

MICHIGAN DEPARTMENT OF CORRECTIONS <b>POLICY DIRECTIVE</b>	EFFECTIVE DATE 03/27/2017	NUMBER 03.02.131
SUBJECT PRISONER STATE ADMINISTRATIVE BOARD PROPERTY CLAIMS	SUPERSEDES 03.02.131 (10/21/2013)	
AUTHORITY MCL 600.6401 - 600.6475		
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**POLICY STATEMENT:**

This policy provides prisoners with a method for seeking compensation for loss of or damage to their personal property (less than \$1,000) that meets the criteria established by statute and the Department of Technology, Management, and Budget (DTMB).

**RELATED POLICIES/PROCEDURES:**

PD 04.07.112 Prisoner Personal Property  
OP 03.02.131 Prisoner State Administrative Board Property Claims

**FORMS:**

DTMB-1104-P Prisoner Claim Against the State of Michigan for Property Losses of Less Than \$1,000

**POLICY:**

GENERAL INFORMATION

- A. "Prisoner" under this policy refers not only to prisoners in Correctional Facility Administration (CFA) facilities but also to prisoners and parolees in the Detroit Reentry Center (DRC).
- B. The Court of Claims Act, MCL 600.6419 vests the State Administrative Board with discretionary authority, upon the advice of the Attorney General, to hear, consider, determine, and allow any claim against the State in an amount less than \$1,000. The Department of Corrections has the authority and responsibility to investigate such claims made in relation to the Department, to make recommendations regarding reimbursement and to forward claims and the Department's recommendation for reimbursement to the State Administrative Board in a timely manner.
- C. In order to be eligible for reimbursement from the State Administrative Board, a prisoner's claim must meet all of the following conditions:
  - 1. The prisoner did not contribute to the loss or damage;
  - 2. The loss or damage was caused by staff action or inaction;
  - 3. The prisoner can clearly establish ownership of the property; and
  - 4. The property was in the sole control of the Department when lost or damaged.
- D. Court documents are reimbursable pursuant to the criteria in Paragraph C. An alleged loss of papers designated by the prisoner to be legal papers that are not court documents and/or that have no proof of purchase or possession are not reimbursable. Record of prisoner purchase and possession must accompany any claim for loss of legitimate court documents.
- E. Prisoners alleging pay discrepancies, trust account discrepancies, or other accounting errors cannot file an Administrative Board Claim as DTMB has no jurisdiction over these issues.
- F. Personal property reimbursable under this policy must fall within property the prisoner is allowed to have at the time of the loss pursuant to PD 04.07.112 "Prisoner Personal Property." A prisoner must establish support for a claim by providing documentation showing proof of valid purchase and that the property was in the prisoner's possession immediately prior to the loss. The burden of proof to establish ownership and

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possession rests with the prisoner. However, the Department must provide existing Trust Account records when relevant in the individual case. Without valid prisoner receipts, or record of Trust Account purchase, possession of the property cannot be established.

#### MAKING A CLAIM

- G. A prisoner who believes s/he has a valid claim for personal property loss or damage meeting the criteria in Paragraphs C - F of this policy shall immediately notify the local facility Grievance Coordinator in writing of the alleged loss/damage and request form DTMB-1104-P, Prisoner Claim Against the State of Michigan for Property Losses of Less than \$1,000. The request shall include the date and time of loss/damage, items involved, and a brief description of events.
- H. The Grievance Coordinator shall record the request in accordance with OP 03.02.131 "State Administrative Board Prisoner Property Reimbursement," and provide the DTMB-1104-P form to the prisoner along with the database generated Notice of Receipt form.
- I. Upon receiving the Notice of Receipt form, the prisoner shall fully complete the DTMB-1104-P form, have it notarized, and submit it to the local facility Grievance Coordinator within 10 calendar days of receiving the form. If a prisoner files after 10 calendar days of receiving the DTMB-1104-P form and no reasonable cause is found for the delay, the Department may recommend non-payment of the claim.

#### WARDEN/DESIGNEE INVESTIGATION

- J. For all claims the Warden/designee shall:
  - 1. Review documents submitted by the prisoner and evaluate them for authenticity. If the documents appear to be altered or falsified, the prisoner shall be written a misconduct report. Any misconduct charged in relation to the validity of a prisoner's submission of a DTMB-1104-P form shall be elevated at review to a Class I violation. Documents found in a Class I misconduct hearing to be altered or forged shall be clearly marked as such and are cause for a recommendation of non-payment.
  - 2. Search for any lost items that the Warden/designee has reason to believe may be found.
  - 3. Collect required documents such as property slips, purchase receipts from the prisoner trust account, if relevant, or other documents possessed by the MDOC necessary to determine ownership and/or possession by the prisoner at the time of the alleged damage or loss.
  - 4. If relevant documents are not available, provide justification why the documents cannot be obtained and summarize the impact that has on the Warden/designee recommendation.
  - 5. Assure the prisoner has not received reimbursement for the claim (e.g., vendor credit, store credit, or restitution from the Prisoner Benefit Fund [PBF]).
- K. Within 30 calendar days of designating the claim active, the Warden/designee shall forward the results of the investigation, including the Warden's recommendation letter summarizing the findings and all relevant supporting documentation, via e-mail, to the Manager of the Grievance Section, Office of Legal Affairs (OLA).

#### DEPARTMENT RECOMMENDATION

- L. The Grievance Section, OLA, shall review the claim, collect any clarifying or additional information required, and prepare the Department's recommendation for full payment, partial payment, or non-payment of the claim. Recommendations shall be made in the following manner:
  - 1. For claims that do not meet all of the conditions set forth in Paragraph C, the recommendation shall be for non-payment.
  - 2. For claims meeting all of the conditions set forth in Paragraph C, the recommendation for payment shall be made for the verified cost of the item established by documentation collected during the investigation, according to the standard depreciation amount established in Paragraph M of this

policy.

3. For claims meeting all of the conditions set forth in Paragraph C, but no exact price can be established by documentation collected during the investigation, reimbursement shall be in accordance with Attachment A "Average Cost Schedule For Prisoner Personal Property," except as directed in Paragraph M of this policy.

M. The following standardized depreciation schedule for claims applies:

<u>Period in which loss/damage has occurred*</u>	<u>Allowed Reimbursement</u>
1. Day 1 through the first year of ownership	100%
2. Second year of ownership	80%
3. Third year of ownership	60%
4. Fourth year of ownership	40%
5. Fifth year of ownership	20%
6. Beyond the fifth year (residual value)	10%

\*"Day 1" in the schedule is the date, or approximate date, the prisoner received the item.

- N. Any reimbursement from the PBF or other source (e.g., vendor credit, store credit, or restitution from another prisoner) will result in a reduction in recommended reimbursement or removal of overpaid funds from the prisoner Trust Account.
- O. The Department recommendation shall be forwarded by the Grievance Section Manager in OLA to the Administrative Board.
- P. Upon receipt of the notice of Administrative Board decision on a prisoner claim, the Grievance Section shall forward the claim to:
  1. The Warden;
  2. The prisoner; and
  3. The Jackson/Kinross Business Manager serving the facility/area responsible for paying the claim.
- Q. The Grievance Section Manager in OLA shall, in odd calendar years, forward Attachment A "Average Cost Schedule For Prisoner Personal Property," to the Administrator of the Budget, Accounting and Projections Division. Within 30 calendar days, the Administrator of the Budget, Accounting and Projections Division shall provide recommendations for updating the average cost schedule based on the range of current prices for each item sold in the prisoner stores and from catalogs of approved vendors for the Department.

PROCEDURE

- R. The Grievance Section Manager in OLA shall ensure a statewide procedure is developed within 60 days after the effective date of this policy.

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AUDIT ELEMENTS

- S. A primary audit elements list has been developed and is available on the Department's Document Access System to assist with self-audit of this policy pursuant to PD 01.05.100 "Self-Audits and Performance Audits."

Attachment A "Average Cost Schedule for Prisoner Personal Property"

APPROVED: HEW 02/17/2017

## ATTACHMENT A

## AVERAGE COST SCHEDULE FOR PRISONER PERSONAL PROPERTY

Item	Average Cost	
	Male	Female
Athletic Supporter	5.00	0.00
Bathrobe	30.00	30.00
Beard Trimmer	25.00	---
Belt	10.00	10.00
Books (Hardcover)	**	**
Brassiere	---	15.00
Calculator	10.00	10.00
Cap/Hat	6.00	6.00
Cassette Tape Case	6.00	6.00
Cassette Tape	6.00	6.00
Cassette Tape Player	30.00	30.00
Curling Iron	---	8.00
Curtains/Draperies	20.00	20.00
Dress	0.00	30.00
Doorrags	2.50	2.50
Ear Buds/Earplugs	2.00	2.00
Electric Razor/Trimmers/Clippers	20.00	20.00
Extension Cord – 6 FT/9 FT	2.50/2.80	2.50/2.80
Eyeglasses	75.00	75.00
Footlocker	**	**
Girdle	0.00	20.00
Gloves/Mittens (Winter)	8.00	8.00
Hair Dryer	15.00	15.00
Headphones	27.00	27.00
Hobbycraft Tools/Completed Items	**	**
Jewelry	**	**
Shoes - Jogging/Tennis/Canvas	40.00	40.00
Lamp	5.00	5.00
Leisure Games	3.00	3.00
Lock	7.00	7.00
MP3 Player	**	**
Musical Instrument	**	**
Overshoes/Boots	50.00	50.00
Pajamas/Nightgown	20.00	20.00
Radio	20.00	20.00
Radio/Tape Player Adapter	7.00	7.00
Recreation Equipment	**	**
Religious Items	**	**
Scrapbooks/Photo Albums	7.00	7.00
Sewing Machine	**	**
Shirt/Blouse	15.00	15.00
Shoes	25.00	25.00
Shower Shoes	3.00	3.00
Skirt	0.00	20.00
Slip	0.00	10.00
Slippers	10.00	10.00
Socks (per pair)	3.00	3.00
Sunglasses	7.00	7.00
Sweater	15.00	15.00
Sweatpants/Sweatshirt	15.00	15.00
Televisions (\$80-\$145)	112.50	112.50
Television Antenna	5.00	5.00
Thermal Underwear - Top/Bottom	10.00	10.00
Towel	2.00	2.00
T-Shirt	3.00	3.00
Trousers/Slacks/Jeans	30.00	30.00
Typewriter (\$120-\$200)	160.00	160.00
Underwear/Panties/Boxer Shorts	4.00	4.00
Walking/Athletic Shorts	15.00	15.00
Watch	**	**
Winter Coat/Jacket (\$30-\$90)	60.00	60.00

\*\*Reimbursement shall be determined on a case-by-case basis based on available documentation