

GEORGIA DEPARTMENT OF CORRECTIONS



**Standard Operating Procedures**

<b>Policy Name:</b> Offender Financial Transactions and Business Activities		
<b>Policy Number:</b> 406.19	<b>Effective Date:</b> 7/1/2020	<b>Page Number:</b> 1 of 15
<b>Authority:</b> Commissioner	<b>Originating Division:</b> Administration and Finance Division (Financial Services)	<b>Access Listing:</b> Level I: All Access

**I. Introduction and Summary:** To establish policy regarding the receipt, expenditure, withdrawal, documentation, and accountability of offender funds for the purpose of preventing criminal activity.

**II. Authority:**

- A. O.C.G.A. §§42-5-55, 44-12-190, *et seq.*, and 44-12-204;
- B. Georgia Department of Corrections (GDC) Board Rules: 125-2-4.05, 125-2-4.06, and 125-3-3.05;
- C. GDC Standard Operating Procedures (SOPs): 201.02 Transfer of Offender Trust Funds, 201.03 Discharge Gratuities, 201.04 Charges to Offender Accounts, 206.01 Offender Personal Property Standards, 206.02 Management of Offender Property or Contraband, 227.03 Access to Courts, 227.06 Offender Receipt of Mail, and 507.04.05 Charges to Offender Accounts for Healthcare Provided; and
- D. ACA Standards: 2-CO-1B-05, 2-CO-1B-14, 1-CTA-1B-05, 5-ACI-5A-06 (ref. 4-4292), 5-ACI-1B-07 (ref. 4-4031), 5-ACI-1B-20 (ref. 4-4044), 5-ACI-1B-21 (ref. 4-4045), 5-ACI-1B-22 (ref. 4-4046), 5-ACI-1B-23 (ref. 4-4047), 5-ACI-3D-03 (Ref. 4-4276), 5-ACI-7D-03 (ref. 4-4489), 4-ALDF-5B-06, 4-ALDF-7D-11, 4-ALDF-7D-16, 4-ACRS-6A-06, 4-ACRS-7D-17, 4-ACRS-7D-22, and 4-ACRS-7D-30.

**III. Definitions:**

- A. **Approved Third Party Vendor(s)** - GDC approved contractors currently doing business with GDC for the purpose of sending and receiving funds for offender accounts.
- B. **Account Number** - Any set of numbers which by direct or indirect method attach to a financial/monetary account.
- C. **Business Activity** - Any venture, enterprise or other activity by which an offender or others acting on the behalf of an offender engage in the sale, barter or exchange

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of goods and/or services or the solicitation of funds and/or services, including, but not limited to, any activity done in the name of an entity or organization rather than in the name of the offender. This venture, enterprise or activity may be either for profit, not-for-profit, private or charitable.

- D. **Cash Reload Device** - A sequence of numbers which are directly associated with cash funds which are deposited to a Financial Transaction Device.
- E. **Crypto Currency** - Internet based virtual currency that is electronically transmitted between parties without an intermediary.
- F. **Currency** - Cash, money orders, checks, debit cards, credit cards, pre-paid or stored value cards, any type of Account Numbers, and any type of Digital/Electronic or Crypto Currency.
- G. **Digital/Electronic Currency** - Currency that is electronically created and stored.
- H. **Financial Transaction** - An event that involves money or payment for purchases of goods or services. This includes, but is not limited to, reloading a prepaid card, making a payment, depositing or withdrawing funds to an account, transferring funds between accounts, or making an electronic funds transfer (i.e., utilizing Cash Reload Device(s) or movement of funds by wire or other means).
- I. **Financial Transaction Device** - An electronic funds transfer card, credit card, prepaid card, banking card or store valued (gift) card.
- J. **Indigent** - An offender may be classified as indigent for purposes of this SOP, if account records indicate that their Inmate Trust Account has less than ten dollars (\$10.00) on the date of the offender's request to use funds. Frozen funds will not be counted for these purposes.
- K. **Inmate Trust Account** - An offender's funds in the GDC Trust Account as managed in Scribe.

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L. **GDC Trust Account** - The GDC managed checking account that holds all funds received for incarcerated offenders.

**IV. Statement of Policy and Applicable Procedures:**

Approved individuals may deposit funds into an Inmate Trust Account for the purpose of allowing the offender to make purchases for their day to day needs. Offenders shall not use Inmate Trust Accounts to conduct personal financial affairs.

A. **Currency in Possession of Offender:**

1. An offender shall not possess, send, receive, use or carry currency except as allowed per this policy.
2. Confiscated currency shall be handled pursuant to SOP 206.02, Management of Offender Property or Contraband.

B. **Transactions Between Offenders:**

1. An offender shall not receive, or attempt to receive by solicitation, extortion, etc., currency, including funds deposited into an Inmate Trust Account, from another offender, another offender's family members or any other person not authorized under this policy.
2. An offender shall not send currency, including funds maintained in the Inmate Trust Account, to another offender, another offender's family members or any other person acting on behalf of another offender.
3. Neither offenders nor other individuals shall use a third party to conceal a restricted transfer of currency between offenders.

C. **Authorized Deposits:**

1. Funds submitted for deposit in Inmate Trust Accounts must be of an approved

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payment type. Non-approved payment types submitted for deposit will be returned to the sender.

a. Approved payment types:

- i. U.S. Funds Money Order;
- ii. U.S. Funds Cashier's Check; and
- iii. Electronic funds transfer from an Approved Third Party Vendor.

b. Non-Approved payment types include, but are not limited to:

- i. Cash;
- ii. Personal checks;
- iii. Online personal checks (Checks sent from an additional checking account); and
- iv. ACH direct transfers into a GDC account.

2. Offenders may receive deposits to their Inmate Trust Account from no more than five (5) approved individuals. Approved individuals must be included on the Financials List in Scribe, which each facility is responsible to maintain. Exceptions include:

- a. Government issued checks;
- b. Transfer checks from other institutions;
- c. Refund checks;
- d. Insurance checks;

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- e. Pension checks;
  - f. Settlement checks; and
  - g. Inheritance checks.
3. Funds submitted for deposit from non-approved individuals will be returned to the sender.
  4. All deposits may be subject to a 14-day hold to ensure fund availability.
  5. Verification of Identity of Depositors:
    - a. Approved Third Party Vendor(s) will verify that each sender is on the approved Financials List before sending funds to GDC for deposit in an Inmate Trust Account.
    - b. No pre-paid credit cards will be utilized through a third party vendor to deposit funds on an Inmate Trust Account.
- D. Receipt of funds into the Inmate Trust Account:
1. Minimum required reserved funds: The first ten dollars (\$10.00) received and held in an Inmate Trust Account must go into reserved funds and remain there until the offender is released from custody. If an Inmate Trust Account balance is less than ten dollars (\$10.00), then all funds received are applied to the reserved funds until the balance reaches ten dollars (\$10.00).
  2. Debiting an Inmate Trust Account:
    - a. If GDC deposits funds into the Inmate's Trust Account and the bank returns the receipt of funds as Insufficient, Refer to Maker, Fraudulent, or other reason and debits the GDC Trust Account for the receipt, then the amount debited will be debited from the Inmate's Trust Account.

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- i. If the debit causes the reserved funds in the Inmate’s Trust Account to fall below ten dollars (\$10.00), the balance will remain under ten dollars (\$10.00) until additional funds are received.
  - ii. If the Inmate Trust Account does not have spendable funds to cover the full amount of the fraudulent receipt, then the account will be frozen until the amount is recouped.
- b. If GDC determines that funds deposited in an Inmate Trust Account through the Approved Third Party Vendor(s) were sent fraudulently, then the Inmate Trust Account will be debited for the amount of the fraudulent receipt.
  - i. If the debit causes the reserved funds in the Inmate’s Trust Account to fall below ten dollars (\$10.00), the balance will remain under ten dollars (\$10.00) until additional funds are received.
  - ii. If the Inmate Trust Account does not have spendable funds to cover the amount of the fraudulent receipt, then the account will be frozen until there are enough funds to pay the outstanding amount and the funds are returned to the Approved Third Party Vendor.
    - 1) The offender is only responsible for the amount of the actual receipt and will not be required to repay any monies for processing or service charges by the Approved Third Party Vendor.
    - 2) The Approved Third Party Vendor in question may block an Inmate Trust Account if there remains an unpaid amount.
- 3. Outstanding obligations: If the offender has unpaid obligations, the receipt of funds will apply to those obligations until they are paid or funds are exhausted in accordance with SOP 201.04, Charges to Offender Accounts for Health Care, Willful Acts, and Court Costs.

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4. Remaining Funds: If the receipt has funds remaining after the minimum reserves funds are met and all outstanding obligations are paid, then remaining funds are placed in the spendable category and are available to the offender for spending.
  5. A monthly processing fee, not to exceed one dollar (\$1.00), will be charged for establishing and managing an Inmate Trust Account. The fee will be deducted from each offender who has a balance of more than ten dollars (\$10.00) on the first calendar day of each month. If insufficient funds exist to deduct the full one-dollar (\$1.00) fee on the first of the month, partial payments for any portion up to the one-dollar (\$1.00) should be deducted from the allowable balance when available during the month. Any uncollectable portion of the monthly maintenance fee is to be written off at month's end. If an offender's trust account never exceeds ten dollars (\$10.00) during the month, the fee for that month is waived and a new fee of one-dollar (\$1.00) will be established for the following month. This fee does not accumulate from month to month.
- E. Miscellaneous Withdrawals from Inmate Trust Accounts:
1. Withdrawals from an Inmate Trust Account are only allowed for authorized purchases pursuant to SOP 206.01, Offender Personal Property Standards and 206.02, Management of Offender Property or Contraband or to send funds to individuals on the offender's approved financial list. The offender will be charged fifty-five cents (\$0.55) for each withdrawal for an envelope and stamp. This fee will be entered as an Indigent Loan obligation.
  2. An offender shall complete the Offender Miscellaneous Withdrawal Form, Attachment 1 to this SOP, to withdraw funds. The facility will send the completed form, including all required signatures, to the Offender Payment email address.
  3. Withdrawals from an Inmate Trust Account are limited to one (1) transaction per quarter for purchases and one (1) transaction per quarter for disbursement to an individual or on behalf of an individual, provided, however, that

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payments to Child Support Recovery, Interstate Compact Application Fee, Law offices/Attorney fees or approved religious purposes will be reviewed and approved on a case by case basis. Withdrawals to a verifiable religious organization will only be allowed once per quarter unless approved by the Warden, and an effort shall be made to verify that the offender is not attempting to send funds to a religious organization in an effort to send funds to another offender, another offender's family members or any other person not authorized under this policy. Requests for withdrawals for payment of legal fees shall be processed as soon as possible in order to avoid offenders missing filing deadlines due to the GDC's inaction or other delays related to this process.

4. A withdrawal made from an Inmate Trust Account may not exceed one hundred fifty dollars (\$150.00), provided, however, that in the event of an emergency, the Warden may approve a disbursement of between one hundred fifty dollars and one cent (\$150.01) and five hundred dollars (\$500.00). A disbursement in excess of five hundred dollars (\$500.00) may be made with the approval of the Warden, Regional Director, Director of Field Operations and the Administration Division Director.
5. The Warden or Warden's designee will be responsible for ensuring an offender does not exceed the number or amount of permitted withdrawals per quarter.
6. All withdrawal requests shall be verified by a facility business staff member or counselor prior to the request being processed. An offender whose store privileges have been suspended or revoked will not be allowed to request a withdrawal unless approved by the Warden.
7. Withdrawals from an Inmate Trust Account will be reviewed by the Consolidated Banking Unit (CBU) for SOP compliance before processing. Withdrawal forms submitted to the CBU without all required information, on an incorrect form, or without approvals will not be processed and a case note will be entered.



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8. If a withdrawal check is returned to CBU by the postal service as undeliverable, the funds will be placed back in the Inmate Trust Account and a case note made. The offender will not be entitled to a refund of the fifty- five cent (\$0.55) fee that was incurred to process the original request. A stop payment will not be issued on a check until it has been outstanding for 30 days.

F. Outside Banking:

1. Offenders who had checking and/or savings accounts prior to incarceration may keep those accounts and have contact with the individual who has been given power of attorney to handle the account. The person who has been given power of attorney must be included on the offender's approved financial list in order to send money to or receive money from the offender. The offender must report the checking and savings account(s) to the Office of Professional Standards through his or her counselor.
2. An offender must receive approval from the Commissioner or designee to open new outside banking accounts once incarcerated.

G. Protection of Offender Business Activity and Property Rights: GDC recognizes that some offenders may have business and property interests prior to their commitment to GCD. GDC supports the maintenance of Business Activity and property interests and encourages offenders to protect these interests. However, GDC must balance these interests with the safety of the facilities and persons in the community from unscrupulous activities. The operation of businesses by offenders increases the potential for inappropriate behavior including fraud and trafficking.

1. Offenders are prohibited from using the facility address as a business address.
2. Offenders shall not be authorized to have access to the internet, either directly or indirectly, to conduct Business Activity.

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3. Offenders may contact persons through the mail or telephone to protect business, property or funds owned by the offender prior to their incarceration. In such cases, the offender must provide the Office of Professional Standards with information that will allow GDC to verify the offender's interest or ownership in the business, property or funds. The offender shall provide this information through his/her counselor.

H. Indigent Offenders: Funds for non-privileged and privileged mail and correspondence material shall be provided to offenders classified as indigent pursuant to this SOP in order to maintain community ties. Requests for indigent postage/materials shall be submitted to the facility business office. The facility counseling staff shall **not** be part of this process.

1. Non-privileged Correspondence:

- a. Indigent offenders may request stationary, pens and envelopes sufficient to mail UP TO three (3) non-privileged first class letters per week by submitting Attachment 4, Indigent Non-Legal Supplies Request Form.
- b. Indigent offenders can request up to three (3) first class stamps per week for non-privileged material by submitting Attachment 2, Request for Indigent Postage. If more than one (1) first class stamp is required on a mailing, the offender may elect to use his or her remaining weekly allotment (up to the total three stamps) to satisfy postage requirements. Offenders not utilizing three (3) first class stamps in any one week, may not accumulate the postage for any subsequent mailings.

2. Privileged Correspondence:

- a. Indigent offenders are allowed to mail privileged correspondence UNTIL FIVE (5) FIRST CLASS STAMPS PER WEEK ARE EXPENDED. If the offender fails to utilize all of his or her weekly allotment, the remainder is forfeited. Indigent offenders must request postage by using Attachment 2, Request for Indigent Postage.

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- b. One exceptional mailing per month is allowed at a reasonable postage cost. The exceptional mailing may include documents mailed to more than one party (requiring separate envelopes), but must be copies of the same pleading in the same lawsuit (i.e., an offender cannot prepare various pleadings in various lawsuits and send them all out at once in the exceptional mailing). The purpose of the exceptional mailing is to permit, for example, a lawsuit with multiple defendants. Since the courts require an original plus a copy of the lawsuit for each defendant, the exceptional mailing would permit this. Materials submitted for the exceptional mailing may be inspected only for compliance with this paragraph. The amount of postage used will be included on a Request for Indigent Postage, Attachment 2 and returned to the offender within a reasonable time period.
- c. Indigent offenders can request correspondence material for privileged mail by submitting Attachment 3, Indigent Legal Supplies Request Form, to the Business Office. Indigent offenders may receive the following correspondence material for privileged mail:
  - i. UP TO one (1) pen monthly (to be exchanged on a one for one basis);
  - ii. UP TO twenty (20) sheets of typing paper per week; and
  - iii. UP TO five (5) sheets of carbon paper per week.

**NOTE: Legal pads may be purchased in the offender’s store and are not provided as indigent supplies.**

- 3. First Class Only: Outgoing correspondence from indigent offenders, will be sent as first class postage, with the following exceptions:
  - a. Indigent offenders may send privileged mail as certified mail/return receipt requested to comply with the requirements for a notice of tort claim against the State as set forth in O.C.G.A. §50-21-26(a)(2), which states: “Notice of claim shall be given and shall be mailed by certified mail or statutory

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overnight delivery, return receipt requested, or delivered personally to and a receipt obtained from the Risk Management Division of the Department of Administrative Services.”

- b. Indigent offenders may send up to one exceptional mailing per month via certified mail.
  4. Accounting for Loans: Funds for indigent postage and correspondence material will be considered a loan from the Inmate Benefit Fund and an accounting record will be kept of all postage provided to the indigent offender.
  5. Reimbursement: If an indigent offender receives funds in an Inmate Trust Account in excess of ten dollars (\$10.00), excluding frozen funds, at any time after receiving postage or correspondence material, the loan amount or any part thereof will be deducted from the Inmate Trust Account and credited to the Inmate Benefit Fund.
  6. Reimbursement after Transfer: If an offender receives funds after his or her transfer, collection will be made as described above and credited to the Inmate Benefit Fund of the facility holding the offender at that time.
- I. Transfer of Offender Trust Funds:
1. When an offender is permanently transferred to a non-state operated facility such as a county camp or transitional center, the offender funds shall be forwarded by CBU to the business office of the receiving facility within five (5) business days of the transfer.
  2. When an offender is admitted for treatment to Augusta State Medical Prison or moved on temporary assignment to another facility, he/she shall have access to their store funds.
  3. The facility is responsible for notifying CBU by email when an offender is released from a county jail or is deceased.

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J. JPAY Release Cards:

1. Offenders released from custody will receive a pre-loaded JPAY release card for the balance remaining on his or her Inmate Trust Account after all obligations are satisfied. JPAY release cards can only be loaded up to five hundred dollars (\$500.00). If the amount is over five hundred dollars (\$500.00), the offender will receive a check for the remainder. A stop payment will not be issued on a check until it has been outstanding for 30 days. This paragraph is subject to the following exceptions:
  - a. Because JPAY release cards are not issued to offenders in county facilities, CBU will issue a check for offenders transferred to county facilities.
  - b. If funds are added to an offender's account after the offender is released from a GDC facility, CBU will send the funds by check to the offender's address on file or load the funds on a JPAY release card that is still in the offender's possession.
  - c. Offenders released to the Department of Homeland Security on ICE detainers will not have access to use a JPAY release card. Therefore, facilities must notify CBU seven (7) days prior to an ICE release to ensure a check is mailed to the releasing facility before the release date.
2. Procedure to Request and Issue JPAY Release Cards:
  - a. At least 48 (forty-eight) hours prior to release, the facility shall send CBU an accurate and complete JPAY Release Card Request Form, Attachment 5 by email or fax. CBU then pays remaining obligations, adds gratuity pursuant to SOP 201.03, Discharge Gratuities, closes the offender's account and loads the remaining funds on the JPAY release card by the RPID# listed on the Release Card Request Form.

After CBU loads the funds, the facility will issue the JPAY release cards and prepare JPAY Release Card Receipt Confirmation Forms, Attachment

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6 for pick-up by the ID Officer. The ID Officer will pick up JPAY release cards and Receipt Confirmation Forms for offenders who are releasing each day. As part of the release procedure, the ID Officer will give each offender a JPAY release card and have the offender sign the Receipt Confirmation Form, Attachment 6 to this SOP, which must be returned to the facility's business office. A copy of Attachment 6 will be forwarded to CBU by email or fax for the purpose of obtaining correct release address information for any funds over the maximum amount loaded on a JPAY release card and/or any funds that are deposited after the offender is released.

- i. If an offender has a balance over five hundred dollars (\$500.00), the facility must include the offender's address on the JPAY Release Card Request Form.
- ii. If an offender is being transferred to a county facility, the facility must provide CBU the county facility's address and a backup address for the offender to be used if the check is returned to CBU because the offender released from the county facility before the check arrived.
- b. The facility shall not issue a JPAY release card when the offender does not have an active open account or available funds at the time of release.
- c. If wrong information was provided on the JPAY Release Card Request Form, then the facility shall note corrections on a separate Release Card Request Form.
- K. Funds in Inmate Trust Accounts that remain unclaimed for more than five (5) years are presumed abandoned in accordance with Board Rule 125-2-4-.06.
- L. Interest earned in the GDC Offender Trust bank account will be used to offset bank fees incurred in this same account.

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**V. Attachments:**

- Attachment 1: Offender Miscellaneous Withdrawal Form
- Attachment 2: Request for Indigent Postage
- Attachment 3: Indigent Legal Supplies Request Form
- Attachment 4: Indigent Non-Legal Supplies Request Form
- Attachment 5: JPAY Release Card Request Form
- Attachment 6: JPAY Release Card Receipt Confirmation Form

**VI. Record Retention of Forms Relevant to this Policy:**

Attachments 1 and 5 shall be scanned and maintained electronically for five (5) years on the CBU server. Attachments 2, 3, 4 and 6 shall be retained locally for three (3) years and then destroyed.