 <p>Good Life. Great Mission.</p> <p>DEPT OF CORRECTIONAL SERVICES</p>	POLICY		
	INCARCERATED INDIVIDUAL PROPERTY CONTROL		
	EFFECTIVE DATE	NUMBER	PAGE
	December 31, 2024	204.01	1 of 11
STATEMENT OF AVAILABILITY			
This Law Library Access			

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SUMMARY OF REVISION/REVIEW


PROCESS – III.I. - Language updated. III.M. – Language updated. VIII. – Language updated.
 Minor grammar changes throughout.

APPROVED:

Diane Sabatka-Rine (for)

Diane Sabatka-Rine (for) (Nov 26, 2024 16:29 CST)

Rob Jeffreys, Director
 Nebraska Department of Correctional Services

 <p>NEBRASKA Good Life. Great Mission. DEPT OF CORRECTIONAL SERVICES</p>	POLICY		
	INCARCERATED INDIVIDUAL PROPERTY CONTROL		
	EFFECTIVE DATE December 31, 2024	NUMBER 204.01	PAGE 2 of 11
STATEMENT OF AVAILABILITY This Law Library Access			

PURPOSE

It is the policy of the Nebraska Department of Correctional Services (NDCS) to establish and maintain effective controls over incarcerated individual property, including its lawful disposal.

Within the broad constraints outlined in this policy, wardens shall establish and implement procedures which regulate the amount, type, value and disposition of incarcerated individual property. The mission and custody designation of the facility will determine how much and what type of property will be allowed. Agency policies and facility procedures relating to incarcerated individual property must be reviewed annually and updated as necessary. Current versions of this policy and facility procedures governing incarcerated individual property are to be made available to incarcerated individuals upon admission to the facility and when revised/updated.

All personal/issued property must fit within four cubic feet, with an additional two cubic feet of space allowed for the storage of legal materials (this does not include electronic devices and musical instruments with the exception of the soft, portable, electric digital roll up keyboard piano). (ACI-5A-06, ACRS-1A-15)


PROCESS

I. PROPERTY ADMINISTRATION

- A. The warden of each facility will establish a property control office or designated property storage areas and assign a specific team member as property control officer and a sufficient number of trained property relief team members.
- B. The property control officer will be responsible for the inventory, control, and disposition of incarcerated individual personal property using the *Property Control Record* form (Attachment A). (ACI-5A-08)
- C. All team members assigned to positions with primary responsibility for the inventory, control, or disposition of incarcerated individual personal property shall participate in a minimum of one hour of annual, in-house refresher training.
- D. To the extent possible, facility team members shall use canvas property bags manufactured by Cornhusker State Industries (CSI) when transporting incarcerated individual property. Each facility shall maintain an inventory of these property bags sufficient to meet the need based on the facility's average number of property transports. As the property bags are manufactured for use at all facilities, facility written procedures shall provide provisions for inventorying and ensuring return of bags used for facility transfers. Under no circumstances shall an incarcerated individual be in possession of a canvas property bag.
- E. At the time of release (discharge, parole, PRS) each incarcerated individual shall be issued a canvas discharge bag manufactured by CSI to easily transport their personal property. Each facility shall maintain an inventory of these discharge bags sufficient to meet the need based on the facility's average number of discharges.

II. INTAKE FACILITIES

- A. All property an incarcerated individual has in his/her possession when admitted to an intake facility such as Reception and Treatment Center (RTC), Nebraska Correctional Youth

 <p>NEBRASKA Good Life. Great Mission. DEPT OF CORRECTIONAL SERVICES</p>	POLICY INCARCERATED INDIVIDUAL PROPERTY CONTROL		
	EFFECTIVE DATE December 31, 2024	NUMBER 204.01	PAGE 3 of 11
	STATEMENT OF AVAILABILITY This Law Library Access		

Facility (NCYF), and Nebraska Correctional Center for Women (NCCW) shall be turned over to facility authorities for examination. An incarcerated individual is allowed to maintain possession of those items of 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 incarcerated individual, 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 incarcerated individual. Items to be sent outside the facility will be mailed and insured at incarcerated individual expense or picked up and signed for at the facility by an individual designated by the incarcerated individual. (ACI-5A-07)

B. All money an incarcerated individual possesses when entering the facility shall be turned over to the facility's business manager who will place the money in an account in the incarcerated individual's name.

C. Incarcerated individuals being admitted or readmitted may retain the following:

1. One commercial religious medallion which meets the guidelines for size and weight as specified in Policy 208.01 *Religious Services*.
2. One wedding ring

If the incarcerated individual wishes to retain any of these items, the incarcerated individual will be required to sign a statement *Limits of Liability – Incarcerated Individual Jewelry – Upon Admission/Readmission* (Attachment B) which limits the value of each item to \$50.


D. Incarcerated individuals will have the option to purchase the following personal items at the incarcerated individual's expense:

1. Shower Shoes
2. Headphones
3. Radio


E. Incarcerated individuals will receive the following state-issued items:

1. Bedding/Linen
2. Hygiene items
3. Clothing/footwear

All incarcerated individuals, regardless of gender, have the option to choose one of the following state-issued underwear options: boxers, unisex boxers, or panties.

 <p>NEBRASKA Good Life. Great Mission. DEPT OF CORRECTIONAL SERVICES</p>	POLICY		
	INCARCERATED INDIVIDUAL PROPERTY CONTROL		
	EFFECTIVE DATE December 31, 2024	NUMBER 204.01	PAGE 4 of 11
STATEMENT OF AVAILABILITY			
This Law Library Access			

- III. STATE ISSUE AND PERSONAL PROPERTY LIMITS (GENERAL POPULATION INCARCERATED INDIVIDUALS) AT THE NEBRASKA STATE PENITENTIARY (NSP), TECUMSEH STATE CORRECTIONAL INSTITUTION (TSCI), OMAHA CORRECTIONAL CENTER (OCC), RTC, WORK ETHIC CAMP (WEC), NCCW, & NCYF (See PROCESS II. for State-issue and personal property limits for intake facilities.)
- A. State-issued clothing will not exceed five changes, except for NCCW which will not exceed six changes, to include underwear. All incarcerated individuals, regardless of gender, have the option to choose one of the following state-issued underwear options: boxers, unisex boxers, or panties.
 - B. State-issued boots are only approved for shop areas and maintenance positions involving duties that present safety risks to individuals (i.e. mowing/snow removal, etc.). Boots shall be stored in the respective work areas when not being worn and are not permitted to be stored in living units/cells.
 - C. It is each incarcerated individual's responsibility to maintain the amount of state clothing noted above.
 - D. Two pairs of personal shoes may be purchased from the incarcerated individual canteen.
 - E. State issue bedding and linens will not exceed one mattress, one pillow, two sheets, two blankets, one pillowcase, three towels, three washcloths and (where utilized) one mesh canteen bag. With written authorization from a health services team member, additional items may be issued for medical reasons.
 - F. For incarcerated individuals at facilities that are served by CSI laundry operations, the number of sets of state-issue outer clothing and undergarments will not exceed six changes, this includes a maximum of four sets of state-issue clothing. Incarcerated individuals at these facilities will be issued an additional khaki shirt and pant, an additional undergarment to include a bra and underwear, an additional towel, an additional washcloth and pillowcase, an additional blanket, two additional sheets, and two laundry bags. (ACI-5D-10)
 - G. Each incarcerated individual may have one cassette/compact disc player purchased through the canteen.
 - H. Each incarcerated individual may have one radio purchased through the canteen.
 - I. Each incarcerated individual will be issued one ViaPath tablet.
 - J. Each incarcerated individual 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 CDs). Incarcerated individuals may not possess blank cassette tapes or blank CDs. Incarcerated individuals without a working CD player, will not be authorized to retain CDs in their possession.
 - K. 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 incarcerated individual may have a television set, purchased through the canteen.

 <p>NEBRASKA Good Life. Great Mission. DEPT OF CORRECTIONAL SERVICES</p>	POLICY		
	INCARCERATED INDIVIDUAL PROPERTY CONTROL		
	EFFECTIVE DATE December 31, 2024	NUMBER 204.01	PAGE 5 of 11
STATEMENT OF AVAILABILITY			
This Law Library Access			

L. Effective August 16, 2021, typewriters cannot be purchased by incarcerated individuals. Incarcerated individuals who have previously purchased typewriters or have an order for a typewriter approved before August 16, 2021, shall be allowed to retain the typewriter. If a typewriter is an authorized ADA accommodation per Policy 004.01 *ADA-Incarcerated Individuals and the Public*, approval for purchase is limited to a clear casing (not tint) typewriter with no text memory and possession of such is subject to individual facility housing arrangements and space limitations.

M. Subject to the approval of the warden and individual facility housing arrangements/space limitations (i.e. open dormitories or rooms with more than one person assigned as opposed to individual rooms), each incarcerated individual may possess one authorized musical instrument and protective covering or case. Authorized musical instruments may be ordered through canteen and shall not exceed a maximum purchase price of \$300.

The following musical instruments are allowed: acoustic guitars and soft, portable, electric digital roll up keyboard pianos (up to 61 keys).

N. Other items, except as noted otherwise in III.Q. as authorized by the facilities, may be ordered through order processes as identified in Policy 113.23 *Incarcerated Individual Orders*.

O. Incarcerated individuals may be permitted to retain legal materials in their possession. The amount of legal materials possessed by an incarcerated individual may not exceed two cubic feet. Any legal material chosen to be retained beyond the permitted 2 cubic feet shall be considered part of the allotted 4 cubic feet of property. (ACI-5A-07)

P. Incarcerated individuals may possess no more than 40 pre-stamped envelopes. Incarcerated individuals may possess no more than 25 pop tokens or more than five photo tickets. If an incarcerated individual has more than 25 tokens, team members will remove the excess tokens. It is the responsibility of the incarcerated individual to prove the purchase of any tokens in excess of 25 since their last cell search. The incarcerated individual shall submit the information via an Incarcerated Interview Request (IIR) to the facility business office. The value of tokens in excess of 25 verified as purchased by the incarcerated individual since their last cell search shall be placed onto the incarcerated individual's confiscated account; any other tokens shall be returned to the canteen.


An incarcerated individual has up to 90 days to provide proof of ownership for tokens removed during a cell search.

Q. Cosmetics will not be available through Direct or Special Order processes. Cosmetics shall be purchased only through NDCS canteens. Cosmetic orders are limited to one (1) item per category per week.

Property possession limits for cosmetics for all incarcerated individuals are: 2 make-up/foundation; 2 blush/bronzer; 3 lip gloss; 3 eye shadow; and 2 mascara. Possession limits apply to the category, and not to each of the different colors and styles available.

IV. INTER-INSTITUTION TRANSFERS/DISCHARGES/PAROLEES


All authorized personal property (photo tickets are not transferrable and must be sent to canteen to receive credit) shall be transferred with the incarcerated individual. All state issue khaki clothing

 <p>NEBRASKA Good Life. Great Mission. DEPT OF CORRECTIONAL SERVICES</p>	POLICY		
	INCARCERATED INDIVIDUAL PROPERTY CONTROL		
	EFFECTIVE DATE December 31, 2024	NUMBER 204.01	PAGE 6 of 11
STATEMENT OF AVAILABILITY			
This Law Library Access			

and under garments will be transferred with the incarcerated individual with the exception of those individuals transferring to a community corrections facility. All property retained by the incarcerated individual will be accurately inventoried upon the incarcerated individual's arrival, upon transfer to another facility or to any form of restrictive housing, out for court for more than 24 hours, or upon discharge or release. When excessive and/or unauthorized property items are taken from the incarcerated individual the property will be handled carefully and securely stored per procedure. The original property inventory will be maintained by the property control officer with copies provided to the incarcerated individual and other appropriate facility offices. Upon discharge or release on parole, the incarcerated individual must sign a receipt acknowledging return of the property. (ACI-5A-07, ACI-5A-08)

V. COMMUNITY FACILITIES

- A. State-issued clothing will not exceed seven changes to include under and outerwear. All incarcerated individuals, regardless of gender, have the option to choose one of the following state-issued underwear options: boxers, unisex boxers, or panties.
- B. Incarcerated individuals assigned to work release program and education detail may retain up to six additional personal sets (shirts/pants for work only) of clothing due to the nature of the employment, if deemed appropriate by the warden of the community corrections center.
 1. It is each incarcerated individual's responsibility to maintain the appropriate amount of state/personal clothing.
 2. Incarcerated individuals are allowed to possess up to four pairs of shoes, including shower shoes.
- C. State issued bedding and linens will not exceed one mattress, one pillow, four sheets, three blankets, two pillowcases, three towels, and three washcloths. With written authorization from a health services team member, additional items may be issued for medical reasons.
- D. Each incarcerated individual may have one AM/FM radio purchased from the incarcerated individual canteen.
- E. Incarcerated individuals shall be permitted to retain legal materials in their possession. The amount of legal materials possessed by an incarcerated individual may not exceed two cubic feet. Any legal material chosen to be retained beyond the permitted two cubic feet shall be considered part of the allotted four cubic feet of property. (ACI-5A-07)
- F. Incarcerated individuals will not be authorized to bring tokens and/or photo tickets from a secured facility upon transferring.
- G. Community corrections facilities are not required to inventory personal incarcerated individual property upon discharge or parole.
- H. Incarcerated individuals 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 property not authorized at the receiving facility picked up at the community corrections center.

 <p>NEBRASKA Good Life. Great Mission. DEPT OF CORRECTIONAL SERVICES</p>	POLICY		
	INCARCERATED INDIVIDUAL PROPERTY CONTROL		
	EFFECTIVE DATE December 31, 2024	NUMBER 204.01	PAGE 7 of 11
STATEMENT OF AVAILABILITY			
This Law Library Access			

Incarcerated individuals who are returned to RTC or NCCW from Community Corrections Center-Lincoln (CCC-L), Community Corrections Center-Omaha (CCC-O), WEC, or as a parole violator may have their personal photographs, legal materials and an address book sent with them, and clear cased electronic devices previously purchased through the canteen, (MP4 players, radios). In addition, incarcerated individuals being transferred from CCC-L, CCC-O, and WEC to secure facilities (except RTC) may be allowed to bring other personal property items with them as authorized by the receiving facility's applicable Procedure.


- I. As a precondition for retaining a wedding ring the incarcerated individual will be required to sign a statement *Limits of Liability – Incarcerated Individual Jewelry – While in a Secure Facility* (Attachment C) which limits the value of the item to \$50.
- J. Incarcerated individuals may possess no more than 40 pre-stamped envelopes. If the incarcerated individual requires additional envelopes, he/she may request approval from the warden. Incarcerated individuals at CCC-O may possess no more than 40 stamps.
- K. Incarcerated individuals in community corrections facilities may, subject to approval by unit team members, purchase jewelry at local retail outlets. If these items are retained in the community corrections facility by the incarcerated individual, he/she must sign a statement *Limits of Liability – Incarcerated Individual Jewelry – While in a Community Corrections Facility* (Attachment D) which limits the value of the item to \$50.
- L. All personal/issued property must fit within four cubic feet, with an additional two cubic feet of space allowed for the storage of legal materials (this does not include electronic devices and authorized musical instruments with the exception of the soft, portable, electric digital roll up keyboard piano). (ACRS-7D-14)

Incarcerated individuals are permitted to display personal possessions in their sleeping quarters provided it does not violate NDCS policy or procedure. Facility procedures will specify the specific personal property items that incarcerated individuals can retain in their possession. Incarcerated individual personal property stored in community facilities are listed on the *Property Control Record* form (Attachment A) and signed by the incarcerated individual. (ACRS-1A-15, ACRS-7D-13, ACRS-7D-14)

VI. INCARCERATED INDIVIDUAL JEWELRY

An incarcerated individual 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 incarcerated individual will be required to sign a statement *Limits of Liability – Incarcerated Individual Jewelry – While in a Secure Facility* (Attachment C) which limits the value of the ring to \$50. All jewelry and religious medallions authorized for possession by incarcerated individuals must be purchased through the facility canteen, with the exception of items specified in Procedure II.C. above. Such purchases from the canteens are limited to \$75 per item (tax and shipping not included). Incarcerated individuals will be allowed to possess one watch purchased through the canteen, one wedding ring, one commercial religious medallion, one necklace and two earrings. Jewelry limits for the RTC and the NCCW Orientation Unit are specified in PROCESS II.C. above.

 <p>NEBRASKA Good Life. Great Mission. DEPT OF CORRECTIONAL SERVICES</p>	POLICY		
	INCARCERATED INDIVIDUAL PROPERTY CONTROL		
	EFFECTIVE DATE December 31, 2024	NUMBER 204.01	PAGE 8 of 11
STATEMENT OF AVAILABILITY This Law Library Access			

Incarcerated individuals will be permitted to wear earrings in their ears 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 Nebraska Administration Code (NAC), Title 68, Chapter 5 (Code of Offenses – II.P.). Earrings or other items may not be worn in pierced body parts other than the ears.

VII. PERSONAL PROPERTY OF INCARCERATED INDIVIDUALS ASSIGNED TO RESTRICTIVE HOUSING UNITS

Refer to Policy 210.01 *Restrictive Housing* for procedures governing authorized property limits for incarcerated individuals classified to Restrictive Housing.

VIII. DISPOSAL / TRANSFER / STORAGE OF PROPERTY


Each facility will develop operating procedures governing when incarcerated individual property will be stored, the length of such storage, the types of property which may be stored, and the specific conditions of storage (area of packaging).

The following procedures will be followed in the event the incarcerated individual wishes to transfer ownership or possession of personal property to a party outside of the facility (to include hobby items). Incarcerated individuals may send these items or personal properties out of the facility by having it shipped/mailed at incarcerated individual expense to a location designated by the incarcerated individual, or by having it picked up and signed for at the facility by an approved visitor. *NDCS Notice of Excess Property/Property Release* (Attachment E)

Facility approved transfer of a television is the only authorized transfer of the possession of property between incarcerated individuals. Please refer to Policy 113.02 *Incarcerated Individual Accounting*, for specific details and recordkeeping requirements.

Property abandoned as the result of an incarcerated individual's discharge, parole or death (and ownership rights to the property are not waived in writing by the incarcerated individual), shall be disposed of after two years. Disposition shall be by donation to a charitable organization, sale to an incarcerated individual with proceeds being placed in the incarcerated individual welfare fund, or disposal. Facility procedures will govern the handling of excess and abandoned incarcerated individual property. If an incarcerated individual escapes/absconds, personal property other than funds will be disposed of after 30 days. If an incarcerated individual discharges and abandons personal property other than funds, that property will be disposed of after two years, in compliance with Neb. Rev. Stat. §83-155. Team members will complete a Notice of *Excess Property/Property Release* (Attachment E) and note the reason for disposal. If an incarcerated individual dies, his or her personal property other than funds will be disposed of after two years in compliance with Neb. Rev. Stat. §83-155 absent a request from an individual for release of the personal property pursuant to Policy 115.13 *Serious Illness Or Injury, Advance Directives & Death*. After two years, team members will complete a Notice of *Excess Property/Property Release* (Attachment E) 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 incarcerated individual expense to a location designated by the incarcerated individual. Incarcerated individuals may also have the property picked up and signed for at the facility by approved visitor *NDCS Notice of Excess Property/Property Release* (Attachment E). Excess canteen items will be destroyed after the incarcerated individual has had the opportunity to utilize and exhaust the grievance process. Upon


 <p>NEBRASKA Good Life. Great Mission. DEPT OF CORRECTIONAL SERVICES</p>	POLICY INCARCERATED INDIVIDUAL PROPERTY CONTROL		
	EFFECTIVE DATE December 31, 2024	NUMBER 204.01	PAGE 9 of 11
	STATEMENT OF AVAILABILITY This Law Library Access		

submission of a Notice of *Excess Property/ Property Release* (Attachment E), the listed property will be subject to disposal per procedure after 30 days if not removed from the facility. An incarcerated individual 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 NAC, Title 68, Chapter 2.

IX. CONTRABAND

For the purpose of this policy, 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.
- 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 incarcerated individual.
- 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.
- L. Electronic communication devices, except as authorized by NDCS policy.
- M. Sexually explicit materials that contain depictions or written descriptions of prohibited content including such examples as:
 1. Nudity - The depiction of human male or female genitals, anus, or pubic area or of the female breast or a substantial portion of the breast below the top of the nipple, with or without see-through covering, such as "pasties," lace, mesh, and body paint through which the covered area is showing; coverings emphasizing the depiction of human genitals; or tight-fitting clothing through which the contours of the genitals are clearly visible.

 <p>NEBRASKA Good Life. Great Mission. DEPT OF CORRECTIONAL SERVICES</p>	POLICY INCARCERATED INDIVIDUAL PROPERTY CONTROL		
	EFFECTIVE DATE December 31, 2024	NUMBER 204.01	PAGE 10 of 11
	STATEMENT OF AVAILABILITY This Law Library Access		

NOTE: This definition does not include published material containing nudity illustrating medical, educational or anthropological content.

2. Direct physical stimulation of unclothed genitals.
3. Masturbation.
4. Sexual Intercourse (including vaginal, oral, anal, or bestiality).
5. Bodily fluids.
6. Flagellation or torture in a sexual context.
7. Sex-related materials determined to constitute a risk to the safety and security of the facility, facilitate criminal activity, or undermine offender/resident rehabilitation.
8. A participant(s) who appears to be non-consenting dominated, degraded, humiliated, or in a submissive role, and/or acting in a forceful, threatening dominating, or violent manner which appears to be sexual in nature.
9. Minor(s), or models depicting minors, in a sexually suggestive setting/pose/attire.
10. Pictures in a magazine or other publication of general circulation shall not be considered a nude picture.
11. Computer generated pictures or pictures that appear to be from the Internet will be considered nude pictures.

X. INCARCERATED INDIVIDUAL PERSONAL PROPERTY

Incarcerated individuals will not be reimbursed/compensated for the loss of or damage to any personal clothing turned in to be washed by NDCS laundry operations. Incarcerated individuals will also not be reimbursed/compensated for the loss of or damage to any personal property that is detained or stored by NDCS (Neb. Rev. Stat. §81-8,219 (2)).


REFERENCE

I. STATUTORY REFERENCE

- A. Neb. Rev. Stat. §81-8,219 (2), §83-155
- B. Nebraska Administration Code: Title 68, Chapter 2, Chapter 5 (Code of Offenses – II.P)

II. NDCS POLICIES

- A. Policy 004.01 *ADA-Incarcerated Individuals and the Public*
- B. Policy 113.02 *Incarcerated Individual Accounting*
- C. Policy 113.23 *Incarcerated Individual Orders*

 <p>NEBRASKA Good Life. Great Mission. DEPT OF CORRECTIONAL SERVICES</p>	POLICY INCARCERATED INDIVIDUAL PROPERTY CONTROL		
	EFFECTIVE DATE December 31, 2024	NUMBER 204.01	PAGE 11 of 11
	STATEMENT OF AVAILABILITY This Law Library Access		

D. Policy 115.13 *Serious Illness Or Injury, Advance Directives & Death*

E. Policy 208.01 *Religious Services*

F. Policy 210.01 *Restrictive Housing*

III. ATTACHMENTS

A. Property Control Record (DCS-A-adm-075)

B. Limits of Liability – Incarcerated Individual Jewelry – Upon Admission/Readmission

C. Limits of Liability – Incarcerated Individual Jewelry – While in a Secure Facility

D. Limits of Liability – Incarcerated Individual Jewelry – While in a Community Corrections Facility

E. NDCS Notice of Excess Property/Property Release (DCS-A-adm-134)

IV. AMERICAN CORRECTIONAL ASSOCIATION (ACA)

A. Expected Practices for Adult Correctional Institutions (ACI) (5th edition): 5-ACI-5A-06, 5-ACI-5A-07, 5-ACI-5A-08, 5-ACI-5D-10

B. Standards for Adult Community Residential Services (ACRS) (4th edition): 4-ACRS-1A-15, 4-ACRS-7D-13, 4-ACRS-7D-14