

STATE OF ALASKA DEPARTMENT OF CORRECTIONS  POLICIES & PROCEDURES	SECTION: Administration		PAGE: Page 1 of 4
	CHAPTER: 300	NUMBER: 304.01	P&P TYPE: Public
	TITLE: Prisoner Wages and Funds Disbursal		
	APPROVED BY:  Nancy A. Dahlstrom, Commissioner		DATE: 01/01/22
ATTACHMENTS / FORMS: A. Forced Savings Request Form		AUTHORITY / REFERENCES: 22 AAC 05.105 AS 33.16.180 22 AAC 05.106 AS 33.30.011 22 AAC 05.110 AS 33.30.017 22 AAC 05.155 AS 33.30.021 22 AAC 05.470 AS 33.30.028 AS 09.19.010 AS 33.30.201 AS 09.19.100 AS 43.23.065 AS 09.35.010 AS 44.28.030 AS 09.38.030(f) DOC P&P 302.12 AS 09.38.065 DOC P&P 807.07 AS 18.67 DOC P&P 808.12 AS 33.05.010 AK Rules of Court, Criminal Procedure, 32.6(f)	

POLICY:

- I. It is the policy of the Department of Corrections (DOC) to have in place uniform procedures for the equitable disbursal of prisoner wages and prisoner funds.
- II. It is the policy of the Department that all prisoner wages will be disbursed in the order and percentages deemed appropriate by statute.
- III. It is the policy of the Department that all prisoner funds will be disbursed in the order and percentages deemed appropriate by the Commissioner and applicable statute.

APPLICATION:

This policy and procedure will apply to all Departments employees and prisoners.

DEFINITIONS:

As used in this policy, the following definitions shall apply:

Mandatory Savings:

Money credited to a prisoner for the primary purpose of being available to the prisoner at the time of release.

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Offender Trust Account (OTA):

The system through which prisoner funds are deposited, monitored, and disbursed by the Department.

Prisoner Dependent:

Any person who is entitled to receive support from the prisoner based upon a court order.

Prisoner Funds:

All funds held for a prisoner in their Offender Trust Account (OTA), including any prisoner wages remaining after disbursal per AS 33.30.201, monetary gifts from friends/family, and checks/ dividends from Native corporations.

Prisoner Wages:

Money given to a prisoner in exchange for productive work performed for the Department or at the Department's behalf. Wages include all earnings and gratuities paid to a prisoner.

PROCEDURES:

I. Prisoner Wages Disbursal:

A. Confinement Costs:

If wages paid to a prisoner total 50% or more of the State's minimum wage, the Commissioner may deduct the cost of confinement of the prisoner, up to the statewide average cost of confinement before statutory disbursements are made according to the following section.

B. Statutory Disbursement:

After any deduction for the cost of confinement, prisoner wages shall be disbursed according to the following deductions.

<u>Allocation Priority</u>	<u>Nature of Priority</u>	<u>Percent of Wages Available For Monthly allocation</u>
Priority One (1).	Court ordered support for prisoner's dependents.	Up to 40% of wages.
Priority Two (2).	State reimbursements for violent crime compensation awarded under AS 18.67 arising out of the prisoner's criminal conduct.	Up to 5% of wages.
Priority Three (3).	Civil judgements resulting from the prisoner's criminal conduct.	Up to 5% of wages.
Priority Four (4).	Restitution or fine ordered by the sentencing court.	Up to 10% of wages.
Priority Five (5).	Fines ordered by the sentencing court.	Up to 10% of wages.
Priority Six (6).	For the payment of fees for the prisoner's utility services under AS 33.30.017.	\$3.00 maximum monthly fee.

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C. Personal Use And Mandatory Savings:

1. Any prisoner wages remaining after all applicable deductions listed above have been satisfied, will be equally allocated to personal use, Priority Seven (7) and Mandatory Savings, Priority Eight (8). See below:

<u>Allocation Priority:</u>	<u>Nature of Priority</u>	<u>Percent of Wages Available for Monthly Allowance</u>
Priority seven (7).	Personal use including clothing, commissary, and photocopying.	Up to 25% of wages.
Priority Eight (8).	Mandatory Savings Account.	35% of wages until \$250 has been accrued, then 5% of monthly wages. Prisoners serving 8 years or more, unsentenced, federal or local prisoners are exempt from Mandatory Savings.

2. Funds designated for placement in a Mandatory Savings account for a prisoner, Priority Eight (8), will be retained by the Commissioner for the primary purpose of being available to the prisoner at the time of release. Mandatory Savings funds are to be retained in the Offender Trust Account (OTA) for the purpose of the prisoner use upon release.

3. In cases of extreme hardship monies may be disbursed from a prisoner's Mandatory Savings account prior to release. Disbursements due to hardship will be at the sole discretion of the Deputy Commissioner. Mandatory Savings may not be used to either calculate or pay court-ordered filing fees as determined by AS 09.19.010. This applies to Federal as well as State court.

4. The Superintendents shall have the discretion to exempt prisoners from the requirement for Mandatory Savings on a case-by-case basis due to the length of sentence, age of the prisoner, and other relevant factors.

5. Prisoners who have more than eight (8) years to serve before their release dates, unsentenced, federal or local prisoners will automatically receive an exemption from the Mandatory Savings deduction.

II. Prisoner Funds Disbursal:

A. In addition to prisoner wages being disbursed according to the above procedures, prisoner funds in the OTA may be disbursed with a court order, disciplinary sanctions, or prisoner's written request

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B. Upon judgement awarded to the State or on a judgement of restitution on behalf of a victim of a crime or a delinquent act, all money (up to 100%) in a prisoner's OTA is available for disbursement under a notice of levy according to the following deductions and order of priorities.

<u>Allocation Priority</u>	<u>Nature of Priority</u>
Priority one (1).	To pay court ordered support for prisoner's dependents and child support payments as required by AS 25.27
Priority two (2).	To pay court ordered restitution or fines.
Priority three (3).	To pay civil judgments resulting from the prisoner's criminal conduct
Priority four (4).	To reimburse the State for an award made for violent crimes compensation under AS 18.67, as a result of the prisoner's criminal conduct.
Priority five (5).	To pay other judgements entered against a prisoner in litigation against the State. (See AS 09.19.100 for the meaning of "litigation against the State.>").

C. Any prisoner funds remaining after all applicable deductions listed above have been satisfied, will be equally allocated to D, E, and F below.

D. Restitution for the amount of property damage, theft, or in the case of injury, for amount of medical care and related costs, or from costs incurred from a violation 22 AAC 05.400(d)(19), including the placement of a hold on the prisoners work compensation payments, withdrawal of money from the prisoners account, or requiring the prisoner to work without benefit of compensation.

E. Prisoners Health Care and Photography Expenses: Prisoner health care and photocopying expenses will be deducted from the prisoner's OTA at least once per month. See DOC P&P 807.07, Prisoner Responsibility for Health Care, and DOC P&P 808.12, Photocopying for Prisoners.

F. Any Assets remaining after all applicable deductions have been satisfied may be allocated to pay for other items such as but no limited to; postage, electrical fees, commissary, and other personal use items up to 100% of prisoner funds. A prisoner can submit a request to the superintendent requesting a reduced rate of collection for their unique circumstance.

G. Escape Forfeiture: If a prisoner escapes, the money in the prisoner's OTA will be disbursed according to the procedures found in DOC P&P 302.12, Prisoner Accounts.

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