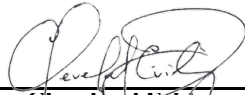
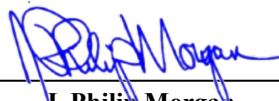
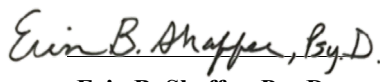


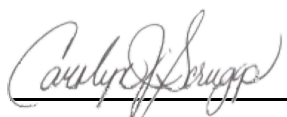



## Department Directive

  
**Cleveland Friday**  
 Commissioner  
 Division of Pretrial and  
 Detention Services

  
**J. Philip Morgan**  
 Commissioner of  
 Correction

  
**Erin B. Shaffer, Psy.D.**  
 Director, Patuxent Institution

  
**Carolyn J. Scruggs**  
 Secretary

<b>Title:</b> <b>Fiscal Operations for Incarcerated Individual Funds</b>	<b>Directive Number:</b> Revised - OPS.245.0001
<b>Related MD Statute/Regulations:</b> Correctional Services Article, §§3-610 and 3- 804 Annotated Code of Maryland	<b>Replaces:</b> ADM.245.0001 dated September 26, 2022
<b>Related ACA and MCCS Standards:</b> 5-ACI-1B-01, 07, 20, 21, 22, and 23; 4-4292; 4-ALDF-7D-16; and 1-CORE-7D-03	<b>Authorized By:</b>  <b>Oluwatoyin Bakare, Acting Chief Financial Officer</b> Division of Financial Services
<b>Related Directives:</b> DPSCS Financial Operations Manual OPS.250.0001 – Inmate Mail – Mail Room Procedures DPSCS Fiscal Operations Manual DPSCS General Accounting Procedures Manual and MOBS Manual	<b>Issued Date: November 25, 2024</b>  <b>Effective Date: November 27, 2024</b>
<b>Variance:</b> A correctional facility may implement a facility directive to comply with this Department Directive	<b>Number of Pages: 8</b>

### .01 Purpose.

The purpose of this directive is to establish and maintain Department of Public Safety and Correctional Services (Department) procedures for the management, control, and accountability of incarcerated individual personal funds.

### .02 Scope.

This directive applies to all units responsible for the accountability of incarcerated individual personal funds maintained under the authority of the Department.

**.03 Policy.**

- A.** The Department shall maintain incarcerated individual personal funds through the application of established standard accounting procedures.
- B.** The Department shall maintain records to document transactions involving incarcerated individual personal funds resulting from confiscation, receipt, expenditure, and disbursement.

**.04 Definitions.**

- A.** In this directive, the following terms have the meanings indicated.

- B.** Terms Defined.

- (1) Authorized negotiable item.

- (a) “Authorized negotiable item” means a document used to guarantee the payment of a fixed amount payable to the bearer named on the document.

- (b) “Authorized negotiable item” includes:

- (i) Cashier’s check;

- (ii) Vendor check;

- (iii) Money order;

- (iv) Teller check; or

- (v) Any other similar item.

- (2) “Contaminated” means that an item poses a health hazard or safety risk as a result of exposure to a toxic or harmful material.

- (3) “Contraband account” means an incarcerated individual’s encumbered financial account that contains funds that were confiscated from the incarcerated individual because they were not authorized for possession.

- (4) “Debt account” means an incarcerated individual’s account obligation to repay specified expenses or court ordered fees.

- (5) “Earnings” means any form of periodic income or payment to an incarcerated individual including:

- (a) Wages;

- (b) An annuity;

- (c) A pension;

- (d) A tax refund;
  - (e) Social Security;
  - (f) Worker's compensation;
  - (g) Unemployment Insurance; and
  - (h) Any commission or fee paid to the incarcerated individual in connection with income earned through employment.
- (6) Incarcerated Individual.
- (a) "Incarcerated individual" has the meaning stated in CSA, §1-101, Annotated Code of Maryland which states, "'Incarcerated individual' means an individual who is actually or constructively detained or confined in a correctional facility."
  - (b) "Incarcerated individual" includes the term "inmate" as stated prior to October 1, 2023 CSA, §1-101, ACM.
  - (c) "Incarcerated individual" includes the term incarcerated person.
- (7) Incarcerated Individual Personal Funds.
- (a) "Incarcerated individual personal funds" means all monies held by the Department on behalf of the incarcerated individual in the incarcerated individual's financial account established under Correctional Services Article, §3- 609(a), Annotated Code of Maryland or other statute, policy, or regulation authorizing accounts for a similar purpose.
  - (b) "Incarcerated individual personal funds" includes:
    - (i) A return payment on a purchase;
    - (ii) Earnings;
    - (iii) Confiscated cash; and
    - (iv) Authorized negotiable items and money received from an outside source.
- (8) "Lockbox" means a bank-operated mailing address to which the Department directs agencies, families, and bursars to send authorized negotiable items to incarcerated individuals.
- (9) "Managing official" has the meaning stated in Correctional Services Article, §1-101, Annotated Code of Maryland: 'Managing official means the administrator, director, warden, superintendent, sheriff, or other individual responsible for the management of a correctional facility.'
- (10) "May not" means an absolute prohibition and does not imply discretion.
- (11) "MOBS III" means Maryland Offender Banking System III, a system that maintains an account record for each incarcerated individual of the incarcerated individual's financial accounts and

personal funds.

(12) “Reserve account” means an incarcerated individual’s encumbered financial account.

(13) “Spending account” means an incarcerated individual’s unencumbered financial account with funds available for use.

**.05 Procedure.**

- A.** An incarcerated individual may not physically possess cash, checks, money orders, or other forms of currency while confined in a correctional facility.
- B.** The managing official, or a designee, may authorize an incarcerated individual to physically possess funds under specific circumstances while outside a correctional facility, for example, to cover costs incurred by work or school release.
- C.** The managing official, or a designee responsible for the intake process at a correctional facility, shall ensure that:

- (1) The procedure for surrender and receipting of cash, checks, money orders, or other forms of currency upon admission, or subsequent to a search and seizure of contraband, shall provide for:
  - (a) Written designation of personnel authorized to handle incarcerated individual personal funds;
  - (b) Instruction for appropriate fiscal records and a stated chain of custody;
  - (c) Secure storage; and
  - (d) Other security measures deemed appropriate and necessary to protect incarcerated individual funds from theft and abuse.
- (2) An account is established for each incarcerated individual;
- (3) Except for provisions under §.05C(4) and (5) of this directive, money, checks, money orders, and other negotiable items in an incarcerated individual’s possession at the time of intake shall be:
  - (a) Surrendered at intake;
  - (b) Applied to the incarcerated individual’s account; and
  - (c) Receipted to the incarcerated individual.
- (4) Money, checks, money orders, or other negotiable items that are in an incarcerated individual’s possession at the time of intake and are determined to be evidence in an administrative or criminal investigation:
  - (a) Shall be handled according to Department and facility procedures for the processing and documenting of evidence; and

- (b) May not be applied to the incarcerated individual's account until the investigation determines that the incarcerated individual is entitled to possess the items.
- (5) Contaminated money, checks, money orders, and other negotiable items in an incarcerated individual's possession at the time of intake, shall be deposited separately at the proper banking facility for return to the U.S. Treasury or the issuing authority for disposition.

**D. The managing official or designee, shall:**

- (1) Direct correctional employees to use the *Incarcerated Individual Request for Disbursement Form - OPS Form #245-01aR* for incarcerated individuals requesting for funds to be disbursed from their spending accounts; and
- (2) Develop a process to ensure the correctional employee forwards the form to the Regional Finance Office for processing.

**E.** When there is a balance in the incarcerated individual's debt account, all incoming funds, less the amount required to bring the incarcerated individual's spending account to the total of \$10.00, shall be applied against the debt.

**F.** An incarcerated individual account for a juvenile incarcerated individual or an adult pre-trial incarcerated individual does not require a reserve account.

**G.** The financial services available to outside sources, such as the incarcerated individual's family or a government agency, to deposit funds into an incarcerated individual's account include:

- (1) [Access Corrections](#); and
- (2) Lockbox as established in OPS.250.0001, [Appendix E](#).

**H.** The Regional Fiscal Officer is responsible for ensuring that:

- (1) Confiscated cash is handled in accordance with the Department Fiscal Operations Manual and other applicable operating procedures;
- (2) A fiscal clerk is assigned to verify, reconcile and create a deposit for the receipt of the cash surrendered to a search room officer;
- (3) A fiscal clerk in the Incarcerated Individual Finance Unit is assigned to:
  - (a) Post cash to the MOBS III banking system; and
  - (b) Post contraband to the appropriate account, e.g. contraband account; and
- (4) Disbursements of confiscated cash are made:
  - (a) At the time the incarcerated individual is released or transferred; or

- (b) At other times, only with prior approval of the managing official or a designee.
- I. The employee who is responsible for the operation of the facility's mailroom shall ensure that funds received for an incarcerated individual are processed in accordance with OPS.250.0001 – Incarcerated Individual Mail – Mailroom Procedures.
- J. The Regional Fiscal Officer shall ensure that the following common transactions are processed in accordance with the Department's Fiscal Operation's Manual:
  - (1) A review of all facility incarcerated individual accounts, identifying those that have been inactive for 3 years or longer (abandoned funds), to be conducted annually by the regional supervisor of incarcerated individual accounts;
  - (2) The appropriately documented transfer of abandoned funds to the State Treasurer, to be conducted annually by the regional supervisor of incarcerated individual accounts;
  - (3) Disbursement requests, authorized by the incarcerated individual on an *Incarcerated Individuals Request for Disbursement Form - OPS Form #245-01aR* be processed by the fiscal clerk;
  - (4) Deductions from an incarcerated individual's spending and reserve account, which:
    - (a) May be ordered by a managing official:
      - (i) As reimbursement of the cost of returning an incarcerated individual from an escape; or
      - (ii) Pursuant to COMAR 12.03.01 – Incarcerated Individual Disciplinary Process, as reimbursement of the reasonable value of State property that is willfully or maliciously destroyed by the incarcerated individual, or that is destroyed by the gross negligence of the incarcerated individual.
    - (b) May be conducted without incarcerated individual authorization; and
    - (c) Shall avoid placing the incarcerated individual into an indigent status by leaving the incarcerated individual spending (available) account with a balance of no less than \$10.
- K. An incarcerated individual:
  - (1) May not:
    - (a) Operate an outside checking account;
    - (b) Transfer funds to an incarcerated individual housed in the same facility without approval of the facility's managing official; or
    - (c) Transfer funds to the account of an incarcerated individual housed in a different correctional facility without approval of each facility's managing official.
  - (2) May open an interest-bearing individual savings account with an outside bank and operate the

savings account through the U.S. Mail according to instructions included in the facility's Incarcerated Individual Handbook.

**L. Incarcerated individual Release.**

- (1) Except under provisions of §.05L(2) of this directive, the total amount in the incarcerated individual's account shall be released to the incarcerated individual at the time the incarcerated individual is released from the facility.
- (2) If at the time of an incarcerated individual's release, the balance of the incarcerated individual's account is so large that full disbursement would create an undue burden on the system, the incarcerated individual shall receive partial disbursement at the time of release, with the balance disbursed by transmittal from the Comptroller' Office.
- (3) If, upon the release of an incarcerated individual, the incarcerated individual's account has a negative balance, the managing official or a designee shall ensure that:
  - (a) The incarcerated individual is billed for the balance according to Central Collection procedures;
  - (b) A record of the remaining balance and action taken to collect the debt is maintained in the incarcerated individual's base file;
  - (c) If the incarcerated individual returns to the custody of the Department, appropriate staff shall attempt to determine if the debt has been satisfied; and
  - (d) If the debt still exists:
    - (i) The process provided under §.05E of this directive is resumed; or
    - (ii) In the case of a work release participant, deductions made from wages as stipulated in the work release agreement are resumed.

**M.** Shortages and overages in an incarcerated individual account resulting from the mishandling of funds shall be investigated to determine further progressive action if deemed appropriate.

**.06 Appendix.**

- A. Incarcerated Individual Request for Disbursement Form - English - OPS Form # 245-01aR
- B. Incarcerated Individual Request for Disbursement Form - Spanish - OPS Form # 245-01bR

**.07 History.**

- A. This directive incorporates Change Notice - ADM 01-23 and replaces *ADM.245.0001 - Fiscal Operation for Inmate Funds* dated September 26, 2022. The directive was renumbered as *OPS.245.0001* to reflect organizational changes.
- B. This directive replaces ADM.245.0001 effective November 20, 2015.

- C. This directive supersedes provisions of any other prior existing Department or facility communication with which it may be in conflict.

**.08 Distribution.**

A

L

S – Finance staff

Mailroom staff



## INCARCERATED INDIVIDUAL (II) REQUEST FOR DISBURSEMENT FORM

By completing and signing this form, I hereby authorize the Department of Public Safety and Correctional Services and its fiscal employees, to issue a check from my account as indicated below.  
I understand that any disbursement request greater than five hundred dollars (\$500) shall be processed via transmittal to the Comptroller of Maryland.

SID#: \_\_\_\_\_ Facility: \_\_\_\_\_ Housing Unit: \_\_\_\_\_ Date: \_\_\_\_\_

II Name: \_\_\_\_\_ II Signature: \_\_\_\_\_

Purpose: \_\_\_\_\_ Amount (in words): \_\_\_\_\_ Amount: \$ \_\_\_\_\_  
(in numbers) (written amount must match numerical amount or request will be returned)

Pay To: \_\_\_\_\_ FEIN/SS#: \_\_\_\_\_ Phone #: \_\_\_\_\_  
(print complete name) (payee's correct FEIN or SS# and phone number must be entered for amounts of \$500 & over)

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Officer Approval: \_\_\_\_\_ Officer Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(print name)

Supervisor Approval: \_\_\_\_\_ Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### THIS SECTION TO BE COMPLETED BY WARDEN OR DESIGNEE IF APPROVAL IS REQUIRED

\_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED Reason for Denial: \_\_\_\_\_

Warden's (or Designee) Signature & Date: \_\_\_\_\_

OPS form # 245-1aR (rev. 11/2024)

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## FORMULARIO DE SOLICITUD DE DESEMBOLSO PARA ENCARCELADO INDIVIDUOS (II)

Al completar y firma este formulario, autorizo al Departamento de Seguridad Pública y Servicios Correccionales y sus empleados fiscales a emitir un cheque desde mi cuenta como se indica a continuación. Entiendo que toda solicitud de desembolso mayor a quinientos dólares (\$500) se debe procesar a través de transmisión al auditor de Maryland.

No SID: \_\_\_\_\_ Centro: \_\_\_\_\_ Unidad de alojamiento: \_\_\_\_\_ Fecha: \_\_\_\_\_

Nombre del II: \_\_\_\_\_ Firma del II: \_\_\_\_\_

Propósito: \_\_\_\_\_ Monto (en palabras): \_\_\_\_\_ Monto \$: \_\_\_\_\_  
(el monto escrito debe coincidir con el monto numérico o se devolverá la solicitud)

Pagable a: \_\_\_\_\_ FEIN/SS#: \_\_\_\_\_ No. Tel: \_\_\_\_\_  
(nombre completo en imprenta) (se requiere el FEIN o SS# correcto y número de teléfono del beneficiario para montos de \$500 o más)

Dirección: \_\_\_\_\_ Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_ Código postal: \_\_\_\_\_

Aprobado por oficial: \_\_\_\_\_ Firma del oficial: \_\_\_\_\_ Fecha: \_\_\_\_\_

Aprobado por supervisor: \_\_\_\_\_ Firma del supervisor: \_\_\_\_\_ Fecha: \_\_\_\_\_

### ESTA SECCIÓN LA DEBE COMPLETAR EL DIRECTOR DE LA PRISIÓN O REPRESENTANTE SI

\_\_\_\_\_ APROBADO \_\_\_\_\_ DENEGADO Motivo de denegación: \_\_\_\_\_

Firma y fecha del director (o representante): \_\_\_\_\_ Fecha: \_\_\_\_\_

OPS form # 245-1aR (rev. 11/2024)

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Nombre del II \_\_\_\_\_ Firma del II: \_\_\_\_\_

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Monto: \$ \_\_\_\_\_  
(en números)

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Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_ Código postal: \_\_\_\_\_

Aprobado por oficial: \_\_\_\_\_ Firma del oficial: \_\_\_\_\_ Fecha: \_\_\_\_\_

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**ESTA SECCIÓN LA DEBE COMPLETAR EL DIRECTOR DE LA PRISIÓN O REPRESENTANTE SI SE REQUIERE APROBACIÓN**

☐ APROBADO ☐ DENEGADO Motivo de denegación: \_\_\_\_\_

Firma y fecha del director (o representante) / Fecha: \_\_\_\_\_