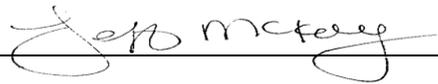


 <p style="text-align: center;">STATE OF NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION</p> <p style="text-align: center;"><b>DIRECTIVE</b></p>	TITLE		NO. 4761
	<b>Inmate Charitable Contributions and Gifts</b>		DATE 06/13/2014
SUPERSEDES DIR# 4761 Dtd. 06/13/2012	DISTRIBUTION A B	PAGES PAGE 1 OF 2	DATE LAST REVISED
REFERENCES (Include but are not limited to) Directives #2771, #2798, #4022, and #4760	APPROVING AUTHORITY 		

- I. DESCRIPTION:** This procedure is designed to provide the framework within which inmates, with the approval of the Superintendent or designee, may be permitted to make or solicit contributions for charitable purposes, as well as send money to friends and relatives.
- II. POLICY:** The Superintendent, or designee, must approve all inmate withdrawals of money from any type of account in conformance with his/her responsibility for fiscal control (see Directive #2798, "Inmate Accounts"). Funds will not be transferred from the account of one inmate to the account of another inmate without the specific approval of the facility Superintendent(s). Transfers are limited to gifts between inmates related to each other. In each instance, a report pertaining to the transfer of funds to a relative (inter or intra-facility) will be provided by a facility staff member designated by the Superintendent.
- III. DEFINITIONS**
- A. Charitable Purposes: Shall include bona fide charities and facility special events attended by members of the community and/or family (see Directive #4022, "Special Events Program").
- B. Fiscal Control: Shall mean that control over an inmate's funds necessary to ensure compliance with the Correction Law, State Finance Law, and the policies and procedures of the Department.
- C. Bona Fide Charity: For the purposes of this directive, is defined as an organization exempt from the Federal income tax under provisions of the Internal Revenue Code, Section 501. These organizations are listed in the IRS "Cumulative List of Exempt Organizations."
- On occasion, there may be a public request for donations, which can be documented through contact with the print and electronic media.
- IV. PROCEDURE**
- A. An inmate or inmate organization is permitted to make a voluntary contribution to a bona fide charity. Inmate organizations wishing to donate organization funds must complete Form #3089, "Request for Approval of Special Projects and/or Special Events," (see Directive #4022).
- B. The Superintendent may permit an inmate, an inmate organization, or an inmate committee recognized by the Superintendent to conduct a solicitation among inmates for a contribution to a bona fide charity if he/she is satisfied that the contribution is for a bona fide charity and the solicitation will not jeopardize the security of the facility.
- C. An inmate organization must complete Form #3089, "Request for Approval of Special Projects and/or Special Events."
- D. An inmate or inmate committee (e.g., Inmate Liaison Committee) must submit a written proposal to conduct a solicitation among inmates for a contribution to a bona fide charity to the Superintendent. Form #3089 cannot be used by any inmate or group that has not been approved as an inmate organization.
- E. Funds raised by this fundraising effort must be secured in a separate account. All funds raised must be forwarded to the bona fide charity at the end of the fundraising period.
1. The Superintendent shall specify the conditions of the solicitation, including but not limited to, time, place, manner, and duration.

2. Such specification shall be in writing and a copy thereof forwarded to the Deputy Commissioner for Program Services.
  3. No inmate will be allowed to make a donation to an inmate organization, unless the funds will be donated to a bona fide charity as noted above.
- F. An approved inmate organization may be permitted to make a contribution of organization monies for the following:
1. Community attended special event programs (as defined in Directive #4022) not to exceed \$2.50 per inmate and \$5.00 per guest;
  2. Transportation expenses (bus, van, etc.) for families attending special event programs not to exceed 50% of the total cost; or
  3. Entertainment for the entire population or transportation cost for speakers for inmate organization programs, facility-wide programs, or special events.
- Any inmate organization interested in making such a contribution must include a budget expenditure titled "Expenditures for Special Projects" in the annual "Statement of Operations," Form #3073A (see Directive #4760, "Inmate Organizations"), and indicate the amount of funding to be deposited in the Occupational Therapy Fund for the purpose. At least 60 working days prior to the date the donation is to be made, Form #3089 must be submitted as per all special projects.
- G. No inmate organization may make donations to other inmate organization accounts.
- H. No inmate shall coerce another inmate to make a charitable contribution. Evidence of attempts by inmates to coerce other inmates to make a charitable contribution shall be subject to appropriate disciplinary action.
- I. No employee of the Department may solicit an inmate for a charitable contribution.
- J. Charitable collections will be processed in accordance with the Inmate Commissary and Accounting Manual.
1. The collection of funds for the donation shall be made during an inmate's scheduled commissary buy and listed on the inmate's commissary buy sheet as a "special buy" during the time specified by the Superintendent.
  2. When all requests in the group have been processed, one check is written to the charity involved.