

MICHIGAN DEPARTMENT OF CORRECTIONS <b>POLICY DIRECTIVE</b>	EFFECTIVE DATE 08/24/2020	NUMBER 04.02.120
	SUBJECT <b>INDIGENT PRISONERS</b>	
SUPERSEDES 04.02.120 (05/01/2019)		AUTHORITY MCL 791.203; Administrative Rule 791.6603, 791.6639; Tax Cuts and Jobs Act of 2018
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**POLICY STATEMENT:**

Indigent prisoners in Michigan Department of Corrections (MDOC) correctional facilities are eligible to receive loans and services as set forth in this policy.

**POLICY:**

GENERAL INFORMATION

A. This policy does not apply to prisoners in the Special Alternative Incarceration Program (SAI).

PLACEMENT ON INDIGENT LIST

B. A prisoner is eligible for indigent status if they meet all of the following criteria:

1. The prisoner's available account balance (on the first day of the calendar month preceding application) plus gross receipts (total receipts received in the calendar month preceding application) did not equal or exceeded \$11.00 except as follows:
  - a. If funds are received that are designated for release planning or for medical or educational expenses, those funds shall not be used in the calculation.
  - b. If there is a hold placed on funds that are subject to a hearing (e.g., Health Care co-pay, restitution, error correct), those funds would not be included in the prisoner's beginning available account balance.
  - c. If the prisoner is subject to IRS federal tax withholding, then receipts shall be determined before the tax has been withheld.
2. The prisoner has no known cashable savings bonds.

C. A prisoner eligible for indigent status must apply to the Warden or designee to request placement on the indigent list. The prisoner shall be placed on the indigent list if they meet the eligibility criteria set forth in Paragraph B. The prisoner shall remain on the list for a one-month period, at which time the prisoner must reapply if they want to be considered for placement on the indigent list for another one-month period. For example, if the prisoner is placed on the list on the 10th of the month, they remain on the list only until the 9th of the following month unless the prisoner has reapplied and has been approved for placement on the list for another one-month period. A prisoner shall be considered indigent only while on the indigent list.

INDIGENT LOANS

- D. Except as set forth in Paragraph E, an indigent prisoner shall be provided with a loan not to exceed \$11.00 per month. The amount loaned shall be the difference between \$11.00 and the prisoner's available balance plus receipts for the preceding month as calculated pursuant to Paragraph B. The loan shall be used only to purchase mandatory health care products, over-the-counter personal care products, hygiene products, and other items approved by the CFA Deputy Director or designee as identified on the Standardized Store List developed pursuant to PD 04.02.130 "Prisoner Store," and as available for purchase through the prisoner store.
- E. A prisoner who is in punitive segregation (i.e., detention) or administrative segregation on the date the indigent loan is processed is provided or given access to personal hygiene items pursuant to PD 04.05.120 "Segregation Standards" at the Department's expense AND shall be loaned only a maximum of \$5.00 per month. The amount

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of the loan shall be calculated in the same manner as set forth in Paragraph D and if the calculated loan is greater than \$5.00 it shall be limited to a maximum of \$5.00 for the month. The loan shall be used only to purchase mandatory health care products, over-the-counter personal care products, and other products approved by the CFA Deputy Director or designee as identified on the Standardized Store List, and as available for purchase by segregation prisoners through the prisoner store.

- F. Any portion of an indigent loan not used by a prisoner during the one-month period for which it was received shall not be carried forward.
- G. An indigent loan shall be treated as an institutional debt and collected as set forth in PD 04.02.105 "Prisoner Funds."

#### ADDITIONAL SERVICES PROVIDED TO INDIGENT PRISONERS

- H. An indigent prisoner shall be loaned the postage equivalent for mailing a maximum of ten first class letters of one ounce or less during each month they are on indigent status. The postage shall be loaned at the time the prisoner is mailing a letter or package. Postage not used by the prisoner during the month shall not be carried forward. Funding for the postage shall be from the Prisoner Benefit Fund (PBF). Any postage loaned shall be treated as an institutional debt and collected as set forth in PD 04.02.105 "Prisoner Funds." Funds collected shall be returned to the PBF that funded the loan.
- I. An indigent prisoner shall be provided photocopying services for necessary legal materials as set forth in PD 05.03.116 "Prisoners' Access to the Courts" and loaned additional postage for legal mail as set forth in PD 05.03.118 "Prisoner Mail." Postage shall be loaned to prisoners on indigent status pursuant to this paragraph only after the prisoner has used all postage available pursuant to Paragraph H.

#### PROCEDURES

- J. If necessary, to implement requirements set forth in this policy directive, Wardens shall ensure that procedures are developed or updated.

#### AUDIT ELEMENTS

- K. A Primary Audit Elements List has been developed and is available on the Department's Document Access System to assist Wardens with self-audit of this policy pursuant to PD 01.05.100 "Self-Audits and Performance Audits."

APPROVED: HEW 07/13/2020