WR, CTP or PSPI" in Section 8 C. Deleted 2. "Restitution/fines/fees and court ordered sanctions-combine by vender if more than one case and add + after docket number" and Replaced with "Court ordered obligations" in Section 8 C. 2. Added "to include restitution, fines, fees and court ordered sanctions" in Section 8 C. 2.a. Deleted "Costs of incarceration, pursuant to SDCL (Only if 1-4 in above cited selection are non-existent) and Replaced with "Parole Supervision fees" Added 5 and 6 to Section 8 C. Deleted D. "A maximum of 2 disbursements account obligations will generally be designated as receiving a percentage of the funds going into the disbursement account (excluding PLRA)" in Section 8. **Deleted** E. "The percentage or order of the funds to be applied to specific disbursement account obligations should not be changed once added to the inmate banking system IFR database, unless an obligation is paid off or added to the inmate's IFR database" in Section 8. Added "CTP II" and

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**Deleted** 50% generally going to disbursement account, will be placed in the inmate's saving or frozen account subject to Section C. above" and Replaced with "remaining funds will stay in the frozen subaccount" in Section 9 E. Added F. to Section 9. Deleted Sections 10 and 11 and Renumbered Sections that followed. Deleted "Old Funds Accounts" and Replaced with "Specialty Subaccounts" in title of Section 10. Deleted "Inmates must have a minimum of \$100 in their frozen account balance before they may request money be spent from the savings account, unless authorized by staff due to indigence or the inmate is serving a life or capital punishment sentence" and **Replaced** with "The savings subaccount can be used to make authorized purchases of property items approve by unit staff" in Section 10. A. **Deleted** 1. "After the \$100 minimum frozen account balance is reached, the remaining \$ in the savings account may be used by the inmate to make authorized purchases of propety items approved by unit staff" in Section 10.Renumbered sections a. and b. to 1. and 2. in Section 10 A. Renumbered 2, 3, to B, C, in Section 10. Deleted 4. "An inmate may not accumulate more than \$250 in the savings account" in Section 10 A. Deleted 5. "Any money over \$350 (\$100 frozen account plus \$250 in savings account) must go toward the obligations the inmate has listed in his/her disbursement account, (excluding cost of incarceration)" in Section 10. Changed B. C. D. to D. E. F. Deleted "listed in Section D. and Replaced with "other than property, WR or PSPI work supplies" in F. 1. Deleted E. "Funds in the inmate's frozen account may not be used for purchases and withdrawals unless the inmate has no disbursement obligations other than cost of incarceration" in Section 10. **Deleted** "Inmates may request funds be" and **Replaced** with "The receipt of funds that an inmate wishes to" and Added "Must be to one of the following" in Section 10 G. Deleted "After all disbursement account obligations have been met, any additional funds, regardless of the source, above the \$350.00 (\$100.00 minimum frozen account balance plus \$250.00 in savings) will remain in the inmate's frozen account until his/her release from custody" and Replaced with "Funds in an inmate's frozen subaccount will remain until his/her release from custody, inmates may not withdraw funds from their frozen subaccount without the approval of the Warden and then, only if they are serving a life or death sentence, or the inmate has a documented, legitimate and compelling use for the funds" in Section 10 I. Deleted 1. "Inmates may continue to add to the frozen account until their release from custody, provided all disbursement obligations have been fulfilled" and Deleted 2. "Inmates may not withdraw funds from their frozen account without the approval of the Warden and then, only if they are serving a life or capital punishment sentence or the inmate has a documented, legitimate and compelling reason for requesting the withdraw of funds," in Section 10 I. Deleted "at the time of admission" and Replaced with "Unit staff will question each inmate as to whether the inmate has any fixed obligations. Unit staff may also gather information on obligations through communication with county officials" in Section 12. A. Deleted 3. "Unit staff may also gather information on obligations through communication with county officials" and Renumbered subsections that followed. Added new 5. 6. and 7. to Section 12. A. Deleted B."Admissions staff will question each inmate as to whether the inmate has any financial obligations." and **Deleted** 1. "If an inmate denies any financial obligations and it is later found that the inmate was untruthful, disciplinary action will be instituted against the inmate." and 2. "Corrections will not be made when an inmate discloses a disbursement account obligation or a disbursement obligation is discovered after the inmate has been charged costs of incarceration" and 3. "Any funds received following the addition of the disbursement account obligation will be applied to the disbursement account pursuant to this policy (exceptions may be made for inmates coming in with large amounts of cash in A&O)," in Section 12, and Renumbered subsections. Added "Parole supervision and SCRAM fees will not be listed on the IFR. These amounts are community based charges and the inmate is responsible for payment" in Section 11 B. 3. Deleted d. "If the inmate self reports an obligation without verification by court order or JAS or UJS Odyssey system, the amount reported will be entered and a confirmation form will be sent to the county." In Section 11 C. 1 Added 2"Child support may be listed based on a court order or inmate report. Payee information will be verified by DOC staff prior to issuing payments. Child support payments to the same vendor shall be combined into one and include a "+" sign following the case number." and Renumbered subsections that followed in Section 11 C. Deleted "with different docket numbers to the same entity/county will be recorded as a combined single entry with the most current docket number in the memo field and a + sign following the docket number." In Section 11 C. 3. a. Added b. to Section 11 C. 3. Deleted 3.

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South Dakota Department Of Corrections Policy

1.1.B.2 Distribution: Public Inmate Accounts and Financial Responsibility

"Costs incurred by the inmate while in the DOC may be listed separately on the Inmate Financial Worksheet but recorded as a single obligation reflecting total costs incurred while in the DOC on the Inmate Banking System." In Section 11 C. Deleted 4. "Child support may be listed based on a court order or inmate report. Payee information will be verified by DOC administration staff prior to issuing payments." in Section 11 C. Added "If the civil judgment is not part of the inmate's judgment and conviction and the inmate or other party wants a civil judgment included in the inmate's IFR, the inmate of the other party are responsible for getting a copy of the judgment to the DOC." in Section 11 C. 4. Deleted "If the civil judgment is not part of the inmate's judgment and conviction and the inmate or other party requests a civil judgment be included in the inmate's IFR database, the inmate or the other party are responsible for getting a copy of the civil judgment to the DOC." and Replaced with "Costs incurred while in the DOC may be listed separately on the Inmate Financial Worksheet but recorded as a single obligation reflecting total costs incurred while in the DOC on the IBS." in Section 11 C. 5. Deleted "unless approved by the Warden" in Section 12 B. Deleted "cost of incarceration" and Replaced with "DOC Deceased/Released" in Section 14 C. Added "specialty, work release expense" and Added "Credit obligations will be deducted from any funds prior to closing the account" in Section 15 A. 1. Deleted a. "Business office staff will indicated on the IBS if an inmate receives transportation at State expense" and Deleted b. "No indication will be made if the inmate is transferred to another jurisdiction via the shuttle of pending charges, etc." in Section 15 A. 2. **Deleted** "an updated copy of the Inmate Financial Worksheet will be provided to the parole agent at the time the file material is transferred from the unit staff to the parole agent" and Replaced with "any unsatisfied obligations will be part of the release plan and parolees are financially responsible for payment" in Section 16 B. Deleted 2. "A screen print of the inmate's Financial Responsibilities and Balance sheet from the IBS will be sent by the business office to the TCM in the Sioux Falls parole office for distribution to the assigned parole agent" in Section 15 B. Renumbered subsections to follow. Added "slip must identify the relationship and payment must be direct to the person (not bank, business or third party)" in Section 16 B. 1. b. Deleted "disbursement account obligations" and Replaced with "fixed and/or credit obligations other than work release of CTP room and board, PSPI obligations or COI" in Section 17 B. 1. D. Added "PS Family checks must be direct to a family number (Not a bank, business or third party)" in Section 16 C. Deleted A 1-5 and B. 1-2 in Section 17, (regarding phone accounts). **Deleted** "Any amount exceeding TV purchase will remain in the old funds account" and Replaced with "No payment plan will be accepted" in Section 18.B. 1. Deleted "old funds account" and Replaced with "specialty subaccount" and Added "If the money order is for more than the cost of the TV, the remaining amount will be held until the inmate's release" in Section 18 B. 2. November 2013: Added E. to Section 8. Added "savings" to Section 7 A. 3. Deleted "only one fixed obligation by type will have funds applied to it" in Section 8 B. Added "combine by vender if more than one case and add "+" after case number to Section 8 C. 2. Deleted "disbursement account" and Replaced with "credit of fixed" and Added "work release expense loan if employed" in Section 10 F. Added "credit obligations besides work release expense loan" to Section 10 F. 2. Added "for payments sent from DOC" to Section 11 D. Deleted ".15. and Replaced with ".50" in

Section 12 A. 2. Deleted "negative balance" and Replaced with "credit obligation resulting from overdrawing" in Section 18 B. 6.

January 13, 2015: Added "as provided by UJS" and Deleted "Court ordered obligations that have been converted to liens or that are in the form of civil judgments are included as a financial obligation under this definition" to Fix Obligations. Added "Remote Breath Test" to 2. in Fixed Obligations. Added GPS fees and RBT" to Financial Plan. Added "or electronic notification" to Section 6 B. 2. Deleted b.in Section 8.C. 2. Added 6. "Parole Remote Breath Test" in Section 8 C. Added "if they have no credit obligations other than work release loans" in Section 10 A. Added "and frozen subaccount, leaving a minimum balance of \$50" in Section 10 B. Deleted "or liens" in Section 11 A. Deleted "judgment and convictions, pre-sentence investigations, official statements and JAS or UJS" and Replaced with "verified documentation provided by UJS at intake of the offender into the DOC" in Section 11 A. 1. Added 7. To Section 11 A. Added "and amounts" and Deleted "a court order is on file with the DOC" and Replaced with "information from UJS indicates" and Deleted "included costs or when the obligation can be confirmed through a query of the UJS, or if the county confirms

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the obligation" and **Replaced** with "court ordered obligation" in Section 11 C. **Deleted** a. and b. in Section 11 C. 1. **Added** "In-state child support cases will be verified through the mainframe tracking system of the DSS" in Section 11 C. 2. **Deleted** 4. In Section 11. C. **Added** "if the check is going to be sent to an individual, unit staff must verify that the person who will be receiving the check is on the inmate's approved visit list" in Section 16 B.

Denny Kaemingk (original signature on file)	02/25/2015
Denny Kaemingk, Secretary of Corrections	Date

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## **Attachment 1: Inmate Financial Worksheet**

The *Inmate Financial Worksheet* form is located on the state's WAN.

A copy may be printed using *Microsoft Word* 97 as follows:

- 1. Click here to access the *Inmate Financial Worksheet* by:
  - a. Placing mouse on the word "here" above
  - b. Press and hold the "Ctrl" key on the keyboard
  - c. Click the left button of mouse.
- 2. Or Select File/New from the Menu Bar / Select the DOC tab / Select Inmate Financial Worksheet.

The gray areas indicate the information that is to be entered.

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## **Attachment 2: Admission Document**

The *Admission Document* form is located on the state's WAN.

A copy may be printed using *Microsoft Word 97* as follows:

- 1. Click here to access the **Admission Document** by:
  - a. Placing mouse on the word "here" above
  - b. Press and hold the "Ctrl" key on the keyboard
  - c. Click the left button of mouse.
- 2.. Or Select File/New from the Menu Bar / Select the DOC tab / Select Admission Document.

The gray areas indicate the information that is to be entered.

South Dikota Department of Corrections	Attachment: Admission Document
Policy Distribution: Public	1.1.B.2 Inmate Accounts and Financial Responsibility
Admission	Document
PERSONAL PROP	ERTY AGREEMENT
YOU ARE HEREBY ADVISED THAT YOU ARE FULLY RE INCLUDING, BUT NOT LIMITED TO: JEANELRY, RADIO, APPLIANCES AND JORANY OTHER VALUABLES THAT Y	
	ED AND STORED IN ASSCURE AREA UNTIL SUCH TIME OTTO MAIL YOUR PROPERTY TO A PERSON OF YOUR
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INMATE'S PRINTED NAME	IN MATE SIGNATURE
STAFF WITNESS SIGNATURE	DATE
Revised 4/2/2008	Page 1 of 1

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# Attachment 3: Items that Savings Accounts can be Used For

(Provided such property items are allowed in the housing unit)

Description	Male Inmates	Female Inmates
Alarm Clock	Y	Y
Area Rug	Y	N
Athletic Supporter	Y	N
Blow Dryer	N	Y
Books	Y	Y
Underwear	Y	Y
Calculator	Y	Y
Hot Pots	Y	N
Crafts	Y	Y
Extension Cord	Y	Y
Fan	Y	N
Guitar	Y	N
Headphone	Y	Y
Lamp	Y	N
Magazine Subscriptions	Y	Y
Newspaper Subscriptions	Y	Y
Photo Album	Y	Y
PJ's	N	Y
Religious Items	Y	Y
Robe	N	Y
Scissors	Y	Y
Shoes	Y	Y
Sports Bra	N	Y
Sweatpants	Y	Y
Sweatshirts	Y	Y
Sweatshorts	Y	N
Television	Y	Y
Typewriter	Y	Y
Typewriter Ribbon	Y	Y
Walkman	Y	Y
Watch	Y	Y
Weightbelt	Y	N

Need to check with Commissary on items currently available.

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## **Attachment 4: Inmate Financial Responsibility Verification**

The *Inmate Financial Responsibility Verification* form is located on the state's WAN.

A copy may be printed using *Microsoft Word 97* as follows:

- 1. Click here to access the Inmate Financial Responsibility Verification by:
  - a. Placing mouse on the word "here" above
  - b. Press and hold the "Ctrl" key on the keyboard
  - c. Click the left button of mouse.
- 2.. Or Select *File/New* from the Menu Bar / Select the *DOC* tab / Select *Inmate Financial Responsibility Verification*.

The gray areas indicate the information that is to be entered.

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# Attachment 5: Application, Affidavit for Replacement Check

The Aplication, Affidavit for Replacement Check form is located on the state's WAN.

A copy may be printed using *Microsoft Word 97* as follows:

- 1. Click here to access the Aplication, Affidavit for Replacement Check by:
  - a. Placing mouse on the word "here" above
  - b. Press and hold the "Ctrl" key on the keyboard
  - c. Click the left button of mouse.
- 2.. Or Select *File/New* from the Menu Bar / Select the *DOC* tab / Select *Aplication, Affidavit for Replacement Check.*

SOUTH	Complete and then print for signing before a notary.
40.	State of South Dakota
	DEPARTMENT OF CORRECTIONS (DOC)
9	Pierre, South Dakota
1809	APPLICATION, AFFIDAVIT FOR REPLACEMENT CHECK
TO THE DOC of the State of South Da	skota Located at Pierre, South Dakota
	quest that a replacement check be issued pursuant to the provisions of SDCL 4-9-22. The origin
check is identified as follows:	
Check number:	Date Issued: Amount \$:
Inmate/Account Drawn from:	Payee:
TO BE COMPLETE	D BY THE APPLICANT:
	D I I I I I I I I I I I I I I I I I I I
Applicant's Name:	
Address:	Date:
City:	Newspaper P Tuesca F
	State: 7in:
(If the applicant is not the payee of t the applicant.) I declare that I did not endorse, cash	State: Zip: Zip: The original check, or a bank, then the applicant must attach an assignment by original payeet or or otherwise negotiate check number, it is sued by the the payee, nor did lauthorize, direct, or instruct any other person to endorse, cash, or
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