

103 CMR 405.00: ~~INMATE FUNDS~~ FUND ACCOUNTS

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405.01: Purpose

The purpose of 103 CMR 405.00 is to set Department of Correction (Department) policy concerning the proper handling and distribution of ~~inmate~~Incarcerated Individual (I/I) and Civil Commitment (C/C) funds. 103 CMR 405.00 is not intended to confer any procedural or substantive rights, or any private cause of action not otherwise granted by state or federal law.

405.02: Cancellation

103 CMR 405.00 cancels all previous Department policies and procedures governing ~~inmate accounts~~I/I and C/C Fund Accounts (FA) and money.

405.03: Applicability

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103 CMR 405.00 applies to all employees, inmatesI/Is, and patientsC/Cs as defined in this regulation, who are in the custody of Massachusetts correctional institutions~~the Department of Correction, whether in pre-trial or sentenced status, and facilities-/or those persons who otherwise have an active FA, or have a status capable of transaction processing on the Department's Fund Account System (FAS).~~

405.04: Access to Regulation

103 CMR 405.00 shall be ~~maintained a public document and available on the Department's website. The regulation shall also be maintained within the Central Policy File of the Department and shall be accessible to all Department employees and inmates, residents, civil detainees, and patients. A copy of 103 CMR 405.00 shall also be maintained in, each Superintendent's Central Policy File, fiscal office, and inmate library~~the Fiscal Office, and each institution Library and Library where any I/I or C/C, as defined in this regulation, are housed.

405.05: Definitions

~~Active Inmate. Refers to an inmate in the custody of the Department of Correction; i.e., has not been paroled or released, and has a status capable of transaction processing on the Department's Inmate Management System (IMS).~~

~~Automated Deposit type system (ADS). A system implemented at the discretion of the Department, which may include utilizing a vendor or third-party, to process the receipt of inmate funds and other funds, if required.~~

~~Cashbook. Journal posted manually to record the total of cash financial transactions processed through the Department's IMS Fund Account System.~~

~~Civil Commitment (C/C). For purposes of this regulation, the term Civil Commitment (C/C) shall mean any person admitted for evaluation or civil commitment to the Bridgewater State Hospital (BSH), any Massachusetts Treatment Center (MTC) resident who is not serving a criminal sentence, and any person civilly committed to the Massachusetts Alcohol and Substance Abuse Center (MASAC), and/or persons who otherwise have an active FA.~~

~~Commissioner. The Commissioner of the Department of Correction.~~

~~Contraband Funds. Funds obtained by an I/I or C/C in violation of local, state, or federal laws, or funds not otherwise allowed to be in the possession of an I/I or C/C pursuant to any Department regulation.~~

~~Department. The Department of Correction or DOC.~~

~~Deposit. Process of transferring inmate account FA receipts to a depository approved by the State Treasurer.~~

Disbursement Slip. A standard Department form which documents a request to expend funds from a FA.

Earned Funds. Wages from the Commonwealth of Massachusetts for work performed by I/Is or C/Cs within the Department's industries program, in the servicing and maintenance of the correctional institutions, and/or community work crews.

Electronic Data Management System (EDMS). An electronic platform used by the Department to maintain, process, store, and retrieve information collected and used by Department personnel and other authorized users.

Executive Director of Administrative Services. The Central Office Administrator whose duties include the overall management of ~~inmate funds~~ Fund Accounts.

~~Director of Community Corrections.~~ The administrator whose duties include the overall supervision of the pre-release/minimum-security correctional facilities.

~~Fiscal Manager.~~ An employee in a smaller institution who is responsible for the duties of the Treasurer.

~~Imprest~~ Fiscal Staff. Employee(s) responsible for accounting/bookkeeping records and supporting documentation (e.g., receipt slips, Disbursement slips, End of Day (EOD) reports, etc.) for Fund Accounts.

Funds Account (FA). An account holding funds belonging to an I/I or C/C, as defined in this regulation, which is maintained by the Department. A FA includes all funds belonging to an I/I or C/C but may include separate categories of types of funds; e.g., Earned Funds, Personal Funds, or Savings Funds, depending upon the manner in which the funds were acquired. Although these different types of funds are all part of each FA, the Department may implement a method for tracking the amount of each type of funds held in each FA.

Funds Account System (FAS). The computerized system used for the accounting of funds for I/Is and C/Cs.

Gate Fee. Operational funds deposited to an eligible I/I or C/C's FA for release.

General Fund of the Commonwealth. The fund created pursuant to M.G.L. c. 29, § 2.

Incarcerated Individual (I/I). A committed offender or such other person as is placed in custody in a correctional facility in accordance with law.

Institutional Treasurer. The institution employee whose responsibilities include, but are not limited to, depositing, and issuing funds from FAs, managing the overall operation and reconciliation of the FAS, and supervising employee(s) who keep(s) accounting/bookkeeping records and supporting documentation (e.g., receipt slips, Disbursement Slips, slips, End of Day (EOD) reports, etc.).

~~Petty Cash Fund. Refers to a cash fund of a fixed amount used for small expenditures.~~

~~Inmate. An individual, whether in pre trial, un-sentenced, or sentenced status, who is confined in a correctional institution, including those patients admitted for evaluation or commitment to the Bridgewater State Hospital, the Massachusetts Treatment Center or the Massachusetts Alcohol and Substance Abuse Center.~~

~~Inmate Accounting Clerk. A Department of Correction employee responsible for posting~~
405.05: continued

~~receipts and disbursements to individual accounts through the use of IMS.~~

~~Inmate Management System (IMS). The Department of Correction's automated information system that provides processing, storage and retrieval of inmate related information needed by Department personnel and other authorized users within the criminal justice system.~~

~~Liquid Funds. Those funds which are immediately and readily accessible for transaction processing.~~

~~Maintenance and Administration (M&A) Fee Club Account. (M&A Account). An account which holds maintenance and administration fees collected by the ~~Inmate Management System~~FAS pending disbursement to the Commonwealth of Massachusetts.~~

~~Manual Check. Checks generated by hand.~~

~~Personal Funds. Funds that are potentially accessible to an I/I or C/C.~~

~~Petty Cash Fund. A cash fund of a fixed amount used for small expenditures.~~

~~Qualifying Transaction. Transactions which trigger a maintenance fee. The receipt of funds via mail or from visitors, funds on an I/I's or C/C's person upon admission, or an I/I's or C/C's request for disbursement of funds are classified as qualifying transactions which trigger a maintenance fee. ADS deposits and payroll deposits are not classified as qualifying transactions and do not trigger a maintenance fee.~~

~~Receipt Book Slips. Four-part, pre-numbered DOC form (CI-SECC-1) which documents the receipt of cash ~~inmate funds at an institution~~ by a DOC employee or authorized contractor/vendor.~~

~~Savings Funds. Funds that are not readily accessible to an I/I or C/C and require prior approval from the Superintendent.~~

~~Superintendent. The Chief Administrative Officer of a ~~correctional facility~~Department institution.~~

~~Treasurer. The institutional employee whose responsibilities include, but are not limited to, depositing and issuing checks out of the inmate's personal and savings accounts, managing the~~

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~~overall operation and reconciliation of the inmate account system, and supervising employee(s) who keep(s) accounting/bookkeeping records and supporting documentation (i.e., receipt slips, inmate withdrawal, issue slips, EDP reports, etc.) for inmate funds.~~

~~Withdrawal/Issue Slips.— A form that documents an inmate’s request to expend personal funds.~~

~~Support Services Division. The Division under Administrative Services responsible, in part, for overseeing the Department’s handling of I/I and C/C funds in accordance with this regulation.~~

~~Unearned Funds. Funds deposited to an I/I’s or C/C’s FA that do not meet the definition of Earned Funds or Contraband Funds.~~

405.06: ~~Inmate~~ Fund Account Maintenance

~~(1) (1)—All inmate I/I and C/C funds in the possession of the Department of Correction shall be maintained on the Department of Correction’s IMS Trust Fund Accounting Module. Department’s FAS. The Department may, with the approval of the Deputy Commissioner of Administration, and upon request of an I/I or C/C, release funds from a FA to facilitate the I/I’s or CC’s reentry process. I/I and C/C funds intended to be utilized for reentry purposes may be so designated within the I/I’s or C/C’s FA, if necessary. All inmate savings bonds previously purchased shall stay in the custody of the institution in which the inmate is incarcerated. I/I or C/C savings bonds shall be held by Support Services.~~

~~(2) (2)—Pursuant to M.G.L. c. 124, § 1(u), inmates I/Is and C/Cs shall be assessed reasonable fees for the maintenance and administration of inmate accounts. FAs and for stop payment requests. The Commissioner shall establish the amount of the fee assessed. Fees shall be deducted from inmate personal accounts the I/I’s or C/C’s Personal FA that meet the criteria established in 103 CMR 405.06(2)(a) and (b).~~

~~(a)— A fee shall be assessed if an account the FA has had activity during the month to be charged. Activity that is a Qualifying Transaction. An FA will have a maximum of one maintenance and administration fee charge per month, regardless of the number of Qualifying Transactions that may occur. This fee may be collected from either Unearned Funds or Earned Funds. The fee will be assessed on the FAS at the first Qualifying Transaction in that month. Collected fees shall be defined as execution of at least one of the following transactions, ML income, VI income, IT income, or EX external disbursement.~~

~~directly posted to the centralized M&A Account. (b) A fee shall be assessed for each check for which a stop payment request is executed. This fee may be collected from either Unearned Funds or Earned Funds.~~

~~405.06: continued~~

~~(3) The method of fee collection and the disposition of the generated revenue are detailed in 103 CMR 405.06(3)(a) through (f) below.~~

~~(a) Fees for executed stop payment requests shall be collected at the time the stop payment~~

is approved and the institution is given ~~the authority~~permission to void the check.

(b) ~~Account~~FA activity fees shall be assessed monthly.

(c) All assessments shall be accomplished via ~~an inmate to club transaction. Collected fees shall be placed in a transfer of funds from the M&A Fee club~~FA to a centralized account pending transmission as revenue. Inmates, I/Is and C/Cs shall be provided receipts for all collected fees.

(d) ~~An inmate's~~A FA account shall be allowed to have a negative balance for the purpose of collecting a maintenance and administration fee. If, however, an ~~inmate~~I/I or C/C is subsequently released from Department custody with a negative balance as a result of ~~assessment~~the release transaction, said ~~inmate's account~~FA shall be reimbursed from the ~~M&A Fee club account~~Account.

(e) ~~The balance of all M&A Fee club accounts~~Support Services shall ~~be disbursed monthly and sent to facilitate the Department Revenue Coordinator by the 15th of the month following collection.~~

(f) ~~The Department Revenue Coordinator shall send~~sending of the revenue to the General Fund of the Commonwealth.

405.07: ~~Inmate~~Wages and Stipends

~~(1) (4)~~ It is the ~~Department's~~goal of the Department for ~~I/Is and C/Cs~~ to ~~have inmates always~~ maintain a respectable ~~Savings Funds~~balance in their savings accounts at all times. This becomes increasingly important as some ~~inmates~~I/Is move toward lower custody status where they shall eventually be required to expend their own funds for transportation, clothing, and food while they are establishing their work-release employment program. The primary purpose for ~~institutional savings~~Savings Funds is to ~~insure~~ensure that ~~the inmate~~I/Is and C/Cs shall be released with enough funds to aid in acquiring a residence and to be able to afford the expenses related to reintegrating in a community upon discharge or parole.

~~(2) Inmates~~I/Is and C/Cs may receive wages from the Commonwealth of Massachusetts ~~or Department of Correction. I/Is and C/Cs participating in the case of DOC's work-release programs, from private employers.~~

~~(2) (3)~~ If inmates ~~may~~ receive wages from the Commonwealth of Massachusetts for work performed within the institution in which they are incarcerated, or for work performed in the Prison Industries Program, or any outside agency, hepublic or sheprivate employer other than the Department. I/Is and C/Cs who receive such wages shall receive, at least monthly ~~IMS~~upon request, but no more than once per month, the FAS generated payment ~~slips~~information indicating the amount of money which ~~shall be~~was credited to their personal and savings accounts. ~~In accordance with M.G.L. c. 127, § 48A, and with the exception of inmates serving a life sentence (1st or 2nd degree) or those declared sexually dangerous, at least 50% of an inmate's earned income received from the Department or any other state agency shall be credited to the inmate's savings account, and the balance shall be credited to the inmate's personal account. Inmates serving a life sentence (1st or 2nd degree) may be allowed to expend all earned savings funds upon written approval of the FA, and how those monies were classified within the FA. Superintendent. Blanket requests for continuous transfer from savings to personal accounts for expenditure purposes should be documented in writing to the Superintendent. Approved blanket~~

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~~requests for continuous transfer may be rescinded at any time at the Superintendent's discretion. In the event of application for commutation or parole by said individual, approved blanket requests for continuous transfer shall be rescinded.~~

405.07: continued

~~In accordance with M.G.L., c. 127, § 48A, inmates~~

~~(3) In accordance with M.G.L. c. 127, § 48A, and with the exception of I/Is serving any life sentence or those serving a one day to life civil commitment pursuant to M.G.L. c. 123A who have requested consolidation of all funds in a Personal FA pursuant to 103 CMR 405.07(7), at least 50% of an I/I's Earned Funds received from the Department shall be classified as Savings Funds and the balance shall be classified as Personal Funds.~~

~~(4) In accordance with M.G.L. c. 127, § 48A, the Superintendent shall expend any part or all of such Earned Funds to satisfy the victim and witness assessment ordered by a court pursuant to M.G.L. c. 258B, §8, or other fees authorized by statute. Such expenditures may occur before funds received are credited to any I/I or C/C account.~~

~~(5) In accordance with M.G.L. c. 127, § 48A, with the approval of the Superintendent, I/Is and C/Cs may expend earned savings and earned personal funds FA monies identified as Earned Funds, whether classified as Savings Funds or Personal Funds, for circumstances of compelling need with the approval, including but not limited to expenses related to family illness or death, legal defense, provision of the Superintendent, essential articles of personal use or any other such circumstances of compelling need as determined by the superintendent. Such requests shall be submitted in writing to the Superintendent. ~~No~~~~

~~(6) FA funds shall be released to an inmate not be disbursed from one I/I or C/C to another I/I or C/C unless the Superintendent approves the request.~~

~~(7) All inmates I/Is and C/Cs shall maintain a Savings Fund account balance of at least \$100. Superintendents, in their savings account unless the aforementioned lifer or sexually dangerous exclusion applies discretion, may allow I/I s serving a life sentence, those serving a one day to life civil commitment pursuant to M.G.L. c. 123A, or other I/I's based on length of sentence or other extenuating circumstances, to consolidate all FA monies into their Personal FA.~~

~~(8) (4) Inmates Request for consolidation of Savings Funds to Personal Funds shall be made in writing to the Superintendent. Consolidation may be rescinded at any time in the Superintendent's discretion or in the event of application for commutation or parole or by other changes in circumstance.~~

~~(9) I/Is or C/Cs from another state, incarcerated at a Department facility institution, shall abide by the regulating policy pertaining to inmate personal Personal Funds and savings funds Savings Funds of the sending state.~~

~~(5) An IMS (10) A FA generated Inmate Annual Income Report report shall be distributed annually, and may be distributed upon request to an inmate, but no more frequently than~~

once per month, to an I/I or C/C who receives compensation from the Commonwealth of Massachusetts for inmate I/I or C/C wages and interest income paid.

(~~6~~11) The ~~inmate wage scale~~I/I and C/C Wage Scale and mandatory deductions for institutional inmate I/I and C/C job assignments, excluding Correctional Industries, is as follows:

<u>Basic Rate</u>	<u>Inmate I/I and C/C Wage Scale</u>
	-I.- \$ 10.00 (<u>\$2.70</u> per <u>weekday</u>)
	-II.- \$ 7.50 (<u>\$2.03</u> per <u>weekday</u>)
	-III.- \$ 5.00 (<u>\$1.35</u> per <u>weekday</u>)
	-50% Forced <u>earned</u> Savings
<u>Special Minimum</u>	
(Cadre)	Up to \$35.00 per week.
-50%	forced savings
	An additional \$30.00 per week may be paid from the Residence Fund.
Pre-release	- <u>Work-release</u> Prevailing Rate
	- R & B <u>Room & Board</u> deduction as approved by the Commissioner
	-25% gross <u>earned</u> savings
Minimum Job Package	Set wages as approved by the Commissioner
	50% forced <u>earned</u> savings
Skilled Kitchen and Maintenance Workers	Set wages as approved by the Commissioner
	-50% forced <u>earned</u> savings

~~Weekly stipend amounts~~I/I and C/C pay may be reduced if an inmate I/I or C/C fails to work a full week. Any deviations from this pay scale shall require prior written approval from the Commissioner. All such written requests for alternate rates shall be detailed, and shall be submitted through the Executive Director of Administrative Services. All alternate rate approvals shall remain in effect unless otherwise amended in accordance with the aforesaid. The Commissioner may adjust the I/I and C/C Wage Scale base rates in the Commissioner's discretion.

(~~7~~12) Wages for inmates I/Is and C/Cs employed by Industries shall be established in accordance with 103 CMR 455.00: *Correctional Industries*.

~~405.07: continued~~

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(13) General. ~~Inmates/Is or C/Cs~~ who receive wages through a work-release program or through a program in which a private employer provides work within the institution are prohibited from receiving compensation directly from an employer. Work-release checks and paystubs should be mailed directly by the work-release program employer to the ~~institutional~~Institutional Treasurer. Alternatively, work-release checks may be delivered to the Institutional Treasurer via other Department approved electronic means, such as by direct deposit to a Department account based on information provided by the Institutional Treasurer, and paystubs may be delivered by secure online posting to be accessed and downloaded by the Institutional Treasurer. Where paystubs are securely posted online by the work-release program employer for access by the Institutional Treasurer, the work-release program employer shall provide the Institutional Treasurer with the means and ability, including but not limited to, provision of any required passwords, to access the paystubs. All ~~pay stubs~~paystubs must be presented to the ~~Treasurer/Fiscal Manager's~~Institutional Treasurer's office. The Institutional Treasurer shall then make all deductions both mandatory and voluntary, via the ~~IMS Inmate Transaction screen~~FAS, before releasing wages to the ~~inmate/I or C/C~~.

405.08: Mandatory Work Release Deductions

Mandatory deductions from wages earned through participation in a work-release deductions program shall be entered on the ~~IMS Inmate~~FAS I/I or C/C Transaction screen. The work release deductions include, but are not limited to, the following:

- (1) Any authorized assessment, including, but not limited to court assessments, fines, restitution, victim and witness assessments and other legislatively authorized assessments.
- (2) Room and Board. ~~At~~Room and Board shall be at a rate to be determined by the Commissioner. Room and board collections shall be deposited into the ~~Consolidated~~account for Room and Board funds on the FAS, and a check in the amount of these collections shall be sent to the Executive Director of Administrative Services on a monthly basis. ~~The~~In the alternative, the Department may utilize a Central Room and Board Account. The Executive Director of Administrative Services shall then ensure that room and board revenue is properly forwarded to the State Treasurer. ~~Inmates/Is or C/Cs~~ who were ~~previously~~employed prior to entering Department custody and are now receiving ~~unemployment compensation or workmen's~~worker's compensation benefits shall continue to have a room and board deduction taken from the gross benefit amount received.
- (3) Amounts required to meet the actual and necessary food, travel, and other expenses of the ~~inmate/I~~ when released for employment.
- (4) Any amount as ordered by other state or federal agencies with a legal right thereto (*i.e.*, Department of Revenue, Welfare, Internal Revenue).

(5) Deduction of the amount for restitution ordered as a result of the disciplinary process, whether such restitution is ordered on a one-time or ongoing basis.

(6) Each ~~inmate~~I/I or C/C participating in a work-release program shall have a minimum 25% of ~~his~~the I/I's or C/C's gross salary ~~or unemployment benefits~~ designated as savings. ~~These funds cannot be withdrawn without the prior written authorization of the Superintendent for circumstances of compelling need. (See 103 CMR 405.07).~~

405.09: Voluntary Work Release Deductions

~~Voluntary~~If an I/I or C/C receives any other monies as a result of their participation in a work-release program, the Department may make deductions shall include, but are not limited to the following:

~~(7) (1) Resident Fund. A deduction agreed upon by the inmate for room and used to provide funds for the benefit of all residents or house members as determined by the Superintendent. board.~~

405.09: continued

~~(2) Any amount voluntarily agreed to by an inmate for family allotment and personal necessities while confined. The institution Treasurer shall obtain written consent by the inmate before making any voluntary deductions.~~

405.10: Interest Income Earned From ~~Inmate~~ Funds on Deposit

The Department shall maintain an account with the State Treasurer that consolidates all ~~inmate FAs, regardless of the type of funds both personal and savings of all inmates, for each I/I or C/C in the custody of the Department in order to maximize interest income;~~ the Department shall award interest as required by M.G.L. c. 127, §48A, and may award interest on all other monies whenever feasible. The Department shall credit each active ~~inmate saving~~FA account with interest earned ~~by the inmate saving account on a monthly basis based on the saving account share of the net average daily balance.~~ ~~The Department may credit each active inmate personal account with interest earned by the inmate personal account on a monthly basis based on the personal account share of the net average daily balance. Interest earned by and not credited to inmate personal accounts shall be credited to a Department account(s) and utilized for inmate benefit.~~ ~~The Department shall credit the respective institutional inmate benefit account for all interest earned by institutional club accounts on a monthly basis based on the club accounts share of the net average daily balance. Net average daily balance shall be defined as the average daily balance less the amount of secured loans from these accounts. In order to, To be credited with interest income for the current period, an inmate account must be active in the system the day the interest is posted. The calculation~~

for the distribution of interest and the posting of interest to all accounts will be accomplished via the FAS.

405.110: Receipt of Funds Procedure—~~Inmate Account~~

~~(1) No cash should be accepted from donors. If cash arrives in the mail, the corrections employee who receives the cash shall document the cash received by properly preparing a pre-numbered DOC receipt form (CI-SECC-1). The Cash and prepared receipt shall be placed in an envelope and deposited to the Treasurer's strong box.~~

~~(2) AH(1) The Department may, in its discretion, implement an Automated Deposit System (ADS), through use of an outside vendor, for receipt and processing of I/I and C/C funds. The methods and means by which funds may be accepted for deposit is determined by the Department. The Department may utilize an ADS to supplement, be in addition to, or in lieu of, any other deposit and processing method. If the Department implements an ADS, all funds shall be submitted through the ADS, whenever possible.~~

~~(2) Funds processed through an ADS shall be deposited by the vendor directly into a DOC FAS deposit only account as designated by the Department. The vendor shall also provide the Department with the necessary data file, including relevant transaction codes, so that the funds deposited are posted to the correct FAS accounts.~~

~~(3) If the Department does not implement an ADS or it is not possible to submit the funds through the ADS, the Department may create written guidelines to ensure the funds are not derived from or used for illicit or suspicious activity, or any acts taken in contravention of any DOC regulation or policy. If the Department determines that the funds cannot satisfy the established guidelines, the funds shall be deposited into the Commonwealth's General Fund via an FAS deposit only account.~~

~~(4) If the Department maintains any boxes for deposits of checks and/or money orders received shall be deposited in the Treasurer's strong box. No receipt shall be written for checks or money orders.~~

~~(3) The at correctional facilities, the Institutional Treasurer or Designee shall empty the strong box each work day and give all checks, money orders, and cash receipts contained therein to the Inmate Account Clerk business day.~~

~~(4) The Inmate Account Clerk shall:~~

~~(a) Ensure(5) Cash shall not be accepted by the Department except in cases when it is in possession of the I/I or C/C upon admission into the custody of the Department. Any other cash received shall be considered contraband. The cash will be documented and deposited into the General Fund.~~

~~(6) Fiscal Staff shall ensure all cash receipt slips in the series are properly received through the admissions process is properly receipted and accounted for.~~

~~(b) Post all checks, money orders and cash receipts to the IMS Inmate Transaction screen.~~

~~(c) Prepare a bank deposit slip (two copies).~~

~~(d) Present the deposit to the Treasurer/Fiscal Manager.~~

~~(5) Treasurer/Fiscal Manager shall:~~

~~405.11: continued~~

~~(a) Determine that the total of all income posted to the inmate accounting system agrees with the total of the prepared deposit slip.~~

~~(b) Ensure that the daily deposit is made at the bank.~~

~~(c) Ensure that the income amount is properly posted in the Inmate Fund cashbook.~~

~~(6) The Inmate Account Clerk~~

~~(7) Fiscal Staff shall ensure that all checks and money orders received at a correctional facility are forwarded to the Department's ADS vendor for processing in accordance with 103 CMR 405.10(1). If the Department does not have an ADS vendor, the Department shall process such checks and money orders in accordance with 103 CMR 405.10 (3). After the funds are accepted for deposit at the institution or central location, Fiscal Staff shall ensure they are properly recorded and posted to the FAS.~~

~~(8) Fiscal Staff shall generate incomefund receipt slips via IMSthe FAS and deliver same to the Mail Officerdesignated staff for distribution to the inmate populationI/Is or C/Cs.~~

~~(79) The availability of funds for receipted personal/business checks of a relatively large denomination shouldreceived by the Department will be restricted by means of an account freeze until said check isfunds are properly returned and funds-verified. If the Department learns at any time that funds are not returned or verified, the Department shall remove such funds from the account to which they were posted on the FAS.~~

~~(10) All inmateI/I and C/C receipts from the U.S. Treasury, or any other item that requires endorsement, must be properly endorsed by said payee or any other monetary draft which documents a mandated endorsement.~~

~~(11) No institution shall accept/deposit any dual payee check in which an inmateI/I or C/C is a co-payee.~~

~~(12)~~ The Superintendent may, ~~at his~~in their discretion, reject any receipt of funds on the behalf of any ~~inmate~~I/I or C/C, whether received via an ADS or drop-off, that exceeds a reasonable amount ~~and/or~~ is not in the best interest of the institution to maintain.

~~(813)~~ Superintendents shall ensure that cash receiving activities shall be centralized in as few hands as possible.

~~(914)~~ Persons receiving cash shall not have the ability to enter FAS transactions or change financial account data in ~~the IMS Trust Fund Accounting Module~~FAS.

~~(1015)~~ Incoming mail shall be opened by a person without the ability to enter FAS transactions or change FAS financial data ~~in the IMS Trust Fund Accounting Module (i.e., Mail Room Officer)~~.

~~(1116)~~ All receipts must be deposited intact.

~~(1217)~~ Cashing of checks from daily receipts is prohibited.

~~(1318)~~ Specific persons shall be responsible for cash receipts from the time cash is received until it is deposited.

~~405.1211~~: Disbursement of Funds Procedures ~~Inmate Account~~

~~(1) (4)~~ Whenever an ~~inmate~~I/I or C/C wishes to ~~initiate~~request the ~~withdrawal~~disbursement of funds from ~~his or her personal account, he~~any of their FAs, the I/I or sheC/C shall ~~fill out~~:

(a) complete, and sign a withdrawal/issue slip. These slipsDepartment standardized Disbursement Slip. The Department will utilize the same Disbursement Slip at all institutions.

(2) In an I/I or C/C indicates that they wish to disburse funds from Earned Funds, regardless of whether the Earned Funds are in a Savings Account or Personal Account, the funds shall only be eligible for potential disbursement if the Superintendent, in the Superintendent's discretion, makes a determination of a compelling need in accordance with M.G.L. c. 127, §48A; notwithstanding this determination, the request for disbursement must still be processed in accordance with 103 CMR 405.11(6).

(3) The I/I or C/C shall submit the Disbursement Slip, in person, to their designated Correctional Program Officer/designee.

(4) The Correctional Program Officer/designee who receives the Disbursement Slip shall verify the I/I's or C/C's identification and sign the Disbursement Slip.

(5) Disbursement Slips shall be made available to the inmatesI/Is and C/Cs at designated area(s) within the correctional institution and when filled out, shall include:

- (a) Date;
- (b) Amount to be withdrawn ~~(marked cash or check/payee);~~;
- (c) The type of funds the I/I or C/C is requesting funds be disbursed;
- (d) Purpose;
- ~~(d) Inmate's~~(e) The I/I's or C/C's printed name, signature, and commitment number; and
- ~~(e) Staff~~(f) Correctional Program Officer/designee verification signature;

405.12: ~~continued~~

(g) Signature of the Deputy

~~(2) The~~ Superintendent indicating approval or denial of the request.

(6) Verification Process for Disbursement of Funds

- a) Disbursements shall ~~designate~~ not be permitted for any illegitimate purpose. If possible, the I/I or C/C shall provide documentation (i.e., bill or order form), along with the Disbursement Slip, to demonstrate the stated purpose for the requested disbursement is not illegitimate. If the I/I or C/C is unable to provide documentation at the time of the request for disbursement, the Department may request that the I/I or C/C provide any additional information or documentation the Department deems necessary to assess whether the requested disbursement is not for an employee(s) to illegitimate purpose. The Department may also conduct an internal review to verify the request for disbursement is not for an illegitimate purpose. If possible, all disbursements shall be made payable directly to the billing entity or identified recipient. An I/I's or C/C's failure to provide necessary documentation or information to demonstrate that the purpose of the requested disbursement is not illegitimate shall not be the sole grounds for denial of the request. The Deputy Superintendent or designee shall be responsible for verifying the request came from the inmate on the form via the approval or denial of the disbursement request. The Department may develop internal guidelines to assist the Deputy Superintendent or designee in making this determination. The Department shall approve or deny the request for disbursement within ten (10) business days of the submission of the request for disbursement unless the Superintendent advises the I/I or C/C in writing that additional time is required to make a determination. If the disbursement request is denied by the Deputy Superintendent or designee, the I/I or C/C may request a review by the Superintendent.
- b) If the Deputy Superintendent or Superintendent/Designee denies the I/I's or C/C's request, the Deputy Superintendent or Superintendent/Designee shall provide the I/I or C/C with the reason(s) for the denial in writing.
- c) If the Deputy Superintendent or Superintendent/Designee, as applicable, approves the I/I's request, the Deputy Superintendent or Superintendent/Designee shall sign the request slip and submit the signed approval and slip, along with any pertinent documentation, such as the bill to be paid or the order form for any gifts, to the

Treasurer's Office for processing in accordance with 103 CMR 405.11(4) and 103 CMR 405.12.

d) If the I/I or C/C disagrees with the final decision regarding disbursement, the I/I or C/C may appeal the determination by submitting the withdrawal/issue slip to the Treasurer's office. The Accounting Clerk/Cashier shall a grievance in accordance with 103 CMR 491: Inmate Grievances.

(5) Once the I/I's or C/C's disbursement request has been approved, Fiscal Staff shall take the withdrawal/issue slip Disbursement Slip and:

(a) Ensure that inmate has signed the request;

~~(b) Ensure that the staff members member's verification signature is present;~~

~~(eb) Check the inmate I/I's or C/C's account to ascertain there are sufficient funds for withdrawal;~~

~~(d) Disburse the funds from the inmates account in accordance with the request.~~

⊕

(6) The Treasurer/designee shall then follow the below listed these procedures for preparing checks or making petty cash expenditures:

(a) Checks. All approved requests for checks shall be entered into the ~~IMS Inmate Transaction screen FAS.~~ Although DOC's system allows for the manual issuing of a check or checks, manual checks should only be issued when an individual I/I or C/C is being released and the system FAS is not available to print checks.

(b) Individuals Persons Authorized to Sign Inmate I/I or C/C Checks. -At a minimum, any facility institution that has an Institutional Treasurer or an Assistant Institutional Treasurer's position shall authorize the Institutional Treasurer and Assistant Institutional Treasurer to sign inmate I/I or C/C checks. The Superintendent or other management staff should be authorized to sign checks to avoid the same staff member disbursing and signing the checks. This will ensure segregation of duties. By signing, staff are indicating that they have examined the check and backup documentation to ensure that the check information is correct, and the disbursement is being made in compliance with Department policy.

(c) Imprest Petty Cash. A petty cash Petty Cash fund may be established to provide quick access to cash when necessary. No petty cash Petty Cash fund shall exceed \$200 without written authorization from the Executive Director of Administrative Services. Disbursements from the petty cash Petty Cash fund shall be made for the purpose of cashing an inmate check providing cash for the I/I's or C/C's release. The dollar amount of checks cashed monies disbursed from this fund should be limited to a maximum of \$50 ~~whenever practicable.~~ ~~All checks that are drawn from an inmate's account that shall be cashed via the petty cash account must be entered on the IMS Inmate Transaction screen as a cash box transaction type. This procedure shall generate a single check for all such transactions payable to the institution's cash box. This check is to be cashed at the bank daily in order~~

~~to replenish the imprest petty cash fund. __~~

~~405.13: Additional Internal Control Measures – Disbursements~~

- ~~(1) All disbursements (other than petty cash) shall be made by check.~~
- ~~(2) All checks shall be signed by the Superintendent or a designee.~~
- ~~(3) No checks shall be made payable to cash.~~
- ~~(4) All checks shall be pre-numbered.~~
- ~~(5) All disbursement shall be supported with signed issue/withdrawal slips.~~
- ~~(6) All such supporting documents shall be canceled in such a manner as to preclude their use a second time.~~

~~405.13: continued~~

- ~~(7) A monthly bank reconciliation shall be centralized for all DOC inmate funds on deposit.~~
- ~~(8) Monthly bank reconciliation shall be made independently of the facilities recording inmate transactions.~~
- ~~(9) Petty cash funds shall be maintained on an imprest basis with the same standard documentary evidenced as for other disbursements.~~
- ~~(10) Voided checks must be appropriately filed and retained in accordance with the guidelines established by the Records Management Unit.~~
- ~~(11) Authorized signatures shall be limited to employees having no access to cash receipts.~~
- ~~(405.12) The signing of checks in advance of actual need shall be prohibited.~~
- ~~(13) Supporting documents shall accompany checks submitted for signature.~~
- ~~(14) Only the Treasurer or Assistant Treasurer shall have access to the petty cash fund.~~
- ~~(15) Petty cash disbursements shall be approved by the Superintendent or designee.~~
- ~~(16) Any financial transaction permitted between offenders, offenders and staff, offenders and vendors, or offenders and volunteers, must be approved by the Superintendent.~~

405.14: Disposal of Money Seized as Contraband

~~Any~~ Absent a showing by the I/I or C/C that the Superintendent explicitly authorized the I/I or C/C to physically possess monies outside of an FA, any money found in the physical possession of an inmate which is in excess of an amount authorized by the Superintendent I/I or C/C shall be confiscated, and a disciplinary report written. ~~The contraband, and the monies shall be forwarded to processed in accordance with 103 CMR 403.15 and 103 CMR 403.16. If the I/I or C/C makes the aforementioned showing, the Superintendent who shall insure~~ ensure the money is credited to the inmate's savings account I/I's or C/C's FA Savings Account.

405.15: ~~Outside-13: Donations to Inmates~~

(1) ~~Individuals~~ Donations to I/I or C/C Groups and/or organizations - Organizations

a) ~~No donations may make donations to an inmate by check for deposit in the inmate's personal account. However, all donations must be deposited directly into the inmate's personal account via the IMS Inmate Transaction screen and be payable to the inmate only. No donations may be made payable to any inmate be made payable to any I/I or C/C organization, group, or association on behalf of another I/I or C/C currently in the inmate or on behalf of friends/guests custody of the inmate. Department.~~

~~This does not preclude any individual person or organization from making a donation to an inmate I/I or C/C group or organization to carry out its chartered purpose. Such donations shall be subject to the vetting process set forth in 103 CMR 405.10(3), and then entered via the IMS Club Transaction screen. Inmates FAS.~~

b) ~~I/Is and C/C's shall not be permitted to use political action committees to raise money for political purpose. All such donations purposes. All monies given to I/Is or C/Cs in violation of this section may be seized by the Department for the purposes set forth and handled in accordance with 103- CMR 403.15.~~

c) ~~This section does not apply to receipt of monies intended for a single I/I, or C/C, which are processed pursuant to 103 CMR 405.10.~~

(2) Donations From I/Is or C/Cs

~~I/Is and C/Cs shall be permitted to make donations to outside persons, entities, and/or political causes. Such donations must be processed and approved in accordance with 103 CMR 405.08-11.~~

405.1614: Disciplinary Process Sanctioned Reimbursements

(1) ~~The personal account of I/I Personal Funds belonging to an inmate I/I or C/C who has been found guilty through the disciplinary process in accordance with 103 CMR 430.00: *Inmate Discipline*, or 103 CMR 431, *Observation Of Behavior Reports*, and has been ordered to make restitution as a sanction will be automatically frozen upon the entering of the sanction in the~~

disciplinary module of ~~IMS~~the FAS. The freeze placed upon Personal Funds in an inmate's account~~FA~~ shall be in the amount of the ordered restitution. While an inmate's personal account~~FA~~ is frozen only the balance of the personal account~~I/I or C/C~~ Personal Funds exceeding the amount of the freeze ~~shall~~may be expended by the inmate~~I/I or C/C~~.

(2)—~~The~~ Treasurer may withdraw all ~~funds~~I/I and C/C Personal Funds available in ~~the inmate's personal account~~an FA until full restitution is made. The inmate~~I/I or C/C~~ may, at any time, request to expend available ~~savings money in order~~Savings funds to pay restitution. Such requests will be made in accordance with 103 CMR 405.07(~~34~~). All restitution collected shall be returned to the General Fund of the Commonwealth or to the ~~institutions~~institution's operating budget as required.

(3)—~~In~~ any case where the disciplinary process has resulted in an order of restitution as a sanction for costs incurred by the Commonwealth, the Superintendent may, ~~at his~~in the Superintendent's discretion, reduce the amount of restitution to the extent ~~he or she deems~~they deem appropriate.

~~(4) The provisions of 103 CMR 405.16(1) through (3) may not apply to patients at the Bridgewater State Hospital, since they are not subject to disciplinary hearings.~~

405.17(4) In any case where the disciplinary process has resulted in an order of restitution as a sanction to pay for scheduled charges on a regular basis, the Treasurer will only take funds from an FA for charges that have already been incurred. No funds will be taken for a drug-testing sanction prior to the I/I or C/C being tested.

405.15: Court Assessments and Other Authorized Assessments

(1) Court Assessments. ~~Any and all funds in an inmate's personal or savings account~~All Personal and Savings Funds may be expended by the Superintendent to satisfy an amount ordered by a court including, but not limited to, restitution, judgments, fines, victim witness assessments, court costs, etc., notwithstanding the provisions of 103 CMR 405.~~16~~15 and regardless of inmate~~I/I or C/C~~ consent. Such court-ordered restitution, fines, victim witness assessments, court costs, etc. shall be entered into the ~~IMS Sentence Information screen~~FAS. Payment of such court-ordered restitution, judgments, fines, victim witness assessments, courts costs, etc. shall also be entered in the ~~Inmate Transaction screen~~FAS.

(2) ~~Other Authorized Assessments.~~—~~An inmate who is the subject of any authorized assessment may consent to having funds debited from his savings and personal accounts to satisfy such assessments.~~

~~(a) If an inmate has funds to cover the full cost of the assessment, the inmate shall be required to pay the amount owed in full. This shall be completed via the IMS Inmate~~

~~Transaction screen.~~

~~(b) If an inmate does not have sufficient funds to cover the full amount owed, the inmate shall be required to make a partial payment using all available funds, both personal as well as savings, over and above the \$100.00 minimum required in the inmate's institutional savings account. The Superintendent may order the impoundment of the inmate's account for the remaining amount. During the period of impoundment no account funds may be expended by the inmate.~~

~~(c) If an inmate account is impounded, the impoundment shall be documented in the IMS Inmate Transaction screen. The Superintendent may continue to withdraw 1/2 of the money earned by an inmate while incarcerated and any unearned funds as they accumulate.~~

~~405.17: continued~~

~~until the judgement or assessment is satisfied. All of the money of a sexually dangerous person or an inmate serving a life sentence may be withdrawn until full restitution is made.~~

~~405.18: Savings Bonds Belonging to Inmates who are Transferred~~

~~Upon the transfer of an inmate, all savings bonds belonging to said inmate shall be forwarded with the transporting officer(s) or mailed via certified mail, return receipt requested. Said bonds should be documented and delivered to the institution.~~

~~405.1916: Money of Escaped or Deceased Inmates Incarcerated Individuals or Civil Commitments~~

If an ~~inmate/I or C/C~~ has died, the money in ~~the inmate's institutional account~~their FA shall be paid to the proven administrator, personal representative, trustee, or executor of the deceased ~~inmate/I or C/C~~ by the Treasurer, who shall retain a record of the transaction. Pursuant to M.G.L. c. 127, § 96A, monies that remain in a discharged, escaped, or deceased ~~inmate's institutional account/I's or C/C's FA~~ after a period of two years, shall be paid to the State Treasurer, to be held subject to being paid to the person establishing a lawful right thereto. This transaction shall be coordinated by the ~~Department~~Support Services Division instead of the ~~individual institutions~~institution and shall be ~~accomplished on a system wide basis~~processed in the FAS.

~~405.2017: Release of Money upon Parole or Release from the Department's Department Custody~~

(1) Upon parole or release from ~~the Department's~~Department custody, ~~inmates/I's and C/C's~~ shall receive all monies in their ~~personal and savings accounts~~FAs, including applicable interest accrued, provided ~~that~~ they have relinquished all state property. For purposes of this transaction, "paroled or released" is defined as the authoritative discharge of confinement from ~~the Department of Correction facility.~~ If the ~~inmate/I or C/C~~ questions the amount and circumstances of the monies, action should be initiated immediately by the Treasurer to bring about a resolution of the amount in question. ~~All monies in an inmate's personal and savings~~

~~account shall be delivered to the inmate in the form of a check.~~

~~Only under certain mitigating circumstances, as approved by the Superintendent, may cash be used.~~

If ~~the inmate~~ I/I or C/C does not have at least \$50 in combined ~~personal~~ Personal and ~~savings funds~~ Savings monies, upon release, funds may be subsidized from the institutional budget, up to the sum of \$50. ~~Any inmate authorized debts owed to the institution may be deducted from this amount before the actual issuance of final funds.~~ The funds received shall be documented ~~in the Release Final Clearance screen.~~

a) An I/I or C/C shall notify the Treasurer's Office of any existing savings bonds held by the Department to arrange for transfer of the physical savings bonds to their possession.

(2) All monies arriving at ~~the facility~~ a Department institution after the parole or release of an ~~inmate~~ I/I or C/C shall be forwarded to ~~his~~ the I/I's or her C/C's new address ~~after deduction for amounts loaned.~~ Before forwarding monies to an I/I or C/C, the Department may deduct the gate fee amount given to the inmate upon release (i.e., gate fee). I/I or C/C, if any.

405.218: Audits of ~~Inmate~~ Account Records

The Department ~~of Correction Internal Audit~~ Support Services Division shall audit each ~~institutional inmate fund~~ FA whenever there is a change of ~~an~~ an Institutional Treasurer/Fiscal Manager responsible for the fund.

405.2219: Monthly Reports

(1) Institutional Treasurers shall complete and submit monthly reports as required by the Department.

(2) (1) A Proof of Inmate Fund Trial Balance reconciles the inmate cashbook to the IMS Trust Fund Accounting Module. The original copy shall remain on file at the institution and a copy shall be forwarded to the Department Internal Audit Unit.

(2) A Reconciliation of Inmate Fund Bank Accounts reconciles the local depository account and the Department's centralized disbursement account. The original copy shall remain on file at the institution and a copy shall be forwarded to the Department Internal Audit Unit.

(3) Upon request, all active inmates Upon request, all active I/Is and C/Cs shall be provided with a monthly statement of the amounts in their personal and savings accounts via the ~~IMS Inmate Transaction Report~~ FAS.

405.23: Access to Records

~~The Director of Administrative Services or a designee shall have access to all institutions and their fiscal records for audit purposes to determine compliance with 103 CMR 405.00.~~

~~405.24: Retention of Accounting Records/Source Documents~~

~~The Department's (facility's/institution's) copy of all fiscal records must be systematically filed to facilitate later retrieval for audit purposes, and shall be stored in accordance with the Massachusetts State-wide Record Retention Schedule.~~

~~405.2520: General Information~~

~~(1) (1) Unclaimed inmates' funds belonging to inmates/Is or C/Cs who are no longer in the system and who have not been so for two or more years active on the FAS shall be transferred to the State Treasurer's office annually. This transaction shall be coordinated by the Department on a systeman FAS-wide basis.~~

~~(2) (2) Whenever there is movement of funds within the inmate accountan FA, a reconciliation shall be performed that day to ensure that similar entries were made on the inmate account system and in the cashbook. This shall be accomplished by taking the before and after balances of the cashbook and inmate accounts. Regardless of the quantity of inmate transactions or lack thereof, end of day reports shall be printed via IMS and retained on a per diem basis utilizing a business cycle. (Every business day) FAS and in the Cashbook.~~

~~(3) All supporting documentation to the monthly reports (receipt slips, issue/withdrawal slips, deposit slips, canceled checks, transfer slips, etc.) shall be retained, filed chronologically, and shall be stored in accordance with the Massachusetts State-wide Record Retention Schedule.~~

~~405.2621: Responsible Staff~~

~~The Executive Director of Administrative Services, under the supervision of the Deputy Commissioner of Administration, shall be responsible for implementation and monitoring of 103 CMR 405.00 throughout the Department. Each Superintendent shall be responsible for implementation of 103 CMR 405.00 and for the development of any necessary and appropriate institution policies and procedures.~~

~~405.26: continued~~

~~the development of any and all necessary and appropriate institution policies and procedures.~~

~~405.2722: Annual Review~~

~~103 CMR 405.00 shall be reviewed at least annually by the Commissioner or a designee.~~

The party or parties conducting the review shall develop a memorandum to the Commissioner with a copy to the Central Policy File indicating revisions, additions or deletions which shall be included for the Commissioner's written approval and shall become effective pursuant to applicable law.

405.2823: Severability

If any article, section, subsection, sentence, clause, or phrase of 103 CMR 405.00 is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Commissioner or otherwise inoperative, such decision shall not affect the validity of any article, section, subsection, clause or phrase of 103 CMR 405.00.

REGULATORY AUTHORITY

103 CMR 405.00: M.G.L. c. 124, § 1(c), (q), (u); M.G.L. c. 127, §§ 3, 48, 48A, 49, 96A, and 162; M.G.L. c. 22E, § 4, M.G.L. c. 258B, and Executive Order 399.