

 Corrections and Community Supervision DIRECTIVE	TITLE Lost & Found/Abandoned Property		NO. 2791
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SUPERSEDES DIR# 2791 Dtd. 09/18/2015	DISTRIBUTION A B	PAGES PAGE 1 OF 3	DATE LAST REVISED
REFERENCES (Include but are not limited to) State Finance Law; Abandoned Property Law; Personal Property Law	APPROVING AUTHORITY 		

- I. DESCRIPTION:** This directive provides guidelines for disposition of unclaimed personal property as well as lost and found articles.
- II. DEFINITIONS**
- A. Abandoned Property: “Abandoned property” is personal property known to have belonged to an inmate who has been discharged, died, absconded from temporary release, or escaped, and has remained unclaimed by such person or his or her legal representative for a period of six months after discharge, death, abscondance from temporary release, or escape.
- B. Lost and Found Property: “Lost and found property” is property that may belong to a visitor, an employee, or an inmate, but has not been claimed. Lost and found property does not include property which is known to have belonged to a particular inmate who is no longer able to claim it by virtue of death, abscondance from temporary release, escape, or discharge.
- C. Uncashed State Checks: Section 102 of the State Finance Law and Section 1315 of the Abandoned Property Law, as Amended by Chapter 62, Part P, of the Laws of 2003, requires that State checks which remain uncashed after one year must be written off and the proceeds of all unpaid New York State issued checks be deposited into the New York State Abandoned Property Fund. The proceeds of all uncashed New York State Sole Custody checks are required to be transferred to the State Comptroller’s Office of Unclaimed Funds on an annual basis.
- III. RESOURCES**
- Handbook for Reporters of Unclaimed Funds: available at the following link:
<http://www.osc.state.ny.us/ouf/reporters/handbook.htm>
- For information regarding unclaimed property for State Institutions, please see the “State Institutions” section listed under *Industry Specific Information*.
- IV. DISPOSITION OF ABANDONED INMATE PERSONAL PROPERTY**
- A. Reference: Disposition of abandoned property is governed by the State Finance Law, Section 128 and Abandoned Property Law, Section 1304.
- B. Facility Procedures: Deputy Superintendent for Administration (or designee of the Superintendent) shall:

1. Arrange for complete inventory of all abandoned property on an annual basis. Section 1422 of the Abandoned Property Law requires that, at least 90 days prior to your report, a first class mailing be made to each person whose name is expected to appear on the report unless the address is unknown or the holder can demonstrate that the address it has for the owner is not the owner's current address. In addition, at least 60 days prior to your final report, a certified mailing, returned receipt requested, must be made to each person whose name is expected to appear on the report whose abandoned property is valued in excess of \$1,000, unless a claim has been initiated since the first class mailing was sent or the first class mailing was returned as undeliverable.
2. If nothing is to be reported, complete OSC Form AC 2709; <http://www.osc.state.ny.us/ouf/forms/ac2709.pdf> "Verification and Checklist for Unclaimed Property," with period ending date only and state "none" and maintain a copy in the Abandoned Property file to document that the annual review was done. Negative reports are not required to be sent to the Office of the State Comptroller if no abandoned property is held on the period ending date.
3. Arrange for destruction of property which is determined to be valueless or of such little value that the probable proceeds of the sale would be less than the cost of such sale.
4. Arrange for public sale of tangible personal property of such value as to warrant such sale and justify the cost of such sale. (The Commissioner has delegated this authority to the Superintendent.) Notice of the sale should be posted on the facility bulletin board, and the sale should be advertised in the local media when warranted, especially when a special type of buyer (e.g., rare coin dealer or jeweler) should be sought. Expenses for the sale, including the cost of advertising, will be deducted from the proceeds of such sale.
5. Sell to the highest bidder for lot and/or individual item sales.
6. Prepare Form AC 2709; Complete the back of the AC 2709 indicating which types of property are being reported. Obtain the signature of the Superintendent on the AC 2709.
7. Complete OSC Form AC 2686; <http://www.osc.state.ny.us/ouf/forms/ac2686.pdf> "Report of Abandoned Property," per Comptroller's Office instructions. By law, reporters of abandoned property need not provide owner or property information for abandoned accounts valued at \$20 or less. These items may be aggregated and described on your AC 2686. When aggregating items under \$20.01, you must group the individual items into one aggregate amount for each property type.
8. Make the check for the amount listed as "Cash" on the AC 2709 payable to the "Comptroller of the State of New York" and attach it to the original copy of the AC 2709.
9. Forward the check, original AC 2709, and the completed AC 2686 to the State Comptroller's Office.
10. The retention of records relating to abandoned property is five years following December 31 of the year for which an abandoned property report was filed.

V. CLAIMS FOR RECOVERY OF ABANDONED PROPERTY

If an inmate seeks to reclaim property that was previously remitted as abandoned property to the Office of Unclaimed Funds or seeks assistance, he or she should:

1. Write to: State Comptroller
C/O Office of Unclaimed Funds
110 State Street
Albany, NY 12236

OR

2. E-mail: NYSOUF@osc.state.ny.us

OR

3. Call: 1-800-221-9311

The only information required on the form is the inmate's name, DIN, social security number (if known), and any previous addresses.

VI. DISPOSITION OF LOST AND FOUND PROPERTY

- A. Reference: Disposition of "lost and found" personal property found on the premises of a facility or office of the Department is governed by Personal Property Law, Section 251-258.
- B. Finder's Responsibility: Finder of lost property is responsible to return the lost and found property to its owner, or turn it over to the Deputy Superintendent for Administration, the Area Office Director, or the Director of Budget and Finance.
- C. Department's Responsibility: A Department official finding or receiving lost property shall return the property to the owner or turn it in to the appropriate police agency.