

## INMATE WELFARE FUND

### Policy:

There shall be deposited in the "Inmate Welfare Fund" all net proceeds from the operation of canteens, hobby shops, inmate phone systems and any monies which may be assigned to the county jail system by prisoners for contribution to the fund. The monies in the fund shall constitute a trust held by the Sheriff for the benefit and welfare of all of the inmates of detention facilities under the jurisdiction of the Sheriff.

### Goal:

It is a goal of the Guilford County Sheriff's Department that the Division of Detention Services shall administer and maintain an Inmate Welfare Fund. It is the purpose of this fund to assist in providing the needed resources to enable the division to more adequately address the general welfare and quality of life for inmates while detained by the department.

### Legal Authority:

Governmental units, through their rule making authority, have the ability to direct the establishment of such funds. The courts have found that none of the "profits" of such funds can be retained by any of its duly appointed or elected officials. There also seems to be some questions concerning the legitimacy of profits being utilized specifically for supplementing the "General Fund" accounts. Although direct deposits are not uncommon, it is assumed that these monies merely "offset" the duty of addressing "Inmate Welfare."

It is maintained that the accountability of these funds is much easier, under Generally Accepted Accounting Practices (GAAP) as a stand alone account rather than being deposited in one central account. It has also been established that "but for" activity of inmates and services these profit producing activities would not exist. Therefore, profits from these activities should address legitimate welfare issues.

### Purpose/Use of the Fund:

According to a survey conducted by Eric Neesser, Associate Professor of Law, Rutgers School of Law, Inmate Welfare Funds are justifiably expended in seemingly limitless ways, including the following:

- purchases of television sets, radio systems, athletic supplies and uniforms, library books (including legal materials), magazines, barber and beauty-shop supplies, musical instruments, toilet articles, and fruit for each inmate at Christmas;

- repair of televisions, sports equipment, canteen equipment, and numerous other items;
- special one-time inmate expenses, such as travel to a relative's funeral and funeral expenses;
- movies, shows, and other "special events";
- grants to inmate organizations, fees for sports participation and other group events, and prizes and awards for athletic and educational achievement;
- rehabilitation services, such as Alcoholics Anonymous, handicraft programs, vocational-training supplies, and educational services;
- fees for religious activities and clergymen;
- medical supplies and equipment, payment of medical-personnel salaries, and travel expenses for doctors coming to prison;
- inmate newspapers;
- loans to paroles;
- inmate salaries; and
- prison-employee salaries and benefits

It should be noted that many of the items listed above are now part of the Department's funding request in the annual budgeting process.

Current Status/History:

Presently the detention division handles thousands and thousands of dollars weekly. The accountability and security of these funds have proven to be an extreme draw on staff resources. The chances for pilfering, loss and mismanagement are far too high to be acceptable.

Future:

With the installation of the INSLAW JAILTRAC system in mid-1988 we will have the capacity to operate a "cash-free" inmate population. Money within the possession of inmates is an extremely dangerous security problem. Without money we will see a dramatic decrease in loan sharking, theft, gambling, extortion and favor buying. Additionally, with the absence of money and implementation of a "voucher" system, we will increase the general safety and security of both inmates and staff.

Plan:

If authorization is granted we will pursue with the following:

- 1) Establishing an interest bearing checking account through one of the local banks.
- 2) Establish acceptable accounting practice concerning the daily depositing and withdrawal from such an account.
- 3) Establish an audit process through County financial services.
- 4) Establish an acceptable expenditure list for inmate welfare items.
- 5) Ensure that our annual budget reflects this account as an asset for the Detention Services Division.

Request:

Consider the establishment of an "Inmate Welfare Fund" and advise the Department as to whether we should or should not proceed with this option.