

GENERAL DISTRIBUTION

**WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION**

NUMBER: 127.01

DATE: 29 October 2021

SUBJECT: TRUSTEE ACCOUNTS

POLICY DIRECTIVE

PURPOSE:

To establish and maintain standardized guidelines for inmate's and resident's trustee accounts.

REFERENCE:

WV Code §§15A-4-9; 15A-4-13 and 49-2-910.

RESPONSIBILITY:

No additional written instructions on this subject are required.

CANCELLATION:

Any previous written instruction on the subject including DCR Policy Directive 127.01, dated 25 September 2020.

APPLICABILITY:

All facilities within the Division of Corrections and Rehabilitation (DCR). This Policy is available for general distribution and is to be made available for inmate/resident review.

DEFINITIONS:

Conservator: A person appointed by the court to manage the financial affairs of another due to physical or mental limitations.

Trustee Account: An account established by the DCR to manage inmate personal funds in FDIC insured financial institutions for both checking and savings accounts. Said funds are controlled by generally accepted accounting procedures.

POLICY:

- I. The Superintendent of each facility shall receive and take charge of the money and personal property of all inmates and residents in his or her facility and all money or personal property sent to the inmates or residents or earned by the inmates as compensation for work performed while they are housed there. The Superintendent shall credit the money and earnings to the inmate or resident entitled to it and shall keep an accurate account of all the money and personal property so received, which account is subject to examination by the Commissioner or designee. The Superintendent shall deposit the moneys in one or more responsible banks in accounts to be designated "Trustee Fund."

- II. Accepted accounting procedures will be in place for all deposits made to an inmate's/resident's trustee account and the inmate/resident will be issued a receipt for all deposits.
 - A. Cash taken from an inmate or resident at the time of intake will be deposited into an inmate's/resident's trustee account in accordance with established methods and the inmate/resident will be issued a receipt.
 1. **No** cash is to be placed in the inmate's/resident's personal property.
 2. Checks, checkbooks, money orders, credit/debit cards or other funds not authorized for deposit will be inventoried and placed in secure storage.
 3. If an inmate or resident states that he or she does not want a coin or a piece of currency deposited to his or her account because it is a rare coin or currency (e.g., gold or silver coin, silver certificate, etc.) this item is to be inventoried and placed in secure storage.
 - B. Government checks, retirement checks, settlement checks, or other legitimate checks of a similar nature as received directly from government or corporate sources shall be accepted; such checks received on behalf of inmates or residents shall be **promptly** recorded and credited to the inmate's/resident's account with a signed receipt provided to the inmate/resident.
 - C. Inmates and residents are not permitted to receive money orders, cash, checks or other funds from family, friends, or acquaintances by having such funds mailed to them.
 1. Any check, money order, cash or other funds received in the mail or by any unauthorized means, shall not be deposited to the inmate's/resident's account. The inmate or resident will be given the option of returning it to the sender at the inmate's or resident's expense, destroying it, or donating it to the Inmate/Resident Benefit Fund.
 2. The inmate's or resident's decision will be documented by an employee at the facility and signed by the inmate/resident.

- D. Funds from family and friends may be deposited to an inmate or resident trustee account in accordance with procedures established by the trustee system vendor.
- III. Inmate's/resident's trustee account balances can only be decreased by authorized means, including but not limited to purchase of goods from an official commissary, court ordered financial responsibilities, restitution ordered by a hearing officer, vouchers for authorized purchases, health care and treatment fees, jail processing fees, and mandatory savings for certain inmates or residents.
- A. The Superintendent of any facility, on request of an inmate or resident, may expend up to one half of the money earned by the inmate/resident on behalf of the family of the inmate/resident.
1. The Superintendent may require appropriate documentation of the family's need when considering this request.
 2. If the request is granted, the ten percent (10%) mandatory savings shall be set aside first, and any other fees or court ordered obligations owed by the inmate/resident shall also be paid first.
- B. Financial transactions between juvenile residents, residents and staff or residents and volunteers are prohibited.
- C. Financial transactions between inmates, inmates and staff or inmates and volunteers must be through established means and approved by appropriate staff.
- IV. Placing a hold (or freezing) an inmate's/resident's trustee full or partial account is only authorized in the following circumstances:
- A. Upon court order by a court of competent jurisdiction;
 - B. Upon request be a CID Investigator during an on-going investigation;
 - C. Confirmation the inmate's/resident's account has been or is in jeopardy of being compromised for reasons such as a compromised PIN number;
 - D. Reentry purposes, such as deposits required to secure a parole release plan;
 - E. Upon order of the facility Superintendent; or.
 - F. Discrepancy with deposit, refund, or other transaction until resolution.
- V. All inmate/resident trustee accounts must be reconciled on a monthly basis and shall be performed by a staff member that does have signatory authority on the account. All errors or irregularities shall be reported to the Business Manager or lead fiscal staff member to be investigated and corrected.

- A. All account reconciliation shall be reviewed and approved by the Business Manager or lead fiscal staff member.
 - B. All bank account information shall be reported annually by each facility to the State Treasurer's Office (STO) as required and forwarded to the Division of Administrative Services (DAS) Accounting Team by the established deadline to be included in closing book reports. DAS will then forward to other necessary agencies outside of the Department of Homeland Security.
 - C. A review and/or audit shall be performed annually by the agency's Internal Auditor or designee.
- VI. Each inmate or resident shall be afforded an opportunity at least quarterly to review all deposits into, withdrawals from, and balance remaining in the inmate's/resident's trustee account during the previous three (3) months.
- VII. The Superintendent shall ensure delivery to the inmate or resident at the time of his or her authorized release from the facility, or as soon as practical after departure, all personal property, moneys and earnings then credited to the inmate or resident.
- VIII. In case of the death of the inmate or resident before authorized release from the facility, the Superintendent or designee shall deliver the property to the inmate's or resident's personal representative. In case a conservator is appointed for the inmate or resident while he or she is housed in a facility, the Superintendent or designee shall deliver to the conservator, upon proper demand, all moneys and personal property belonging to the inmate or resident that are in the custody of the Superintendent.

ATTACHMENT(S):

None.

APPROVED SIGNATURE: _____


Betsy C. Jividen, Commissioner

10-15-21
Date