



WYOMING DEPARTMENT OF CORRECTIONS

**Policy and Procedure #1.103
Disbursement of Inmate Earnings**

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<p>Authority: Wyoming Statute(s): 7-16-205; 7-18-114; 25-1-104; 25-1-105; 25-13-107</p> <p>ACA Standard(s): 4-4044; 4-4045; 4-4046 2-CO-1B-14</p>	<p>Effective Date: August 1, 2016 Revision/Review History: 03/30/15 03/15/14 03/01/13 12/01/11 07/01/10 09/27/95</p>
<p>Cross Reference of Policy: P&P #1.109, <i>Inmate Trust Funds</i>; P&P #3.006, <i>Property Control</i>; P&P #3.102, <i>Inmate Disciplinary Procedures</i>; P&P #3.401, <i>Inmate Access to Courts</i>; P&P #5.000, <i>Prison Industries Enhancement Certification Program</i>; P&P #5.401, <i>Inmate Mail</i></p>	<p>Summary of Revision/Review: Updates existing policy pursuant to annual review.</p> <p>Supersedes Existing Policy :</p>
<p>Approved:</p> <p align="center">R.O. Lampert 7-15-16</p> <hr/> <p align="center">Robert O. Lampert, Director Date</p>	

APPROVED FOR INMATE DISTRIBUTION

The policy and procedures set forth herein are intended to establish directives for staff members and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty or property interests for staff members or inmates, or an independent duty owed by the WDOC to staff members, inmates, or third parties. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REFERENCE

1. ATTACHMENTS – None Noted
2. OTHER – None Noted



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I. PURPOSE

- A. **Disbursement of Earnings.** The purpose of this policy and procedure is to establish a uniform set of guidelines for the identification of inmate financial obligations, establishment of inmate savings accounts, and the disbursement of inmate earnings.

II. POLICY

- A. **General Policy.** It is the policy of the Wyoming Department of Corrections (WDOC) to establish inmate accounts for the management of inmate funds. These accounts shall be governed by the procedures set forth herein to identify the specific financial obligations of the inmate and disburse the inmate's earnings in a manner consistent with Wyoming law to meet those financial obligations. Any interest earned on monies in inmate accounts shall accrue to the benefit of the inmates. (ACA 4-4044) (2-CO-1B-14)

III. DEFINITIONS

- A. **Adjusted Net Amount:** *(For this policy only.)* An amount used in the calculation for disbursement of inmate earnings that is the result of the net amount less any deductions previously made. The Adjusted Net Amount is a rolling net that is recalculated after each deduction is made.
- B. **Gross Amount:** *(For this policy only.)* The total monthly amount of inmate earnings from incentive pay.
- C. **Incentive Pay:** *(For this policy only.)* Earnings received by an inmate for work (as defined in W.S. § 7-16-202), programming, or educational activities.
- D. **Indigent Inmate:** An inmate who has no source of income and no money on his/her account. Inmates who have twenty-five dollars (\$25.00) or more credited to their account at any time in any given month from any given source for discretionary spending will not be considered indigent during that month regardless of their account balance at any time during that month.
- E. **Personal Necessities:** *(For this policy only.)* Those items deemed necessary by the Wyoming Department of Corrections for an inmate's personal hygiene and self-care, as well as those items designated by the Wyoming Department of Corrections for inmate correspondence.
- F. **Net Amount:** *(For this policy only.)* An amount used in the calculation for disbursement of inmate earnings that is the result of the gross amount minus any deduction made for taxes.



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- G. **Unobligated Amount:** *(For this policy only.)* The funds remaining after all necessary deductions are made from an inmate's earnings.
- H. **Voluntary Indebtedness:** *(For this policy only.)* When an inmate does not qualify for indigent status and/or incurs institutional indebtedness as outlined in this policy.

IV. PROCEDURE

A. Identification of Obligations.

1. Upon intake, an inmate's court-ordered financial obligations shall be identified. These obligations may include support of dependent relations of the inmate, restitution, fines, sanctions, reimbursement for the services of public defender or court appointed counsel, the surcharge imposed under W.S. § 1-40-119, victims compensation obligations previously ordered on the current offense of record as a condition of probation or parole under W.S. § 1-40-112(g), or other charges imposed by the court.
2. WDOC staff shall contact appropriate authorities to determine the current status of the inmate's payment obligation(s). Appropriate authorities may include the Clerk of the Court where conviction was obtained, the court or entity responsible for collection of dependent support, or other agency responsible for collection of an inmate's financial obligation.
3. Other financial obligations that an inmate may incur while incarcerated include mandatory savings of inmate earnings, personal necessities, and assessments of fees for work, programs, services and assistance.
4. Inmates may incur indebtedness while incarcerated due to the accumulation of disciplinary fines and/or restitution; the provision of indigent supplies, mailing services (*i.e.*, postage and supplies), and photocopy services as described in WDOC Policy and Procedure #3.401, *Inmate Access to Courts*, and WDOC Policy and Procedure #5.401, *Inmate Mail*; the disposition of property in accordance with WDOC Policy and Procedure #3.006, *Property Control*; or as otherwise established by WDOC. Institutionally incurred indebtedness is separate from the financial obligations that the inmate incurred prior to incarceration and reimbursement shall be handled in accordance with paragraph IV.C.7 of this Policy.
 - i. Institutionally incurred indebtedness shall remain on the inmate's account subject to reimbursement from any monies received from



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any source until the entire indebtedness balance is paid or until the inmate is released to parole or upon final discharge.

B. Establishment of a Payment Plan. Once an inmate's financial obligations have been determined, WDOC staff will inform the inmate what those obligations are and the payment percentage amounts that will be applied towards those obligations in accordance with this policy. The inmate may request disbursement from the unobligated balance towards financial obligations in excess of the percentage amounts prescribed by this policy and establish a payment plan to meet those obligations. The payment plan shall consider all available inmate resources including earnings from incentive pay programs that are to be disbursed in accordance with this policy and any other money received and deposited to the inmate's trust account.

1. Each payment plan will consider the following factors:
 - i. The disbursement of inmate earnings from incentive pay under this policy;
 - ii. Current income;
 - a. Disbursable income includes inmate incentive pay, earnings from work release employment, wages earned while in an adult community corrections program, hobby sales earnings, and any other remuneration for services performed or goods produced while under correctional supervision.
 - b. Non-disbursable income, such as gifts or government benefits, should not be disbursed for restitution or child support unless the inmate consents, or if ordered by a court or other agency with proper jurisdiction.
 - iii. Amount of obligation(s);
 - iv. Priorities for disbursements outlined in the pertinent Wyoming statutes;
 - v. In the case of offenders in adult community corrections programs, any modification to statutory priorities ordered by the sentencing court pursuant to W.S. §7-18-114(b); and
 - vi. To the extent possible, equal treatment for all inmates/offenders with similar circumstances.



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2. Each payment plan should maximize an inmate's payment toward his/her identified obligations.
 - i. The payment plan should help the inmate in meeting his/her obligations but does not necessarily guarantee full payment of the obligations while incarcerated.
 - ii. The payment plan does not modify an inmate's obligations in any way. Financial obligations exist independent of incarceration and may continue beyond the term of incarceration. The inmate is responsible for meeting his/her financial obligations and the payment plan is not a negotiated reduction of any obligation.
- C. **Disbursement of Inmate Earnings from Incentive Pay.** Per W.S. §7-16-205, payment for any inmate incentive pay program shall be deposited in the inmate's trust account and shall be disbursed in the manner and order specified below:
1. **Taxes.** Prior to making any deduction from an inmate's earnings, all necessary taxes shall first be withheld. For the purpose of this section, taxes shall mean federal income tax and related withholdings (*e.g.*, social security tax, Medicare tax). Any deduction made thereafter shall be from the net amount (*i.e.*, the gross less taxes). In the event that there is no tax to be withheld from the earnings, subsequent deductions shall be made from the gross earnings.
 2. **Mandatory Savings.** Unless the inmate is serving a sentence of death or life without the possibility of parole, or is subject to mandatory savings under W.S. § 25-13-107, ten percent (10%) of the net amount of monthly incentive pay earnings shall be credited to a mandatory savings account, until the inmate's account has a balance of one thousand dollars (\$1,000.00). These funds shall be paid to the inmate upon parole to the community or final discharge.
 - i. Mandatory savings accounts shall be interest bearing and interest earned on such accounts shall accrue to the benefit of the inmate. (ACA 4-4044) (2-CO-1B-14)
 - ii. Individual funds may be pooled into a larger account for banking purposes. The WDOC Central Office shall maintain accounting of individual inmate savings.



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- iii. WDOC may establish a minimum amount that must be deposited by an individual inmate into the pooled savings account before it begins to accrue interest.
 - iv. An inmate may voluntarily contribute unobligated earnings or other money received to his/her mandatory savings until the balance reaches one thousand dollars (\$1,000.00). Any savings after that may be made to a personal savings account pursuant to WDOC Policy and Procedure #1.109, *Inmate Trust Funds*. When an inmate's personal funds are deposited in interest-bearing accounts, the interest earned shall accrue to the benefit of the inmate. (ACA 4-4046) (2-CO-1B-14)
 - v. An inmate may not make any withdrawals from his/her mandatory savings, regardless of whether the funds were part of the mandatory deduction or voluntary contribution, until parole to the community or final discharge.
 - vi. If an inmate is housed at an Adult Community Corrections program (ACC) or paroled to an ACC, the funds in his/her mandatory savings shall be held by the WDOC Central Office until the inmate/parolee is released to community.
3. **Support of Dependent Relations.** Of the adjusted net amount (*i.e.*, the amount of monthly incentive pay earnings remaining after deduction is made for taxes and inmate savings), an amount up to fifty percent (50%) of the adjusted net amount shall be allotted for the payment of court ordered support of the inmate's dependent relations.
- i. The total amount of withholding shall depend on the court order but shall not exceed fifty percent (50%) of the adjusted net amount.
 - ii. If this amount does not satisfy the court ordered obligation, the inmate may be in arrears for the remaining amount or may choose to satisfy the court's order through other means (*e.g.*, the inmate may elect to use other income to meet his/her monthly obligation).
 - iii. If the inmate does not have any court ordered support of dependent relations, there shall be no withholding for this obligation.
4. **Personal Necessities and Fees.** Of the adjusted net amount (*i.e.*, the amount of monthly incentive pay earnings remaining after deduction is made for taxes, inmate savings, and support of dependents), an amount up to twenty-five dollars (\$25.00) per month shall be allotted for the inmate's



personal necessities, and assessments of fees for work, programs, services and assistance (*e.g.*, vocational and educational programs, *etc.*).

- i. Existing inmate trust account balances and deposits made to the inmate's account balance during any calendar month shall not reduce the \$25 maximum amount credited to the inmate's account from inmate earnings for personal necessities and assessment of fees. Such amounts shall, however, be counted when determining if the inmate qualifies as indigent for the purposes of WDOC Policy and Procedures #3.401, *Inmate Access to Courts*, and #5.401, *Inmate Mail* (*i.e.*, Inmate has a balance of less than twenty-five dollars (\$25.00) on his/her account at all times during a given calendar month regardless of source.)
 - a. If the adjusted net amount (*i.e.*, the amount of monthly earnings remaining after deduction is made for taxes, inmate savings, and support of dependents), is less than \$25, the full amount will be reserved for personal necessities and assessment of fees.
 - b. If the adjusted net amount (*i.e.*, the amount of monthly earnings remaining after deduction is made for taxes, inmate savings, and support of dependents), is \$25 or more, the remainder over and above \$25 shall be distributed in accordance with paragraphs 5 and 6, below.
 - c. An inmate may voluntarily designate a portion of the amount reserved for personal necessities to go directly to the satisfaction of court ordered financial obligations by specifying that amount within the payment plan described in section IV. B., above. That amount will be in addition to any distribution indicated below.
- 5. Court Ordered Financial Obligations.** Of the adjusted net amount (*i.e.*, the amount of monthly incentive pay earnings remaining after deduction is made for taxes, inmate savings, support of dependents, and personal necessities and fees), an amount equal to fifty percent (50%) of the funds then remaining will be allotted towards the inmate's financial obligations ordered by the court, if any. These obligations may include restitution, fines, sanctions, reimbursement for the services of public defender or court appointed counsel, the surcharge imposed under W.S. § 1-40-119, victims compensation obligations previously ordered on the current offense of record as a condition of probation or parole under W.S. § 1-40-112(g) or



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as part of the judgment and sentence, or other charges imposed by the court.

- i. Payment towards court ordered financial obligations will be made directly to the ordering court. The court shall disburse payments to individual obligations in accordance with their own policies.
- ii. Payment towards victims compensation obligations previously ordered on the current offense of record as a condition of probation or parole under W.S. § 1-40-112(g) will not commence until other court ordered financial obligations, including restitution, fines, sanctions, reimbursement for the services of public defender or court appointed counsel, the surcharge imposed under W.S. § 1-40-119, or other charges imposed by the court, have been satisfied.
- iii. Court ordered obligations that are ordered under concurrent sentences will be paid in the order determined by the date of the Judgement and Sentence (*i.e.* the earliest date will be paid first).
- iv. Nothing in this policy shall preclude an inmate from agreeing to the disbursement in excess of the amount prescribed above towards court ordered financial obligations in order to more quickly satisfy those obligations. Any such request shall be made in writing by the inmate to the correctional facility business office.
- v. Once the inmate has paid his/her court ordered financial obligations in full, the full amount then remaining shall be considered an unobligated amount.

6. Unobligated Amount. Any unobligated amount shall remain in the inmate's trust account and shall be available for use by the inmate.

- i. An inmate may elect to apply any unobligated amount toward any unmet obligation. For example, an additional amount to go toward support of dependent relations to avoid going into arrears. Any such request shall be made in writing by the inmate to the correctional facility business office.

7. Reimbursement for Institutionally Incurred Indebtedness. Reimbursement for institutionally incurred indebtedness shall be collected from the unobligated amount in the inmate's incentive wage.

- i. Inmates who incur voluntary indebtedness will be assessed up to one hundred percent (100%) of remaining unobligated amounts for



the purpose of reimbursement of institutionally incurred indebtedness accrued in accordance with the policies listed in subparagraph a., below.

a. Institutionally incurred indebtedness includes fines or restitution ordered pursuant to WDOC Policy and Procedure #3.102, *Inmate Disciplinary Procedures*; reimbursement for supplies and/or postage under WDOC Policy and Procedure #5.401, *Inmate Mail*; reimbursement for supplies, postage, and/or photocopying fees under WDOC Policy and Procedure #3.401, *Inmate Access to Courts*, reimbursement for supplies and/ or postage for the disposition of property in accordance with WDOC Policy and Procedure #3.006, *Property Control*; and reimbursement for any other institutionally incurred indebtedness as accrued at a correctional facility.

ii. Inmates who incur indigent charges will be assessed up to fifty percent (50%) of remaining unobligated amounts for the purpose of reimbursement of institutionally incurred indigent charges in accordance with the policies listed in subparagraph a., below.

a. WDOC Policy and Procedure #5.401, *Inmate Mail*; reimbursement for indigent supplies, postage, and/or photocopying fees under WDOC Policy and Procedure #3.401, *Inmate Access to Courts*, reimbursement for indigent supplies and/or postage for the disposition of property in accordance with WDOC Policy and Procedure #3.006, *Property Control*.

Table 1: Summary of Distribution of Inmate Earnings

Gross Pay:	Total earnings from incentive pay	A
Net Amount:	Gross pay less taxes	B A - taxes
Mandatory Savings:	Adjusted Net Amount x 10%	C B x 10%
Support of Dependent Relations:	Adjusted Net Amount x 50%	D (B-C) x 50%
Personal Necessities and Fees:	Adjusted Net Amount - \$25	E \$25 (up to \$25 in earnings, reduced by financial obligation payment plan amount)
Court Ordered Obligations:	Adjusted Net Amount x 50%	F (B-C-D-E) x 50%



Unobligated Amount:		G	B-C-D-E-F
Institutional Indebtedness:	Unobligated Amount x 100%	H	G x 100% (voluntary indebtedness)
Adjusted Unobligated Amount:		I	G-H
Indigent Indebtedness:	Adj. Unobligated Amount x 50%	J	I x 50% (Indigent Charges)
Final unobligated Amount to Inmate: Balance:		K	I-J

D. Disbursement of Inmate Earnings from Prison Industries. Inmate earnings from PIECP programs shall be disbursed in accordance with W.S. §25-13-107, and WDOC Policy and Procedure #5.000, *Prison Industries Enhancement Certification Program*.

E. Program Completion Bonus. Bonuses awarded for Pre-Release and Reentry program completion as identified in WDOC Policy and Procedure #5.004 *Inmate Incentive Pay*, are not subject to deductions under paragraph C of this section.

F. Disbursement of Inmate Earnings at Adult Correctional Centers. Inmates who receive income while residing at an ACC shall have their income disbursed in accordance with W.S. §7-18-114.

G. Consecutive Sentence. For an inmate serving a consecutive sentence, a new payment plan shall be established at the commencement of the consecutive sentence by either parole or discharge from the previous sentence. Institutionally incurred indebtedness and obligations under the prior sentence shall remain as obligations, but only those court ordered financial obligations pertinent to the sentence being served shall be considered in the current payment plan.

1. A mandatory savings account established under a prior sentence shall remain with all previously accumulated funds and shall roll over to the next sentence. These funds shall continue to accumulate until the one thousand dollar (\$1,000.00) limit has been reached or until the inmate is paroled to the community or final discharge.

H. Inmate Account Management

1. Inmates personal funds held by the correctional facility are controlled by accepted accounting procedures. (ACA 4-4045) The responsibility for the control and accounting of inmates' personal funds shall be delegated to the correctional facility business manager through the warden. Inmates shall



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either receive receipts for all financial transactions and/or receive a monthly statement showing all financial transactions pursuant to WDOC P&P #1.109, *Inmate Trust Funds*.

2. Payments pursuant to each inmate's repayment plan will be deducted from the inmate's account on a monthly basis and will be transmitted to the appropriate authority for collection by the 20th of each month.
3. Each WDOC correctional facility shall maintain accounting of all payments made and the balance owed on each obligation for each inmate housed therein.
4. The WDOC Central Office shall maintain accounting of all mandatory inmate savings.
5. Each ACC shall provide a monthly report to the Central Office showing offender payments toward court ordered obligations.

I. Inter-Institutional Transfers

1. Copies of all information related to obligations and payment under this policy shall be maintained in electronic format. A hard copy of the inmate's financial record shall be maintained according to retention schedules at the correctional facility upon the inmate's release.
2. Procedures shall be established to ensure transmittal of pertinent information and continuity of repayments as inmates are transferred between programs and institutions or to parole.
3. Repayment plans should be adjusted according to changed circumstances of the inmate.
4. The institutions shall act cooperatively to develop uniform forms needed to implement this regulation.

J. Confidentiality. Information regarding inmates' earnings and amounts in their institutional accounts is confidential and will not be subjected to public inspection.

K. Due Process. The following procedural steps will be afforded prior to any disbursements pursuant to this policy:

1. Written notice to the inmate of the amount to be disbursed, the repayment plan and the legal basis therefore.



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2. Notification of the opportunity to have any objections to such disbursements heard through the inmate grievance procedure.

L. Refusal to Work. Inmates with obligations covered by this policy should, to the extent possible, be provided the opportunity to earn income. Refusal of such inmates to accept available work assignments is subject to disciplinary action and should be considered in awards of good time credits.

V. TRAINING POINTS

- A. When is a payment plan to be established for an inmate's financial obligations?
- B. What is the priority order for disbursement of earnings from inmate incentive pay?
- C. TRUE OR FALSE: Disbursement of inmate earnings is the same regardless of whether those earnings come from incentive pay, PIE programs, or work while at an ACC.