



## COMMUNITY CORRECTIONS FACILITIES AND PROGRAMS BUREAU FACILITY OPERATIONAL REQUIREMENT

Requirement:	<b>FPB 6.2.421 OFFENDER PERSONAL PROPERTY</b>
Effective Date:	11/21/2018 <span style="float: right;">Page 1 of 3</span>
Revision Date(s):	10/21/2019; 08/11/2021; 10/04/2021; 04/24/2026
Signature/Title:	/s/ Scott Eychner, Rehabilitative and Enterprise Division Chief

**This requirement is referenced as *ACCD 4.1.300 Property* in Section 3.K.3 Offender Management; Offender Rights; Property/Clothing, in the following contracts: Alternatives, Inc., Butte Prerelease, Gallatin County Reentry Program, Helena Prerelease, Passages, Elkhorn, Nexus, and START.**

### I. PURPOSE

Community Corrections Facilities and Programs Bureau (FPB) contract facilities will follow established requirements to govern the control and safeguard of offender personal property.

### II. DEFINITIONS (see Glossary)

### III. REQUIREMENTS

#### A. GENERAL

1. Each FPB facility will establish procedures to address the following regarding offender personal property:
  - a. property requirements upon offender admission;
  - b. possession limits for various housing or custody levels;
  - c. property inventories, standardized inventory forms, and secure storage;
  - d. required inventory signatures, designees, and receipts;
  - e. lost, stolen, damaged, or unclaimed property;
  - f. property disputes and grievances;
  - g. liability claims, reimbursement limits, and replacement processes;
  - h. size and value limits of specific property items;
  - i. gender-specific items;
  - j. approved vendor purchases;
  - k. availability and distribution of canteen items;
  - l. standardized property container requirements;
  - m. permitted electronics including "grandfathering" stipulations;
  - n. allowable storage for legal documents and hobby items;
  - o. random and routine property searches;
  - p. inspections for and disposition of contraband;
  - q. disposition of offender's personal property; and
  - r. employee training and supervision for handling offender property.
2. All facilities must provide offenders with a list of acceptable and prohibited property items at offender's intake.
  - a. The offender will complete an inventory of the offender's property items.
  - b. On the inventory, the offender must designate a responsible person to receive personal property on the offender's behalf upon the offender's program completion, termination, or escape.
3. Facilities, treatment or programming providers, medical providers, and other creditors may pursue debt collection from the offender for debts owed.

**B. DISPOSITION OF OFFENDER PERSONAL PROPERTY**

1. Personal Property Items
  - a. Personal identifying documents (for example, ID cards, birth certificates):
    - 1) For revocations or terminations, all personal identifying documents must be given to offender when the offender leaves the facility or forwarded to offender's next DOC placement.
    - 2) For offenders who escape or abscond, all personal identifying documents left behind by an offender will be sent to the FPB Contract Manager at the Helena Central Office (PO Box 201301, Helena, MT 59620) within 5 days. Documents will then be forwarded to the offender once offender's location has been verified.
  - b. For all other inventoried personal property items left behind by an offender, good faith efforts will be made within 30 days to notify the offender or the offender's designated person and have arrangements in place to return the remaining items unless the items are confiscated as evidence (for example, for an escape). If, after 45 days and good faith efforts have failed, these property items are considered abandoned and may be donated or destroyed.
  - c. For successful completions, documentation of the disposition of offender's property items will be provided in the discharge summary narrative using *FPB 6.2.437 (E) Progress/Summary Report*.
  - d. For escapes or absconding, or in cases where property is not provided to the offender or the offender's designated person, once property items have been disbursed, *FPB 6.2.421 (A) Disposition of Offender Personal Property Items* is completed and forwarded within 10 business days to the FPB Contract Manager at coraccreports(at)mt.gov.
    - 1) A separate email for each offender will be sent.
    - 2) *FPB 6.2.421 (A) Disposition of Offender Personal Property* will be attached, and email subject line must read: "Facility; offender last name, first, DOC#; Property Items."
2. Disposition of Monetary Accounts
  - a. Upon offender's successful completion of program:
    - 1) The balance of an offender's monetary account is disbursed to the offender when the offender leaves the facility.
    - 2) Wages or other money received after the offender has left the facility are forwarded in full to the offender or the offender's designated person.
    - 3) Upon successful completions, documentation of the disposition of offender's monetary accounts will be provided in the discharge summary narrative using the applicable *FPB 6.2.437 (G-I) Progress/Summary Report*.
  - b. Upon Offender's Revocation, Termination, Escape, Absconding, or Death
    - 1) **When Location of Offender is Known**
      - a) Within 15 days of an offender's revocation, termination, escape, absconding, or death, debts outlined below and incurred during offender's current placement may be deducted from the offender's monetary account and the remaining balance is forwarded to the offender or the offender's designated person.
        - (1) Debts to center only include:
          - (a) room and board owing;
          - (b) money borrowed from center for needed personal items;
          - (c) money borrowed from center for materials needed for treatment or programming; and
          - (d) postage paid to return offender's property items.
        - (2) Debts to treatment or programming providers for treatment or programming taken as part of offender's case plan – **does not include medical treatment or expenses.**
      - b) Wages or other money received after the offender has left the facility are forwarded in full to the offender or the offender's designated person. Deductions are not allowed.

- 2) ***When Location of Offender is Unknown***
  - a) Within 5 days of an offender escape or absconding, the facility will submit an inventory to the Contract Manager that provides all of the offender's personal property and includes the offender's financial obligations and debt:
    - (1) a separate email for each offender will be sent; and
    - (2) the inventory will be attached, and the email subject line must read: "*Facility; offender last name, first, DOC#; Escape Inventory.*"
  - b) Within 45 days of offender's revocation, termination, escape, or absconding, the offender's financial obligations of restitution and/or child support may be disbursed from wages or other money that has been received electronically or by direct deposit, as previously budgeted or scheduled by the offender and if not taken out by garnishment.
  - c) Wages or other money received after the offender has left the facility and in the form of a check or money order made payable to the offender, or electronic fund transfers, will be returned in full to the sender.
  - d) After 45 days from offender's revocation, termination, escape, absconding, or death:
    - (1) funds in the offender's monetary account are forwarded in full to offender's designated person.
    - (2) if there is no designated person, account(s) is considered as unclaimed property and appropriate Department of Revenue (revenue.mt.gov) requirements are followed.
  - e) If offender is located prior to the end of the 45-day period, funds are disbursed pursuant to III.B.2.b.1) above.
- 3) ***Documentation of Disposition Offender's Monetary Accounts Upon Offender's Revocation, Termination, Escape, Absconding, or Death:***
  - a) Using *FPB 6.2.421 (B) Disposition of Offender Monetary Accounts*, the disposition of the offender's monetary accounts when location of offender is known or unknown must be documented by the facility and documentation is forwarded within 10 business days of the disposition to the Contract Manager at coraccdreports(at)mt.gov.
    - (1) A separate email for each offender will be sent.
    - (2) *FPB 6.2.421 (B) Disposition of Offender Monetary Accounts* will be attached, and email subject line must read: "*Facility; offender last name, first, DOC#; Monetary Accounts.*"

#### IV. CLOSING

Questions about this facility operating requirement should be directed to the Community Corrections Facilities and Programs Bureau.

#### V. FORMS

*FPB 6.2.421 (A) Disposition of Offender Personal Property Items*

*FPB 6.2.421 (B) Disposition of Offender Monetary Accounts*

#### VI. REFERENCES

A. §§ 46-18-237; 46-18-241; 46-18-244 and 245; 46-18-251, MCA; ARM 20.12.101; ARM 20.12.103; ARM 20.12.106, ARM 20.12.111