



TEXAS DEPARTMENT
OF
CRIMINAL JUSTICE

NUMBER: ED-02.04 (rev. 6)
DATE: November 16, 2012
PAGE: 1 of 14
SUPERSEDES: ED-02.04 (rev. 5)
February 17, 2006

EXECUTIVE DIRECTIVE

SUBJECT: TEXAS DEPARTMENT OF CRIMINAL JUSTICE FUNDRAISING

AUTHORITY: Texas Government Code §§493.023, 659.131-659.153

Reference: American Correctional Association (ACA) Standard 4-4034

APPLICABILITY: Texas Department of Criminal Justice (TDCJ)

POLICY:

The TDCJ encourages and allows fundraising activity under limited circumstances permissible under law and this directive. It is unconstitutional to use state resources for private purposes, and it is a crime to misapply state resources to obtain a benefit. All fundraising activities are subject to time or personnel constraints imposed by the employee's supervisor, warden or department head, or the executive director.

DEFINITIONS:

"Approved Charitable Organization" is an organization exempt from income taxation under Internal Revenue Code section 501(a) by being listed under Internal Revenue Code section 501(c)(3) and approved by the executive director.

"Collection" or "Contribution" refers to funds or items donated to a specific individual or situation.

"Fundraiser" and "Fundraising" are terms used to indicate an activity that generates funds through an event or a sale of goods or services, for example, photo sales, car washes, golf tournaments, and other similar activities. Raffles are not approved fundraising activities.

"Personal Time" is when an employee is considered off-duty, such as lunch hour, break, or volunteered use of vacation leave.

"Photo Fundraising" is providing photographs of offenders and visitors and donating the revenue generated to approved charitable organizations.

“Reasonable State Time and Resources” means it does not interfere with the ability of an individual to carry out the primary functions of the TDCJ as determined by the employee’s supervisor, warden or department head, or the executive director.

“Solicitee” is a person from whom funds are requested.

“Solicitor” is the person engaging in fundraising.

“State Employee Charitable Campaign” (SECC) is primarily a payroll deduction and fundraising campaign held during September and October of each year that is specifically authorized by the legislature.

“TDCJ Property” is land or buildings owned, leased, or otherwise managed by the TDCJ. Fundraising is permitted in employee housing areas and recreational facilities.

PROCEDURES:

I. General Provisions

Fundraising activity on TDCJ property is subject to the following behavioral restrictions:

- A. Solicitations shall be conducted in a manner that is not disruptive or coercive, and is respectful of the solicitee’s right to agree or decline to contribute.
- B. The solicitor shall not engage in any activity on TDCJ property for private personal gain.
- C. The solicitor shall not engage in prohibited political activity as described in PD-23, “Employee Political Activity and Participation in Employee Organizations” on TDCJ property.
- D. Participation by a state employee in fundraising is voluntary.
- E. Fundraising for purposes other than those identified in this directive is prohibited.

II. State Employee Charitable Campaign

- A. TDCJ employees appointed to SECC responsibilities are permitted to devote reasonable state time and resources to SECC activities.
- B. All fundraising activities, which include contributions and fundraising events, are subject to time and personnel constraints imposed by the employee’s supervisor, warden or department head, or the executive director.
- C. Funds collected for SECC purposes shall be deposited in the Unit Clearing Account within three business days in accordance with AD-14.58, “Deposit Procedures for the Unit Clearing Account.” All expenses and funds collected in

association with an SECC fundraising event shall be documented on the SECC/Photo Fund Daily Summary (Attachment A) and maintained by the unit or department in accordance with the TDCJ *Records Retention Schedule*. This form shall include the signatures of the event representative and the warden or department head.

- D. For an event such as a silent auction, a Silent Auction Log (Attachment B) shall be maintained with the date of the event, name of the person donating the item to be auctioned, a detailed description of the item, name of purchaser, the amount paid, and the approved charitable organization receiving the proceeds. All documentation shall be maintained by the unit or department in accordance with the TDCJ *Records Retention Schedule*.

III. Fundraising Guidelines for Approved Charitable Organizations on TDCJ Property

Approved charitable organizations may conduct fundraising on state property provided the organizations comply with the guidelines set forth in Section I of this directive and the following:

- A. All approved charitable organizations that conduct fundraising activities on TDCJ property or receive contributions resulting from TDCJ fundraising activities shall be on the TDCJ approved charitable organizations list maintained by Executive Services. The Request for Placement on the TDCJ Approved Charitable Organizations List form and instructions for organizations seeking placement on the list can be found at Attachment C. To be considered for approval, the organization must meet the definition of a charitable organization and the criteria in Attachment C. The executive director may disapprove organizations for reasons related to the safety and security of TDCJ institutions, as well as for reasons related to consistency with the TDCJ's mission and state public policy.
- B. Any request for a fundraising activity on TDCJ property must be initiated by the charitable organization to be benefited. The charitable organization must submit a Fundraising Request Form (Attachment D) to the warden or department head at least one week prior to the requested event date. Forms shall be submitted to the director of the Parole Division for fundraising events to be held on parole facilities.

The warden or department head shall notify the requesting organization in writing (Attachment E) of approval or denial.

- C. Charitable organization volunteers shall adhere to all TDCJ policies and procedures. In no way shall the charitable organization hinder the security operations of the unit or department. Organizations shall be:
 - 1. Informed that the introduction of contraband items, profanity, screaming or yelling, and other inappropriate behavior is prohibited.

2. Made aware of the TDCJ's policy regarding hostages.
 3. Provided a copy of the TDCJ *Offender Rules and Regulations for Visitation*. The organization is responsible for ensuring that volunteers are informed about TDCJ visitation rules, and that the volunteers follow the dress codes set forth.
- D. The warden or department head may require the organization's volunteers to leave the unit or department at any time if circumstances warrant such removal.
- E. Funds associated with fundraising activity other than SECC shall not be held at the TDCJ unit or department after completion of the fundraising activity. Funds shall not be placed in any bank account associated with the TDCJ.
- F. Funds collected for SECC purposes shall be deposited in the Unit Clearing Account within three business days in accordance with AD-14.58, "Deposit Procedures for the Unit Clearing Account." All expenses and funds collected in association with an SECC fundraising event shall be documented on the SECC/Photo Fund Daily Summary (Attachment A) and maintained by the unit or department in accordance with the TDCJ *Records Retention Schedule*. This form shall include the signatures of the event representative and the warden or department head.
- G. The TDCJ tax identification number shall not be used in connection with any fundraising activity.
- H. Fundraising through the sale of food or drinks to offenders or visitors of offenders on TDCJ units or departments is prohibited.
- I. TDCJ employees may volunteer personal time to assist approved charitable organizations in fundraising activities on TDCJ property.
- J. A fundraising activity organized by an approved charitable organization in affiliation with the TDCJ, such as a golf tournament, shall not be characterized as a TDCJ event. TDCJ resources, such as phone numbers, fax numbers, or addresses, may not be used except with permission from the appropriate division director. Employees may indicate their affiliation with the TDCJ as in the following example:

"Employees of the Goodheart Unit in support of..."

IV. Photo Fundraising

A. Photo Fundraising Request by Charitable Organizations

Each warden shall be responsible for approving requests submitted by approved charitable organizations that desire to participate in photo fundraising on the unit. Organizations that submit requests must be listed on the TDCJ Approved Charitable Organizations List. When approving requests, wardens shall give consideration to alternating weekends in order that a variety of charitable organizations may be accommodated. During the SECC, all photo funds raised shall be donated through the SECC to an approved charitable organization.

B. Photo Fundraising by TDCJ Employees

1. During one designated week of each month during visitation, employees may devote reasonable state time and resources to photo fundraising administrative tasks, including the operation of equipment and managing funds.
2. The one designated photo fundraising week shall be the only time on-duty TDCJ employees are responsible for taking photos and collection, maintenance, and distribution of funds.
3. Funds raised shall be donated to an approved charity listed on the approved charitable organizations list as selected by unit employees.
4. Funds raised shall be distributed to the approved charitable organization in the form of a money order or other appropriate means no later than three business days following the designated event. The purchase price of the money order and photo supplies shall be deducted from the collected funds and noted on the SECC/Photo Fund Daily Summary (Attachment A).

C. Photo Fundraising Guidelines

1. A sign shall be posted in the visitation area indicating the \$3 charge for an offender photo and the name of the charitable organization that will benefit from the photo sales.
2. An offender color photo purchased by a visitor shall be taken at a charge of \$3, with no exceptions. Receipts shall be provided to visitors for all photo sales. The Photo Fund Sales Log (Attachment F) shall be completed and maintained by the warden or designee.
3. Offenders shall not handle funds at any time.

4. Only visitors may purchase photographs.
 5. The SECC/Photo Fund Daily Summary form shall be completed for each day the photo sales occur and a copy provided to the warden at the end of each day. This form shall include the signatures of the photo fund representative and the warden. The warden or designee shall provide a copy to the regional director on a monthly basis. A copy of the form and money order shall be forwarded to Executive Services monthly.
 6. All funds shall be kept in locked bags or boxes. The bags or boxes are strictly the responsibility of the photo fundraising participants. At no time shall the bags or boxes be left unattended.
 7. During the SECC, all proceeds from photo sales shall be donated through the SECC to an approved charitable organization. No donations shall be made directly to any other organization.
- D. Photo fundraising activity shall be audited by each unit's operational review sergeant biannually in accordance with operational review procedures. Photo fundraising activity shall be audited by the Business and Finance Division on a three year rotating schedule.

V. Specific Purpose Fund Collections

- A. An employee may collect or contribute funds dedicated to a specific purpose or individual in situations such as a retirement, birthday, holiday celebration, illness, memorial ceremony, or catastrophe, provided that:
1. Contributions for a specific individual or purpose shall not result in those contributions being retained after the specific need is met;
 2. Solicitations shall not be made by the individual or family member to be benefited;
 3. The solicitation is not obtrusive, disruptive, or coercive, and is respectful of all employees; and
 4. The solicitation does not involve fundraising activities on TDCJ property as defined in this directive.
- B. An employee may collect or contribute funds to an office fund set aside for future situations such as coffee expenses, birthdays, or deaths, provided:
1. The fund does not exceed \$100;
 2. The fund is maintained with reasonable safeguards; and

3. Money is not generated through fundraising activities on TDCJ property as defined in this directive.

C. Solicitations by employees on behalf of an organization such as the school band or little league may be conducted, but shall not be coercive or disruptive to fellow employees.

VI. Employee Solicitation of Funds for Non-Profit Organizations

State employees may solicit a contribution from any person for any non-profit organization that meets the requirements as stated in the definition of an approved charitable organization. Contributions shall be made directly to the charitable organization in the form of a check or money order. A contribution solicited that is not a monetary contribution shall be delivered directly to the charitable organization by the person making the contribution. State employees shall not solicit contributions from state officers, state employees, city or county officials, or any other individual or organization for the purpose of influencing legislation or other administrative action.

VII. Announcement of Fundraising Events or Collections or Contributions

TDCJ is supportive of the efforts of its employees to assist fellow staff and the community in humanitarian efforts. Posting of events or requests for contributions may be made using the following methods:

A. Information relating to fundraising events may be placed on the TDCJ website by submitting written requests via U.S. mail, fax, or e-mail, to Executive Services.

B. One e-mail per fundraising event or collection request may be distributed systemwide by the appropriate warden or department head, or designee.

C. Information relating to fundraising events or collection requests may be placed on general information bulletin boards with approval of the warden or department head.

VIII. Any questions regarding fundraising may be directed to Executive Services, or visit the TDCJ website at <http://www.tdcj.state.tx.us/charity/index.html>.

Brad Livingston*
Executive Director

* Signature on file

SECC/PHOTO FUND DAILY SUMMARY

Unit: _____

Date of Photo/Food/Auction: _____

Name of Charitable Organization: _____

This form is to be completed and given to the warden at the completion of each day that photo/food/auction sales occur by the individuals collecting funds.

Money Collected:

A. Total number of items sold: _____

B. Beginning receipt number (Photo Fund only): _____

C. Ending receipt number (Photo Fund only): _____

D. Total calculated profit:
(cost per item x number of items sold) _____

E. Actual money collected: _____

F. Expenses – such as cost for film and supplies: _____

G. Amount to be donated (E minus F): _____

The donation shall be made on behalf of the TDCJ to the approved charitable organization.

Photo/Food/Auction Representative Signature Date

Photo/Food/Auction Representative Signature Date

Unit Senior Warden or Department Head Date

Copy: Appropriate regional director
Executive Services

Application Process for Placement on the TDCJ Approved Charitable Organizations List

- A non-profit charitable organization shall complete and submit the Request for Placement on the TDCJ Approved Charitable Organizations List form, with a copy of the organization's IRS determination letter, to Executive Services at P.O. Box 99, Huntsville, TX 77342-0099.
- Executive Services shall route the form through the Office of the General Counsel (OGC) and executive administration prior to notifying the charitable organization in writing of the TDCJ's approval or denial.
- If approval is granted, the organization shall be placed on the TDCJ approved charitable organizations list, which can be found at http://www.tdcj.state.tx.us/charity/Approved_Charitable_Organizations.html.
- An organization shall remain on the list for a period of three years from the date of approval.
- Organizations must reapply every three years to remain active. If an organization does not reapply, they will be dropped from the approved list.

If you have any questions regarding the application process, you may contact Executive Services at 936-437-6456.

Any organization found not to abide by TDCJ policy and procedures may be removed at the discretion of the TDCJ.

Example Letters

Denial Letter

April 29, 2012

Ms. Ima Charity
1234 Volunteer Ave.
Huntsville, TX 77340

Re: Request for Fundraising on TDCJ Property

Dear Mr./Mrs. _____

Your recent request to conduct (fundraising activity) at the (unit) has been denied. The (unit) cannot approve your request due to (provide a brief explanation).

Sincerely,

(Signature of Warden or Department Head)

Approval Letter

April 29, 2012

Ms. Ima Charity
1234 Volunteer Ave.
Huntsville, TX 77340

Re: Request for Fundraising on TDCJ Property

Dear Mr/Mrs. _____

Your recent request to conduct (fundraising activity) at the (unit) has been approved. Please contact (TDCJ contact person) at (phone number) to make final arrangements.

Sincerely,

(Signature of Warden or Department Head)

