



# Virginia Department of Corrections

## Offender Management and Programs

### Operating Procedure 802.2

#### *Inmate and CCAP Probationer/Parolee Finances*

##### **Authority:**

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### REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

*The content owner reviewed this operating procedure in June 2023 and determined that no changes are needed.*

*The content owner reviewed this operating procedure in May 2024 and determined that no changes are needed.*

### COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections (DOC). Practices and procedures must comply with applicable State and Federal laws and regulations, American Correctional Association (ACA) standards, Prison Rape Elimination Act (PREA) standards, and DOC directives and operating procedures.

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## DEFINITIONS

**Community Corrections Alternative Program (CCAP)** - A system of residential facilities operated by the Department of Corrections to provide evidence-based programming as a diversionary alternative to incarceration in accordance with COV §53.1-67.9, *Establishment of community corrections alternative program; supervision upon completion*.

**Day** - Any 24-hour day regardless of weekends or holidays.

**Facility** - Any institution or Community Corrections Alternative Program.

**Financial Documents** - Fiscal documents that includes, but not limited to, credit card statements, checkbook ledgers, loan statements, savings passbooks; this does not include financial account statements and credit reports.

**Financial Instruments** - Fiscal assets that can be traded for goods and services that includes, but not limited to, cash, checks, money orders, lottery tickets, savings bonds, treasury bonds, and stock certificates.

**Funds** - Negotiable instruments, including, but not limited to, cash, checks, money orders, lottery tickets, savings, treasury or other bonds, stock certificates, certificates of deposit, etc.

**Indigent Inmate and CCAP Probationer/Parolee** - An inmate or CCAP probationer/parolee who during the previous month had less than \$5.00 in their trust account for discretionary spending and had no job or other source of income that provided as much as \$5.00, or an inmate or CCAP probationer/parolee newly received into a facility with no available funds and no hygiene items. An inmate's or CCAP probationer's/parolee's access to facility Court appointed attorneys or local magistrates are excluded from this definition.

**Inmate** - A person who is incarcerated in a Virginia Department of Corrections facility or who is Virginia Department of Corrections responsible to serve a state sentence.

**Institution** - A prison facility operated by the Department of Corrections; includes major institutions, field units, and work centers.

**Obligations** - Financial responsibilities and assessments for which the DOC sets aside funds received on behalf of an inmate or CCAP probationer/parolee for the immediate or future payment of the inmate's or CCAP probationer's/parolee's financial responsibilities and assessments.

**Probationer/Parolee** - A person who is on community supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of Courts, paroling authorities, the Virginia Department of Corrections, or other release authority; this includes post release supervision and Community Corrections Alternative Programs.

**Reserve Account** - Account established at the facility to hold funds to be applied toward authorized payments until the total amount of the obligations are satisfied.

**Unauthorized Funds** - Cash received at a facility; funds received from an unauthorized or fictitious sender, funds whose origin cannot be determine, and funds which cannot be verified.

**Working Day** - Weekdays, Monday through Friday, not counting official state holidays.

## PURPOSE

This operating procedure establishes protocols for the collection, safeguarding, and disbursement of financial resources belonging to inmates and Community Corrections Alternative Program (CCAP) probationers/parolees in the care of the Virginia Department of Corrections (DOC). (5-ACI-1B-07, 5-ACI-1B-21, 5-ACI-5A-06; 4-ACRS-7D-17)

## PROCEDURE

- I. Inmate and CCAP Probationer/Parolee Trust Accounts
  - A. Inmate and CCAP Probationer/Parolee Trust Accounts are administered in accordance with COV §53.1-43.1, *Inmate trust accounts, Inmate Payroll System, Inmate Trust System* and *DOC Commissary Policy and Procedure Manuals*, and applicable DOC operating procedures. (5-ACI-1B-07, 5-ACI-1B-20, 5-ACI-1B-21, 5-ACI-5A-06; 4-ACRS-7D-17; 2-CO-1B-05, 2-CO-1B-14)
  - B. Access to the inmate and CCAP probationer/parolee Trust System is restricted to those positions that require access in the performance of their official work duties.
    1. To request access, the *Trust System-Access Request 802\_F11* must be fully completed and signed by the User, the Business Manager or similar position and the Facility Unit Head or designee.
    2. Once approved, the Facility Unit Head or designee will submit the completed *Trust System-Access Request 802\_F11* to the Financial Systems and Reporting Unit for processing.
  - C. The purpose of inmate and CCAP probationer/parolee Trust Accounts is to:
    1. Hold all funds earned by inmates and CCAP probationers/parolees for work performed while committed to the DOC.
    2. Hold all funds received on behalf of an inmate and CCAP probationer/parolees to be used for authorized spending at the inmate's or probationer's/parolee's request.
    3. Allow inmates and CCAP probationers/parolees to use such funds to:
      - a. Pay legal obligations
      - b. Purchase goods from the commissary and authorized vendors
      - c. Send to authorized individuals
      - d. Provide an allowance to the inmate or CCAP probationer/parolee upon release
  - D. The DOC provides inmates and CCAP probationers/parolees with a Trust Account as a service for which no administrative fees are charged.
- II. Deposits into Inmate and CCAP Probationer/Parolee Trust Accounts- Credits
  - A. Inmate Pay

Inmates are paid for work performed with the exception of Court ordered Community Service Work Assignments; see Operating Procedure 841.2, *Offender Work Programs*.
  - B. CCAP Probationer/Parolee Pay
    1. CCAP probationers/parolees will be paid in accordance with employer guidelines and Operating Procedure 940.4, *Community Corrections Alternative Program*.
    2. The employer must deliver all CCAP probationer/parolee paychecks directly to the facility.
      - a. Employers must not give any funds, including tips, directly to the CCAP probationer/parolee.
      - b. The employer will not deduct any funds other than taxes, Worker's Compensation, and court-ordered child support from a CCAP probationer/parolee without prior approval from the Facility Unit Head.



- c. The employer or the facility must provide the CCAP probationer/parolee with a statement of earnings.

### C. Funds Received from Outside Sources

#### 1. Funds received from a business or vendor

- a. Inmates and CCAP probationers/parolees can receive funds through the mail from authorized, legitimate businesses, government agencies, and their personal financial institutions.
- b. Funds mailed to an inmate or CCAP probationer/parolee for deposit into the inmate's or CCAP probationer's/parolee's Trust Account will be processed in accordance with Operating Procedure 803.1, *Inmate and Probationer/Parolee Correspondence*.
- c. Staff must verify all checks and money orders for legitimacy prior to deposit.

#### 2. Funds received from a government agency

- a. Inmates and CCAP probationers/parolees cannot receive Social Security payments under any circumstances.
- b. On the sixty-first day of imprisonment for any reason, all Veterans Administration (VA) pension payments cease.
- c. On the sixty-first day of imprisonment as a result of a felony, other VA compensation payments are reduced to a fraction of the normal amount.
- d. Tax refunds from the Internal Revenue Service (IRS) and from states are legitimate only if the inmate or CCAP probationer/parolee earned taxable income during the tax year.
- e. The inmate's or CCAP probationer's/parolee's other government pension or compensation may or may not be affected.

#### 3. Funds received from family members, friends, and other individuals

- a. Family members, friends, and other authorized individuals can send funds to an inmate or CCAP probationer/parolee.
- b. Senders must use one of the following JPay services to send funds to an inmate or CCAP probationer/parolee:
  - i. Electronic transfer using JPay
  - ii. Money orders and certified cashier's checks mailed to JPay Lockbox
  - iii. Credit or debit card payment on-line at [www.jpayers.com](http://www.jpayers.com) or by telephone to 1-800-574-5729
  - iv. Cash through a MoneyGram location
- c. Staff will not accept money orders, personal checks, certified checks, or any other financial instrument from individuals. Staff will return these funds to the sender with instructions on how to use JPay.
- d. Inmate and CCAP probationer/parolee Trust Accounts will be credited within two working days of notification from JPay of the receipt of funds.

### III. Trust Account Deposits – Special Topics

- A. Staff must not accept cash at a facility for deposit into an inmate's or CCAP probationer's/parolee's Trust Account.
- B. The entire amount of a deposit may not be available for an inmate or CCAP probationer/parolee to spend if:
  1. The inmate or CCAP probationer/parolee has an obligation.
  2. The deposit is held in reserve until the funds are actually released by the payer's financial institution or a third party entity.
- C. Staff must monitor deposits into inmate and CCAP probationer/parolee Trust Accounts for suspicious



transactions or other unusual activity. When the source of the funds received for an inmate or CCAP probationer/parolee is suspicious or there is a question of whether the inmate or CCAP probationer/parolee is entitled to receive the funds, staff must notify the Special Investigations Unit.

- D. Government agencies and authorized vendors or businesses are the only sender authorized to send funds, Securepak packages, and other items of monetary value to more than one inmate or CCAP probationer/parolee without prior approval of both Facility Unit Heads.
- E. The following deposits and transfers are prohibited without prior approval of the Facility Unit Head for each facility involved in the transaction: (4-ACRS-7D-30)
1. Transfers from an inmate to an inmate or from a CCAP probationer/parolee to a CCAP probationer/parolee.
  2. Transfers from an inmate to a CCAP probationer/parolee or from a CCAP probationer/parolee to an inmate.
  3. Deposits for an inmate or CCAP probationer/parolee from DOC staff, contractors, volunteers, and family members, friends, and visitors of other inmates and CCAP probationer/parolees.
- F. Unauthorized Funds
1. Certain senders are not authorized to send funds to inmates and CCAP probationers/parolees.
    - a. Staff should return funds received from unauthorized individuals or businesses to the sender.
    - b. The Facility Unit Head or designee may approve for staff to confiscate the unauthorized funds when there is evidence the sender was attempting to circumvent DOC operating procedures.
  2. If a sender cannot be determined or uses a fictitious name, the funds are unauthorized and staff must confiscate the funds.
  3. All confiscated funds are to be held by staff and routed to the facility commissary account for the benefit of the inmates or CCAP probationers/parolees; see COV §53.1-26, *Confiscation of prohibited articles*.
- G. The facility business office will generate an account statement for each inmate and CCAP probationer/parolee once per month, by the first day of the following month, and will provide a copy to the inmate or CCAP probationer/parolee within five days of generating the statement.

#### IV. Inmate and CCAP Probationer/Parolee Loans

A. A loan is established when an inmate's or CCAP probationer's/parolee's Trust Account is credited and the associated loan account is debited. The loan account debited depends on the reason for the loan.

##### B. Indigent Inmates and CCAP Probationers/Parolees

Indigent inmates and CCAP probationers/parolees may submit a *Trust System - Advance Request* 802\_F8 to request a loan against their Trust Account in accordance with the *Inmate Trust System Policies and Procedures Manual*: (4-ACRS-7D-31)

1. Upon entry into the DOC.
2. When the indigent inmate or CCAP probationer/parolee transfers and arrives at a facility prior to receipt of their Trust Account Funds.

##### C. Court Requirements

1. When an inmate or CCAP probationer/parolee is unable to pay for copies in response to a court requirement, staff must establish a loan and provide the requested copies.
2. When an inmate or CCAP probationer/parolee has photocopy loans in excess of \$50, staff will provide no further copies without a Court Order instructing the facility to provide the additional photocopying loans.



**D. Religious Diets; see Food Service Manual Chapter 4, *Religious Diets and Special Menus***

1. Any inmate who:
  - a. Violates their *Common Fare Agreement* 841\_F8 will be assessed the cost of the Common Fare meal.
  - b. Violates their *Sealed Religious Diet Agreement* 841\_F24 will be assessed the cost of the Sealed Religious Diet meal.
2. Any inmate or CCAP probationer/parolee who seeks a meal tray between dawn and sunset during the religious fast of Ramadan/Nation of Islam Month of Fasting after choosing to participate, must be assessed the cost of each meal received outside of their religious observance.
3. Inmates and CCAP probationers/parolees unable to pay the assessed cost of these meals will have the cost charged as a loan to their Trust Account.

**E. Other Loans Types**

1. Staff may establish a loan for the inmate to:
  - a. Purchase an original birth certificate; see Operating Procedure 820.2, *Inmate Re-entry Planning*.
  - b. Purchase a DMV Identification (ID) Card; see Operating Procedure 820.2, *Inmate Re-entry Planning*.
  - c. Replace a DOC ID card; see Operating Procedure 810.1, *Inmate Reception and Classification* and Operating Procedure 810.2, *Transferred Inmate Receiving and Orientation*.
  - d. Ship the personal property of an indigent inmate or CCAP probationer/parolee to a new facility; see Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee Property*.
  - e. Purchase and receive certified copies of legal documents to include marriage, divorce, or other Court-issued name-change documents; see Operating Procedure 820.2, *Inmate Re-entry Planning*.
  - f. Purchase up to the equivalent value of 40 first class postage stamps per month to cover the cost of indigent inmate and CCAP probationer/parolee first class legal postage; see Operating Procedure 866.3, *Inmate and CCAP Probationer/Parolee Legal Access*.
2. Staff can establish a one-time loan for CCAP probationers/parolees to purchase necessary job related items and cover initial employment expenses. (4-ACRS-7D-31 [CC])
3. Staff can establish a loan for payment of disciplinary penalties, restitution and fines.
  - a. Restitution for property damage and/or medical treatment for bodily injury is paid into the general fund.
  - b. Fines are paid into the facility's commissary fund.
4. Staff will establish a loan to pay the overage or debt when an inmate or CCAP probationer/parolee overspends their account or owes money to a facility due to a posting error.

**V. Inmate and CCAP Probationer/Parolee Financial Obligations**

A. Financial obligations are collected and allocated to and from an inmate's Trust Account in accordance with the Code of Virginia, DOC operating procedures, *Inmate Trust Accounts*, *Inmate Payroll System*, *Inmate Trust System* and *DOC Commissary Policy and Procedure Manuals*.

1. Hold Obligation
  - a. Staff will withhold 10% of an inmate's pay until \$25.00 is accumulated, to be paid to the inmate upon release, see COV §53.1-190, *Allowance on discharge; transportation; clothing* and Operating Procedure 050.3, *Facility Release of Offenders*.
  - b. Staff will allocate funds directly to the inmate's Hold Account at the time the funds are recorded.
2. Savings Account Obligation
  - a. Staff will withhold 10% of any funds received by an inmate until the inmate accumulates \$1,000



to be paid to the inmate upon release; see COV §53.1-43.1, *Inmate trust accounts*.

b. Staff will allocate funds directly to the inmate's Savings Account at the time funds are recorded.

### 3. Court Obligations

a. Staff will withhold 5% of an inmate's pay to be paid to the sentencing Court(s) annually and upon the inmate's release.

b. Staff will withhold 15% of a CCAP probationer's/parolee's pay to be paid to the sentencing Court(s) annually and upon the CCAP probationer's/parolee's release.

c. Staff will allocate funds directly to the inmate's or CCAP probationer's/parolee's Spend Account then immediately reallocate the funds to the Court Obligation Account.

### 4. Other Obligations

a. Funds for all other obligations are allocated directly to the inmate's Spend Account and then immediately reallocated to various other accounts based on the obligation type i.e., loans, child support, etc.

b. Staff will withhold funds to satisfy other Court ordered obligations such as alimony, child support, etc.; not including court imposed fees and fines pursuant to COV §53.1-60.1, *Duties of Director in collecting court-imposed debt*.

c. The percentage of funds reallocated vary based on the obligation type.

B. After the inmate's obligations are satisfied, staff will reallocate 100% of all remaining funds to repay loans assessed in accordance with the requirements of this operating procedure; see *Inmate and CCAP Probationer/Parolee Loans*.

## VI. Inmate and CCAP Probationer/Parolee Trust Sub Accounts

### A. Hold Accounts

1. Hold Accounts are established to hold funds to offset the \$25.00 discharge allowance; see COV §53.1-190, *Allowance on discharge; transportation; clothing*.

2. Hold Accounts are specific to inmates housed in an institution only; CCAP probationers/parolees do not have a Hold Account.

3. Staff should not transfer funds in a Hold Account from the inmate's permanently assigned institution when the inmate is housed temporarily at another institution.

4. Funds in an inmate's Hold Account may not be used for discretionary spending, withdrawals, or for payment of Court ordered or other mandatory fees, loans, or other charges assessed against the inmate's account.

5. Staff will hold all funds in an inmate's Hold Account until the inmate is released from custody. If upon release the inmate does not have \$25.00 in their Hold Account, staff will provide supplemental funds up to \$25.00.

### B. Savings Account (Personal Trust)

1. Savings Accounts are specific to inmates housed in an institution only. CCAP probationer/parolees do not have a Savings Account.

2. Inmates with a life sentence without eligibility for parole, sentenced to a term that makes them ineligible for release prior to being 75 years of age, excluding releases pursuant to COV §53.1-40.01, *Conditional release of geriatric prisoners*, or serving an out-of-state sentence are exempted from having a Savings Account.

a. This exemption does not apply to inmates with a discretionary parole eligibility date that is prior to being 75 years of age.

b. If an inmate's status changes, the withholding will begin on the date of the status change.





- c. Out of state inmates, housed in a DOC institution under DOC contract, who are returning to their home state for release are exempt from the 10% savings withholding.
  - d. Inmates under an Interstate Compact agreement who will return to their home state for release are exempt from the 10% savings withholding.
  - e. Inmates under an Interstate Compact agreement who will release in Virginia are subject to the 10% savings withholding.
3. Staff must allocate 10% of all funds received on behalf of an inmate, excluding vendor refunds and Veteran's Administration (VA) benefits, to the inmate's Savings Account until the account has a balance of \$1,000. Once the inmate's Savings Account reaches \$1,000, staff will no longer automatically allocate funds received by the inmate to the Savings Account.
  4. Staff should not transfer funds in a Savings Account from an inmate's permanently assigned institution when the inmate is housed temporarily at another institution.
  5. When the Savings Account balance exceeds \$1,000, the inmate may direct staff to transfer funds from their Spend Account to their Savings Account and from their Savings Account to their Spend Account by submitting a *Trust System - Savings Account Transfer Request 802\_F2*.
    - a. The balance of the Savings Account must not fall below \$1,000 when transferring from the Savings Account.
    - b. Transfers must be a minimum of \$10 and a balance of at least \$10 must remain in the Spend Account after the transfer.
    - c. Each inmate may submit only one *Trust System - Savings Account Transfer Request* per month.
    - d. Business Office staff must receive all *Trust System - Savings Account Transfer Requests* by the 15<sup>th</sup> of the month to be processed that month.
  6. Except for balances in excess of \$1000, funds in the inmate's Savings Account may not be used for discretionary spending, withdrawals, or for payment of court ordered or other mandatory fees, loans, or other charges assessed against the inmate's account.
    - a. Child support orders to seize all assets will include all monies in the inmate's Savings Account.
    - b. Upon an inmate's release, staff will apply funds in the inmate's Savings Account to any outstanding loans.
- C. Spend Accounts
1. Spend Accounts are established for all inmates and CCAP probationers/parolees in DOC custody as recorded in VACORIS.
  2. Each inmate is allowed \$5.00 per calendar month from their Spend Account for discretionary spending i.e., commissary, legal correspondence, etc. that is not subject to payment of fines, fees, loans, or other payment types.
  3. Spend Account Balances
    - a. The full balance of a Spend Account may be used for:
      - i. Execution of a Court Order to seize an inmate's or CCAP probationer's/parolee's entire Trust Account.
      - ii. Payment of full or partial postage charges for legal correspondence.
      - iii. Postage and photocopy costs directly deducted from the Spend Account; no money order created.
      - iv. Payment of legal and governmental obligations such as notices of tax liens, voluntary agreements to make installment payments on Court fines, fees, costs, or restitution, or child support payments made through the Courts or Department of Social Services.
        - (a) The withdrawal must be payable to the Court or governmental agency.
        - (b) The inmate or CCAP probationer/parolee must provide adequate documentation of such obligations.

- b. Spend account balances must not fall below \$5 in a calendar month after:
    - i. Payment of fees, fines, costs, restitution, garnishments, and other judgements.
    - ii. Repayment of disciplinary penalties and other loans.
  - c. Spend account balances must not fall below \$10 in a calendar month after:
    - i. Payments to Global Tel Link (GTL) for phone calls.
    - ii. Money orders to businesses, vendors, and individuals for reasons not otherwise addressed in this operating procedure.
4. Authorized Withdrawals
- a. Each Facility Unit Head may set a schedule at the facility for accepting and processing discretionary withdrawals.
    - i. Staff should notify inmates and CCAP probationers/parolees of the schedule during orientation.
    - ii. Business Office staff should process all *Trust System - Withdrawal Requests* 802\_F9 within six working days after receipt of the *Trust System - Withdrawal Request* 802\_F9 in the Business Office.
  - b. Trust System-Withdrawal Requests
    - i. Inmates and CCAP probationers/parolees will use the *Trust System - Withdrawal Request* 802\_F9 to request a money order be drawn against their Spend Account for:
      - (a) Authorized mail order purchases sent to an outside person or entity
      - (b) Deposits to outside accounts
    - ii. A balance of at least \$10.00 must remain in the Spend Account after the deduction and money order processing fee, to ensure that the inmate or CCAP probationer/parolee has sufficient funds to purchase personal hygiene items, stamps, and writing materials from the commissary and to pay for legal photocopies.
    - iii. CCAP probationers/parolees are not allowed to transfer funds from their Spend Account to outside accounts.
      - (a) The Facility Unit Head may place additional limits on discretionary withdrawals for these programs.
      - (b) Staff should notify the probationers/parolees of the limits during facility orientation.
    - iv. For withdrawals sent to anyone other than a legitimate business, financial institution, or government agency, inmates and CCAP probationers/parolees must include their relationship to the individual they are sending money on the *Trust System - Withdrawal Request* 802\_F9 to ensure the transfer of funds does not violate law or DOC operating procedures.
      - (a) If this individual is not a family member, the inmate or CCAP probationer/parolee must also provide the reason for sending the money.
      - (b) Staff should disapprove any *Trust System - Withdrawal Request* 802\_F9 that the inmate or CCAP probationer/parolee has not provided sufficient information to determine the request is legitimate and should return it to the inmate or CCAP probationer/parolee.
      - (c) Staff will notify the inmate or CCAP probationer/parolee when they disapprove a *Trust System - Withdrawal Request* 802\_F9 and provide the reason for the disapproval. The inmate or CCAP probationer/parolee may resubmit the request with additional justification.
  - c. Trust System - Withdrawal Request for GTL Debit Account
    - i. Inmates and CCAP probationers/parolees will submit the *Trust System - GTL Withdrawal Request* 802\_F10 to pay for telephone calls.
    - ii. Inmates and CCAP probationers/parolee may submit one *Trust System - GTL Withdrawal Request* 802\_F10 per month to transfer funds to GTL.
    - iii. A balance of at least \$10.00 must remain in the Spend Account after the deduction. If the requested withdrawal will leave less than \$10.00 in the Spend Account, staff will disapprove it and return it to the inmate or CCAP probationer/parolee.
    - iv. Funds transferred to GTL cannot be returned to the inmate's or CCAP probationer's/parolee's Trust Account.

- v. Unused funds transferred to GTL will be refunded only after the inmate or CCAP probationer/parolee has been released from DOC.
- vi. Fund transfers are processed by the 20<sup>th</sup> of the month and made available for use by the inmate or CCAP probationer/parolee no later than the 1<sup>st</sup> of the following month.

#### D. Court Obligation Account

Court Obligation Accounts are established to hold funds to be applied toward any court imposed fines, costs, forfeitures, restitution, or penalties the inmate or CCAP probationer/parolee may owe; see §53.1-41, *Opportunities for work and career and technical education*.

### VII. Priority of Spend Account Withdrawals

Staff will prioritize and make payments from inmate and CCAP probationer/parolee Spend Accounts in the following order:

#### A. Priority 1 - Court Ordered Monetary Support for Children and Spouses

1. Child support for which there is a valid in-state or out-of-state Court Order or a valid in-state or out-of-state administrative support order received from a Child Support Enforcement Agency; see COV §20-88.32 et seq., *Uniform Interstate Family Support Act*.
  - a. A child support order to seize all assets includes all funds in an inmate's or CCAP probationer's/parolee's Spend Account and Savings Account.
  - b. Once a Court Order is received, staff will transfer all seized funds to the Reserve Account.
  - c. Staff will seize all subsequent deposits until they receive the demand for payment.
2. Alimony or spousal support payments for which there is a valid in-state or out-of-state Court Order.

#### B. Priority 2 - Fees, fines, costs, restitution, garnishments, notices of tax lien, or other judgments imposed by the Court or an administrative order authorized by law.

1. When applicable staff will withhold 5% of an inmate's pay to be paid to the sentencing court(s) until the total amount of the obligation specified in the order is satisfied or until the inmate is released from the institution or from DOC custody.
2. When applicable, staff will withhold 15% of the CCAP probationer's/parolee's paycheck to be paid to the sentencing court(s) until the total amount of the obligation specified in the order is satisfied or until the inmate is released from the CCAP or from DOC custody.
3. Staff will allocate these funds to the Court Obligation Account.
4. Upon the inmate's or CCAP probationer's/parolee's release, staff will issue a check(s) for the total amount collected directly to the court(s). If an excess was withheld after all court ordered fines, costs, and restitution are paid, staff will add the excess to the inmate's or CCAP probationer's/ parolee's discharge funds.

#### C. Priority 3 - Transportation and Room and Board payments for CCAP probationers/parolees.

#### D. Priority 4 - Repayment of DOC loans in the order of disbursement as follows:

1. Reimbursement of an advance against funds to be transferred in from a prior facility
2. Restitution for property damage and bodily injury assessed as a disciplinary penalty; see Operating Procedure 861.1, *Offender Discipline, Institutions*
3. Fines assessed as a disciplinary penalty; see Operating Procedure 861.1, *Offender Discipline, Institutions*
4. Full or partial charges for legal postage, legal copies, replacement of DOC ID cards, etc.
5. Overspending of an inmate or CCAP probationer/parolee Trust Account
6. Any other debits, fees or loans against the inmate's or CCAP probationer's/parolee's Trust Account



- E. Priority 5 - Authorized purchases and withdrawals at the request of the inmate or CCAP probationer/parolee.

### VIII. Processing Spend Account Withdrawals-Trust Account Debits

#### A. Payment of Orders, Liens, and Judgments

##### 1. Freezing of funds and verification of order or judgment

- a. Upon receipt of a Court order or judgment to withhold payments from an inmate's or CCAP probationer's/parolee's account, staff will move the funds to cover the payment from the Spend Account to the Reserve Account. Staff should investigate and resolve any questions about the validity of the Court Order or judgment or the identity of the subject of such order or judgment.
- b. In the absence of a Court Order, the following are authorized by law as sufficient notice:
  - i. Notices from the Department of Social Services, Division of Child Support Enforcement or equivalent out-of-state authority for child support payments
  - ii. Notices of tax liens from the IRS, Virginia Department of Taxation, or the local in-state government
  - iii. Notices from the Office of the Attorney General for Court ordered costs and attorney fees
  - iv. Other state or federal administrative orders
- c. Staff should address any questions regarding the validity or authority of a Court or administrative order to the Court or agency issuing the order.

##### 2. Notice to inmate or CCAP probationer/parolee

- a. Staff will notify the inmate or CCAP probationer/parolee in writing when a lien placed against their Trust Account and will provide the address and any other contact information for the authority issuing the order or judgment in case the inmate or CCAP probationer/parolee has questions or wishes to contest the order or judgment.
- b. Staff may attach a copy of the order or judgment.

##### 3. Payment of orders or judgments

- a. Staff should make the payments from the inmate's or CCAP probationer's/parolee's Trust Account in accordance with the instructions contained in the judgment or order. Payments may be one time garnishments or liens, installments, or on-going obligations.
- b. One-time Payments
  - i. One-time payments are normally a demand for payment of a specific amount or "for so much thereof as may be in your hands."
  - ii. Upon receipt of the notice, staff will move the amount specified or, if less than the specified amount, all funds in the inmate's or CCAP probationer's/parolee's Spend Account to the Reserve Account.
  - iii. If an inmate does not have sufficient funds to pay the entire amount, all net pay received for work (after the allocation into the Hold Account) and other funds received for deposit to the inmate's account will be placed in the Reserve Account until the amount to satisfy the obligation is accumulated or until the return date on the notice.
  - iv. All funds, up to the amount specified in the order, will be held in the Reserve Account until the return date and paid when due.
  - v. Once the lien or order is paid, staff will credit all incoming funds to the inmate's or CCAP probationer's/parolee's Spend Account.
- c. On-going Obligations
  - i. On-going obligations are normally orders such as child support orders, which specify that a percentage of the inmate's or CCAP probationer's/parolee's earnings, up to a maximum amount to be paid on a monthly or otherwise specified periodic schedule.
  - ii. On-going obligation orders normally continue in effect until issuance of a notice modifying or

- canceling the order.
- iii. Staff will place the specified percentage of all incoming funds and payments to the inmate's or CCAP probationer's/parolee's account, up to the monthly obligation stated in the notice or order, in the Reserve Account. All accumulated funds in the Reserve Account will be paid monthly or per the schedule specified in the notice or order by the specified due date.
- d. Installment Payments
- i. Staff should pay installment payments, which are based on a percentage of the inmate's or CCAP probationer's/parolee's account balance, in the same manner as on-going obligations until the total amount of the obligation specified in the order is satisfied.
  - ii. For installment payments, specifying a set amount per installment, staff will place all incoming funds and payments into the Reserve Account up to the full amount of the installment. All accumulated funds in the Reserve Account will be paid on the installment due date.
  - iii. Staff will make the installment payments until the total amount of the obligation is satisfied.
- e. All Orders, Judgments, or Liens that are not One-time Payment, Installment, or Percentage
- i. Staff will place all incoming funds into the Reserve Account up to the full amount of the order or lien. All accumulated funds in the Reserve Account will be paid monthly.
  - ii. Staff will make the monthly payments until the total amount of the obligation is satisfied.
- f. Minimum Monthly Payments
- i. Except for one-time payments and payments that completely satisfy an order or lien, staff may defer a monthly payment when the funds accumulated in the Reserve Account are less than the \$10.00 required balance.
  - ii. At least quarterly, staff must process a payment when there are funds accumulated in the Reserve Fund, even if the accumulated funds are less than \$10.00.
  - iii. Staff will notify the payee of DOC's minimum payment policy.
- B. Loans and Other Repayments
1. Staff will process advances, loans, fees, or other charges against an inmate's or CCAP probationer's/parolee's account in accordance with the *Inmate Trust System Policies and Procedures Manual*.
  2. Staff will process penalties imposed as the result of a disciplinary conviction for fines or restitution for property damage or bodily injury in accordance with Operating Procedure 861.1, *Offender Discipline, Institutions*.
  3. Staff must maintain the minimum account balances required in this operating procedure.
- C. Authorized Spending
1. Authorized withdrawals and payments at the inmate's or CCAP probationer's/parolee's request will be processed in accordance with the *Inmate Trust System Policies and Procedures Manual* and applicable operating procedure(s).
    - a. Staff will maintain the minimum account balances as required in this operating procedure.
    - b. A money order fee will be deducted from the inmate's account for each money order. If a check is issued in lieu of multiple money orders for one request:
      - i. The same amount in fees will be applied as if multiple money orders were issued
      - ii. The fees collected will be placed in the facility's commissary fund
    - c. The DOC will not issue payment for an inmate or CCAP probationer/parolee to place an advertisement in a social network print or electronic publication.
    - d. The DOC will not issue payment for the purchase of services designed to circumvent security procedures i.e., purchase of local phone numbers.
  2. Inmates and CCAP probationers/parolees filing a civil action or appeal in forma pauperis with a Federal Court are required to pay filing fees in full as ordered by the Court. If fees cannot be paid in

full, initial payments and subsequent partial payments will be assessed as follows:

- a. An initial filing fee of 20% of the greater of:
  - i. The average monthly deposits to the inmate's or CCAP probationer's/parolee's account, or
  - ii. The average balance of the inmate's or CCAP probationer's/parolee's account for the six-month period immediately preceding the filing.
- b. For each month that the amount in the inmate's or CCAP probationer's/parolee's account exceeds \$10:
  - i. The inmate or CCAP probationer/parolee must make monthly payments in the amount of 20% of the preceding month's deposits to be credited to the account.
  - ii. When multiple cases have been filed, the inmate must make a monthly payment in the amount of 20% per case filed by the inmate; see 28 U.S.C. 1915(b)(2), *Proceedings in form pauperis*.
  - iii. Filing fees should be processed in the order received from the Courts.
  - iv. Staff must forward payments from the inmate's account to the clerk of the court each time the amount in the account exceeds \$10 until the filing fees are paid.
- c. The inmate or CCAP probationer/parolee must pay initial filing fees for additional claims with any existing monthly payment.

#### IX. Outside Financial Accounts

- A. Inmates and CCAP probationers/parolees may maintain accounts with banks or other financial institutions and accrue the interest earned on those accounts in accordance with that institution's rules and with the provisions below. (5-ACI-1B-22)
  1. DOC staff does not manage bank accounts or other financial instruments nor does DOC staff maintain or hold documents and records for outside financial accounts held by inmates and CCAP probationers/parolees.
  2. The inmate or CCAP probationer/parolee must designate an individual outside of DOC employment, to include contractors and volunteers, or hire a professional to hold, maintain, and manage any private financial transactions, documents, accounts, and instruments.
    - a. Inmates and CCAP probationers/parolees may receive the following documents provided the inmate's or CCAP probationer's/parolee's name and the issuing entity's name are clearly printed on the document:
      - i. Copies of their account statements.
      - ii. Taxpayer copies of official interest or dividend reports for tax purposes, such as IRS Forms 1099-INT or 1099-DIV.
      - iii. Checks, regular or certified, issued from their financial institution; staff will deposit the check into the inmate's or CCAP probationer's/parolee's Trust Account.
      - iv. Other financial instruments are prohibited.
    - b. Inmates and CCAP probationers/parolees may not receive or have in their possession any negotiable items including, but not limited to, checks, credit/debit cards, certificates of deposit, stock certificates, bonds, savings passbooks, and other financial instruments and documents.
    - c. Staff will not permit the inmate or CCAP probationer/parolee to review unauthorized financial documents and instruments received at a facility, but will permit the inmate or CCAP probationer/parolee to have these items sent, at their expense, to an authorized individual.
- B. Inmates can withdraw funds from their DOC Trust Account to deposit into their outside financial account(s) or to purchase financial instruments such as include U.S. Savings or Treasury Bonds. CCAP probationers/parolees are not allowed to withdraw funds from their DOC Trust Account to deposit into any outside financial account.
- C. The inmate or CCAP probationer/parolee must mail all U.S. Savings Bonds, Treasury Bonds, stock certificates, and other financial instruments purchased by the inmate or CCAP probationer/parolee to an



individual outside of the facility and outside of DOC employment to include contractors and volunteers.

X. Release from Incarceration

- A. Staff will use any Reserve Account funds to pay the appropriate authority up to the amount of the inmate's or CCAP probationer's/parolee's total obligation.
- B. When an inmate's or CCAP probationer's/parolee's Trust Account is closed upon their discharge from DOC custody, staff will use all available funds in the Spend and Savings Accounts to pay any outstanding loans or other charges assessed against the inmate's or CCAP probationer's/parolee's account.
- C. Staff will pay all funds credited to the inmate's or CCAP probationer's/parolee's account to the inmate or CCAP probationer/parolee by check and/or debit release card per facility practice.
  - 1. If an inmate's funds do not total \$25.00, staff will add sufficient money to reach the discharge allowance. This requirement applies to inmates released from incarceration who are not going directly into the community i.e., entering a mental health hospital, the Virginia Center for Behavioral Rehabilitation, etc.
  - 2. Staff does not need to supplement funds to meet the \$25.00 discharge allowance for inmates who will remain under incarceration such as transfer to work release, CCAP, or releasing to a detainer.
- D. Staff must provide a receipt to confirm funds paid to the inmate or CCAP probationer/parolee.
- E. Staff will forward any inmate or CCAP probationer/parolee pay, GTL Debit Account balances, or other funds not posted to the Trust Account at the time of inmate's or CCAP probationer's/parolee's release to the inmate or CCAP probationer/parolee within five working days of posting the funds to the Trust Account.

XI. Deceased Inmates and CCAP Probationers/Parolees

Staff will distribute funds belonging to a deceased inmate or CCAP probationer/parolee in accordance with Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee Property* and the *Inmate Trust System Policies and Procedures Manual*.

XII. Investment of Trust Funds

- A. Portions of the funds held by the Director or by any state correctional facility, which belong to inmates and CCAP probationers/parolees may, in the discretion of the Director, be invested in bonds of the Commonwealth of Virginia or of the United States or in federally-insured investments; see COV §53.1-44, *Investment of funds belonging to prisoners; use of income*.
  - 1. In determining how to invest the funds, the Director must balance any long-term investments with those that permit ready accessibility to the funds.
  - 2. The Director may use any income or increment of increase received from the bonds or investments for the benefit of the inmates and CCAP probationers/parolees under DOC care. (5-ACI-1B-20; 2-CO-1B-14)
- B. Investments and interest from investments must be handled in accordance with Section VI., *Establishment of Fiduciary Funds* of the *DOC Inmate Trust System Policies and Procedures Manual*, which states that facilities should try to obtain the highest possible yield for any monies held in the Inmate Trust Fund Account, not needed for daily operations.

XIII. Facility Commissary Account and Commissary Profits

- A. All profits earned from the sale of items in the commissary must be used for educational, recreational, pre-release and post-release re-entry and transition services, or other purposes beneficial to the inmate or CCAP probationer/parolee population as prescribed by the Director; see COV §53.1-27, *Establishment of stores in state correctional facilities*.



B. Staff will manage commissary accounts and funds in accordance with the *DOC Commissary Policies and Procedures Manual*.

C. Commissary Profits

1. The Director delegates authority to the Facility Unit Head to use facility commissary profits to purchase items for the following:
  - a. Recreation equipment and supplies
  - b. Barber/beauty shop equipment and supplies
  - c. Law library equipment and supplies
  - d. Appliances for inmate and CCAP probationer/parolee use i.e., washer, dryer, microwave, etc.
  - e. Picture services; see Operating Procedure 801.4, *Privileges by Security Level*
  - f. Movies and cable/satellite TV; see Operating Procedure 801.4, *Privileges by Security Level*
  - g. Incentive programs (CCAPs)
  - h. Authorized religious items; see Operating Procedure 841.3, *Offender Religious Programs*
  - i. Bank service charges for the management of the Commissary Fund
2. Facility Unit Head requests to purchase additional items using facility commissary profits must be submitted and approved by the Regional Administrator and requires final approval of the Director, Chief Deputy Director, Deputy Director for Institutions, or Deputy Director for Community Corrections.
3. Staff cannot transfer facility commissary profits and items purchased with the facility commissary profits to another facility without written approval from the appropriate Regional Administrator or designee.

D. Staff are required to post an *Inmate and CCAP Probationer/Parolee Welfare Fund Statement* in addition to the *Commissary Balance Sheet* posted for inmate and CCAP probationer/parolee viewing; see Operating Procedure 801.6, *Inmate and CCAP Probationer/Parolee Services*.

1. The *Inmate and CCAP Probationer/Parolee Welfare Fund Statement* must contain the following:
  - a. Income; line item listing of all funds debited to the Commissary Fund
  - b. Expenses; line item listing of all funds credited to the Commissary Fund for management of the Commissary Fund
  - c. Purchases; line item listing of all items purchased for inmate and CCAP probationer/parolee use i.e. Recreation Equipment, Law Library Computer, etc.
  - d. Net profit or loss for the month
  - e. Net profit or loss for the year
2. For miscellaneous expenses, the line item entry should provide additional detail that identifies the expenditure to include but not limited to expenses required by the current *Appropriations Act* as follows:
  - a. Assisting Families of Inmates, Inc.
  - b. Faith-based services
  - c. "FETCH" program
  - d. An asterisked note at the bottom of the *Inmate and CCAP Probationer/Parolee Welfare Fund Statement* documenting allowable expenses or the requirements of the current *Appropriations Act* will suffice.

## REFERENCES

28 U.S.C. 1915(b)(2), *Proceedings in form pauperis*





COV §20-88.32 et seq., *Uniform Interstate Family Support Act*  
COV §53.1-26, *Confiscation of prohibited articles*  
COV §53.1-27, *Establishment of stores in state correctional facilities*  
COV §53.1-40.01, *Conditional release of geriatric prisoners*  
COV §53.1-41, *Opportunities for work and career and technical education*  
COV §53.1-43.1, *Inmate trust account*  
COV §53.1-44, *Investment of funds belonging to prisoners; use of income*  
COV §53.1-60.1, *Duties of Director in collecting court-imposed debt*  
COV §53.1-67.9, *Establishment of community corrections alternative program; supervision upon completion*  
COV §53.1-190, *Allowance on discharge; transportation; clothing*  
*DOC Commissary Policy and Procedure Manual*  
*Inmate Payroll System Policies and Procedures Manual*  
*Inmate Trust System Policies and Procedures Manual*  
Food Service Manual Chapter 4, *Religious Diets and Special Menus*  
Operating Procedure 050.3, *Facility Release of Offenders*  
Operating Procedure 801.4, *Privileges by Security Level*  
Operating Procedure 801.6, *Inmate and CCAP Probationer/Parolee Services*  
Operating Procedure 802.1, *Inmate and CCAP Probationer/Parolee Property*  
Operating Procedure 803.1, *Inmate and Probationer/Parolee Correspondence*  
Operating Procedure 810.1, *Inmate Reception and Classification*  
Operating Procedure 810.2, *Transferred Inmate Receiving and Orientation*  
Operating Procedure 820.2, *Inmate Re-entry Planning*  
Operating Procedure 841.2, *Offender Work Programs*  
Operating Procedure 841.3, *Offender Religious Programs*  
Operating Procedure 861.1, *Offender Discipline, Institutions*  
Operating Procedure 866.1, *Offender Grievance Procedure*  
Operating Procedure 866.2, *Offender Complaints, Community Corrections*  
Operating Procedure 866.3, *Inmate and CCAP Probationer/Parolee Legal Access*  
Operating Procedure 940.4, *Community Corrections Alternative Program*

## **ATTACHMENTS**

None

## **FORM CITATIONS**

*Trust System - Savings Account Transfer Request 802\_F2*  
*Trust System - Advance Request 802\_F8*  
*Trust System - Withdrawal Request 802\_F9*  
*Trust System - GTL Withdrawal Request 802\_F10*  
*Trust System-Access Request 802\_F11,*  
*Common Fare Agreement 841\_F8*  
*Sealed Religious Diet Agreement 841\_F24*

