



# NEW MEXICO CORRECTIONS DEPARTMENT

Secretary  
Alisha Tafoya Lucero

CD-024400 Religious Trust Fund Account	Issued: 02/25/09 Effective: 02/25/09	Reviewed: 02/25/22 Revised: 06/19/14
Alisha Tafoya Lucero, Cabinet Secretary		<i>Original Signed and Kept on File</i>

## AUTHORITY:

- A. First Amendment of the Constitution of the United States.
- B. Cruz vs. Beto, 405 U.S. 319 (1972): Prisoners must be afforded “a reasonable opportunity of pursuing their faith comparable to the opportunity afforded fellow prisoners who adhere to conventional religious precepts.”
- C. Policy CD-000100

## REFERENCE:

- A. Policy CD-024500, Inmate Trust Accounts
- B. ACA Standard 2-CO-5E-01, *Standards for the Administration of Correctional Agencies*, 2<sup>nd</sup> Edition.
- C. ACA Expected Practice 5-ACI-1B-20, *Performance Based Standards and Expected Practices for Adult Correctional Institutions*, 5<sup>th</sup> Edition.

## PURPOSE:

To establish policy and procedures for inmates to meet the legitimate requirements of their faith group practices, through management of facility religious trust funds including the operation, supervision and accountability of such funds. **[5-ACI-1B-20] [2-CO-5E-01]**

## APPLICABILITY:

All employees responsible for managing inmate funds.

## FORMS:

None

## ATTACHMENTS:

None

## DEFINITIONS:

- A. Available Account Balance: The balance of funds available to the inmate within the inmate

trust account for expenditures that are not being held as reserved or encumbered monies.

- B. Charitable Contribution: Donations of money to verified 501-c (3) “Not for Profit Organizations” or to one (1) time pre-approved special or disaster aid projects.
- C. NMCD Employee: An individual who occupies a classified position full, or part-time, in the State Personnel System in which the Corrections Department has effect over pay, tenure, and status.
- D. Facility Religious Trust Fund: Money donated by inmates or outside sources held in trust for each NMCD facility. Such monies are to be used for legitimate faith group needs and/or charitable donations.
- E. Facility Volunteer Coordinator: A full-time, qualified NMCD employee, designated by the administrative head, who is responsible for the organizing, monitoring, and managing of the facility’s Faith and Citizen Programs delivery system.
- F. Legitimate Faith Group Needs: Any items essential for the practice of a faith group based on the “Faith Group Overview” or as directed by the NMCD volunteer coordinator (usually the chaplain). This may include approved supplies necessary for religious functions, services, or specific practices.
- G. Inmate Donation/Tithe: Inmate monies donated to the facility religious trust fund via inmate debit memo.
- H. Outside Donation: Monies approved by the warden for donation to the facility religious trustfund from outside (non-inmate) sources.
- I. Faith Group: Any group that has defined faith group principles and practices, which has been approved by the warden or designee. The faith group must share common, ethical, moral, or theological views which are not injurious, defamatory, supremacist, or derisive. No militaristic displays will be allowed.
- J. Religious Volunteer: A person who is trained and approved under the direction of the warden or designee. Religious volunteers provide a specific form of service, e.g., a religious study, worship service, seminar instruction, etc.

**POLICY:**

- A. It will be the responsibility of each warden/designee to ensure adherence to this policy.
- B. It will be the responsibility of all NMCD employees, all faith groups, and religious volunteers to comply with this policy.



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## AUTHORITY:

Policy CD-024400

## PROCEDURES: [2-CO-5E-01]

### A. Inmate Donation Procedures

1. Completed inmate debit memo will be submitted to the facility volunteer coordinator, usually the chaplain, who will sign and forward the ticket to the facility's business manager, who in turn will forward it to the facility's Inmate Trust Officer.

NOTE: In order for the Inmate Trust Officer to return donated money to the facility volunteer coordinators, the name and facility must appear on the ticket.

2. Donated monies become the property of the facility religious trust fund for approved faith group purchases.

### B. Outside Donation Procedures

1. All donations made from outside the NMCD must be approved by the facility warden or designee, in writing, prior to accepting the donation.
2. Donations must be in the form of a money order, made out to the NMCD facility with the religious trust fund title printed on it.
3. Donated monies become the property of the facility religious trust fund for approved faith group purchases only.
4. Monies will be deposited into the Inmate Trust bank account. The deposit amount will then be credited to the facility religious trust fund.

### C. Religious Trust Fund Management [5-ACI-1B-20]

1. The NMCD shall prevent an inmate's NMCD account to be placed in a deficit balance through elective withdrawals toward the religious trust fund.
2. Facility religious trust funds will be managed using Generally Accepted Accounting Principles [GAAP].

3. The facility religious trust fund will show sub-accounts for each active faith group as recognized by the “Faith Group Overview.”
4. Temporary, miscellaneous sub-accounts may also be set up for the collection of inmate donations for approved, specific charitable contributions.
5. Supervision of facility religious trust funds will be the responsibility of the warden, or designee.
6. Maintenance of the facility religious trust funds will be the responsibility of the facility volunteer coordinator, chaplain or designee.
7. The facility religious trust fund account shall be reconciled monthly against the facility business manager’s database report by the warden, facility volunteer coordinator, or other designee. Any discrepancies found shall be brought to the facility business manager’s immediate attention for further research.

#### D. Purchasing Procedures

1. Purchase recommendations may be made by the Program Services manager, facility volunteer coordinator, chaplain, or inmates from a given faith group.
2. Legitimate faith group needs may be purchased with proper authority.
3. The facility warden, or designee, shall have signature authority and final purchase approval.
4. Purchase receipt procedures will follow fiscal policy and accepted facility procedures.

#### E. Charitable Contribution Procedures

1. The administrative staff volunteer coordinator, chaplain, or inmates may make recommendations for charitable contributions with final approval from the facility warden, or designee.
2. Charitable contributions will be limited to quarterly disbursements to approved charities and must total a minimum of \$25.00.
3. Inmate monies collected for charitable contributions will be managed separately from faith group fund sub-accounts until collection is complete and disbursement is made.
4. Charitable contributions **MAY NOT** be sent to any organization that would provide a benefit, either directly or indirectly, to an inmate and/or their family.
5. Charitable contributions will be disbursed via check through the Inmate Trust bank account subsequent to a debit memo from the Program Services manager, volunteer coordinator or chaplain.