

POLICY

SUBJECT AREA
410-419 Intake Processes

EFFECTIVE

UNITS AFFECTED
All Correctional Facilities

INTRODUCTION

Offenders committed to the custody of a correctional facility must often temporarily dispose of or store much of their personal property, which due to security regulations, health and safety standards, and space limitations, may not be allowed within a facility or security level area. This policy establishes departmental guidelines for the storage, accumulation and return of resident property.

OBJECTIVE

To provide guidelines for the disposition of personal property belonging to residents of correctional facilities.

GROUP SERVED

All Personnel and Residents of Correctional Facilities.

POLICY DESCRIPTION

POSSESSION & ACCUMULATION OF PROPERTY WITHIN A FACILITY

Each Superintendent will ensure that each facility shall develop a comprehensive plan for effective management of resident property. This plan, which shall be consistent with the guidelines established by this policy, is to be reviewed annually by the Superintendent, revised if necessary, and submitted to the Assistant Director of Adult Facilities for approval.

At a minimum, this plan will contain a list of items of personal property which may be kept in the personal possession of residents. This

list may be broken down by security level or other appropriate groupings, and shall be consistent with the facility's overall program of contraband control, health and safety standards, and space limitations. Amendments to the plan will be forwarded to the Assistant Director of Adult Facilities for approval.

Superintendents will take measures to inform residents and visitors about allowable and unallowable items. The visiting regulations will be posted pursuant to Department Policy #966 - Visits. The Resident Guidebook will be used to provide this information to residents.

INTAKE PROCESS

During the Intake Process, only that property which is to be placed in storage is to be inventoried. All personal property will be examined to determine what may be kept in personal possession. Property kept in the personal possession of a resident is the sole responsibility of the resident. Residents shall be informed of this responsibility in the resident guidebook.

A Personal Property Inventory Form will be completed at intake, with one copy going to the resident, one to the facility file, and one will be kept with stored property.

DEPARTMENT STORAGE

In some situations, personal property may be stored with the Department. However, the Department can provide only limited storage, due to security regulations, health and safety standards, and space limitations. Therefore, residents will be encouraged to send as much personal property as is possible to friends, relatives or storage agencies for safekeeping.

Where items are to be stored by the Department, a staff member will compile a written inventory. For the Department's protection, specific descriptions (make, model, serial no., color, size, condition) shall be

placed on the form. Whenever possible, this inventory is to be done in the presence of the resident. The resident and the staff member will both sign the inventory. In the case where a resident is unable or unwilling to sign the inventory, two staff members will sign the inventory. Copies shall go to the resident, a facility file, and a copy is to be kept with the stored property. Only that property which is to be placed in storage is to be inventoried.

A specific secure area is to be allocated for the storage of resident property. Access to the area in which items are stored shall be restricted by the Superintendent.

When property is removed from storage and returned to a resident while in the facility, the resident will sign for same. Copies of this transaction are to be handled in the same manner as the original intake.

In the event of loss of or damage to property so stored by the Department, residents may direct their claims in the form of a sworn petition to the Claims Commission through the Superintendent of the storing facility, or directly to the Claims Commission. Such claims should at a minimum contain information as to the circumstances involved, an itemized list of the property damaged or lost, and such information as the specific dollar value of such property, when and how obtained, condition, and descriptive features. If submitted to the Superintendent, the Superintendent will thoroughly investigate the circumstances and forward the claim, with a recommendation to the Assistant Director of Adult Facilities, who shall in coordination with the Legal Division, recommend approval or disapproval of payment, and will notify the Claims Commission.

ESCAPE OR TRANSFER WITHIN UNITS OF THE SAME FACILITY

Whenever it becomes necessary for a resident to be relocated to another housing unit or security level area within a facility, or if a resident

escapes, staff will take reasonable measures to account for and place in storage that property which can be identified as that of the escaped or transferred resident, which did not accompany the resident. An inventory shall be prepared as soon as possible. However, in no event will the Department be responsible for that personal property which is abandoned by a resident. Property will be considered abandoned when a resident escapes, or is determined absent from a facility without authorization. The Department will not assume responsibility for loss or damage of such items.

The Superintendent will ensure that procedures are developed and that staff are trained accordingly.

DISPOSITION OF PROPERTY UPON TRANSFER TO ANOTHER FACILITY OR RELEASE

Where possible, all personal property stored by the Department shall accompany the resident upon transfer to another facility, release or discharge from custody. Each resident shall sign for receipt of property so stored. The property inventory complete with all additions and withdrawals will be checked at the time of transfer, and any problems or discrepancies should be noted on the inventory.

Upon entrance to a receiving facility, another intake inventory will be prepared.

RELEASE OF PROPERTY

At no time will personnel give personal property kept in storage to any individual other than the resident who deposited it without written authorization. A receipt will be obtained for personal property so given out.

ABANDONED PROPERTY

Personal property stored by the Department and not claimed by the resident within seven years shall be disposed of by the Superintendent. A record shall be kept stating how articles are disposed of. When articles

valued at more than \$10.00 are left, the Abandoned Property Division of the State Treasurer's Office will be notified regarding the disposition of the property. If such items are later claimed, the requestor shall be notified regarding the disposition of the property, and shall be referred to the State Treasurer's Office. Items valued at less than \$10.00 may be disposed of at the discretion of the Superintendent.

LEGAL REFERENCE

27 V.S.A. Sec. 1217, 1220 Abandoned Property
28 V.S.A. Sec. 601 (1,2,3,4,7) Responsibilities of the Commissioner
32 V.S.A. Sec. 932 Small Claims
Department Policy 1012 - Contraband.


CORNELIUS HOGAN, COMMISSIONER



STATE OF VERMONT
LEGISLATIVE COUNCIL
STATE HOUSE
MONTPELIER, VT. 05602

34/3

TO: Barbara Chase, Department of Corrections
FROM: Legislative Committee on Administrative Rules
DATE:

The Legislative Committee on Administrative Rules considered your ~~proposed~~ adopted rule 78-P 72/D -A 1 at its meeting of January 19, 1979. The committee took the following action.

- Approved
- Approved with conditions
- Your testimony will be requested at _____
- Objection was taken as described below
- A public hearing has been scheduled at _____
-

COMMENTS: _____

cc: Secretary of State

jpg