DEPARTMENT OF CORRECTIONS

Policy Number:	**303.090**
Title:	**Offender Property and Assigned-Duty Injury Claims**
Effective Date:	**9/3/19**

PURPOSE: To provide fair and consistent procedures for the administrative review and potential settlement of property and assigned-duty injury claims against the Minnesota Department of Corrections (DOC) submitted by offenders in facilities, for which review by the Joint Senate-House Subcommittee on Claims is the only remedy.

APPLICABILITY: All facilities.

DEFINITIONS:

Assigned-duty injury claim – a claim for compensation related to an injury that occurred while an offender in a state correctional facility was performing an assigned duty.

Facility claims coordinator – a facility staff person designated by the warden to investigate and make recommendations about offender claims that are subject to legislative review.

Joint House-Senate Subcommittee on Claims (Subcommittee) – a committee comprised of members from the Minnesota House of Representatives and the Minnesota Senate authorized to review claims for which offenders cannot sue the DOC.

Property claims – claims for compensation related to the negligent loss, damage, or destruction of property of an offender confined in a state correctional facility.

PROCEDURES:

A. Notice

1. Property claims
   Offenders must notify facility staff in writing of any loss or damage to their property within 24 hours of when they discover or could have discovered the loss or damage.

2. Assigned-Duty Injury Claims
   Offenders must notify staff immediately if they are injured while performing assigned duties.

B. Filing a claim

1. An offender must request a claim form by sending an offender kite that describes the nature of the claim to the facility claims coordinator.

2. The facility claims coordinator either:
   a) Sends the offender the appropriate claim form and offender information sheet (links below); or

   b) Responds to the offender and explains why the claim is not one that can be handled using this administrative claims procedure.

3. Offenders may obtain assistance from another offender, facility staff, or others to complete the claim form.

4. An offender must submit a claim on an approved form to the facility claims coordinator and attach a completed offender voucher authorizing the facility to deduct the filing fee from the offender's account. If there are insufficient funds in the offender's account, finance staff must record the fee as an obligation and cancel it when the obligation is satisfied.

C. Investigation and Recommendation

1. Property claims

a) The facility claims coordinator investigates the alleged property loss or damage by gathering relevant information, records, and documents, and writes a memo that recommends either settlement or denial of the claim and provides supporting rationale and documents.

b) The warden or designee reviews the recommendation and supporting documents and either:

(1) Approves the settlement of a claim for a particular amount; or

(2) Concurs with a recommendation to deny a claim.

c) The facility claims coordinator completes the following steps depending on the type of recommendation:

(1) Recommendations to deny claims

(a) Sends the offender voucher to facility financial services staff to process the filing fee pursuant to DOC Policy 300.100, "Offender/Resident Accounts;" and

(b) Refers the claim, all attachments, and the recommendation with supporting documents to central office claims staff at Claims.DOC@state.mn.us.

(2) Recommendations to pay claims

(a) Prepares an offender property claim release using the approved release form (link below), and obtains the offender's signature on the release;

(b) Obtains the signature of the warden or designee on the release form;

(c) If the claim is being settled for $500 or less, sends the claim, the approved recommendation to pay, all supporting documentation, and the signed release form to the facility finance unit to process payment to the offender's account; and

(d) Sends a copy of all documents to central office claims staff at Claims.DOC@state.mn.us.

d) Central office claims staff review the claim, recommendation memo, and any supporting documents, and may:

(1) If the facility has paid the claim, enter the information about the claim and payment in the claims database;

(2) If the claim is for more than $500, obtain the approval of the assistant commissioner – facilities, return the signed release to the facility to issue the payment, and enter the information about the claim and payment in the claims database;

(3) Ask the facility claims coordinator to conduct further investigation;

(4) Recommend to the warden/designee or assistant commissioner – facilities that the claim be paid in full or in part or, for claims less than $10, that the claim be denied; or

(5) Write a letter to the Joint House-Senate Subcommittee on Claims (Subcommittee) recommending the claim be denied.

2. Assigned-duty injury claims

a) The facility claims coordinator:

(1) Gathers information and documents about the following:

(a) When and how the offender was injured;

(b) How facility staff responded to the accident or incident; and

(c) Whether the offender needed emergency medical treatment either in the facility health services unit or from an outside medical care provider; and

(2) Prepares a memo summarizing the information gathered, and sends the claim and all information gathered in the investigation to central office claims staff at Claims.DOC@state.mn.us.

b) Central office claims staff:

(1) Contact the health services administrator at the facility where the injured offender is housed to obtain information about the status of the offender's injury and medical records about the injury;

(2) If necessary, obtain evaluation of any permanent impairment based on the relevant disability schedules in Minn. Rule chapter 5223 from the treating physician; and

(3) Prepare a letter to the Subcommittee recommending either:

(a) Denial of the claim if the offender has no permanent impairment and is not entitled to reimbursement for any medical or other expenses; or

(2) An award for permanent partial disability and any other expenses allowed by the statute.

D. Meetings and decisions of the Subcommittee

1. The Subcommittee meets at least once during the legislative session to consider claims filed against all state agencies during the previous calendar year.

2. Central office claims staff, and other staff as requested, appear at the Subcommittee meeting to represent the department and defend the recommendations on claims being considered at the meeting.

3. After making its decisions, the Subcommittee sends letters to offenders whose claims were considered to notify them of the decisions.

4. Subcommittee decisions are final and, pursuant to its rules, the Subcommittee will not reconsider claims unless there is newly-discovered evidence that was not available prior to the hearing.

E. Payments of filing fees and awards

After the Subcommittee notifies claimants of the decisions on their claims:

1. Claims denied by the Subcommittee

a) Central office claims staff work with finance staff to verify which facilities have withheld filing fees and provide information to Subcommittee staff who set up invoices for transfer of the filing fees; and

b) Facility finance staff pay invoices for offender filing fees within 30 days of receiving invoices.

2. Claims the Subcommittee directs the department to pay or appropriates an award

a) Central office claims staff:

(1) Prepare the release forms and send them to the offenders instructing them to return the signed releases so payment can be arranged; and

(2) Send executed release forms to finance staff responsible for the distribution of appropriated funds; and

b) Central office finance staff arrange for payment of awards as indicated in the claims appropriation bill by:

(1) Transferring funds for awards to offender accounting at the appropriate facility for offenders who are still incarcerated; and

(2) Creating electronic payments in SWIFT for offenders who have been released.

F. Records of and reports on offender claims

1. Central office claims staff:

a) Retain the following records of all offender claims: claim forms and supporting documents submitted by offenders, recommendation letters and investigative documents sent to the Subcommittee, any letters from the Subcommittee related to the claims, and executed release forms; and

b) At the end of each calendar year, prepare a report for the assistant commissioner – facilities on all claims settled or referred to the Subcommittee that year, and send copies to all wardens.

2. Facility finance staff retain all fee collection and payment information, including a signed release by the offender for all resolved claims.

INTERNAL CONTROLS:

A. Central office claims staff retain records of all offender claims settled or referred to the Subcommittee and prepare a report for the assistant commissioner - facilities with copies to all wardens at the end of each calendar year.

B Facility finance staff retain all fee collection and payment information, including a signed release by the offender for all resolved claims.

ACA STANDARDS: 4-4446

REFERENCES: Minn. Stat. §§ 3.736, subd. 3(m); 3.738; 3.7381; 3.749; 176.101
Minn. Rules Ch. 5223
Rules of the Joint House-Senate Subcommittee on Claims
Policy 300.100, "Offender/Resident Accounts"

REPLACES: Policy 303.090, "Offender Property and Assigned Duty Injury Claims," 1/12/18.

All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Available for facility claims coordinators only on the DOC intranet
Information Sheet on Offender Property Claims
Offender Property Claim form
Offender Property Claim Release forms
Information Sheet on Offender Assigned-Duty Injury Claims
Offender Assigned-Duty Injury Claim form

APPROVED BY:
Deputy Commissioner, Community Services
Deputy Commissioner, Facility Services
Assistant Commissioner, Operations Support
Assistant Commissioner, Facility Services