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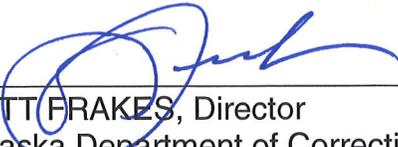
This Administrative Regulation is to be made available in law libraries or other inmate resource centers.

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SUMMARY of REVISION/REVIEW

- Revised signature block to reflect current Director
- Formatting changes throughout
- Numerous changes to Section V

APPROVED:



 SCOTT FRAKES, Director
 Nebraska Department of Correctional Services

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PURPOSE

It is the policy of the Nebraska Department of Correctional Services (NDCS) to establish and maintain effective controls over inmate property, including its lawful disposal, to assist NDCS in attaining its objectives of operating in an efficient and effective manner as well as to provide a safe, secure and humane environment for inmates, staff and the general public.

GENERAL

Within the broad constraints outlined in this Administrative Regulation (AR), Wardens shall establish and implement procedures which regulate the amount, type, value and disposition of inmate property. The nature and character of each facility, the number of inmates, the storage space available and other circumstances will determine how much and what type of personal property will be allowed. Agency policies and facility procedures relating to inmate property must be reviewed annually and updated as necessary. Current versions of this administrative regulation and operational memorandums governing inmate property are to be made available to inmates upon admission to the facility and when revised/updated.

PROCEDURE

I. PROPERTY ADMINISTRATION

- A. The Warden of each facility will establish a property control office or designated property storage areas and assign a specific employee as property control officer and a sufficient number of trained property relief staff.
- B. The property control officer will be responsible for the proper inventory, control and disposition of inmate personal property using the Property Control Record form (Attachment A).
- C. All staff assigned to positions with primary responsibility for the inventory, control or disposition of inmate personal property shall participate in a minimum of one hour of annual, in-house refresher training.

II. PERSONAL PROPERTY AND MONEY OF INCOMING INMATES

- A. All personal property an inmate has in his/her possession when admitted to a facility shall be turned over to facility authorities for examination. An inmate is allowed to maintain possession of those items of personal property not considered contraband, and such property shall be properly registered and turned over to him/her. Items not allowed to be retained or not desired by the inmate may be stored in the facility, donated to a charitable organization, disposed of per procedure, or sent outside the facility. Items to be stored in the facility will be inventoried with a receipt of same given to the inmate. At the discretion of the Warden, items to be sent outside the facility will be mailed and insured at inmate or state expense, or picked up and signed for at the facility by an individual designated by the inmate.
- B. All money an inmate possesses when entering a facility shall be turned over to the facility's business manager who will place the money in an account in the inmate's name. Official government money confiscated from an inmate shall be placed in his/her

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confiscated cash account and returned upon release from the custody of the Nebraska Department of Correctional Services.

C. Inmates being admitted or readmitted to the system may retain the following:

- One wristwatch
- One commercial religious medallion which meets the guidelines for size and weight as specified in AR 208.01, *Religious Services*.
- One wedding ring

If the inmate wishes to retain any or all of these items, the inmate will be required to sign a statement (Attachment B) which limits the liability of the Nebraska Department of Correctional Services to \$50 for each item in the event that staff negligence results in the loss of the item(s).

III. STATE ISSUE AND PERSONAL PROPERTY LIMITS (GENERAL POPULATION INMATES)

A. Amount of Property Allowed

Written facility procedures must specify the amount of personal property inmates will be permitted to retain in their possession. The following maximum upper limits for personal property will be observed:

1. Except as noted in #3 below, state issue outer clothing and personal clothing will not exceed five changes, with a maximum of three sets of state issue clothing. State issue underclothing (i.e. underwear, socks, t-shirts for male inmates and socks and t-shirts for female inmates) will not exceed five sets. Female inmates may possess three additional personal pair of underwear and three additional personal bras. All inmates will be issued one pair of state footwear. Special protective clothing issued by the facility for work or program assignments shall not be counted as part of this allotment.
 - a. Inmates assigned to reception/orientation units/facilities shall be allowed to possess state issue clothing only.
 - b. Inmates assigned to the work/education release program may retain up to three additional sets of clothing due to the nature of employment, if deemed appropriate by the Warden of the community corrections center.
 - c. It is each inmate's responsibility to maintain the amount of state clothing noted above.
 - d. All tennis/athletic shoes must be purchased by direct order from the inmate canteens except at Community Corrections Center – Lincoln (CCC-L) and Community Corrections Center – Omaha (CCC-O).
2. Except as noted in #3 below, state issue of bedding and linens will not exceed one mattress, one pillow, two sheets, two blankets, one pillow case, three towels, three washcloths and (where utilized) one mesh canteen bag. Additional items may be issued for medical reasons.

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3. For those inmates at facilities served by central laundry operations at the Tecumseh State Correctional Institution (TSCI) or the Nebraska State Penitentiary (NSP) and for female inmates at the Nebraska Correctional Center for Women (NCCW), the number of sets of state issue outer clothing and personal clothing will not exceed six changes, with a maximum of four sets of state issue clothing. Inmates at these facilities will be issued an additional khaki shirt and pant; an additional towel, washcloth and pillowcase, an additional blanket, two additional sheets; and two laundry bags.
4. Each inmate may have one cassette/compact disc player, not to exceed 18" x 18" x 18", including speakers, providing the purchase was made prior to March 24, 1997. Such units must remain in original factory working order.
5. Each inmate may have one radio, not to exceed 18" x 14" x 6", providing the purchase was made prior to March 24, 1997. Such units must remain in original factory working order.
6. Each inmate may have one Walkman-type AM/FM radio with either cassette tape or compact disc playing capability. All Walkman-type AM/FM radios must be purchased by direct order from the inmate canteens except at CCC-L and CCC-O.
7. Each inmate may possess 25 cassette tapes or compact discs or a combination of cassette tapes and compact discs not to exceed 25 (includes religious tapes and/or CD's). Inmates may not possess blank cassette tapes or blank CD's.
8. Subject to individual facility housing arrangements/space limitations (i.e. open dormitories or rooms with more than one person assigned as opposed to individual rooms), each inmate may have a television set. All TV sets must be purchased by direct order from the inmate canteens except at CCC-L and CCC-O. Headphones for TV's and radio/cassette/CD players must be purchased by direct order from the inmate canteens except at CCC-L and CCC-O.
9. Electronic spell checkers and electronic translating devices may be special ordered and possessed by inmates. These devices are subject to a \$75 limit, must be approximately three inches by five inches in size, and may not contain crossword puzzles or other games. Non-clear casing is acceptable.
10. Typewriters possessed by inmates may not cost more than \$250.-Typewriters may not be manual and may have no text memory. Possession of a typewriter is subject to individual facility housing arrangements and space limitations. New typewriter purchases must have clear casings (no tint). New typewriter purchases at CCC-L and CCC-O do not need to have clear casings.
11. Subject to individual facility housing arrangements/space limitations (i.e. open dormitories or rooms with more than one person assigned as opposed to individual rooms), each inmate may possess one musical instrument and protective covering or case. Musical instruments will not be homemade or hobby produced.

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Subject to the approval of the Warden, the following musical instruments may be allowed: acoustic guitars, electric guitars and portable electric pianos (maximum size 40"L x 20"W x 6"H). Requests for other instruments will be decided on an individual basis. Musical instruments shall not exceed a maximum purchase price of \$300.00.

12. Other items, as authorized by the facilities, may be ordered through the Direct Special Order process as discussed in AR 113.02, *Inmate Accounting*.
13. Subject to facility housing arrangements/space limitations, each inmate shall be allowed to possess property not to exceed an amount, which can be stored in a space measuring four cubic feet. Television sets, cassettes/ compact disc players, radios, Walkman-type units, musical instruments and state issued items shall not be included in the four cubic feet allotment; however, personal clothing including shoes, personal grooming items, paper materials, newspapers, magazines, books, general correspondence, hobby craft materials/ tools and other miscellaneous authorized personal property (e.g. foodstuffs and canteen purchases not reflected above) shall be included in this allotment.
14. Inmates shall be permitted to retain legal materials in their possession. The amount of legal materials possessed by an inmate shall not exceed two cubic feet beyond what may be possessed as part of the four cubic feet property maximum in #13 above.
15. Provisions provided in Section III.A.4., III.A.5., III.A.6., III.A.7., III.A.8., III.A.9., III.A.10., III.A.11. and III.A.12. of this AR do not apply to inmates assigned to reception/orientation units/facilities.
16. Provisions provided in Section III.A.4. through III.A.13. do not apply to the Work Ethic Camp (WEC) offenders and inmates. Handheld AM/FM radios with headphones purchased through the canteen are acceptable at WEC; however, no CD or cassette players will be allowed at WEC.

B. Inter-institution Transfers/Discharges/Paroles

Unless an inmate is being transferred from a community corrections center to a secure facility, all personal property, both that retained by the inmate and that stored by the facility (except photo tickets) shall be transferred with the inmate. Staff must exercise proper care in transferring these items. All property retained at the facility will be accurately inventoried upon the inmate's arrival, upon transfer to another facility or to any form of restrictive housing and upon discharge or release on parole. Community corrections facilities are not required to inventory inmate property upon discharge or parole. All property will be handled carefully and securely stored when excessive and/or unauthorized property items are taken from the inmate. The original property inventory will be maintained by the property control officer with copies provided to the inmate and other appropriate facility offices. Upon discharge or release on parole, the inmate must sign a receipt acknowledging return of the property. Inmates transferred from a community corrections center to a more secure facility for discipline or classification reasons must make arrangements, prior to the transfer, to have all non-authorized property picked up.

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Inmates who are returned to the Diagnostic and Evaluation Center (DEC), the Nebraska Correctional Youth Facility (NCYF) or NCCW from CCC-L, CCC-O or WEC or as a parole violator may have their personal photographs, legal materials and an address book sent with them. In addition, inmates being transferred from CCC-L, CCC-O and WEC to secure facilities (except DEC) may be allowed to bring other personal property items with them as authorized by the receiving facility's applicable Operational Memorandum.

C. Inmate Jewelry

1. An inmate who becomes married while incarcerated may retain a wedding ring brought in for the ceremony. Arrangements to bring in the ring must be made in advance.

As a precondition for retaining the ring the inmate will be required to sign a statement (Attachment C) which limits the liability of the NDCS to \$50 for the ring in the event that staff negligence results in the loss of the ring. All jewelry and religious medallions authorized for possession by inmates must be purchased through the facility canteen, with the exception of items specified in Procedure II.C. and III.C.1 above. Such purchases from the canteens are limited to \$75 per item (tax and shipping not included). Inmates at facilities other than the DEC or the NCCW's Diagnostic and Evaluation Unit will be allowed to possess one watch, one wedding ring, one commercial religious medallion, one necklace and two earrings. Jewelry limits for the DEC and the NCCW Evaluation Unit are specified in Procedure II.C. above.

2. Inmates will be permitted to wear earrings/rings in their ears and nose if those body parts were pierced at the time of admission to the NDCS system. Piercing of body parts subsequent to admission is a violation of NDCS Chapter 5 (Code of Offenses – II.P.). Earrings/rings or other items may not be worn in pierced body parts other than the ears and nose.

D. Postage, Pop Tokens and Photo Tickets

Inmates may possess no more than 40 pre-stamped envelopes. Inmates at CCC-O may possess no more than 40 stamps. Inmates may not possess more than 25 pop tokens or more than five photo tickets.

IV. PERSONAL PROPERTY OF INMATES ASSIGNED TO RESTRICTIVE HOUSING UNITS

Each facility will develop specific procedures governing authorized property limits for inmates classified to segregation units in accordance with AR 210.01, *Conditions of Confinement – Special Management Inmates*. Such procedures will take necessary security requirements and the application of discipline into account.

V. STORAGE OF PROPERTY

Physical plant limitations will determine each facility's capability for storing excess or unauthorized inmate property. Each facility will develop operating procedures governing when inmate property will be stored, the length of such storage, the types of property which may be stored, and the specific conditions of storage (area and packaging).

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VI. DISPOSAL/TRANSFER OF PROPERTY

The following procedures will be followed in the event the inmate wishes to transfer ownership or possession of personal property to a party outside of the facility (to include hobby items). Inmates may send these items or personal properties out of the facility by having it shipped/mailed at inmate expense to a location designated by the inmate, or by having it picked up and signed for at the facility by an approved visitor. (See Attachment D)

Facility approved transfer of a television is the only authorized transfer of the possession of property between inmates. Please refer to Administrative Regulation 113.02, *Inmate Accounting*, for specific details and recordkeeping requirements.

Property abandoned as the result of an inmate's discharge, parole or death (and ownership rights to the property are not waived in writing by the inmate), shall be disposed of after two years. Such disposition shall be by donation to a charitable organization, sale to an inmate with proceeds being placed in the inmate welfare fund, or by placement in the trash. Facility procedures will govern the handling of excess and abandoned inmate property. If an inmate escapes/absconds, personal property other than funds will be disposed of after 30 days. If an inmate discharges and abandons personal property other than funds, that property will be disposed of after two years, in compliance with State Statute 83-155. Staff will complete a Notice of Excess Property/Property Release (Attachment D) and note the reason for disposal. If an inmate dies, his or her personal property other than funds will be disposed of after two years in compliance with State Statute 83-155. After two years staff will complete a Notice of Excess Property/Property Release (Attachment D) and note the reason for disposal.

Property in excess of that permitted in living quarters and not authorized for storage must be sent out of the facility by having it shipped/mailed at inmate expense to a location designated by the inmate, or by having it picked up and signed for at the facility by an approved visitor. (See Attachment D) Excess canteen items will be destroyed after the inmate has had the opportunity to utilize and exhaust the grievance process. Upon submission of a Notice of Excess Property/Property Release (Attachment D), the listed property will be subject to disposal per procedure after 30 days if not removed from the facility. An inmate may object to disposal prior to the conclusion of 30 days by making prompt use of the Department's grievance mechanism as set out in DCS Title 68 Chapter 2.

VII. CONTRABAND

For the purpose of these regulations, the following materials shall be considered contraband. The term contraband, however, shall not be exclusive to the designated items, but shall include any other items which constitute a threat to the safety, security or good order of the facility.

The following objects are considered contraband:

- A. Narcotic, hallucinogenic or other illegally or invalidly possessed drugs.
- B. Plans for escape routes or the manufacture of weapons, incendiary devices, drugs or alcohol.
- C. Alcoholic beverages.
- D. Weapons of any type.

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- E. Perishable goods, unless approved by the Warden of the facility.
- F. Maps which are deemed to constitute a threat to the security of the facility or the public.
- G. Any items which would cause a violation of the Code of Offenses if possessed by an inmate.
- H. Postage stamps (except as allowed in Rule 3.012.08 and CCC-O).
- I. Materials which advocate or are likely to incite violent or illegal activity including materials which advocate or depict violent or illegal sexual activity.
- J. Any printed, published, recorded or photographed materials, which are deemed by the Warden to constitute a threat to the safety, security or good order of the facility.
- K. Tobacco, tobacco related products, or smoking paraphernalia (except at Community Centers).
- L. Electronic communication devices.

VIII. INMATE JEWELRY / COMMUNITY CORRECTIONS FACILITIES

Inmates in community corrections facilities may, subject to approval by unit staff, purchase jewelry at local retail outlets. If these items are retained in the community corrections facility by the inmate, he/she must sign a statement (Attachment E) which limits the liability of the NDCS to \$50 in the event that staff negligence results in the loss of the item(s).

REFERENCE

I. ATTACHMENTS:

- A. Property Control Record DCS-A-adm-075 (rev. 2/06)
- B. Limits of Liability – Inmate Jewelry – Upon Admission/Readmission
- C. Limits of Liability – Inmate Jewelry – While in a Secure Institution
- D. NDCS Notice of Excess Property/Property Release DCS-A-adm-134 (1/10)
- E. Limits of Liability – Inmate Jewelry – While in a Community Corrections Facility

II. AMERICAN CORRECTIONAL ASSOCIATION (ACA) STANDARDS

- A. Standards for Adult Correctional Institutions (ACI) (4th edition): 4-4292, 4-4293, 4-4294, 4-4338
- B. Performance Based Standards for Adult Community Residential Services (ACRS) (4th edition): 4-ACRS-1A-15, 4-ACRS-7D-13, 4-ACRS-7D-14