

GENERAL DISTRIBUTION

**WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION**

NUMBER: 127.00

EFFECTIVE DATE: 17 June 2024

**SUBJECT: INMATE/RESIDENT BENEFIT
FUND**

POLICY DIRECTIVE

PURPOSE:

To govern the operation of group funds established for the benefit of adult inmates and juvenile residents.

REFERENCE:

WV Code §15A-4-10; and ACA Expected Practices 5-ACI-1B-20, 5-ALDF-7D-18, 4-JCF-6B-12, 1-JDTP-1B-17, and 2-CO-1B-14.

RESPONSIBILITY:

No additional written instructions on this subject are required.

CANCELLATION:

Any previous written instruction on the subject including DCR Policy Directive 127.00, dated 01 August 2020.

APPLICABILITY:

All facilities within the Division of Corrections and Rehabilitation. This Policy is available for general distribution.

DEFINITIONS:

Inmate or Resident Benefit Fund: A fund held by the institutions for the benefit and welfare of inmates incarcerated, or juveniles placed in facilities under the jurisdiction of the Commissioner, and for the benefit of victims.

POLICY:

- I. The Commissioner shall establish an inmate, or resident, benefit fund for each of the institutions under his or her jurisdiction.

- A. There is continued a special revenue account in the State Treasury for each inmate, or resident, benefit fund established by the Commissioner. If an account does not currently exist for a facility, the Commissioner may establish the account for that facility.
 - B. Monies received by a facility for deposit in an inmate, or resident, benefit fund shall be deposited with the State Treasurer to be credited to the special revenue account created for the facilities inmate, or resident, benefit fund: Provided, that commissions on any contract providing services to jail inmates shall not be deposited into this account.
 - C. Any interest earned on monies other than operating funds accrues to the benefit of the inmates/residents.
- II. Monies to be deposited into an inmate, or resident, benefit fund consist of, but are not limited to:
- A. Profit from inmate or resident service contracts (e.g., commissary/exchange, inmate/resident telephones, etc.) with the exception of services to jail inmates as stipulated in state code.
 - B. All net proceeds from vending machines used for inmate or resident visitation;
 - C. Any funds that may be assigned by inmates or donated to the institution by the general public or an inmate service organization on behalf of all inmates or residents;
 - D. Any funds confiscated considered contraband; and
 - E. Any unexpended balances in individual inmate or resident trustee funds if designated by the inmate or resident upon his or her discharge from the institution.
- III. The inmate, or resident, benefit fund may only be used for the following purposes at facilities:
- A. Open-house visitation functions or other non-routine inmate or resident functions.
 - B. Holiday functions which may include decorations and gifts for children of inmates or residents.
 - C. Cable television service
 - D. Rental of movies
 - E. Payment of video license
 - F. Recreational supplies, equipment or area surfacing

- G. Reimbursement of employee wages for overtime incurred during open-house visitations and holiday functions.
 - H. Post-secondary education classes
 - I. Reimbursement of a pro rata share of inmate or resident work compensation.
 - J. Household equipment and supplies in dayrooms or units as approved by superintendents of facilities, excluding supplies used in daily maintenance and sanitation of the unit.
 - K. Christmas or other holiday gift certificates for each inmate or resident to be used at the Exchange or Commissary.
 - L. Any expense associated with the operation of the fund.
 - M. Expenditures necessary to properly operate an automated inmate family and victim information notification system.
 - N. Any expense for improvement of the facility that will benefit the inmate or resident population that is not otherwise funded.
 - O. Any expense relating to the installation, operation, and maintenance of the inmate or resident telephone system
 - P. Restitution of any negative balance on any inmate's trustee account for inmate medical co-pay, legal and ancillary related postage, and photocopy fees that are due the State of West Virginia, if the balance is uncollectible from an inmate after one (1) calendar year from an inmate's release on parole or discharge date.
- IV. The Superintendent or designee shall authorize all purchases or use of funds from the inmate, or resident benefit fund.
- A. The business office/fiscal supervisor shall be responsible for maintaining accounts for all inmate, or resident, benefits funds and shall compile a monthly report (**Attachment #1**) showing all receipts, expenditures and the current balance.
 - B. The report shall be submitted to the Superintendent and Commissioner/designee by the 10th of the following month.
 - C. A yearly report for the previous fiscal year shall be submitted to the Commissioner or designee by September 1 of each year.
 - D. For each of the expenditures, a signed requisition will be maintained as a permanent record and shall be available for inspection at any time.

- V. WV State Code specifies inmate or resident benefit funds are established in institutions under the jurisdiction of the Commissioner. As Youth Reporting Centers (YRC) are not considered institutions, benefit funds are not utilized in those centers.

ATTACHMENT(S):

- #1 Monthly Report of Inmate, or Resident, Benefit Fund

APPROVED SIGNATURE: _____

William K. Marshall III

William K. Marshall III, Commissioner

06/17/2024

Date

MONTHLY REPORT OF INMATE, OR RESIDENT, BENEFIT FUND

<u>FACILITY</u>	<u>MONTH, YEAR</u>
PREVIOUS BALANCE (Prior Month):	_____
<u>RECEIPTS:</u>	
Profit from Inmate or Resident Service Contracts	_____
Net Proceeds from Vending Machines for Inmate or Resident Visitation	_____
Donations	_____
Confiscated Contraband Funds	_____
Unexpended Balances in Individual Inmate or Resident Trustee Funds (if designated by the inmate or resident upon discharge)	_____
TOTAL: _____	

<u>EXPENDITURES</u> (Vendor)	<u>AMOUNT</u>	<u>BRIEF DESCRIPTION/EXPLANATION</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
TOTAL: _____		

TOTAL ACTIVITY FOR THE REPORTING PERIOD: _____

NEW BALANCE FOR PERIOD ENDING: _____

_____ SIGNATURE OF EMPLOYEE COMPLETING REPORT	_____ DATE
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Submit to the Superintendent and Commissioner/designee by the 10th of the following month.