



INTERNAL MANAGEMENT POLICY & PROCEDURE

Department of Corrections

Applicability: ADULT Operations Only JUVENILE Operations Only DEPARTMENT-WIDE

IMPP #: 04-103A

PAGE #: 1 of 8

FISCAL: Inmate Trust Fund

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Approved By:

, Secretary

Next Scheduled Review: Feb. 2024

POLICY

The Department of Corrections (DOC) must establish and maintain an Inmate Trust Fund for all residents confined in Departmental facilities and is to deposit all monies held in trust for residents in accordance with acceptable accounting procedures.

DEFINITIONS

Abandoned Property: If a resident escapes from custody, if the property is not claimed by a resident or authorized representative within 90 days of the resident's release from incarceration, or if the property is not claimed by the resident's authorized representative within 90 days of the resident's death while incarcerated, the resident's personal property owned and located at a correctional facility is considered abandoned.

Bank Service Fee: Fees incurred for the monthly maintenance on the Inmate Trust Fund.

Bank Statement Copy Fee: Fee incurred on each paper copy of the Inmate Trust Fund Account Report requested by a resident.

Cash Account: A spendable account in which all wages and all incoming funds are maintained, after deductions for outstanding obligations and contributions to forced savings. This account is used for approved purchase of goods and the distribution of funds to approved outside parties.

Computerized Interest Allocation: A centralized system of Inmate Trust Fund interest allocation through which periodic interest earned on Inmate Trust Fund accounts is allocated back to individual resident accounts on a prorated basis as determined by the average daily balance of each participating resident.

Electronic Deposit: Electronic deposit functionality available to the general public, by an entity under contract with the Department, via the internet, telephone, lobby kiosks at the facilities, and walk-in locations to enable funds to be submitted to the vendor, and for the vendor to then submit funds electronically to the Department for posting to the corresponding resident's trust fund account.

Foreign Money Order: Any money order not originating in the United States of America.

Forced Savings: A savings account in which 10 percent of incoming monies less any outstanding obligations is deposited and maintained until the resident's release from custody.

Resident Accounts: Savings or negotiable order of withdrawal accounts maintained by a resident in an outside financial institution.

Kiosk: An information delivery system utilized by the Department of Corrections to provide the resident population with access to information on his/her individual Inmate Trust Fund account.

Mandatory Savings: A savings account in which a specified portion of resident earnings from work release or private industry employment is deposited and maintained until the resident's release from custody.

PROCEDURES

I. General Procedures

- A. The Warden of each facility is to designate an employee to serve as custodian of Inmate Trust Fund money as required by K.S.A. 76-173.
 - 1. The employee so designated is to establish procedures for residents to access their trust accounts, and for depositing and withdrawing funds from any such accounts so established.
- B. The Department has designated four (4) banking sections: centralized inmate banking, HCF-WR, TCF-WR and WWRF.
 - 1. The centralized resident banking section is to handle all Inmate Trust Fund monies for residents except those housed at HCF-WR, TCF-WR and WWRF.
 - 2. Facility staff at each of these three (3) work release programs are responsible for handling Inmate Trust Fund monies for those residents housed at their facility and unit.
- C. When a resident possesses money at the time of admission or receives money thereafter, the money is to be placed in an individual trust account within the Department's Inmate Trust Funds.
 - 1. Any monies placed in a trust fund account is to be immediately invested by the custodian to achieve the optimum interest return, considering the amount to be invested and the duration of the investment.
 - 2. Only those residents who provide valid social security numbers are to earn interest on their accounts.
 - a. The Department is to utilize the computerized accounting capabilities and interest is to be allocated on a regular basis to each resident's trust fund account consistent with applicable State law and Department of Administration policy and procedure.
 - 3. The interest on the accounts of residents who do not provide such numbers are to be allocated to the facility Inmate Benefit Fund.
 - 4. Transactions for all trust fund accounts are to be controlled by banking staff utilizing generally accepted accounting procedures.
 - 5. On and after January 1, 2011, foreign money orders are no longer to be accepted as all deposits to residents' accounts are required to be completed electronically through a vendor under contract with the Department to conduct such transactions.
- D. All governmental checks, warrants, worker's compensation checks, or any checks not from private industry or work release in excess of \$500 are to be held in escrow by the appropriate banking staff until such time as the issuing agency verifies that the payment is legitimate and due the resident.
 - 1. The escrow is not to exceed 21 calendar days. If the issuing agency request that a check or warrant be returned, the appropriate facility staff is to notify the resident of the details surrounding the return action taken.
- E. Residents within the custody of the Secretary of Corrections who have been mutually determined by the Wardens of both facilities of residence, or their respective designees, to be members of the same immediate family (as defined in IMPP 10-113D) and who have been approved to exchange mail under the provisions of K.A.R. 44-12-601e(1) may exchange funds between their respective

trust accounts, up to the maximum outside spending limit specified by IMPP 11-101A, without further approval of the Wardens.

1. Unit teams are to forward such requests directly to the appropriate banking section to affect the exchange of funds.
 2. Requests to exceed the specified outside spending limit or to exempt the exchange of funds from the outside spending limit requires the express additional approval of the Wardens of both facilities of residence.
 3. Unit teams are to forward requests to exceed or be exempt from the outside spending limit in written form to the appropriate Wardens for decision.
 4. Documentation of the approvals are to be forwarded to the appropriate banking section to affect the exchange of funds.
- F. Property owned by the resident but considered abandoned is to be disposed of in accordance with K.S.A. 75-52,135.
- G. In the event of the resident's death, the resident's estate is to be disposed of in accordance with IMPP 01-114D.
- H. On and after January 1, 2011 all deposits to resident accounts are required to be completed electronically through a vendor under contract with the Department to conduct such transactions. Any funds received after January 1, 2011 at a facility that does not contain the required name and address information are to be deposited in the resident's "forced savings" account and is not to be available to the resident until he/she is released from incarceration.

II. Utilization of Local or Area Bank Accounts for Individual Inmate Trust Fund Accounts

- A. No resident is to establish or have access to any checking or savings account outside of the KDOC Trust Fund while confined in a Kansas correctional facility.
- B. No resident, while confined in a correctional facility, is to be permitted to establish or have access to a financial account outside of the Inmate Trust Fund unless the outside trust account is administered by a bank, financial institution, accountant, or lawyer. Such administrator shall not be a family member or friend. Such trust account may permit discretionary disbursements to the resident beneficiary upon request of the resident, as long as the disbursement may only be made directly to the resident, and not to a third party.
1. The resident may be required to provide the Department with copies of the trust instrument to ensure the purpose of the outside trust account and whether it complies with this Internal Management Policy and Procedure.
 2. If the resident or trustee refuses such a request, then the resident is to be denied direct use of funds from the account. The Department is to deposit incoming funds from any outside account that has not been authorized into the resident forced savings account.
 3. If the Department determines that a resident has an outside checking or savings account, the resident is to be denied direct use of the funds from the account and is a class II offense (K.A.R. 44-12-210). The Department is to deposit incoming funds from any outside account that has not been authorized into the resident's forced savings account.

III. Computerized Interest Allocations and General Inmate Trust Fund Accounting Functions

- A. Immediately upon close of the monthly interest earning period, interest earned on Inmate Trust Fund less the applicable bank service fee is to be credited to each active account as of the date of allocation in the same proportion as the average daily balance of the investment group.

1. For allocation purposes, any interest received quarterly is to be treated as if earned during the month within which the notification of the earnings occurs.
- B. Residents, except those housed in restrictive housing or at RDU, may utilize the kiosk to access their current and up to three (3) prior years' transactions on their Inmate Trust Fund.
1. On a monthly basis, the custodian of the Inmate Trust Fund is to provide residents who do not have access to a kiosk with an Inmate Trust Fund Accounting Report, which is a statement of transactions and interest accumulation involving the resident's account.
 2. Residents requesting a paper copy of their monthly Inmate Trust Fund Account Report, shall be assessed a fee for each Inmate Trust Fund Account Report requested. The fee is to be deducted from the resident's account prior to processing the request.
 - a. Although residents may request guidance regarding accounting methods by submitting written requests to their Unit Team Counselors, residents are expected, with the assistance of the kiosk or the monthly Trust Fund Accounting Report if the resident does not have access to the kiosk, to keep track and keep a running balance of their own accounts.

IV. Withdrawal of Resident Monies

- A. All Account Withdrawal Requests, Attachment A, submitted to the appropriate banking section are to be fully completed and signed.
1. Each Warden may designate staff authorized to review and approve withdrawal request and may promulgate General Orders setting forth appropriate procedures related to such approval.
 - a. A resident may be required to submit evidence that the entity identified to receive funds per the withdrawal request is a legitimate entity and that the funds are to be utilized for the designated purpose. This may include submitting evidence from the vendor, such as a sales tax registration certificate, to show that the vendor is properly conducting business.
 - b. Requests for expenditures to outside entities are to be accompanied by documentation of costs, such as an invoice or cost estimate from the entity.
 - c. Whenever possible, payments are to be made directly to vendors or service provider rather than family or friends to ensure proper use of funds.
 - d. The contents of the mailing are to be sufficient for the recipient to ascertain the purpose. Documentation for the receiver is to include information such as an order form, case number, account number, resident name, and resident number.
 - e. Consideration is to be given by residents and approving staff to allow sufficient time for processing of outgoing funds, particularly those of a time-sensitive nature.
 2. The Warden of each facility is to provide the appropriate banking section with a list of staff authorized to approve withdrawal requests.
 3. The appropriate banking section is to process withdrawal request in accordance with approval received from facilities.
 4. In case the request is denied due to insufficient funds, etc., by the banking section, staff is to mark the withdrawal request accordingly and send the request back to the resident.
 5. A withdrawal request may be denied pending the receipt of the information as set forth in III.A.1.a., or if there is evidence to indicate that the funds are to be used for a purpose other

than as described on the Account Withdrawal Request, or for illegal or inappropriate activities.

- B. All Exempt Canteen Requests, Attachment B, submitted to the appropriate banking section are to be fully completed and signed.
 - 1. Each Warden may designate staff authorized to review and approve the exempt canteen requests and may promulgate General Orders setting forth appropriate procedures related to such approval.
 - 2. The Warden of each facility is to provide the appropriate banking section with a list of staff authorized to approve exempt canteen requests.
 - 3. The appropriate banking section is to process the exempt canteen request in accordance with approval received from facilities.
 - 4. In case the exempt canteen request is denied due to insufficient funds, etc. by the banking section, staff is to mark the withdrawal request accordingly and send the request back to the resident.
- C. Staff is to complete and submit the Reversal Request for Inmate Obligations to the appropriate banking section.
 - 1. Each Warden may designate staff authorized to review and approve the reversal requests and may promulgate General Orders setting forth appropriate procedures related to such approval.
 - 2. The Warden of each facility is to provide the appropriate banking section with a list of staff authorized to approve reversal requests.
 - 3. The appropriate banking section is to process the reversal request in accordance with approval received from facilities.

V. Review and Monitoring

- A. Each custodian is to submit a copy of DA-161, "Monthly Reconciliation of Financial Institution Account", and bank statement to the Central Office Fiscal Officer or designee as requested.
- B. Each custodian is to submit a copy of DA-65, "Reconciliation of Trust Fund", to the Central Office Fiscal Officer or designee as requested.
 - 1. The "Reconciliation of Trust Fund" is to be submitted for the period ending on June 30 of each year.
- C. All resident accounts are subject to audit by the Central Office Fiscal Officer at any time.

VI. Forced Savings

- A. Each resident is required to place 10 percent of all funds received from the following sources into a forced savings account:
 - 1. Funds received from outside the facility except for:
 - a. Child support payments;
 - b. Government benefits; and/or,
 - c. Monies received from the State of Kansas or the Department of Corrections from property claims processed and paid per IMPP 01-118D;

2. Prize monies won by the resident and paid from the Inmate Benefit Fund; and,
 - a. If canteen goods are awarded resident prize winners in lieu of actual cash prize monies, the value of these goods are not subject to the forced savings assessment.
 3. Proceeds from handicraft sales.
- B. Outstanding obligations are always to be subtracted from such monies prior to the assessment of the 10 percent forced savings amount.
- C. Voluntary contributions by a resident to his/her forced savings account is not permitted.
- D. All monies deposited to a forced savings account is to accrue interest as outlined in this policy.
- E. Any data on incoming funds must contain both a return address and the sender's name. If both the sender's name and the address are not present, the entire deposit shall be posted to the resident's forced savings account.
- F. The use of forced savings is restricted to:
1. Payment of garnishments;
 2. Community identifications (birth certificate, driver's license, and social security card);
 3. Civil filing fees, transcript fees and subpoena fees, and any other costs or fees necessary for a resident to gain access to the courts for purposes of challenging the resident's conviction or sentence, or the resident's conditions of confinement after the resident's cash account is exhausted;
 4. Other uses as approved by the warden or designee that would facilitate the resident's reentry into the community after the resident's cash account is exhausted.
 5. Expenses related to returning an Interstate Corrections Compact Resident to the custody of his/her home state after the resident's cash account is exhausted.
- G. All funds accrued by each resident in his/her forced savings account is to be provided to the resident upon his/her release, or, in the alternative, becomes part of the resident's estate, subject to the provisions of IMPP 01-114D, in the event that he/she dies while in custody.

VII. Mandatory Savings

- A. The use of the funds in the account is restricted to the payment of garnishment(s).

VIII. Cash Accounts

- A. Cash accounts may be used for canteen purchase, phone minutes, tablet time, distribution to approved outside parties, etc.
1. Distribution to individuals is to be limited to those who are on a resident's approved visitor list.
 2. For residents assigned to Intake Level, outgoing funds is to be limited to fees for legal services and/or postage for legal mail.
- B. Outgoing funds are limited to \$1,000 per 28 day pay period with the following exceptions:
1. Legal postage;

2. Payments to the court for verified restitution and/or court costs;
3. Verified fees payable to an attorney for legal services;
4. Verified child support payments;
5. Specialized fees and expenses as authorized by the Warden or designee;
 - a. Such payments shall be payable to the vendor or service provider only.
6. Purchases of approved handicraft materials/supplies; and
7. Expenditures for subscriptions to magazines and newspapers and/or purchase of books.
8. Requests to exceed the monthly limits may be considered on a case-by-case basis. Final approval is at the facility Warden's discretion. When forwarded to CIB, each request is to include:
 - a. Written request/explanation from the resident;
 - b. Recommendation for approval from the resident's Unit Manager;
 - c. Signed approval from Warden (or designee at OCF, SCF, and WWRF); and
 - d. Supporting documentation such as billing to a specific vendor or service provider must be included as applicable.

IX. Transfer of Funds to Out to Court Residents

- A. Records staff is to determine the estimated time the resident is to will be out to court.
 1. The resident's monies are to be retained in the Inmate Trust Fund, if it is determined the estimated time the resident is to be out to court is less than one week.
 2. The cash account balance is to be transferred to the county jail after the resident has been in their custody at least a week.
- B. The facility retains the forced and mandatory savings balances in the Inmate Trust Fund unless staff are certain the resident is not returning to a KDOC facility.
- C. Staff is to provide the resident with the facility address that he/she may write for his/her forced and mandatory savings, if for some reason in the future he/she are not required to return to a KDOC facility.

X. Transfer of Funds to Interstate Compact Residents

- A. Upon a resident's transfer to an interstate compact location:
 1. Any funds that are not permitted by the receiving location to be transported with the resident, and which are over and above the amount within the resident's forced and mandatory savings balances, are either to be:
 - a. Sent out to a recipient of the resident's choice; or,
 - b. Held in an interest-bearing escrow account, either payable to the resident upon his/her release, or transferable to the resident's KDOC facility of confinement upon his/her return to the KDOC.
 2. Any funds that are not permitted by the receiving location to be transported with the resident and which are within the resident's forced and mandatory savings balances, are to ~~shall~~ be

held in an interest bearing escrow account, either payable to the resident upon his/her eventual release, or transferable to the resident's KDOC facility of confinement upon his/her possible return to the KDOC. Access to the forced savings account is allowed as provided for in the definition.

3. Community work release residents are to be provided the balance of the cash account at the time of transfer. Forced and mandatory savings accounts are to be retained until the resident is released from custody. Access to funds in forced savings occurs as provided for in the definition.

XI. Juvenile Correctional Facilities

- A. Each juvenile correctional facility is to establish procedures for the operation of the Juvenile Offender Trust Funds in accordance with Department of Administration Policy Manual Filing #10,852, Trust Funds.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff, residents, and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees, residents or offenders, or an independent duty owed by the Department of Corrections to employees, residents, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure are not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS

<u>Name/Type of Report</u>	<u>By Whom/To Whom</u>	<u>Due</u>
Inmate Trust Fund Accounting Report	Banking Staff to Resident who does not have access to a kiosk	Monthly
DA-161 – Monthly Reconciliation of Financial Institution Account	Custodian to Fiscal Officer	As Requested
DA-65 – Reconciliation of Trust Fund	Custodian to Fiscal Officer	Annually, June 30

REFERENCES

K.S.A. 75-52,135, 76-173
K.A.R. 44-12-210, 44-12-601e(1)
IMPP 01-114D, 01-118D, 10-113D, 11-101A
Department of Administration Reports #161, #65
Department of Administration Policy Manual Filing #10,852

HISTORY

02-12-15 Original
08-24-21 Revision 1
05-13-22 Revision 2

ATTACHMENTS

Attachment	Title of Attachment	Page Total
A	Account withdrawal Request (P-1504)	1 page
B	Exempt Canteen Request (P-1791)	1 page
C	Reversal Request for Inmate Obligations (P-1806)	1 page

Kansas Department of Corrections
Exempt Canteen Purchase Request

Facility

Printed Resident Name Number Date Unit/Cell Location

Please charge my account for the following purchase: (One Item Per Request)

Description (As designated on facility list)

Item # _____
Size Width Color Price

Resident Signature

Approved Disapproved

Unit Team Member

Property Dept.

Inmate Funds

Prices subject to change without notice.

Items are covered by the various manufacturer warranties. The Canteen does not warrant the continued operation of items sold.

Do not submit duplicate orders.

Dist: White – Accounting
Canary - Other

Kansas Department of Corrections
Reversal Request for Resident Obligations

Resident Number _____ Resident Name _____

Selection (Mark One)	Date of OMIS Entry	Facility Incurred	Amount	Case Number/Description
<input type="checkbox"/> Urinalysis	_____	_____	_____	
<input type="checkbox"/> Medical	_____	_____	_____	
<input type="checkbox"/> Fine	_____	_____	_____	_____ - _____ - _____
<input type="checkbox"/> Restitution	_____	_____	_____	_____ - _____ - _____
<input type="checkbox"/> Other Obligation	_____	_____	_____	_____
<input type="checkbox"/> Legal Postage	_____	_____	_____	
<input type="checkbox"/> Stored Value Card	_____	_____	_____	

Reason for reversal request: _____

Authorized Signature

P-1806 Requesting Facility _____