

MICHIGAN DEPARTMENT OF CORRECTIONS OPERATING PROCEDURE	EFFECTIVE DATE 10/21/2013	NUMBER 03.02.131
SUBJECT STATE ADMINISTRATIVE BOARD PRISONER PROPERTY REIMBURSEMENT	SUPERSEDES 03.02.130A (11/06/2000)	
AUTHORITY PD 03.02.131		
PAGE 1 OF 3		

OBJECTIVE:

To establish a procedure for review of prisoner property claims consistent with the State Administrative Board pursuant to [PD 03.02.131](#), Prisoner State Administrative Board Property Claims.

FORMS USED:

- [PD 03.02.131](#) Prisoner State Administrative Board Property Claims
- DTMB-1104 Claim Against the State of Michigan for Personal Losses of Less Than \$1,000

INFORMATION:

- A. Pursuant to PD 04.07.112 “Prisoner Personal Property,” the prisoner is responsible for his/her personal property. However, in certain cases, reimbursement may be authorized by the State Administrative Board if the prisoner can establish that loss or damage is the result of action or inaction by the Department when it had sole possession of the prisoner’s property.
- B. “Prisoner” under this policy refers not only to prisoners housed in CFA facilities but also to incarcerated prisoners housed in SAI and FOA residential re-entry and parole violator facilities.
- C. “Warden” under this policy refers to the Warden of a CFA facility and to the Warden of an FOA Re-entry Facility.

PROCEDURE:

<u>WHO</u>	<u>DOES WHAT</u>
Prisoner	1. Requests the Grievance Coordinator to provide a DTMB-1104 Form within seven (7) calendar days of becoming aware of loss or damage to his/her personal property while it was in the sole possession of the Department.
Step I Grievance Coordinator	2. Records the date of delivery to the prisoner on the top of the DTMB-1104 form, enters an identifier number in the “DEPT. CLAIM NUMBER” space provided on the form using the following format: 3 digit facility code / Year / Month / facility count number / 19 + the subcategory designation code. EXAMPLE: XXX/XX/XXXX/19x.
	3. Delivers the DTMB-1104 form to the prisoner.
Prisoner	4. Within seven (7) calendar days of receipt of the DTMB-1104 form:

- a. Fills out the form,
- b. Attaches receipts and any other documentation desired,
- c. Requests in a cover letter any documents needed that are thought to be in the possession of the Department, and
- d. Has the DTMB-1104 form notarized, and forwards all to:

Prisoner Property Claims, Office of Legal Affairs
Michigan Department of Corrections
Grandview Plaza
P.O. Box 30003
Lansing, MI 48909

NOTE: Prisoners should not send their claims directly to the State Administrative Board. Claims sent to them will only be returned to the Department in order to investigate the claim. If the claim is not sent to the address in paragraph 4(d), above, the claim and any payment you may receive will be delayed.

Manager, Grievance
Section or Designee

5. Receives the prisoner property claims package.
6. Enters tracking information into the Prisoner Claims database.
7. Reviews the prisoner's DTMB-1104 form and attached documents.
8. Forwards to the appropriate Warden/designee requesting documents necessary to make a reimbursement recommendation to the State Administrative Board.

Warden or Designee

9. Receives the copy of the DTMB-1104, date stamps it, and logs it in to the facility Prisoner Claims tracking database.
10. Within thirty (30) calendar days of receipt:
 - a. Investigates circumstances of the alleged loss/damage,
 - b. Interviews prisoner or other staff as necessary,
 - c. Communicates and cooperates with the Warden/Designee of any other facility that may be involved to obtain necessary information,
 - d. Obtains any prisoner receipts or Department documents (including prisoner's accounting and transfer records that assist in clarifying possession, age and condition of the property)
 - e. Reviews prisoner property claim to determine if all of the following reimbursement conditions are met:
 - i. The prisoner did not contribute to the loss or damage,
 - ii. The loss or damage was caused by staff action or inaction,
 - iii. The prisoner can clearly establish ownership of the property, and
 - iv. The property was in the sole control of the

Department when lost or damaged.

- f. Summarizes findings in a cover letter and forwards it with a copy of the DTMB-1104 and all supporting documents to the address in 4(d) above.
- g. Responds within three (3) business days to any additional inquiries from the Office of Legal Affairs.

Manager, Grievance
Section or Designee

- 11. Receives the package from the Warden/designee, reviews it, and requests any additional information required.
- 12. Makes the final determination as to whether the conditions in Paragraph 10(e) are met.
- 13. Prepares a cover letter to the Secretary of the State Administrative Board summarizing findings and the final recommendation of the Department on behalf of the Director.
- 14. Forwards the cover letter with summary and recommendation along with the DTMB-1104 and a copy of all attachments to the Office of the Secretary, State Administrative Board

State Administrative
Board

- 15. Rules on the claim and forwards the decision to the Department of Corrections to:
 - Prisoner Property Claims
 - Department of Corrections, Office of Legal Affairs
 - Grandview Plaza
 - P.O. Box 30003
 - Lansing, MI 48909

Manager, Grievance
Section or Designee

- 16. Receives the decision by the State Administrative Board and logs it in to the Prisoner Property Claims database.
- 17. Forwards a copy of the State Administrative Board decision to:
 - a. The prisoner including the date by which the prisoner should receive payment,
 - b. The Warden/designee at the facility responsible for reimbursement, and
 - c. The Regional Business Office Administrator responsible for prisoner accounts for the paying facility.

Warden or Designee

- 18. Notifies appropriate staff in writing to process payment to the prisoner from CSS&M account, using object code #6231.

Administrator, Regional
Business Office

- 19. Tracks the prisoner's account to assure payment is made by the date indicated in the notice to the prisoner.

DOCUMENT TYPE OPERATING PROCEDURE	EFFECTIVE DATE 10/21/2013	NUMBER 03.02.131	PAGE 4 OF 3
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APPROVED: DHH 10/7/13