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STATE OF WASHINGTON

BY Chris  
DEPUTY

No. 33808-4-II

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION TWO

JOHN P. ANDERSON

&

FRANK R. NORDLUND,

Appellant's,

vs.

STATE DEPARTMENT OF CORRECTIONS,

Respondent.

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APPELLANT'S REPLY BRIEF

JOHN P. ANDERSON, DOC#811192  
FRANK R. NORDLUND, DOC#912173  
CLALLAM BAY CORRECTOINS CENTER  
1830 Eagle Crest Way  
Clallam Bay, WA 98326-9723

PM 2/15/06

I. APPELLANT'S REPLY TO  
RESPONDENT'S COUNTER STATEMENT OF ISSUES

Weather RCW 72.11.020 authorizes a 20% LFO deduction that can be applied to funds received "in addition to wages and gratuities" under RCW 72.09.480(7).

If the Respondent's interpretation is correct, that the DOCs authority to collect LFO's under RCW 72.11.020 is independent of its authority to collect LFOs under RCWs 72.09.111 (applying to wages and gratuities) and 72.09.480 (applying to funds in addition to wages and gratuities)(Respondent's Brief at p. 3), then there is an obvious conflict between the statutes because RCW 72.11.020 applies to "funds that are sent or brought to the person, or earned by the person," language tantamount to "wages and gratuities" under RCW 72.09.111 and "funds in addition to wages and gratuities" under RCW 72.09.480; what statute controls?

II. STATEMENT OF THE CASE

Appellant's take exception to the alleged omission of material facts claimed by the Respondent. Secretary Harold W. Clarke's June 13, 2005, memorandum to all offenders clarifying that DOC intended to continue to collect LFOs from the incoming funds of all inmates under

authority of RCW 72.11.020, was an "Ad Hoc" memorandum issued after Appellant's filed suit in a belated attempt to minimize liability and, therefore, should be disregarded by this Court.

### III. ARGUMENT

RCW 72.09.480 PLAINLY CONTROLS DEDUCTIONS FOR ANY FUNDS RECEIVED "IN ADDITION TO WAGES AND GRATUITIES," AND THEREFORE DOES, IN FACT, NEGATE THE STATUTORY LANGUAGE "... FUNDS ... THAT ARE SENT OR BROUGHT TO THE PERSON, OR THAT ARE EARNED BY THE PERSON" FROM RCW 72.11.020.<sup>1</sup>

RCW 72.09.480 deals with "Inmate Funds Subject To Deductions ... [and provides certain] Exceptions." See Title to RCW 72.09.480. What are the "exceptions" and to whom do they apply? The statute clearly governs funds received "in addition to wages and gratuities" and deductions for (a) crime victims' compensation; (b) inmate savings account; (c) cost of incarceration; (d) legal financial obligations; and (e) child support payments. RCW 72.09.480(2)(a - e). Additionally, the statute governs deductions for funds received "from a settlement or award resulting from a legal action." RCW 72.09.480(3).

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<sup>1</sup> While not at issue here, RCW 72.09.111 controls "wages and gratuities" and similarly negates the statutory language "... funds ... that are earned by the person ..." from RCW 72.11.020.

This statutory language clearly applies to funds received "in addition to wages or gratuities," and covers a host of deductions -- including 20% for legal financial obligations. RCW 72.09.480(2)(d).

The statute also provides for certain exceptions. For example, the amount deducted under subsection (2) shall not exceed the DOCs total cost of incarceration for the inmate incurred during the inmate's minimum or actual term of confinement, which ever is longer. RCW 72.09.480(4); the deductions required under subsection (2) shall not apply to funds received for an offender for an education or vocational program associated with a work program or placement decision to prepare the inmate for work upon release. RCW 72.09.480(5); the deductions required under subsection (2) shall not apply to money received for postage expenses. RCW 72.09.480(6); and finally, the deductions from subsections (2) and (3) apply to all inmates "except as provided in subsection (7)." RCW 72.09.480(2),(3)&(7).

Inmates sentenced to life without parole or to death fall under entirely separate subsections which differ slightly from subsections (2) and (3). Notably, the difference is that subsections (7) & (8) do not contain deductions for an inmate savings account, legal financial obligations, LFO priorities established in Chapter 72.11

RCW and 72.09.111(1)(a)(iv)(unless "earning at least minimum wage"). Cf. RCW 72.09.480(2) & (3) with RCW 72.09.480(7) & (8); see also RCW 72.09.111(1)(a).

The statute is plain and unambiguous. Under subsection (2) non-LWOP inmates who receive any funds in addition to wages or gratuities are subject to, inter alia, a 20% LFO deduction. RCW 72.09.480(2)(d). This provision clearly abrogates the Department's alleged authority to subject any funds received "in addition to wages or gratuities" to an independent LFO deduction under RCW 72.11.020. Therefore, the Respondent's "independent additional authority" argument is misplaced because it creates a clear conflict between RCW 72.09.480(2)(funds received in addition to wages or gratuities) and RCW 72.11.020 (funds ... that are sent or brought to the person). One of the statutes must prevail over the other, which is it?

Subsection (2) also provides an exception for inmates in subsection (7), a separate subsection for LWOP inmates, likewise governing deductions for funds received in addition to wages or gratuities, which does not provide for a 20% LFO deduction. RCW 72.09.480(7).

The Respondent's concede that subsection (7) does not authorize a 20% LFO deduction, but nevertheless argue that it does not negate the secretary's authority under

RCW 72.11.020 to make LFO deductions from all inmates' accounts, non-LWOP and LWOP alike. Further, they argue that RCW 72.09.480(7) does not explicitly or implicitly limit LFO deductions that can be made from LWOP inmates' incoming funds, particularly under RCW 72.11.020.

To support this argument and cloak a clear conflict, the Respondent's generalize and substitute the words "incoming funds" for the specific statutory language any funds received "in addition to wages and gratuities" from RCW 72.09.480 -- and "... funds ... that are sent or brought to the person ..." from RCW 72.11.020. In other words, the Respondent's blend the language from each statute into the general words "incoming funds," and assert there is no conflict because the deductions under RCW 72.09.480(7) are mandatory, but the deductions under RCW 72.11.020 are discretionary. Based on pure conjecture, the Respondent's reason that the Legislature chose not to require an LFO deduction from the 'incoming funds' of death penalty and LWOP inmates under RCW 72.09.480(7), but instead left such deductions to the discretion of the secretary of DOC under RCW 72.11.020.

This argument is meritless because it makes little sense that the Legislature would mandate a 20% LFO deduction under RCW 72.09.480(2)(d) for non-LWOP inmates, and in

the very same paragraph provide an exception for subsection (7) inmates, which applies to the same funds but does not mandate the same 20% LFO deduction; all without ever clarifying that the lack of a 20% LFO deduction under subsection (7) was for the purpose of giving the secretary of the DOCs discretion under RCW 72.11.020.

In fact, the Final Bill Report for E2SHB 1143, C 325 L 99 (RCW 72.09.480), clarifies that "Any funds received from outside the prison by an offender who is sentenced to life imprisonment without parole or the death penalty are subject to a 25 percent deduction." Final Bill Report, E2SHB 1143, C 325 L 99, Summary, p. 2. In 2003 the Legislature amended the statute to include a 20% LFO and 15% child support deduction for non-LWOP inmates, and only a 15% child support deduction for LWOP inmates, raising the total deductions under subsection (7) from the previous 25% to 40%. Final Bill Report, SHB 1571, C 271 L 03, summary p. 2 (Inmates who have been sentenced to life imprisonment without the possibility of parole, or death, are also subject to the 15 percent deduction).

Nothing in the bill reports suggest the secretary of DOC has discretion under RCW 72.11.020 to include a 20% LFO deduction for LWOP inmates. Instead, it appears from the bill reports that RCW 72.09.480(7) "explicitly"

limits the Department's authority to make deductions from funds that are received "in addition to wages or gratuities" to that which is specified in the statute -- which does not include a 20% LFO deduction or a discretionary 20% LFO deduction from RCW 72.11.020 for subsection (7) inmates. RCW 72.09.480(7); See also Appendix A - Final Bill Reports.

Moreover, the Respondent's claim that the 20% LFO deduction was conducted pursuant to RCW 72.11.020 is false. The Department clearly implemented the policy pursuant to RCW 72.09.480. See Appendix B - DOC Memorandums on the subject. Additionally, the Department's own policy, DOC 200.000a1 supports this fact. See Appendix C - DOC Policy Directive, 200.000a1 - TRUST ACCOUNTS FOR OFFENDERS/DEDUCTIONS.

Furthermore, neither statute is crafted with discretionary language. Instead, both RCW 72.09.480 and RCW 72.11.020 use the word "shall" as a mandatory obligation. RCW 72.09.480(7) states in relevant part:

When an inmate sentenced to life imprisonment without possibility of release or parole ... receives any funds in addition to gratuities ... the additional funds shall be subject to deductions of 5% to the public safety and education account for the purpose of crime victims' compensation, 20% to the department to contribute to the cost of incarceration, and 15% to child support payments.

RCW 72.09.480(7)(emphasis added).

RCW 72.11.020 states in relevant part:

The secretary shall be custodian of all funds of a convicted person ... that are sent or brought to the person ... or that are forwarded to the superintendent on behalf of a convicted person. All such funds shall be deposited in the account of the convicted person ..., and the secretary shall have authority to disburse money from such person's account for ... satisfying ... a legal financial obligation to the court. Further, ... court ordered legal financial obligations shall be paid.

RCW 72.11.020 (emphasis added).

Furthermore, the fact that both statutes use mandatory language governing funds sent from an outside source undermines the Respondent's additional discretionary authority argument. When two statutes governing the same area conflict and cannot be reconciled, the court must choose between the two. Fifteen-0-One v. Department of Rev., 49 Wn.App. 300, 302, 742 P.2d 747 (1987). Here, as previously argued in Appellant's Opening Brief, RCW 72.09.480 is the newer and more specific statute and, therefore, must prevail over the antiquated RCW 72.11.020. State v. Landrum, 66 Wn.App. 791, 832 P.2d 1359 (1992); State v. J.P., 149 Wn.2d 444, 449-50, 69 P.3d 318 (2003).

The Respondent's rely on the PRP of Martin, 129 Wn.App. 135, 144, 118 P.3d 387 (2005), to suggest that RCW 72.11.020 authorizes the discretionary collection of LFOs from 'all inmates' for funds received in addition to wages or

gratuities under RCW 72.09.480(2) and (7). This argument is misplaced because the court in Martin was addressing the modification of an LFO order in a judgment and sentence under RCW 9.94A.772 and the department's authority to deduct from "wages and gratuities" under RCW 72.09.111. The Court stated:

DOC, as the custodian of inmate accounts, is further authorized to disburse money from such accounts 'for the purposes of satisfying a court-ordered legal financial obligation to the court ... as stated in RCW 72.09.111.' RCW 72.11.020. Under RCW 72.09.111, DOC has the authority to deduct from inmate accounts 20 percent for payment of legal financial obligations."

Martin, 129 Wn.App. at 143.

Appellant's do not dispute that RCW 72.11.020 authorizes a 20% LFO collection under RCW 72.09.111 for wages and gratuities. See RCW 72.09.111(1)(a)(iv)(20% LFO deduction for all inmates "earning at least minimum wage"); but see FN 1, supra. Because Martin deals with "wages, gratuities and benefits" under RCW 72.09.111(1)(a) it is distinguishable.

The issue here is funds received "in addition to wages and gratuities" under RCW 72.09.480, and what deductions said funds are subject to. Its Appellant's position that the statute is plain and unambiguous, and explicitly outlines the deductions by percent, and sets forth

"exceptions and limitations." In fact, the Respondent's concede that RCW 72.09.480(7) does not authorize a 20% LFO deduction. Nevertheless, they purport to be 'puzzled' why the Legislature failed to require 20% LFO deductions from LWOP inmates under subsection (7) when it required such deductions from non-LWOP under subsection (2).

The math is simple. For example, lets say an LWOP inmate owes \$20,000 dollars in LFOs. His life sentence without possibility of release or parole leaves absolutely no prospect for gainful employment or foreseeable method of ever paying the \$20,000 dollar debt. On occasion, and we'll say every other month, the inmates family sends him \$50.00 dollars to purchase hygiene products from the inmate commissary. Under RCW 72.09.480(7) the \$50.00 dollars is classified funds received in addition to wages and gratuities, and is subject to deductions of 5% for crime victims' compensation, 20% for cost of incarceration, and for the sake of this example, 20% for LFOs.

The 20% LFO deduction from the \$50.00 dollars would equal \$10.00 dollars every other month or a total of \$60.00 dollars a year for the payment of satisfying the \$20,000 dollar debt. At this rate it would take 17 years to pay \$1,020 dollars, 85 years to pay \$5,000 dollars, 170 years to pay \$10,000 dollars, 255 years to pay \$15,000 dollars,

and finally 340 years to pay the \$20,000 dollar debt. It makes little sense that the Legislature would require an inmates family to pay a debt that can never actually be paid, particularly, from a nominal sum sent from an outside source on a periodic basis. Moreover, requiring the inmates family to pay the debt would run contrary to the legislative trend of requiring inmates to be more responsible for their debts and the economic impact of their crimes.

#### IV. CONCLUSION

RCW 72.09.480(7) explicitly limits deductions from funds received in addition to wages and gratuities to 5% for crime victims' compensation, 20% for cost of incarceration, and 15% for child support payments. There is no language authorizing a discretionary 20% LFO deduction from RCW 72.11.020. Consequently, the DOCs 20% LFO deduction violated RCW 72.09.480 and the superior court erred in dismissing Appellants' complaint.

For the foregoing reasons, Appellants' respectfully request that the order and judgment of the superior court be reversed.

RESPECTFULLY SUBMITTED this 13<sup>th</sup> day of February, 2006.

*John P. Anderson*

John P. Anderson #811192

*Frank R. Nordlund*

Frank R. Nordlund #912173  
Clallam Bay Corrections Center  
1830 Eagle Crest Way  
Clallam Bay, WA 98326-9723

John P. Anderson & Frank R. Nordlund, Appellant's,  
vs. State Department of Corrections, Respondent.  
COA No. 33808-4-II/Superior Ct. No. 05-2-00446-3

CERTIFICATE OF SERVICE/MAILING  
PROOF OF SERVICE

I, Frank R. Nordlund, certify that I served a copy of the attached APPELLANTS' REPLY BRIEF on all parties or their counsel of record, as follows:

US Mail First Class Postage Prepaid  
Delivery Confirmation Requested/Mail Receipt Number:

\_\_\_\_\_ *N/A*

- United Parcel Service, Next Day Air
- ABC/Legal Messenger
- Inter-Institutional Mail/CBCC
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TO: DOUGLAS W. CARR, WSBA #17378  
AAG/COUNSEL OF RECORD  
WASH ST ATTNY GENERAL'S OFFICE  
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OLYMPIA, WA 98504-0116

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STATE OF WASHINGTON  
BY \_\_\_\_\_  
DEPUTY

I, the undersigned, certify and declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EXECUTED this 13th day of February, 2006, at Clallam Bay, Washington, Clallam County.

*Frank R. Nordlund*  
Frank R. Nordlund, DOC#912173  
Clallam Bay Corrections Center  
1830 Eagle Crest Way  
Clallam Bay, WA 98326-9723

# APPENDIX

## A

IN HOUSES OF THE LEGISLATURE  
**FINAL BILL REPORT**  
**E2SHB 1143**

**C 325 L 99**

**Synopsis as Enacted**

**Brief Description:** Authorizing deductions from inmate funds.

**Sponsors:** By House Committee on Criminal Justice & Corrections (Originally sponsored by Representatives O'Brien, Ballasiotes, Tokuda, Cairnes, Lovick, Kagi, Koster, Constantine, K. Schmidt, Kastama, Fisher, Quall, Kenney, Veloria, Eickmeyer, Kessler, Lantz, Ogden, Murray, Lambert, Dunn, Rockefeller and Conway).

**House Committee on Criminal Justice & Corrections**  
**House Committee on Appropriations**  
**Senate Committee on Human Services & Corrections**

**Background:**

Local Jail Booking Fee. Although municipalities and counties are authorized to establish inmate fines and require reimbursement for the cost of incarceration, they are not authorized to require any person who is booked in a county or municipal jail to pay a booking fee to the sheriff's department or police chief's department.

Inmate Funds. The Department of Corrections (DOC) is responsible for establishing deductions to be made from an inmate's wages to contribute to the cost of incarceration and the development of the correctional industries program. For example, a 35 percent deduction is withdrawn from the wages of inmates participating in a class I correctional industry program (private sector businesses operated in the DOC). The deduction is then distributed as follows:

- 5 percent to the crime victims' compensation program;
- 10 percent to the inmate's savings account; and
- 20 percent to the cost of the inmate's incarceration.

All money received by an inmate from outside of the prison (regardless of the inmate's custody level), including money used solely for postage purposes, is subject to the same mandatory deductions as class I industry wages and is deposited into a non-interest bearing account.

Inmates' wages and outside contributions are subject to a mandatory deduction for costs of incarceration. These funds are deposited in an account to support correctional

industries but only until December 31, 2000. After that date they will be deposited in the general fund.

**Summary:**

**Local Jail Booking Fee.** Municipalities and counties are authorized to require any person who is booked in a county or municipal jail to pay a \$10 booking fee to the sheriff's department or police chief's department where the jail is located. The person may pay the booking fee from any money currently in the person's possession. If the person does not have any money in his or her current possession, then the sheriff must notify the court for assessment of the fee. If the defendant is acquitted, not charged, or if the charges are dismissed, then the sheriff or police chief must return the booking fee to the defendant at the last known address in the booking records.

**Inmate Funds.** Any funds received from outside the prison by an offender who is sentenced to life imprisonment without parole or the death penalty are subject to a 25 percent deduction. The deducted amount will be distributed as follows: 5 percent to the Crime Victims' Compensation program and 20 percent to the cost of the inmate's incarceration.

Any money sent to an inmate from outside sources and designated solely to pay for postage is exempt from the mandatory 35 percent deduction. These funds cannot be transferred for any other use and any unused postage funds at the time of the offender's release will be subject to the mandatory deductions.

The secretary of the Department of Corrections must prepare a plan for depositing inmate savings account funds into an interest bearing account. The plan must assume that the funds are to be deposited into a commingled account for all inmates and that the interest shall be paid in a manner pro rata to the inmate's share of the total deposits at a rate not less than the passbook savings rate. The plan must be presented to the Governor and the Legislature not later than December 1, 1999.

The deductions for the cost of incarceration continue to support correctional industries after December 31, 2000.

**Votes on Final Passage:**

House 94 1  
Senate 43 0 (Senate Amended)  
House 94 2 (House Concurred)

**Effective:** July 25, 1999

# FINAL BILL REPORT

## SHB 1571

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### PARTIAL VETO

C 271 L 03

Synopsis as Enacted

**Brief Description:** Enhancing enforcement of child support obligations.

**Sponsors:** By House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Holmquist, Dickerson, Delvin, Upthegrove, Pettigrew, Hinkle, Priest, Condotta, Kristiansen, Orcutt, Rockefeller, Bush, McCoy and Clements).

**House Committee on Juvenile Justice & Family Law**  
**Senate Committee on Children & Family Services & Corrections**

#### **Background:**

Some inmates in the Department of Corrections (DOC) facilities are employed in work programs. These programs are categorized into five classes:

Class I industries are generally operated and managed by for-profit or nonprofit organizations under contract with the DOC. Inmates in this classification earn wages for their work.

Class II industries are state-owned and operated industries that produce products and services that are only sold to public agencies and nonprofit organizations. Inmates in this classification earn "gratuities" rather than wages.

Class III industries are institutional support industries.

Class IV industries are community work industries where the inmate provides services to his or her resident community.

Class V programs are designed for the inmate to work off restitution which he or she owes to a victim.

The DOC is currently responsible for taking deductions from the gross wages and gratuities of each inmate working in class I through class IV correctional industry programs. The DOC is required by statute to take certain mandatory deductions:

For inmates working in class I industries (and others earning at least minimum wage), the DOC takes 55 percent of the inmates' income. The 55 percent is divided into:

- 5 percent for crime victims' compensation;

- 10 percent for an inmate savings account;
- 20 percent to the DOC for costs of incarceration; and
- 20 percent for any owed legal financial obligations (LFOs) which can also include restitution for the victim.

For inmates working in class II industries, the DOC takes 50 percent of the inmate's income. The 50 percent is divided into:

- 5 percent for crime victims compensation;
- 10 percent for an inmate savings account;
- 15 percent to the DOC for costs of incarceration; and
- 20 percent for any owed LFOs.

For inmates working in class III industries, the DOC takes 5 percent of the inmate's income for the purpose of crime victim's compensation.

For inmates working in class IV industries, the DOC takes 5 percent of the inmate's income to contribute to the cost of incarceration.

When an inmate receives any funds in addition to his or her wages or gratuities, such as when a family member or friend sends a check to the inmate directly through the mail or the inmate wins a monetary lawsuit, then the additional funds are subject to the same 55 percent deduction as those inmates working in class I industries, and the funds are divided into the same categories.

Child support payments may be deducted from an inmate's wages and from the inmate's DOC savings account, in two ways:

- In instances where an offender works for a class I industry, the Division of Child Support (DCS) has the authority to send a payroll deduction notice directly through the employer to have child support payments withdrawn from the inmate's paycheck each pay period prior to the inmate receiving the paycheck; or
- The DCS may issue an order to withhold and deliver child support payments from any inmate who owes child support. Once the DOC receives the order, the funds in the inmate's savings account are sent to the DCS.

#### **Summary:**

The DOC is required to deduct 15 percent from class II through IV gratuities earned by an inmate working in a correctional facility work program. The DOC is also required to deduct 15 percent from any funds an inmate receives other than from wages or gratuities, except for funds received as a result of a settlement or award resulting from legal action. Inmates who have been sentenced to life imprisonment without the possibility of parole, or death, are also subject to the 15 percent deduction from money received by an inmate,

except for funds received as a result of a settlement or award resulting from legal action.

The Legislature intends that, unless proscribed by federal law or court order, child support deductions go directly to the person or persons in whose custody the child is and who is responsible for the daily support of the child.

Nothing in the act limits the DCS from taking collection action against an inmate's moneys, assets, or property which it is otherwise authorized to do by statute, including the collection of moneys received as a result of a settlement or awards resulting from legal action.

**Votes on Final Passage:**

House 93 0  
Senate 47 0 (Senate amended)  
House (House refused to concur)  
Senate 46 0 (Senate amended)  
House 98 0 (House concurred)

Effective: July 27, 2003

**Partial Veto Summary:** The Governor vetoed the intent section.

# APPENDIX

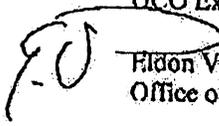
## B



STATE OF WASHINGTON  
**DEPARTMENT OF CORRECTIONS**  
**OFFICE OF CORRECTIONAL OPERATIONS**  
 P.O. Box 41118 • Olympia, Washington 98504-1118 • (360) 753-1573  
 FAX (360) 586-6582

July 27, 2004

**TO:** OCO Extended Management Team

**FROM:**  Eldon Vail, Deputy Secretary  
 Office of Correctional Operations

**SUBJECT:** RCW 72.09.480

Legislative changes made to Revised Code of Washington (RCW) 72.09.480, effective July 27, 2003, has required an increase to deductions the Department of Corrections must withhold from offender funds received outside of their wages and/or gratuities. The changes are the result of Substitute House Bill 1571 (RCW 72.69.480), an act relating to enhancing necessary child support payments and legal financial obligations.

The Department's implementation is occurring in two phases. The first, collection of child support, was made effective November 3, 2003, and the second, retrofitting existing offender accounts to reflect the amended statute, was completed April 19, 2004. This amendment was reversed in May 2004 but will be reinstated on September 1, 2004.

Effective September 1, 2004, RCW 72.09.480, which requires mandatory deductions from all outside income for offenders, will be enacted. Specifically, the law states when an inmate receives any funds in addition to his or her wages or gratuities, the additional funds shall be subject to the following deductions:

- Five percent to the public safety and education account for the purpose of crime victim's compensation;
- Ten percent to a Department personal inmate savings account;
- Twenty percent to the Department to contribute to the cost of incarceration; and
- Twenty percent to Legal Financial Obligations (LFOs).

Additionally, some or all of the deductions below may apply depending on each offender's individual obligations:

- Fifteen percent to the Division of Child Services;
- One hundred percent to a Non-LFO Court Order;
- Twenty percent to the offender's Department of Corrections Debt;
- Twenty percent to the Prison Litigation Reform Act.

*"Working Together for SAFE Communities"*

RCW 72.09.480  
Page two

At no time shall the deductions listed above draw an offender's account below the indigent level, identified per RCW 72.09.015 as \$10.00. However, crime victim compensation, cost of incarceration and savings are mandatory, and will be withheld regardless of the account balance or the amount of funds received.

The deposit exceptions will remain Veterans Affairs Benefits, Social Security Disability Benefits, proceeds from a 42 USC 1983 settlement, and tribal funds protected by federal statute.

EV:dg



STATE OF WASHINGTON  
**DEPARTMENT OF CORRECTIONS**  
**CLALLAM BAY CORRECTIONS CENTER**  
1830 Eagle Crest Way • Clallam Bay, WA 98326-9723 • (360) 963-2000  
FAX (360) 963-3390

May 20, 200~~3~~4

**TO:** ALL INMATES  
**FROM:** Sandra Carter, Superintendent  
Clallam Bay Corrections Center  
**SUBJECT:** ACCOUNT DEDUCTIONS

Per Assistant Deputy Secretary Lynne Delano:

***Effective today May 20, 2004**, the Department of Corrections will delay further implementation until September 1, 2004 of the Legal Financial Obligation deductions from "other deposits" (money received from family and friends) and settlements or awards resulting from legal action.*

*This action is being taken in order to conduct a review of the statutory obligations of deductions and to provide proper notice for the statutory change and deductions.*

Further information received states that any deductions taken on or before May 16, 2004 cannot be reversed, as the funds have been sent on to the other jurisdictions.

Any deductions taken May 17, 2004 till today, May 20, 2004, are in the process of being reversed. This should be completed by the *close of business* Friday, May 21, 2004.

If you still have questions about your individual account, please send a *kite* to the Business Office and you will receive an individual response.

SC:kme

**cc: ALL STAFF—for your information**

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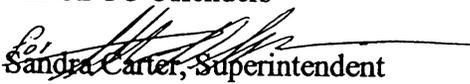
STATE OF WASHINGTON

**DEPARTMENT OF CORRECTIONS**  
**OFFICE OF CORRECTIONAL OPERATIONS**  
**CLALLAM BAY CORRECTIONS CENTER**

1830 Eagle Crest Way · Clallam Bay, Washington 98326-9723 · (360) 963-2000  
FAX (360) 963-3390

May 7, 2004

TO: All CBCC Offenders

FROM:   
Sandra Carter, Superintendent  
Clallam Bay Corrections Center

SUBJECT: Inmate Accounts

Today we have invested a considerable amount of effort to determine the cause of the deductions from many of your accounts.

We have learned that a recent improvement to the Trust Account System (TAS) has enabled the system to deduct the Legal Financial Obligations (LFO) required by RCW's 72.09.480 and 72.09.111. This law went in to effect in April of 2003 and due to some technical problems with TAS these deductions could not be made at the time the law went into effect.

Adjustments to the TAS system are complete and now these deductions will be coming out of offender's accounts. These deductions are not across the board and will not effect all inmates in the same way. There are several variables that will apply to each of you. The CBCC Offenders accounts manager has provided some material that will help you determine the impact to your personal accounts.

For those of you who may have already experienced these deductions, the Department of Corrections, Accounting Services/LFO Unit is forwarding a receipt of the deduction. It is anticipated that this receipt will reflect the deduction and the cause where the payment was credited.

This material has been provided for posting in the units, and in some units the tier reps have received copies. Please take this weekend to review the material provided and for those of you who have questions you may contact your counselor next week.

Ref: Bulletin Board Posting

*"Working Together for SAFE Communities"*

B-unit



STATE OF WASHINGTON  
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OFFICE OF CORRECTIONAL OPERATIONS  
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FAX (360) 963-3390

May 6, 2004

To: All Offenders  
From: *Corliss*  
Crystal Corliss, Financial Analyst 2

Subject: LFO Deductions

In April of 2003, during the last legislative session, changes were made to RCW 72.09.111 and 72.09.480 that required the Department of Corrections to start deducting LFO's from deposit types not previously deducted from. Policy 200.000 was updated 11/03/2003 and the deductions matrix reflects the changes to which deposit types. The Department did not get this hard coded into TAS until April 2004, thus the sudden change in the amount of deductions. If you still have issues on your LFO deductions you need to contact Olympia at: Department of Corrections, Accounting Services/LFO Unit, P.O. Box 41107, Olympia, Wa 98506-41107

# APPENDIX

## C

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p><b>POLICY DIRECTIVE</b></p> <p><input checked="" type="checkbox"/> Offender Manual <input checked="" type="checkbox"/> Spanish</p>	<p><b>PRISON/PRE-RELEASE/ WORK RELEASE</b></p>	<p>NUMBER <b>DOC 200.000</b></p>	
	<p>SIGNATURE</p> 	<p>DATE</p>	<p>EFFECTIVE DATE <b>11/03/03</b></p>
	<p>TITLE JOSEPH D. LEHMAN, SECRETARY</p>		<p>PAGE NUMBER <b>1 of 6</b></p>
<p><b>TRUST ACCOUNTS FOR OFFENDERS</b></p>			

**SUPERSESSION:**

DOC 200.000 effective 1/22/02; DOC 200.710 effective 1/24/03

**REFERENCES:**

DOC 100.100 is hereby incorporated into this Policy Directive: RCW 4.84; RCW 9.94a.030, 760, 780; RCW 9.95.210, 214, 310-370; RCW 10.64.120; RCW 11.08; RCW 72.04A.120; RCW 72.09.110, 111, 480; RCW 72.11; RCW 72.65.050, 060; ACA 4-4046; ACA 4-4047; ACA 4-4292; ACA 7D-30; ACA 7D-32; ACA 7D-33; DOC 440.000 Personal Property for Offenders; DOC 440.100 Disposition of Property of Deceased Offenders; RAP 14.1 et seq; RAP 16.15, CR 11; 28 U.S.C § 1915, § 1920, § 1923; Trust Accounting Manual

**POLICY:**

- I. The Department shall provide for the prudent management of state resources, be accountable to the citizens of the state, and recognize that offenders share a fiscal obligation with the Department. The Department shall provide criteria for offender trust account operations, deposits, withdrawals, and transfers for offenders in Prison, Pre-Release, and Work Release to ensure fiscal accountability and safeguarding of state assets. [4-4292] Criteria shall include orderly, consistent, and timely collection of an offender's legal financial obligations (LFO), child support, current liabilities, and debt.
- II. Accounting and reporting will be in accordance with policies, regulations, and procedures published by the Office of Financial Management (OFM) and any supplemental instructions in the form of memos and/or manuals issued by the Office of Administrative Services (OAS) Business Services.
- III. This Policy Directive is applicable to any person committed to the custody of the Department who resides in a correctional facility, to include persons received from another state, state agency, county, or federal jurisdiction.

**DIRECTIVE:**

- I. Bank Accounts
  - A. Offender funds shall be maintained in an authorized Federal Deposit Insurance Corporation (FDIC) financial institution (bank) checking account. All offender funds in the custody of the Department shall be consolidated into one account by

NUMBER	TITLE	EFFECTIVE DATE	PAGE NUMBER
DOC 200.000	TRUST ACCOUNTS FOR OFFENDERS	11/03/03	2 of 6

facility/region and deposited in an agency-approved local bank by the business office.

- B. The funds shall be maintained in non-interest bearing accounts. [4-4046]
- C. Fees such as, but not limited to, stop payment or non-sufficient funds (NSF) check charges shall be deducted from the appropriate offender account. Refer to the Trust Accounting Manual for details.
- D. Offenders will not be allowed to make voluntary deposits to or maintain separate individual savings, checking, investment accounts, or certificates of deposits for funds received by the Department.

## II. Sub Accounts

- A. Offender funds are maintained in the Trust Accounting System (TAS) detailing transactions in Sub Accounts (attached).

## III. Deposits

- A. All funds received will be deposited to the bank on a daily basis. Deposits posted by the bank will be reconciled to the deposit recorded in TAS.
- B. Offender signatures are not required on the back of a check, money order, or cashiers check if the business office uses an endorsement stamp to deposit to the offender's trust account and the bank.
  - 1. Personal checks are only accepted in Olympia OAS and designated Work Release facilities. Work Release facilities will use DOC 19-104 Transmittal of Trust Funds with the offender's DOC number on the back of the check, money order, cashiers check, or EFT/ACH statement and endorsement stamp where appropriate.
- C. All funds received will be deposited to an offender's account in total. No deductions may be made from an offender's funds until posting to TAS has been completed. All funds received in any form are held in trust for the offender's use.
- D. Community Services Revolving Fund (CSRF) loans are available for all offenders transferred, paroled, or released to a Work Release facility, including county placement offenders. Loans to county placement offenders are based upon time of commitment per Sub Account (attached).
  - 1. CSRF loans are not subject to mandatory deductions.
  - 2. The maximum amount available for any offender housed in a Work Release facility is \$300. Additional loans may be approved. Refer to the Trust Accounting Manual for details.

## IV. Exempt Deposits

NUMBER DOC 200.000	TITLE TRUST ACCOUNTS FOR OFFENDERS	EFFECTIVE DATE 11/03/03	PAGE NUMBER 3 of 6
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**A. The following exempt deposits are exempt from all deductions:**

1. Transfers from another Department facility or business office.
2. Education sub account.
3. Postage sub account.
4. Medical sub account.
5. Vendor refunds, when the offender has proof the purchase was made with funds from the facility account. If proof is not provided, the funds are considered non-exempt from mandatory deductions.
6. Tribal funds protected by federal law or court order.
7. Voided checks.
8. Veteran's and Social Security Disability Benefits when received directly from the federal agency.

**B. The following exempt deposits are exempt from mandatory deductions only and are subject to other deductions:**

1. Proceeds from lawsuits filed pursuant to the United States Code 42 U.S.C. Sec.1983.
2. Income tax returns from Class I wages only.

**V. Deductions From Deposits**

- A. Deductions, as specified in this Policy Directive, Deductions (attached), and the Deduction Matrix (attached), will be taken at the time each deposit is posted to an offender's trust fund.**

**VI. Contracts and Outside Vendor Credit Accounts**

- A. Offenders will not utilize credit cards, time payment plans, or any type of credit account while under the jurisdiction of the Department.**
1. Offenders will not enter into any contract while under the jurisdiction of the Department without the approval of the Secretary/designee.
  2. The above restrictions do not apply to offenders on community supervision unless otherwise ordered by the court.

**VII. Withdrawals**

- A. Withdrawals from offender accounts include, but are not limited to, the following:**

NUMBER	TITLE	EFFECTIVE DATE	PAGE NUMBER
DOC 200.000	TRUST ACCOUNTS FOR OFFENDERS	11/03/03	4 of 6

1. Internal Revenue Service (IRS) tax levies,
  2. Non-LFO court orders,
  3. Office of Support Enforcement (OSE) Order to Withhold and Deliver (OWD), refer to the Order to Withhold and Deliver section of this Policy Directive,
  4. Costs, sanctions, and attorneys' fees (i.e., non-LFO court orders),
  5. Store purchases,
  6. Health care services co-payment,
  7. Postage,
  8. Lost or damaged keys and IDs,
  9. User fees (i.e., TV fees, TV rentals, etc.),
  10. Education,
  11. Other purchases made in compliance with DOC 440.000 Personal Property for Offenders, and
  12. An approved withdrawal through the facility's or business office's approval process.
- B. Offenders are not allowed to directly or indirectly transfer funds between other offender's accounts or exchange funds or items of value with staff, other offenders, volunteers, or sponsors. [4-4047] [7D-30] Offenders may not withdraw money to establish or deposit to accounts, investments, certificates of deposit, or credit accounts outside of the Department's offender trust account. Offenders are not allowed to bank through the mail or conduct monetary transactions except through the Department's offender trust account.
- C. Withdrawals for fees, assessments, deposit corrections, stores, and other transactions will be handled as current transactions and deducted from the offender's spendable balance. Withdrawals from an offender's account cannot draw the spendable balance below zero.
- D. Offenders may request, upon proof of personal indebtedness, payments to creditors providing the offender has sufficient funds to cover the request and postage.

#### VIII. Order to Withhold and Deliver (OWD)

- A. An offender's trust fund balance, including savings sub accounts and amounts held by the Department for shipping costs, store purchases, etc., are subject to

NUMBER	TITLE	EFFECTIVE DATE	PAGE NUMBER
DOC 200.000	TRUST ACCOUNTS FOR OFFENDERS	11/03/03	5 of 6

collection by OSE, Department of Social and Health Services (DSHS) through an OWD.

1. Pursuant to RCW 72.65.060, earnings of Work Release participants are not subject to garnishment, attachment, or execution, including OWDs.
2. An offender's education sub account is exempt from collection of an OSE OWD.

#### IX. Exceptions

- A. Court orders specifying deduction percentages and/or payment amounts as part of the Judgment and Sentence (J&S) while the offender is incarcerated will be processed prior to any other deductions or withdrawals.
- B. Offenders who are employed by a Class I industry, and who have LFO deductions, are exempt from the 20 percent debt collection on wages until such time as the LFO is satisfied.
- C. [7D-32] Work Release room and board deductions for offenders participating in a Work Release program will be deducted daily. In the event that an offender's daily spendable balance is less than his/her daily room and board obligation, that portion of the unpaid room and board will become a debt of the offender and collected in the priority order listed on Deductions (attached) according to the Deduction Matrix (attached).
  1. Violators will not be charged for Work Release room and board.
- D. An offender shall receive the balance of his/her trust account upon release from the Department. At the discretion of the facility Superintendent/Community Corrections Supervisor (CCS) or designee, \$50 maximum may be placed on hold to cover the costs of shipment of personal property, outstanding medical co-pays, or other outstanding obligations not received in the business offices. Any amount known to be owed by the offender may be withheld. After 2 weeks, the \$50 or any balance will be forwarded to the offender.
- E. Based upon the offender Work Release plan, and with the approval of the Work Release Supervisor/designee, an offender may be released with an amount of money sufficient to provide adequate community placement, provided funds are available in the offender's account.

#### X. Unclaimed Property

- A. Accounts/funds of offenders that are on escape status, or when the offender's address is unknown, will be held for 6 months by the Department. After 6 months, the account will be closed and the funds deposited to CSRF as unclaimed property.

NUMBER	TITLE	EFFECTIVE DATE	PAGE NUMBER
DOC 200.000	TRUST ACCOUNTS FOR OFFENDERS	11/03/03	6 of 6

- B. If an offender is returned to the Department, the offender may request the funds be returned by completing DOC 09-012 Request for Unclaimed Property within 5 years of deposit to the CSRF.
- C. Property of deceased offenders will be handled per DOC 440.100 Disposition of Property of Deceased Offenders and RCW 11.08.

**DEFINITIONS:**

Words/terms appearing in this Policy Directive may be defined in the Glossary section of the Policy Directive Manual.

**ATTACHMENTS:**

Deductions [7D-33]  
Deduction Matrix  
Sub Accounts

**DOC FORMS (See Appendix):**

DOC 09-012 Request for Unclaimed Property  
DOC 19-057 Mandatory Savings Account Access  
DOC 19-104 Transmittal of Trust Funds  
DOC 19-105 Inmate Banking System Request for Advance and Promissory Note  
DOC 19-106 Inmate Banking System Check Request  
DOC 20-305 Correspondence Study Request

# DEDUCTIONS

## DEDUCTIONS:

Deductions specified in this attachment and displayed in the Deduction Matrix will be taken at the time each deposit is posted to an offender's trust fund.

The deposit types and percentages are displayed on the Deduction Matrix. Further detail for any of the following deductions can be found in the Trust Accounting Manual.

### I. MANDATORY DEDUCTIONS:

- A. Mandatory deductions are required as per RCW 72.09.111 and 72.09.480. Mandatory deductions are taken as a percentage of the deposit type. The mandatory deductions and percentages are:

Crime Victim Compensation (CVC) – 0 percent to 5 percent,  
Cost of Incarceration (COI) – 0 percent to 20 percent, and  
Savings – 10 percent to 12 percent.

CVC are deductions sent to Labor and Industries (L&I) to assist victims of crime. COI is used to support the Department Correctional Industries work programs for offenders.

Savings is also a sub account in the offender's trust fund. Further details of the offender's savings sub account are listed in Sub Account attachment.

### II. LEGAL FINANCIAL OBLIGATIONS (LFO):

- A. LFO deductions are taken in accordance with an offender's Judgment and Sentence (J&S). 20 percent for Prison offenders or 10 percent for Work Release offenders will be deducted from deposits for offenders that meet the requirements stated in the Trust Accounting Manual and on the Deduction Matrix.
- B. LFO is forwarded to the appropriate county clerk until the offender's obligations are satisfied. Refunds of LFO will not occur after the payment has been sent to the appropriate county. The offender must contact the appropriate county for a refund to be returned to his/her account.

### III. FILING FEES:

- A. Filing fees are withheld and forwarded to the Federal District Court in accordance with the Prison Litigation Reform Act (PLRA). Obligations established by the offender's declaration of In Forma Pauperis (IFP) will be collected at 20 percent deductions for each, until all are satisfied.

### IV. COSTS, SANCTIONS, AND ATTORNEY FEES (non-LFO court orders):

- A. Costs, Sanctions, and Attorney Fees (CSAF) are orders received from the Attorney Generals Office. Per RCW 72.09.450 collections of CSAF will be collected leaving the indigency level remaining on the offender's account. Current indigency level is defined in RCW 72.09.015 as \$10. Collections will continue until the CSAF balance is paid in full.

## **DEDUCTIONS**

B. Other non-LFO court orders will be collected as stipulated in the court order.

### **V. OFFICE OF SUPPORT ENFORCEMENT (OSE) ORDER TO WITHHOLD AND DELIVER (OWD):**

A. Offenders' sub accounts are subject to an OWD per sub accounts attachment. However, OSE Payroll Deduction Notice (PDN) will be returned to OSE.

### **VI. DEBTS:**

A. Debt collections will occur at the time a deposit is made to an offender's account. 20 percent will be collected until all outstanding debt is satisfied.

B. Offender debts will be liquidated in the order depicted. A percentage of deposits to the offender's account listed on the Deduction Matrix will be deducted and applied to debt in the following priority order:

1. Outstanding loan balance to CSRF (debt over 45 days old);
2. Un-reimbursed Work Release room and board;
3. Outstanding misdemeanor Cost of Supervision (COS) debt;
4. Outstanding felony COS debt;
5. Outstanding Offender Minimum Management Unit (OMMU) COS debt;
6. Outstanding conversion COS debt;
7. Outstanding from out-of-state COS debt;
8. Health care services co-payment;
9. Television fees;
10. Replacement hygiene items;
11. Postage;
12. Copy costs;
13. ID cards;
14. Property damage; and
15. Other Department restitution. All Department restitution including electronic monitoring and fees not listed above shall be recovered based on the oldest debt first, regardless of origin.

C. The CSRF loan balance collections will be forwarded to OAS Business Services, LFO/COS Accounting Section for disposition. All other offender debts will be deposited in accordance with procedures in the Trust Accounting Manual.

D. Debt balances may be collected in full from the offender's available balance at the time the offender is discharged from the custody of the Department. Available balance of an offender's account is the amount of funds to be released to the offender. However, at the Superintendent's/Work Release Supervisor's discretion, an offender may retain sufficient funds for establishing personal residence upon release.

E. An outside party may pay the offender's debt. The outside party must send a signed memo/letter with the money order or cashier's check in the exact amount of the outstanding debt. Checks will be accepted at Headquarters and designated

## **DEDUCTIONS**

**Work Release facilities only. The outside party cannot designate which debt is to be paid. Debt will be paid in the priority designated in DOC 200.000 Trust Accounts for Offenders. Any amount exceeding the debt balance will be treated as an "other" deposit and mandatory deductions will be taken.**

- F. The Department will not collect outstanding debt from the offender's deposits that would cause his/her spendable sub account balance to fall below \$10.**

# DEDUCTIBLE MATRIX

TYPE OF DEPOSIT	OSE*	PLRA	LFO	CVC	COI	SAVINGS	NON-LFO*6	DEBT*3	NOTES
	4								
CLASS I W/O OSE	0	20%	20%	5%	20%	10%	*6	0%	*2
CLASS I W/O OSE-NO LFO	0	20%	0%	5%	20%	10%	*6	20%	*2
CLASS I W/ OSE	50%	20%	20%	5%	20%	10%	*6	0%	*1
CLASS I W/ OSE-NO LFO	50%	20%	0%	5%	20%	10%	*6	20%	*1
CLASS I W/O OSE/ILWOP	0	20%	20%	5%	20%	0%	*6	0%	*2
CLASS I W/O OSE/ILWOP-NO LFO	0	20%	0%	5%	20%	0%	*6	20%	*2
CLASS I W/ OSE/ILWOP	50%	20%	20%	5%	20%	0%	*6	0%	*1
CLASS I W/ OSE/ILWOP-NO LFO	50%	20%	0%	5%	20%	0%	*6	20%	*1
CLASS II	15%	20%	20%	5%	15%	10%	*6	20%	
CLASS III/ILWOP	15%	20%	20%	5%	15%	0%	*6	20%	
CLASS III	15%	20%	0%	5%	0%	0%	*6	20%	
CLASS IV	15%	20%	0%	0%	5%	0%	*6	20%	
INCENTIVE PAY									
CLASS I w/lose	0	20%	20%	5%	0%	10%	*6	0%	*2
CLASS I w/lose-no lfo	0	20%	0%	5%	0%	10%	*6	20%	*2
CLASS I w/lose	0	20%	20%	5%	0%	10%	*6	0%	*1
CLASS I w/lose-no lfo	0	20%	0%	5%	0%	10%	*6	20%	*1
CLASS II/ILWOP	0	20%	20%	5%	0%	0%	*6	20%	*2
CLASS II/ILWOP-no lfo	0	20%	0%	5%	0%	0%	*6	20%	*2
CLASS II	15%	20%	20%	5%	0%	10%	*6	20%	
CLASS II-no lfo	15%	20%	0%	5%	0%	10%	*6	20%	
CLASS III/ILWOP	15%	20%	20%	5%	0%	0%	*6	20%	
CLASS III/ILWOP-no lfo	15%	20%	0%	5%	0%	0%	*6	20%	
CLASS IV	15%	20%	0%	0%	0%	0%	*6	20%	
CLASS IV-no lfo	15%	20%	0%	0%	0%	0%	*6	20%	

# DEDUCTIBLE MATRIX

TYPE OF DEPOSIT	OSE*4	PLRA	LFO	CVC	COI	SAVINGS	NON-LFO*6	DEBT*3	NOTES
WTR EARNINGS	0	20%	10%	0%	0%	12%	*6	20%	*3
OTHER DEPOSITS (any other deposit except those listed below)	15%	20%	20%	5%	20%	10%	*6	20%	
EXEMPT DEPOSITS with no deductions									
Institution transfer of trust account	0	0%	0%	0%	0%	0%	0%	0%	*5
Education sub account	0	0%	0%	0%	0%	0%	0%	0%	
Medical sub account	0	0%	0%	0%	0%	0%	0%	0%	
Vendor refunds	0	0%	0%	0%	0%	0%	0%	0%	
Voided checks	0	0%	0%	0%	0%	0%	0%	0%	
Postage sub account	0	0%	0%	0%	0%	0%	0%	0%	*7

EXEMPT DEPOSITS from Mandatory Deductions due to Federal Statute									
Protected Tribal funds	0	20%	0%	0%	0%	0%	0%	0%	
VVA/SSI Disability Benefits	0	20%	0%	0%	0%	0%	0%	0%	
USC 42 1983 Lawsuit Settlement	0	20%	20%	0%	0%	0%	*6	20%	
Income Tax refund (Class 1 Wages only)	0	20%	20%	0%	0%	0%	*6	20%	*8

- NOTES:**
- OSE can deduct 50% of disposable earnings after taxes. DOC deductions are calculated on the net wages.
  - Mandatory deductions are calculated on the gross wages not net.
  - Debts include WR room and board. Debts will be collected leaving \$10 balance in the spendable sub account.
  - Any OWD issued by the OSE requires the balance of any inmate account to become 0 to include savings. Exception - Education sub accounts.
  - Exempt deposits are exempt from mandatory 35% deductions only. Exempt deposits are defined in Policy 200.000.
  - Postage sub account is exempt from mandatory deductions until released.
  - Class 1 wage deductions are calculated on gross wages. Deductions on tax refund are calculated in gross wages.

# **SUB ACCOUNTS**

## **SUB ACCOUNTS:**

An offender's trust fund account is comprised of sub accounts. The sub accounts are:

- I. Spendable sub account,
- II. Savings sub account,
- III. Work Release savings sub account,
- IV. Postage sub account,
- V. Education sub account,
- VI. Medical sub account, and
- VII. Community Services Revolving Fund Sub Account (CSRF).

### **I. SPENDABLE SUB ACCOUNT:**

- A. The spendable (REG) sub account is the amount of funds available for use by an offender.
- B. Offenders are not allowed to request to have funds from other sub accounts transferred to spendable balance for their use.

### **II. SAVINGS SUB ACCOUNT:**

- A. The savings (SAV) sub account is the savings required by RCW 72.09.111 and RCW 72.09.480. To request access to mandatory savings, an offender must initiate DOC 19-057 Mandatory Savings Account Access and submit it to his/her Counselor/CCO. Work Release Community Corrections Supervisors (CCS) can approve access to mandatory savings to assist offenders with transition to the community and shall determine the amount the offender may withdraw. For offenders in Prison and Pre-Release to access mandatory savings, approval must be given by the Superintendent and the OCO Deputy Secretary/designee. If the Superintendent disapproves a request, it shall not be forwarded any further. Approved DOC 19-057 Mandatory Savings Account Access shall be sent to the appropriate offender banking unit. See Deduction Matrix.
- B. Offenders serving Life Without the Possibility of Parole and death penalty sentences are exempt from mandatory savings.
- C. Savings will be available to the offender upon release from the jurisdiction of the Department.
- D. Voluntary deposits to the savings sub account are not allowed.

### **III. WORK RELEASE SAVINGS SUB ACCOUNT:**

- A. A Work Release savings (WRSV) sub account deduction of 12 percent is taken from Work Release pay while an offender is assigned to a Work Release facility.
- B. Work Release savings will be released to the offender upon release from the jurisdiction of the Department. Final approval for access to Work Release savings sub accounts shall be by the CCS for emergency use or community

## **SUB ACCOUNTS**

placement. DOC 19-057 Mandatory Savings Account Access, initiated by the offender, must be approved prior to access to savings sub accounts. The CCS shall determine the amount of funds the offender may withdraw from his/her Work Release savings sub account. The request must include the offender's purpose for the use of the savings. The approved form will be forwarded to the appropriate offender banking unit for processing. If the offender is returned to Prison or Pre-Release, only the Work Release savings may be applied to debt per the priority of debt collections in DOC 200.000 Trust Accounts for Offenders and the Trust Accounting Manual.

- C. Voluntary deposits to the Work Release savings sub account are not allowed.

### **IV. POSTAGE SUB ACCOUNT:**

- A. Funds received from outside sources and designated for the postage sub account are exempt from mandatory deductions per RCW 72.09.480(5).
- B. Offender with funds in their postage sub account will request postage, personal property shipping, and mail requests for a private mail courier be taken from the postage sub account. If the postage sub account does not contain enough funds to cover the postage request, the balance of any request will be taken from the offender's spendable sub account balance. The offender cannot use the funds designated for the postage sub account for any purpose other than postage.
- C. The postage sub account is subject to Office of Support Enforcement (OSE) Order to Withhold and Deliver (OWD).
- D. Upon release from the jurisdiction of the Department, any balance in the offender's postage sub account will be subject to mandatory deductions.

### **V. EDUCATION SUB ACCOUNT:**

- A. Funds received from outside sources and designated for the education sub account is exempt from mandatory deductions per RCW 72.09.480(5).
- B. The education sub account is only to be used for deposits or withdrawals when the offender has followed procedures established in DOC 500.100 Correspondence Education for Offenders. The business office copy of DOC 20-305 Correspondence Study Request, approved by the Case Manager and education staff, authorizes the offender's use of the education sub account. Funds received for an offender without approval will be returned to the sender.
- C. An offender may accumulate no more than \$1,500 at any time in the education sub account.
- D. Upon release from the jurisdiction of the Department, any balance in the offender's education sub account is released to the offender.

### **VI. MEDICAL SUB ACCOUNT:**

## **SUB ACCOUNTS**

- A. Funds received from outside sources and designated for the medical sub account are exempt from mandatory deductions per RCW 72.09.480(5).
- B. The medical sub account is only to be used for deposits and withdrawals when the offender has received approval, as specified in the procedures established in DOC 600.020 Elective Offender Paid Health Care. Funds received for an offender without approval will be returned to the sender.
- C. The nominal non-refundable processing fee of \$50 is withdrawn from the offender's account when the request is made to use the elective health care. See the Trust Accounting Manual.
- D. The medical sub account is subject to an OSE OWD.
- E. Upon release from the jurisdiction of the Department, any balance in the offender's medical sub account is released to the offender.

### **VII. COMMUNITY SERVICES REVOLVING FUND SUB ACCOUNT:**

- A. CSRF sub account deposits are funds requested by an offender's Work Release CCS to assist a Work Release offender in seeking employment. The maximum allowable request for a CSRF Loan is \$300. The offender must sign DOC 19-105 Inmate Banking System Request for Advance and Promissory Note before the loan is completed.
- B. Deposits made to CSRF sub account are not subject to mandatory deductions.
- C. Requests for funds from CRSF sub account are approved on DOC 19-106 Inmate Banking System Check Request or DOC 19-106A (long version).
- D. The CCS may approve offender requests for additional loans to purchase work-related clothes or equipment. The offender must sign DOC 19-105 Inmate Banking System Request for Advance and Promissory Note before the loan is completed.
- E. Community Corrections Jail (CCJ) and Community Corrections Inmate (CCI) offenders can receive a CRSF loan if the offender is unemployed and after signing DOC 19-105 Inmate Banking System Request for Advance and Promissory Note. Counselors must include in the request for a loan the length of time the offender is staying at the Work Release.
- F. The amount of the loan depends on the length of the offender's sentenced time:
  - 1. 0 – 30 days or one month \$ 20
  - 2. 31 – 60 days or two months \$ 50
  - 3. 61 – 90 days or three months \$ 80
  - 4. 91 – 120 days or four months \$100
  - 5. 121 – 150 days or five months \$120
  - 6. 151 – 180 days or six months \$150

## **SUB ACCOUNTS**

- G. The CSRF sub account is not subject to an OSE OWD.