

 Good Life. Great Mission. <hr/> DEPT OF CORRECTIONAL SERVICES	POLICY		
	INMATE PROPERTY CONTROL		
	REVISION DATE December 31, 2019	NUMBER 204.01	PAGE 1 of 9
STATEMENT OF AVAILABILITY *This Policy is to be made available in law libraries and other inmate resource centers.			

EFFECTIVE: March 1, 1980
 REVISED: September 24, 2009
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 REVIEWED: December 31, 2018
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SUMMARY of REVISION/REVIEW

II.C – Changed language. III.H. – removed language about MP4 and added language about tablets. III.V.I - Changed language. III.V.K – Changed Language. III.VI – Changed language. X. INMATE PERSONAL PROPERTY – New section. IX.M – Added language. Changed Attachments B, C, and E. Reformatted to match Policy 001.01
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APPROVED:



 Scott R. 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 Policy, Wardens shall establish and implement procedures which regulate the amount, type, value and disposition of inmate property. The classification of the facility defined as intake, secured, and community custody will determine how much and what type of 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 Policy and Procedures governing inmate property are to be made available to inmates 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). (4-4292)

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). (4-4294)
- 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. INTAKE FACILITIES

- A. All property an inmate has in his/her possession when admitted to an intake facility such as Diagnostic and Evaluation Center (DEC), Nebraska Correctional Youth Facility (NCYF), and Nebraska Correctional Center for Women (NCCW) shall be turned over to facility authorities for examination. An inmate 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 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. Items to be sent outside the facility will be mailed and insured at inmate expense, or picked up and signed for at the facility by an individual designated by the inmate. (4-4293)
- B. All money an inmate 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 inmate's name.

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- C. Inmates 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 inmate wishes to retain any of these items, the inmate will be required to sign a statement (Attachment B) which limits the value of each item to \$50.

- D. Inmates will have the option to purchase the following personal items at the inmate's expense:
1. Shower Shoes
 2. Headphones
 3. Radio

- E. Inmates will receive the following state-issued items:

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

III. STATE ISSUE AND PERSONAL PROPERTY LIMITS (GENERAL POPULATION INMATES) AT THE NEBRASKA STATE PENITENTIARY (NSP), TECUMSEH STATE CORRECTIONAL INSTITUTION (TSCI), OMAHA CORRECTIONAL CENTER (OCC), LINCOLN CORRECTIONAL CENTER (LCC), WORK ETHIC CAMP (WEC), NCCW, & NCYF.

- A. State-issued clothing will not exceed five changes, except for NCCW, which will not exceed six changes, to include underwear.

Special protective clothing issued by the facility for work or program assignments shall not be counted as part of this allotment.

- B. It is each inmate's responsibility to maintain the amount of state clothing noted above.

- C. Two pairs of personal shoes may be purchased from the inmate canteen.

- D. 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.

- E. For those inmates at facilities served by central laundry operations at TSCI, NSP, and 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. (4-4338)

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- F. Each inmate may have one cassette/compact disc player purchased through the canteen.
- G. Each inmate may have one radio purchased through the canteen.
- H. Each inmate will be issued one Global Tel*Link (GTL) tablet. Inmates may purchase a J-Pay tablet through canteen.
- I. 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 CDs). Inmates may not possess blank cassette tapes or blank CDs. Inmates without a working CD player, will not be authorized to retain CDs in their possession.
- J. 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, purchased through the canteen.
- K. 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).
- L. 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 inmate may possess one musical instrument and protective covering or case. Musical instruments may be ordered through canteen and shall not exceed a maximum purchase price of \$300.

The following musical instruments may be allowed: acoustic guitars and keyboards, which are soft, portable, electric digital roll up keyboard piano (up to 61 keys).
- M. Other items, as authorized by the facilities, may be ordered through the Direct Special Order process as discussed in Policy 113.02, *Inmate Accounting*.
- N. Inmates may be permitted to retain legal materials in their possession. The amount of legal materials possessed by an inmate shall 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. (4-4293)
- O. Inmates may possess no more than 40 pre-stamped envelopes. Inmates may possess no more than 25 pop tokens or more than five photo tickets.

IV. INTER-INSTITUTION TRANSFERS/DISCHARGES/PAROLE

All authorized personal property (photo tickets are not transferrable and must be sent to canteen to receive credit) shall be transferred with the inmate. All property retained by the inmate will be accurately inventoried upon the inmate'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 inmate 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 inmate and other appropriate facility offices. Upon discharge or release on parole, the inmate must sign a receipt acknowledging return of the property. (4-4293, 4-4294)

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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, an address book sent with them, and clear cased electronic devices previously purchased through the canteen, (MP 4 players, radios). 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 Procedure.

V. COMMUNITY FACILITIES

- A. State-issued clothing will not exceed five changes to include under and outerwear.
- B. Inmates assigned to work release program may retain up to two 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 inmate's responsibility to maintain the appropriate amount of state/personal clothing.
 - 2. Inmates 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 pillow cases, three towels, and three washcloths. Additional items may be issued for medical reasons.
- D. Each inmate may have one AM/FM radio purchased from the inmate canteen.
- E. Inmates shall be permitted to retain legal materials in their possession. The amount of legal materials possessed by an inmate 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. (4-4293)
- F. Inmates 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 inmate property upon discharge or parole.
- H. 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 property not authorized at the receiving facility picked up.

Inmates who are returned to the (DEC) or NCCW from CCC-L, 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, 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 Procedure.

- I. As a precondition for retaining a wedding ring the inmate will be required to sign a statement (Attachment C) which limits the value of the item to \$50.

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- J. Inmates may possess no more than 40 pre-stamped envelopes. If the inmate requires additional envelopes he/she may request approval from the warden. Inmates at CCC-O may possess no more than 40 stamps.
- K. 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 value of the item to \$50.

VI. INMATE JEWELRY

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 value of the ring to \$50. 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. above. Such purchases from the canteens are limited to \$75 per item (tax and shipping not included). Inmates 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 DEC and the NCCW Evaluation Unit are specified in Procedure II.C. above.

Inmates will be permitted to wear earrings/rings 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/rings or other items may not be worn in pierced body parts other than the ears.

VII. PERSONAL PROPERTY OF INMATES ASSIGNED TO RESTRICTIVE HOUSING UNITS

Refer to Policy 210.01, *Restrictive Housing* for procedures governing authorized property limits for inmates classified to Restrictive Housing.

VIII. DISPOSAL / TRANSFER / STORAGE OF 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 of packaging).

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 Policy 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

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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. Inmates may also have the property picked up and signed for at the facility by a person designated by the inmate. (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 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 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).

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- L. Electronic communication devices.
- M. Pornographic materials, including but not limited to, publications/documentation/items that contain photographs, drawings, cartoons, pictorials or other facsimiles that show nudity of either gender. Pornography is defined as the depiction of erotic behavior (as in pictures or writing) intended to cause sexual excitement. Sexually explicit material is defined as any materials that feature nudity and/or graphic depictions of sexual behaviors/acts. Nudity includes the display of genitalia/anus/exposed buttocks of either gender and/or any exposed nipple or areola of the female breast.

X. INMATE PERSONAL PROPERTY

Inmates will not be reimbursed/compensated for the loss of or damage to any inmate personal clothing turned in to be washed by NDCS laundry operations. Inmates will also not be reimbursed/compensated for the loss of or damage to any inmate personal property that is detained or stored by NDCS (Nebraska Revised Statutes 81-8,219 (2)).

REFERENCE

I. STATUTORY REFERENCE

- A. Nebraska Revised Statutes: 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 113.02, *Inmate Accounting*
- B. Policy 208.01, *Religious Services*
- C. Policy 210.01, *Restrictive Housing*

III. ATTACHMENTS

- A. Property Control Record DCS-A-adm-075 (rev. 5/2017)
- B. Limits of Liability – Inmate Jewelry – Upon Admission/Readmission (2019)
- C. Limits of Liability – Inmate Jewelry – While in a Secure Institution (2019)
- 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 (2019)

IV. AMERICAN CORRECTIONAL ASSOCIATION (ACA) STANDARDS

- A. Standards for Adult Correctional Institutions (ACI) (4th edition): 4-4292, 4-4293, 4-4294, 4-4338

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