



Ombudsman Complaint A2004-0077 and A2004-1270  
Finding of Record

Public Version  
*Edited to remove information that would identify complainant*

December 22, 2005

Two inmates at Alaska prisons complained in 2004 that their cash went missing when they were transferred from rural jails to the Anchorage Correctional Center (ACC) East (formerly Cook Inlet Pre-Trial). After the first report, Ombudsman Intake Officer Denise Duff provided notice of investigation to then ACC Superintendent Joseph Schmidt on March 18, 2004. The second complaint was similar to the first and was added to the investigation later. The two complaints were treated as one investigation.

This letter is a report of the ombudsman's findings per Alaska Statute 24.55.190. That statute requires that ombudsman findings and recommendations be kept confidential and not be disclosed to the public. However, it is our practice to post on our web site redacted versions of final reports. Enclosed with this letter is an edited version of this report that may be released if you receive a request from the public. The names of the complainants have been removed from the public version of the report for confidentiality.

The allegation is that the Department of Corrections performed inefficiently by losing the inmates' cash during their transfer from rural jails. Our finding is that the allegation is *partially justified and rectified*.

## **BACKGROUND**

Complaint A2004-0077 involved inmate John Doe<sup>1</sup>. He said that Alaska State Troopers transported him in November 2003 from the Unalaska Jail to ACC. He provided the ombudsman with a copy of a prisoner property form dated November 26, 2003 and a Prisoner Transfer Receipt dated November 30 that indicates he was transferred with \$201 in cash. He complained that DOC did not complete a property inventory in his presence when he arrived at ACC. His money was never accounted for and consequently was not returned to him after his release from custody.

The second complaint came from inmate Richard Roe<sup>2</sup>. He said that on July 28, 2004 he was transported from Dillingham Jail to ACC. He said he left Dillingham with \$243.50. At ACC, however, the money was not placed on his prisoner account. When he inquired about the money, ACC staff told him that no money arrived with him.

---

<sup>1</sup> The name of this inmate was changed to the generic John Doe to protect his confidentiality.

<sup>2</sup> The name of this inmate was changed to the generic Richard Roe to protect his confidentiality.

Both inmates filed cop-outs, grievances, and lost property reports with DOC, but their problem was not resolved.

The ombudsman opened an investigation into the following allegations stated in terms that conform with AS 24.55.140.

***A2004-0077 Allegation 1: The Department of Corrections performed inefficiently by losing cash belonging to an inmate who was transferred from the Unalaska Jail to the Anchorage Correctional Complex.***

***A2004-1270 Allegation 2: The Department of Corrections performed inefficiently by losing cash belonging to an inmate who was transferred from the Dillingham Jail to the Anchorage Correctional Complex.***

Assistant Ombudsman Mark Kissel investigated the complaints with assistance from Intake Officer Denise Duff.

## **INVESTIGATION OF THE DILLINGHAM TRANSFER**

In July of 2004, Richard Roe, a prisoner at the Dillingham Jail, traveled under Alaska State Trooper escort to Anchorage and was booked into ACC. His transfer paperwork showed that he left Dillingham Jail with \$243.50 cash. Mr. Roe said that Dillingham officers placed the cash in a white envelope and handed it to the transporting officer. At ACC, correctional staff did not count the money in front of Mr. Roe. Later, Mr. Roe learned that the money was not in his prisoner trust account as he expected. Mr. Roe said that he asked ACC staff about the money, and they told him that no money had arrived with him from Dillingham.

Assistant Ombudsman Kissel contacted ACC Assistant Superintendent Debbie Miller, who reported several weeks later that Mr. Roe's money had been found. It had mistakenly been credited to the account of another inmate. She described it as a bookkeeping error.

### ***Analysis and Finding***

The allegation is that DOC performed inefficiently by losing the complainant's cash. The Office of the Ombudsman's Policies and Procedures Manual at 4040(14) defines *performed inefficiently* as, in part, "ineffectual performance." The facts are that Mr. Roe arrived at ACC from the Dillingham Jail with a packet containing \$243.50; that DOC staff mishandled the cash; that when Mr. Roe complained about the missing cash, DOC staff were unable to account for it and insisted that he had no cash when he arrived; and that the cash finally turned up after the ombudsman investigator contacted the assistant superintendent. The ombudsman characterizes DOC's performance in this instance as "ineffectual" and finds this allegation ***justified***. Because the money was recovered and returned to Mr. Roe, the ombudsman also finds that this allegation was resolved.

## **INVESTIGATION OF THE UNALASKA TRANSFER**

Mr. Doe was arrested in Unalaska in November 2003, for felony probation violation and lodged in the Unalaska Jail pending transfer to Anchorage. When booked in Unalaska, he

had \$1 in his possession, according to the Unalaska Department of Public Safety (DPS) booking record. Later, a friend brought him additional clothing and \$200 in cash, which was recorded on a Unalaska DPS prisoner property supplement form dated late November.

Unalaska DPS prepared to transfer Mr. Doe to Anchorage at the end of November. According to Mr. Doe, Unalaska staff counted his money in front of him (two one-hundred-dollar bills and one one-dollar bill), put it in an envelope, and placed the envelope in his property bag along with his other possessions. Later, his flight to Anchorage was cancelled, and he was returned to the Unalaska Jail. The next day the Unalaska DPS officer placed his property in the bag again, but did not count the cash in front of Mr. Doe.

An Unalaska DPS prisoner transfer receipt dated November 30 lists property being transferred with Mr. Doe to ACC. The list includes various items of clothing and "CASH \$201.00." Mr. Doe said the property bag was handed to the transferring officer, Alaska State Trooper Robin Morrisett. Mr. Doe said he was in Trooper Morrisett's presence during the entire trip and he knows Trooper Morrisett did not take the money.

An ombudsman investigator interviewed Trooper Morrisett about Mr. Doe's transfer. Trooper Morrisett said that he met Mr. Doe and another prisoner at the Dutch Harbor airport on November 29. He noted that Mr. Doe was holding a brown paper bag and that the bag was open. Trooper Morrisett said he asked Mr. Doe why the bag was open, and Mr. Doe told him he had to open the bag to get some medication. He said that Mr. Doe mentioned that his money was in the bag.

Trooper Morrisett said that they boarded the airplane to Anchorage, but that the flight was cancelled. He returned the inmates to Unalaska DPS custody. The next day, the inmates returned to the airport, and Trooper Morrisett noted that the bag was now sealed.

Trooper Morrisett said that Mr. Doe remarked to him that he hoped "that money doesn't get lost this time," apparently referring to another transfer when money was lost but later recovered. Trooper Morrisett said Mr. Doe was the first to be processed after they arrived at ACC. As the DOC correctional officer went through his personal items, Mr. Doe commented about his money, the trooper said. He recalled that the booking officer said "not a problem, we will get it counted out and get it on the books." After his prisoners were booked, Trooper Morrisett left. He said that during the transfer and the booking, he never saw the money.

DOC Policy and Procedure 811.05 A (7) (Prisoner Personal Property, Property Inventory) directs that:

. . . all funds must be counted, verified, and receipted in the presence of the prisoner and entered into the prisoner's account or sent out of the facility. If the prisoner is incapacitated, at least two employees are to count all funds and sign a receipt for the prisoner."

Mr. Doe said that when he arrived at the DOC facility, correctional officers did not complete a property inventory in his presence. This was confirmed by Assistant Superintendent Miller, who said that the volume of prisoners entering the facility does not always allow for that. She said that sometimes correctional officers can be processing as many as 50 prisoners at a time.

Property Clerk Sara Benton confirmed that Mr. Doe arrived at ACC during a busy day. The DOC Daily Count Sheet shows that ACC booked 16 prisoners between 1:50 p.m. and 3:25 p.m. that day. Mr. Doe was booked at 2:15 p.m. Ms. Benton also said that the high volume of intake at ACC makes it impossible to have two employees present to count incoming cash when the inmate cannot be present himself.

### ***Analysis and Finding***

The ombudsman does not know where Mr. Doe's money went. At least three persons had access to the money: the Unalaska DPS officer, the DOC booking officer, and the complainant himself. Throughout the transfer, procedures were sloppy: Mr. Doe gained access to his property bag on Nov. 29; the Unalaska property clerk did not recount the cash in front of Mr. Doe on Nov. 30, and the booking officer did not count the money in front of Mr. Doe or another officer at ACC.

Consequently, the ombudsman is unable to say whose inefficiency caused Mr. Doe's difficulty. The ombudsman finds this allegation *indeterminate*. Mr. Doe's money has never been recovered.

### **AGENCY REACTION**

DOC received a preliminary copy of this report and had an opportunity to respond. Commissioner Marc Antrim did not object to the findings, but made several comments related to the investigation. Mr. Antrim wrote that the rural jails and police departments that deliver inmates into the state system have resisted suggestions to transfer funds by check or other verifiable means. He said transporting officers often refuse "to stay in the receiving facilities while offenders undergo a critical initial physical and mental health assessment, let alone waiting for property and cash to be verified."

Mr. Antrim wrote that booking area staff are hardworking and conscientious people who are confronted with ever-increasing numbers of incoming offenders. Often, he said, they are "forced to triage the work."

"The handling of property and cash has to be placed in the proper context," he wrote. "The goals of the booking area staff are to protect the public by keeping persons being booked secure, evaluating the receiving documentation to assure that each remand is legal, evaluating the offender's immediate medical/mental health needs, performing searches for contraband, controlling often unruly or violent behavior, and processing those people being released on bail or on their own recognizance as quickly as possible in recognition of their liberty interests."

### **RECOMMENDATION**

Although DOC has a policy for handling cash at intake, the policy is set aside whenever booking backs up. The policy is, by the accounts of Ms. Miller and Ms. Benton, unworkable and generally ignored. The policy has, in two cases documented above, allowed cash to go missing. It has allowed suspicion to fall on local and state workers who must handle the money under inadequate safeguards. Why has DOC kept this policy in its policy and procedures manual if it does not work?

A better question is: Why, in the 21<sup>st</sup> Century, are local and state agencies transferring cash across Alaska in brown paper bags? The ombudsman believes there must be a better way—a way with more accountability and effective tracking of the money.

The ombudsman investigator contacted Sgt. L.V. Lewis, DOC liaison with municipal jails, to ask if he had suggestions for improving the system. Sgt. Lewis emailed staff within DOC and at the community jails and forwarded their responses to the ombudsman.

Three of the suggestions had potential to eliminate the kinds of confusion evident in the complaints of Mr. Doe and Mr. Roe.

Kodiak Chief of Police Charles Kamai noted a problem in the cash “chain of custody.” He wrote:

In most instances the transport officers don't verify prisoner currency. We suggest DOC enact a procedure that mandates verification by the transporting entity, whether they are AST, DOC or municipal. Procedure essentially follows a basic "chain-of-custody" logic, whereby the transporting officers physically count the currency, verify it [is] in the prisoner box or transport folder and that it arrives with the prisoner when they arrive at the jail.

North Slope Borough Police Sgt. Mike Donovan suggested that cash be placed in an envelope which is inserted in the inmate's file folder. The folder goes with their belongings but the envelope with the money is placed inside their file folder instead of a bag. “The CO's will always check the prisoner file folder.”

ACC Assistant Superintendent Miller responded with the recommendation that the community jails write checks rather than send cash. Checks are less negotiable than cash, and the process of cashing the check provides a paper trail for tracking whether, where, and by whom the check was deposited or converted to cash.

Ms. Miller's recommendation seems the simplest. However, some of the community jails are located in small communities with limited financial choices. For example, staff at the Dillingham Jail said they do not have a checking account and do not have easy access to other methods of transferring money. Therefore, the ombudsman makes one recommendation as the result of this investigation.

***The ombudsman recommends that DOC review its procedures for handling cash transfers from community jails and adopt new procedures that provide accountability in transferring cash from community jails to DOC facilities.***

In response to this investigation, DOC Commissioner Marc Antrim agreed to adopt the ombudsman's recommendation. He wrote:

The department and its employees strive for total accountability when handling offender cash and property. Given that the real issue is that the offender funds are shipped to the Anchorage Correctional Complex in the form of cash, the best solution for this problem is to

implement Assistant Superintendent Miller's suggestion and change to something less liquid.

I will have Sgt, Lewis advise all of the community jails that effective January 31, 2006, the Department of Corrections will only accept a check or money order for any prisoner funds being transferred from their facilities to an Alaska DOC facility. Despite the numerous complaints I know are going to be registered with this policy change, in the event a check or money order is lost in the often-hectic environment of the department's receiving facilities, it will be a simple matter to place a stop payment on the lost instrument and have it reissued.

In light of Commissioner Antrim's action, the ombudsman will close this complaint as *rectified*.

In summary, the ombudsman finds Allegation 1 *justified* and Allegation 2 *indeterminate*. According to Ombudsman Policy and Procedures Manual at 4060.3, when one allegation of a complaint is found to be justified and the other is found to be unsupported or indeterminate, the complaint as a whole is found to be *partially justified*.

Therefore, the ombudsman closes this complaint as *partially justified* and *rectified*.