



Office of Legislative Corrections Ombudsman

Keith Barber
Ombudsman

Boji Tower – 4th Floor
124 West Allegan
P.O. Box 30036
Lansing, MI 48909
(Office) 517-373-8573
(Fax) (517)373-5550

INDIGENT PRISONERS

The following information is based on the Michigan Department of Corrections Policy Directive 04.02.120 “Indigent Prisoners.”

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

Placement on Indigent List: A prisoner is eligible for indigent status if she/he meets all of the following criteria:

1. Neither the prisoner’s actual account balance nor their beginning spendable balance plus receipts, equals or exceeds \$11.00. This must be in the calendar month preceding their application for indigent status, except as followings:
 - a. If funds are received that are for release planning, medical, or educational expenses, those funds will not be used in the calculation.
 - b. If there is a hold placed on the account due to a personal transaction (e.g., catalog order, television purchase), only the prisoner’s beginning spendable balance plus receipts will be considered, except for the month in which the hold was placed.
 - c. If a prisoner is not a United States citizen and has her/his taxes held at the flat 30% rate per Internal Revenue Service regulations, the actual account balance and the beginning spendable balance will be determined after the 30% has been withheld. For prisoners who are United States citizens but who have failed to provide IRS-verified names and Social Security numbers, and are therefore having income tax withheld at the flat 28% rate, the actual account balance and the beginning spendable balance will be determined before the 28% has been withheld.
2. The prisoner has no known cashable savings bonds.
3. The prisoner did not refuse a work or school assignment within the 12 months before the application for indigent status.
4. The prisoner was not terminated from a work or school assignment for unsatisfactory performance, or as the result of being found guilty of misconduct. This can only be within the 12 months preceding application for indigent status.

A prisoner who is eligible for indigent status must apply to the Warden or designee to request placement on the indigent list. The prisoner will only be placed on the indigent list if they meet all of the above criteria. **The prisoner will remain on the list for a one-month period.** After the period expires, **he/she must re-apply if they want to be placed on the list for another one month period.** A prisoner will only be considered indigent only while on the indigent list.

Indigent Loans

1. An indigent prisoner will only be provided with a loan for \$11.00 a month. The amount loaned will be the difference between \$11.00 and the prisoners beginning balance for the previous month added to the total funds received during that month.
 - a. The loan can only be used to purchase mandatory health care products, over the counter personal care products, and hygiene products as stated on the Standardized Store List. (refer to Policy Directive 04.02.130 "Prisoner Store")
2. A prisoner who is in punitive or administrative segregation on the date that the indigent loan is processed and is provided or given access to personal hygiene items allowed in Policy Directive 04.05.120 "Segregation Standards" at Department expense, will only be loaned a maximum of \$5.00 a month.
 - a. The loan can only be used to purchase mandatory health care products, over the counter personal care products, and hygiene products as stated on the Standardized Store List.
3. Any portion of an indigent loan not used by a prisoner during the one-month period for which it was received will not be carried forward to the next month.
4. An indigent loan shall be treated as an institutional debt and collected in the manner stated in Policy Directive 04.02.105 "Prisoner Funds".

Additional Services Provided to Indigent Prisoners

An indigent prisoner will be loaned postage equal to the cost of 10 first class letters of one ounce or less during each month that s/he is on indigent status. This will be loaned at the time the prisoner is mailing a letter or package. Postage will not be carried forward to additional indigent months. This postage will be provided by the Prisoner Benefit Fund (PBF). Any postage loaned will be treated as an institutional debt, collected as stated in Policy Directive 04.02.105 "Prisoner Funds", and returned to the appropriate PBF fund.

An indigent prisoner will be provided photocopying services for necessary legal materials as set forth in PD 05.03.115 "Law Libraries and loaned additional postage for legal mail as set forth in PD 05.03.118 "Prisoner Mail".