
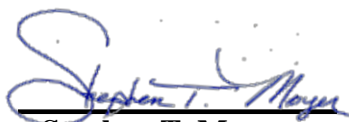



Executive Directive



Title: Interpleader for Inmate Funds	Executive Directive Number: ADM.245.0002
Related MD Statute/Regulations: Correctional Services Article, §§2-103 and 3-609, Annotated Code of Maryland	Supersedes: DPSCS.245.0002 dated October 28, 2005 (formerly SDD 06-2005)
Related ACA Standards: 4-4031; 4-ALDF-7D-11; 2-CO-1B-05; 4-ACRS-7D-17	Responsible Authority:  Director – Financial Services
Related MCCS Standards: N/A	Effective Date: June 12, 2015 Number of Pages: 5


Stephen T. Moyer
Secretary


William G. Stewart
Deputy Secretary
for Administration

.01 Purpose.

This directive establishes policy and procedures for the Department of Public Safety and Correctional Services (Department) to:

- A. Ensure that the Department does not inadvertently shield inmate personal funds from legitimate claims; and
- B. Follow when determining whether to consider filing an interpleader action.

.02 Scope.

This directive applies to all units responsible for managing inmate personal financial accounts.

.03 Policy.

- A. The Department shall ensure that inmate accounts under control of the Department are not inadvertently shielded from legitimate claims to funds held in an inmate's personal financial account.
- B. The Department shall establish and maintain procedures for:
 - (1) Identifying inmates with personal funds in the inmate's account available to satisfy claims;
 - (2) Identifying potential claimants and claims to inmate personal funds;
 - (3) Forwarding information to the Department's Principal Counsel to evaluate for interpleader action; and
 - (4) Maintaining documentation in the inmate's base file.

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.04 Definitions.

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

B. Terms Defined.

- (1) “Confidential” means that a Department employee may not make information identified as confidential available or known to an inmate.
- (2) “Inmate personal funds” means monies held by the Department on behalf of the inmate in the inmate’s reserve financial or spending financial account established according to Correctional Services Article, §3-609(a), Annotated Code of Maryland or other statute, policy, or regulation establishing accounts for a similar purpose.
- (3) “Interpleader” means a civil action in which a party who holds property, but without any claim to that property, requests that a court decide who, among other parties who may have claims to the property, should receive the property in question, thereby, absolving the first party from any liability for the claims of the other parties.
- (4) Supervisor.
 - (a) “Supervisor” means a Department employee directly responsible for oversight of case management activities and staff performing case management duties at a correctional facility.
 - (b) “Supervisor” includes a Department employee responsible for oversight of commitment records activities and staff performing commitment records duties.
- (5) “Unit” means an organization, institution, division, agency or unit established by statute or created by the Secretary within the Department.
- (6) “Unit head” means the highest authority of a unit.

.05 Responsibility/Procedure.

A. Each calendar quarter, the Chief Information Officer of the Information Technology and Communications Division (ITCD), or a designee, shall:

- (1) Create a confidential list for each correctional facility identifying each inmate in that facility who has a combined total of more than \$6,000 in inmate funds; and
- (2) Forward the confidential list through the respective unit head to the respective Supervisor.

B. A supervisor receiving a confidential list under §.05A(2) of this directive shall:

- (1) Conduct a search to determine if there are or may be claims against the inmate including, but not limited to:
 - (a) An order of restitution;

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- (b) An order of child support;
- (c) Income tax or other tax liabilities;
- (d) Civil judgment; or
- (e) A claim by the Criminal Injuries Compensation Board arising from an award of crime victim compensation.

(2) Ensure that staff confidentially perform the following actions for each inmate on the list to determine if any of the conditions listed under §.05B(1) of this directive exist:

- (a) Review the inmate's base file;
- (b) Review commitment records;
- (c) Review the Offender Case Management System (OCMS);
- (d) Review Criminal History Records Information (CHRI);
- (e) Contact the Child Support Enforcement Administration of the Maryland Department of Human Resources;
- (f) Contact the State's Office of the Comptroller; and
- (g) Contact the Maryland Criminal Injuries Compensation Board.

C. At the conclusion of the actions under §.05B(2) of this directive, the Supervisor shall ensure that for each inmate on the list under §.05A(1) of this directive:

- (1) A confidential written report is prepared that:
 - (a) Details the results of the actions taken according to §.05B of this directive;
 - (b) To the extent possible, provides:
 - (i) The nature, the amount, and the claimant for each potential claim; and
 - (ii) Copies of documents supporting the claim; or
- (2) A confidential written statement is prepared indicating that, as the result of actions under §.05B of this directive, there is no evidence of a claim.

D. The Supervisor shall ensure that:

- (1) An original report and attachments or a written statement prepared under §.05C(1) or (2) of this directive is marked as confidential and is placed in the inmate's base file; and

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- (2) A copy of the written report with attachments or a written statement prepared under §.05C(1) or (2) of this directive is forwarded, through the unit head, to the Department's Principal Counsel.
- E. Upon receipt of a copy of report under §.05D(2) of this directive, Principal Counsel shall:
- (1) Review the report and supporting documentation;
 - (2) Consult with the Attorney General and make a written determination whether there is a proper basis for filing of an interpleader action; and
 - (3) Provide the respective unit head with a confidential written determination under §.05E(2) of this directive for filing in the inmate's base file.
- F. A unit head receiving notification under §.05E(3) of this directive that indicates Principal Counsel intends to file an interpleader action, shall ensure that as of the date of notification, until final resolution of the interpleader action, the inmate is restricted to spending only:
- (1) A maximum of \$100 of the inmate's account balance on the date of the notification; and
 - (2) Any additional funds received subsequent to the date of notification.
- G. After consultation with the Attorney General, if Principal Counsel determines there is a proper basis for filing an interpleader action, the Principal Counsel shall:
- (1) Prepare and file, on behalf of the Department, papers appropriate to the interpleader action;
 - (2) Request the court to recognize a claim by the inmate of up to \$5,000 available to:
 - (a) Pay inmate expenses while in the custody or under the supervision of the Department; and
 - (b) Defray the inmate's living expenses upon release from confinement; and
 - (3) Provide the respective unit head with any subsequent order of the court and advice on how to proceed in light of the order received.

.06 Attachments.

There are no attachments to this directive.

.07 History.

- A. This directive replaces DPSCS.245.0002 (formerly SDD 06-2005), dated October 28, 2005, to align responsibilities based upon Department re-alignment and style and format updates. Changes to this directive are underlined.
- B. This directive supersedes provisions of any other prior existing Department communication with which it may be in conflict.

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.08 Correctional Facility Distribution Code.

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S — Finance staff