

<b>NEBRASKA</b> Good Life. Great Mission. DEPT OF CORRECTIONAL SERVICES	<b>POLICY</b> <b>INCARCERATED INDIVIDUAL ORDERS</b>		
	<b>REVISED DATE</b> <b>December 31, 2023</b>	<b>NUMBER</b> <b>113.23</b>	<b>PAGE</b> <b>1 of 11</b>
	<b>STATEMENT OF AVAILABILITY</b> <b>Law Library Access</b>		

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**SUMMARY OF REVISION/REVIEW**

Minor grammar changes throughout. ATTACHMENTS – reordered.

APPROVED:



Rob Jeffrey, Director  
 Nebraska Department of Correctional Services

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## PURPOSE

To provide a uniform Nebraska Department of Correctional Services (NDCS) Policy for incarcerated individuals to place special orders, hobby orders, direct orders and miscellaneous orders.

All information on incarcerated individuals' accounts is confidential and shall only be discussed with the incarcerated individual. Information on incarcerated individuals' accounts shall only be provided to external sources through central office accounting pursuant to court order or authorized law enforcement investigation.

## PROCESS

### I. SPECIAL ORDERS

#### A. Canteen Special Orders

Incarcerated individuals shall be allowed a maximum of four canteen special orders per calendar year, including orders for recreational items such as sporting goods, music equipment, and related supplies. Some facilities may not allow all of these items to be ordered. An incarcerated individual may place one order in each of the following periods: January/February, March/April, July/August, and September/October. No special orders for these items may be placed in May, June, November, or December. Incarcerated individuals at the Work Ethic Camp (WEC) may have limitations on what items may be ordered due to the nature of the facility

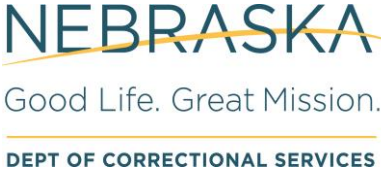
Orders for the following items are not part of the four canteen special orders but are only allowed in the months noted above:

1. Repair orders
2. Watch batteries
3. Typewriter accessories

The date for determining the allowable orders in a calendar year shall be based on the posting date on the incarcerated individual's facility account. Canteen special orders are due in NDCS Inmate Accounting five work days before the end of each two month time period to be assured they will be processed in the allowable period. Facilities should implement internal deadlines in order to meet this time frame.

Insufficient fund orders may be resubmitted once within 30 days and the canteen fee will be waived. Insufficient fund orders count towards the allowable orders; however, the one allowed resubmission does not count. It is the incarcerated individual's responsibility to ensure that they have sufficient funds on their facility account for special orders. Orders submitted in April and the incarcerated individual has insufficient funds may not be resubmitted in May and the canteen fee does not carry forward to July. Orders submitted in October and the incarcerated individual has insufficient funds may not be resubmitted in November and the canteen fee does not carry forward to January.

Orders for flowers, items stocked in the canteen, items available through direct orders, or gift orders are not permitted.

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B. Religious Orders

Religious items must be approved by the facility religious coordinator. Religious orders can be ordered in any month and are not included in the four-order limit. The religious coordinator will approve the order and forward to the canteen for processing.

Under the authority of the deputy director–programs, religious direct order items to be ordered are overseen by the Religious Study Committee (RSC) and the purchasing division with oversight by the RSC administrative co-chair and the purchasing buyer. The following process will be used for adding or deleting an item and making all necessary notifications to incarcerated individuals and agency team members.

1. The RSC must first approve a religious item for inclusion in *Attachment F of Policy 208.01, Religious Services* before the item can be approved for the direct order process.
2. Following RSC approval, the RSC administrative co-chair will work with the canteen buyer in purchasing relative to product specifications, costs, and locating a vendor for the product.
3. Once a vendor is located and the product meets all criteria, the canteen buyer will produce a flyer which contains a picture of the product, a written description, an item number and cost. The canteen buyer will forward the flyer to the RSC administrative co-chair for review and approval. Once approved, NDCS purchasing will post the flyer on the agency's computer shared drive.
4. After the flyer has been posted, NDCS purchasing will forward a copy of the flyer to the controller, religious coordinators, business managers, canteen supervisor, and the RSC administrative co-chair.
5. The religious coordinators and canteen supervisors or designee will make copies of the flyers and produce a direct order religious items catalog. The religious coordinators and canteen supervisors will make the catalog available to the incarcerated individual population.

C. Hobby Orders

Hobby orders can only be placed with a vendor that has a catalog. A maximum of six hobby orders per calendar year will be allowed. Hobby orders will not be allowed in February and August.

Hobby orders are due in NDCS inmate accounting five work days before the end of each month to be assured they will be processed in that month. Hobby orders received within the last five work days of January and July will be returned to the facility unprocessed.

Insufficient fund orders may be resubmitted once within 30 days and the fee will be waived.

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D. Processing of Orders

Special, religious, and hobby orders will be processed on an *Incarcerated Individual Vendor Order* form (Attachment A). A catalog must be available for purchasing reference and items ordered must be in accordance with the Policy concerning property. The catalog generally should not be more than six months old.

No handling charge will be assessed on any incarcerated individual orders. A stamped, addressed envelope must be attached to the order form.

Orders may not be cancelled once they have left the facility. Orders to be cancelled due to an extraordinary circumstance will require notification to NDCS Inmate Accounting from the facility business office and require the approval of the NDCS controller/designee.

An order should be grouped as follows: *Incarcerated Individual Vendor Order* form and an addressed stamped envelope. Orders sequenced in a different order may have delays in processing. This packet should preferably be stapled in the left corner. An addressed stamped envelope is not needed for canteen special orders.

E. Item Warranty

All orders are at the incarcerated individual's own risk. Special orders are subject to the warranty as provided by the vendor or manufacturer. Incarcerated individuals sending items out for warranty work or repair must work through the canteen, hobby, or other area as applicable. Incarcerated individuals are responsible for payment of all associated costs.

F. Authorized Vendors for Special Orders

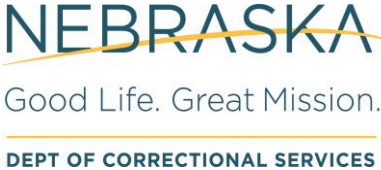
Special orders may only be placed with the designated vendors. Exceptions due to unique needs require warden approval and will be reviewed by the NDCS controller/designee. Criteria for selecting vendors may include:

1. Vendor must have been in business for at least five years.
2. History of doing individual sales in an facility setting.
3. References will be obtained/provided documenting experience.
4. Must have an acceptable return/refund Policy.
5. Must have a customer service representative to handle issues.
6. Acceptance of State purchase card for payment.

G. Direct Orders

1. Orders Allowed

Incarcerated individuals shall not have a limit as to the number of direct orders they may process other than restrictions on property limits. Items available on direct

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order may not be ordered via a special order. Incarcerated individuals WEC may have limitations on what items may be ordered due to the nature of the program.

## 2. Processing of Orders

Direct Orders shall be submitted to the facility canteen team members with the following information completed on the form, reference *Incarcerated Individual Direct Order* form: (Attachment B)

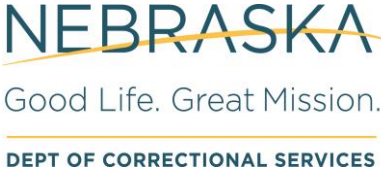
- a. Incarcerated Individual Number
- b. Incarcerated Individual Name Printed – must be the incarcerated individuals committed name
- c. Incarcerated Individual Signature
- d. Facility
- e. Location
- f. Item Number – obtained from the listing or catalog
- g. Description of the item being ordered
- h. Size
- i. Quantity
- j. Price
- k. Total
- l. Sub-Total

Direct order forms turned in to the canteen by Wednesday will be ordered the following Tuesday. The pink copy will be returned to the incarcerated individual when the order has been placed.

Orders will be debited from the incarcerated individuals account via a canteen sale prior to the order being placed. Orders may not be cancelled once the sale has been processed in the Corrections Information and Tracking system (CIT). Should an incarcerated individual have insufficient funds for all items on a direct order a partial order will be processed based on the sequence the items are listed. Items not ordered will be lined through by canteen team members, initialed, and noted as insufficient funds.

Two insufficient funds for direct orders within a six month time period will place the incarcerated individual on a 60 day suspension of placing additional direct orders.

Goods will be received in the canteen and verified to the incarcerated individual's direct order. Goods will be issued in accordance with facility procedures.

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Incarcerated individuals will be required to initial by each line when that item is received and sign the document when the direct order is complete. Incarcerated individuals will sign the transaction tape and receive the yellow copy when the order is complete.

Generally, incarcerated individuals will not be allowed to make exchanges for ordering the wrong size. Exceptions will be made when new clothing or shoe items are added to the direct order process until notice can be provided to incarcerated individuals regarding the vendors sizing.

3. Direct Authorized Order Master-Product List

NDCS purchasing shall maintain a *Direct Order Product List* identifying the types of products and criteria for selection. The list will be placed on the NDCS shared drive and updated as changes are approved. The order process shall be managed by the facility business office.

a. Requests to exchange or replace an existing product as an approved item through the direct order process. No *Direct Order Product Authorization* form (Attachment F) required – approval through email process or business manager meeting if discussion is required.

- 1) When a vendor no longer stocks an item, a request/notification is made to NDCS purchasing normally by the vendor or the facility identifies a product with issues and recommends a change.
- 2) Purchasing identifies replacement with vendor and sends information to the business managers, canteen supervisors/designee, and controller for feedback.
- 3) Once agreement is reached, NDCS purchasing will add the item(s) to the *Direct Order* forms, assign an item number in CIT with associated cost, and make the information available for the direct order catalog. NDCS purchasing will email notification to canteen supervisors/designee, business managers, and controller.

b. New item is requested to be added to the direct authorized order master product list. *Direct Order Product Authorization* form required (Attachment F).

- 1) Request is made through a facility business office, with justification, and sent to NDCS purchasing.
- 2) NDCS purchasing identifies possible vendors, products, and pricing, and sends information to the business managers, canteen supervisors/designee, and controller for feedback.
- 3) Once agreement is reached, NDCS purchasing submits recommendations to the deputy director–prisons and the

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NDCS medical director and/or NDCS safety coordinator if applicable for approval.

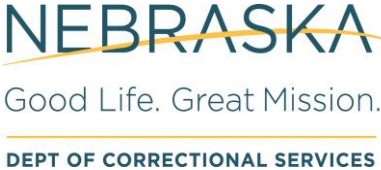
- 4) NDCS purchasing submits recommendation to the deputy director-prisons, and the NDCS medical director and/or NDCS safety coordinator if applicable, for final approval.
  - 5) NDCS purchasing will add the approved item(s) to the direct order forms, assign an item number in CIT with associated cost, and make the information available for the direct order catalog. NDCS purchasing will email notification to canteen supervisors/designee, business managers, and controller once an item is approved or denied.
  - 6) NDCS purchasing distributes memo for dissemination to the incarcerated individual population advising of the new product available. Memo sent to email groups DCS CEO, NDCS business managers, NDCS canteen supervisors/designee, deputy directors, and the NDCS materiel administrator.
- c. New item to be added to the direct order master–product list when generated by discussion at a wardens meeting. *Direct Order Product Authorization* form (Attachment F) required.
- 1) Deputy director–prisons sends an email to materiel administrator.
  - 2) Materiel administrator/designee initiates the *Direct Order Product Authorization* form (Attachment E).
  - 3) NDCS purchasing buyer identifies possible vendors, products, and pricing and sends information to the business managers, canteen supervisors or designee, and controller for feedback.
  - 4) NDCS purchasing submits recommendation to the deputy director–prisons for final approval.
  - 5) If approved, NDCS purchasing adds item to the direct order forms, assigns an item number in CIT with associated cost, and makes the information available for the direct order catalog. NDCS purchasing will email notification to canteen supervisors or designee, business managers, and controller once completed.
  - 6) NDCS purchasing distributes memo for dissemination to the incarcerated individual population advising of the new product available. Memo sent to email groups: NDCS CEO, DCS business managers, DCS canteen supervisors or designee, deputy directors, and the NDCS materiel administrator.

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H. Special/Direct Order Process

1. The incarcerated individual initiates request to order (Attachment A) or (Attachment B).
2. The order is submitted to canteen following facility guidelines.
3. Facility team members will check the Incarcerated Individual Property List to see if incarcerated individual is eligible to possess item.
4. If an incarcerated individual is not eligible to possess the item(s) – the order is returned to incarcerated individual as denied. Incarcerated individual will need to work with facility team members to become eligible to possess the item before the order is resubmitted.
5. If an incarcerated individual is eligible to possess the item(s), the order is processed.
  - a. *Incarcerated Individual Vendor Order* form is approved. Religious Special Orders and Hobby orders are sent to Accounting
  - b. Direct Order / Canteen Special Orders
    - 1) Funds are removed from the incarcerated individual's account
    - 2) Original order form is kept in canteen
6. The ordered items are received at facility.
7. The order is inspected by incarcerated individual.
  - a. If approved, the item is marked by facility team members and given to incarcerated individual
  - b. If disapproved for size or defect only, it is returned to vendor via call tag or incarcerated individual expense
8. If item was ordered on exchange basis (see 3. above) – exchange must be made.
9. The item is given to incarcerated individual.
10. The incarcerated individual signs to register property and receives a copy.
  - a. If *Incarcerated Individual Vendor Order* form – incarcerated individual signs “Registration of Personal Property” and vendor order form (Attachment A)
  - b. If Direct Order – incarcerated individual signs ‘Direct Order form’ (Attachment B)
11. The property form is sent to Property Office.



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12. The property is added into Nebraska Inmate Case Management System (NICaMS).

I. Canteen Purchases

Canteen sales are final. Issues with items must be identified at the time of purchase.

J. Debit Calling

Debit calling time will be available to incarcerated individuals for purchase in the canteen. All sales will be made in \$2.50 increments and do not impact the incarcerated individual's spending limit. Facilities without a canteen will work with another facility to make debit-calling purchases available to their incarcerated individuals.

Debit calling purchases will be sent daily via electronic file to the NDCS incarcerated individual calling telephone provider. Time purchased one day will usually be available at 8:00 AM the next day. The balance available for making calls will be announced in the calling instructions. NDCS team members does not have access to the incarcerated individual balances for debit calling.

Refunds will only be processed following an incarcerated individual's parole or discharge from NDCS. The balance will be returned to NDCS in the month following an incarcerated individual's release and will be included in the incarcerated individual's final check.

Canteen team members can correct sale errors only if identified and corrected the same day as the sale.

K. Vendor Issues

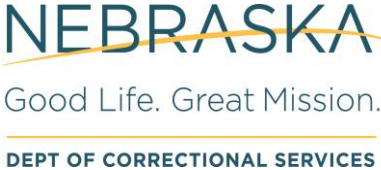
Issues with vendors regarding stocked items or direct order items should be addressed in accordance with Policy 113.06, *Procurement*.

L. Miscellaneous Orders

1. Magazines, subscriptions, newspapers, and other periodicals ordered direct from the publisher must be prepaid and routed through appropriate team members as defined by the facility. Such orders can be submitted in any month and are not included in the four order limit of canteen special orders.

2. Incarcerated individuals may only order books and receive books from an approved book vendor. The list of approved book vendors is available upon request from NDCS Legal Division. Any book orders received from other than an approved book vendor will be returned to sender with a notice that includes the URL for NDCS' website for this Policy and indicate that such orders are not authorized (Attachment D). The requesting incarcerated individual will be informed that the book was returned to sender and the Policy is available in the facility library or other incarcerated individual resource center (Attachment E).

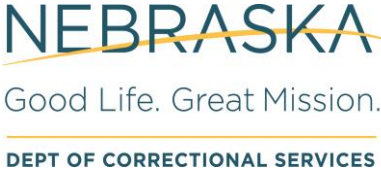
Correspondence/college course books not available from an approved book vendor shall be available as outlined in Policy 106.01, *Education Services*.

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Religious books not available from an approved book vendor may be obtained as identified in I.B. above. Any other book not available from an approved book vendor may be obtained if an incarcerated individual makes a specific request that is granted under K.9. below.

3. Orders may not be cancelled once they have left the facility. Orders to be cancelled due to an extraordinary circumstance will require notification to Accounting from the business office or the warden and require the NDCS controller's/designee's approval.
4. The *Incarcerated Individual Miscellaneous Order* form (Attachment C) and the facility check must be outside the envelope for Accounting to process and prepare an *Incarcerated Individual Trust Fund Check*. An order should be grouped as follows: facility check to vendor, self-addressed stamped envelope, *Incarcerated Individual Miscellaneous Order* form all facing forward. Orders sequenced in a different order may have delays in processing. This packet should preferably be stapled in the left corner.
5. Orders for mailing lists (such as pen-pals) and memberships are not allowed.
6. Orders for pornographic materials are not allowed.
7. Gift orders for magazines, subscriptions, books, or other periodicals that incarcerated individuals direct to be shipped to friends or family are not allowed.
8. A book vendor may send NDCS legal division a request to become an approved book vendor. In that request, the vendor should address the following list of factors, which NDCS considers in deciding whether to approve the request:
  - a. Whether the vendor facilitates or otherwise permits sales or shipping from third-party sellers or shippers.
  - b. Whether the vendor is a reputable seller of books that has an established history (at least five years) of mailing books to prisons and other correctional facilities without facilitating the introduction of contraband into those facilities.
  - c. Whether the vendor has a customer service representative to handle issues.
  - d. Whether books that the vendor distributes are unavailable through other approved book vendors.
  - e. Whether the vendor has an acceptable return/refund Policy.
  - f. Whether the vendor accepts the State purchase card and NDCS checks for payment.

If NDCS denies the vendor's request, the vendor will be provided a letter stating NDCS's reasoning, and the vendor may submit a response letter with additional facts asking the NDCS director/designee to reconsider the initial determination. A

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book vendor that is approved may be removed as an approved book vendor for good cause, and that vendor will be notified of the reasons for the removal in writing.

9. An incarcerated individual who seeks to obtain a book not available from an approved book vendor may submit to NDCS legal division a request to purchase that book from an unapproved book vendor. Those requests will be evaluated on a case-by-case basis considering NDCS' overall concern for protecting prison security and preventing the introduction of contraband into an NDCS facility. If a request is denied, the requesting incarcerated individual will be informed of the reasons in writing.

#### REFERENCE

- I. STATUTORY REFERENCE AND OTHER AUTHORITY – None noted
- II. NDCS POLICIES
  - A. Policy 106.01, *Education Services*
- III. ATTACHMENTS
  - A. Incarcerated Individual Vendor Order (DCS-A-cnt-001)
  - B. Incarcerated Individual Direct Order (DCS-A-cnt-005)
  - C. Incarcerated Individual Miscellaneous Order (DCS-A-inm-001)
  - D. Template to the Vendor
  - E. Template to the Incarcerated Individual
  - F. Direct Order Product Authorization
- IV. AMERICAN CORRECTIONAL ASSOCIATION (ACA) – None noted