



OREGON YOUTH AUTHORITY  
Policy Statement



I-B-4.2 - Reimbursement for Personal Property [Offenders]

Approved:

Karen Brazeau, Director

Effective:

July 24, 2002  
(format 12/02)

Supersedes:

II-A-9.5 (7/02)

Interpretation:

Business Services

**REFERENCE**

ORS 98.336 (Property held by government and public authorities)

ORS 420.040 (Liability for misconduct of student of [sic] youth placed in youth correction facility)

Department of Administrative Services, Risk Management Division (DAS-RMD)  
"Public Reporting a Loss"

(<http://risk.das.state.or.us/publiclo.htm>)

American Correctional Association, *Standards for Juvenile Correctional Facilities*  
3-JTS-5A-05 (Personal Property)

OYA policy: II-A-2.0 (Confiscating Contraband)

OYA forms: YA 3001 (Juvenile Parole/Probation Agreement)

YA 4010 (YCF Property Envelope)

YA 4017 (Personal Property Record)

YA 4027 (Youth Property Receipt)

YA 4028 (Waiver of Responsibility for Clothing and Personal Property)

**DEFINITIONS**

(1) "Personal property" includes any personal item belonging to an offender that can be moved, that includes, but is not limited to: jewelry, money, radios, stereos, non-state-issued clothing, posters, knickknacks, and photographs.

Personal property **does not** include personal items purchased or provided for the offender at state expense while in OYA custody.

(2) "Abandoned personal property" is property not claimed by an offender or an offender's family within a prescribed amount of time.

(3) "Substitute care" includes any out-of-home placement in the community, such as foster care, residential program, or shelter.

## **POLICY**

The OYA believes that an offender is entitled to safekeeping of all personal property that is brought with the offender into a facility or substitute care placement. However, in the interest of security and order, it may be necessary to temporarily withhold personal items from an offender while in OYA custody. This policy defines agency parameters around offender personal property and its inventory, storage, and return.

### **I. Facility placements**

#### **A. Local procedure defines what personal property is allowable for offenders placed in facilities.**

1. Staff will explain any limitations to offenders during the intake process.
2. Staff will inventory and safely store any prohibited personal property until the time it is returned to the offender's family or the offender is authorized to have it returned.
  - a) For contraband, refer to policy II-A-2.0.
3. If local procedure allows offenders to maintain personal property within facility living units, offenders and their families will be notified that the OYA is not responsible for that property.
  - a) A reference to ORS 420.040 will be made in the initial parent letter sent when an offender is placed in OYA custody.
  - b) Offenders will be asked to sign the YA 4028.

#### **B. Staff will inventory an offender's personal property using the YA 4017 and the YA 4027.**

1. The offender will sign the form when it is complete.
2. If staff return personal property to the offender's family, the staff will note the specific item returned, and the date and the method of return, and initial.
3. Staff will issue a receipt to the offender for all property that is collected. A copy will be maintained in the offender file.
4. When the offender leaves the facility, staff will make every possible effort to ensure that the offender receives the property

as inventoried, unless the property was previously forwarded to the offender's family.

## II. Substitute care placements

- A. Staff will work with substitute care providers to ensure that offenders understand limitations on personal property and that prohibited offender property will be inventoried and safely stored until it is returned to the offender's family or the offender is authorized to have it returned.
- B. If personal property is allowed, offenders and their families will be notified that the OYA is not responsible for that property.
  - 1. A reference to ORS 420.040 will be made in the initial parent letter sent when an offender is placed in OYA custody.
  - 2. Parole/Probation Officers (PPOs) will ask that offenders sign the YA 4028.
- C. Staff will work with the substitute care provider to ensure that an offender's personal property is inventoried at intake into the program.
  - 1. The inventory form will note the offender's name and list each item of personal property that is collected.
  - 2. The offender will sign the form when it is completed. A copy will be placed in the offender's file and provided to the PPO.
  - 3. If personal property is returned to the offender's family, the specific item returned will be noted and initialed and include the date and the method of return.
- D. Staff will work with the substitute care provider to ensure that the offender receives a receipt for all property that is collected. A copy will be maintained in the offender's file.
- E. Staff will ensure that every possible effort is made to return personal property to an offender when he/she leaves a substitute care placement.

## III. Unclaimed property

- A. The OYA will store an offender's personal property only as long as is reasonable and to the limitations of secure storage space, as defined by local procedure.

- B. Property not claimed by an offender or his/her family will be considered abandoned after notification to the offender and his/her family.
1. Staff will provide written notice to the offender and his/her family when resource limitations mean that the OYA or a substitute care provider is no longer able to store offender property. The notice shall include the following.
    - a) A copy of the property record detailing personal property that is in OYA care.
    - b) A request that the offender and/or family contact the local office to make arrangements to claim the property.
    - c) A statement that the offender's property will be donated to a local charity if not claimed within 30 days.
      - (1) NOTE: If any one item of offender property has an assumed value of \$100 or more, staff shall contact central Business Services for appropriate protocol.
  2. A copy of the written notice will be placed in the offender's file, along with a notation about final disposition of the property.
  3. The central Community Resources Unit and/or the PPO will work with the substitute care provider when offender property is considered abandoned and refer the substitute care provider to central Business Services.

#### IV. Offender's recourse

- A. In the event an offender believes a loss to personal property is a result of negligence on the part of the OYA, the offender may file a claim letter with the Oregon Department of Administrative Services, Risk Management Division (RMD), 1225 Ferry St SE, U105, Salem OR 97301.
1. The letter must include:
    - a) The offender's name and location.
    - b) The date of loss (within 90 days of loss or knowledge of loss).

- c) Specifics regarding the loss (what, where, how, etc).
  - d) The name(s) of staff witness(es) and work phone number(s).
  - e) The replacement value (attach receipts if possible).
  - f) An explanation detailing how the state is liable for the loss.
2. The letter should be submitted by:
- a) An offender's parent; or
  - b) The offender, if the offender is emancipated or the offender's parents have legal guardianship but are unavailable. In either of these cases, the offender must explain why he/she is submitting the claim in lieu of his/her parents.