NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
711

INMATE PERSONAL PROPERTY
(TEMPORARY)

Supersedes: AR 711 (09/06/03)
Effective date: 05/25/11

AUTHORITY

NRS 209.241
NRS 209.243

RESPONSIBILITY

The Warden/Facility Manager is responsible to establish procedures to ensure the appropriate handling and disposition of inmate property.

All staff is responsible to have knowledge of, and comply with, this procedure.

All inmates are responsible to be familiar with property procedures.

711.01 INMATE PERSONAL PROPERTY

1. All Wardens/Facility Managers will identify a specific location where inmate property and property records will be maintained safely and securely.

A. There will be only two (2) keys available to the property room.

(1) Keys will be designated as restricted. Access to be determined by Operational Procedures.

(2) Emergency keys will be maintained in the Central Control area for emergency use only.

a. This key will be considered restricted. Upon issue, staff must log this action.

b. Key will be kept in a box with a glass front.

(3) Property Room will be secured when a designated property room officer is not present.

2. Inmates shall:

A. Be advised of the personal property policy. Items which may be retained in their possession are at their own risk.

B. Be provided with a written receipt of all property at the time it is issued.

C. Have a permanent personal property file established upon entry into the Department.

3. Property limits:

A. Inmates may possess personal property not to exceed that which will fit into one approved footlocker. Inmates may purchase an authorized fire retardant box.

(1) No other type of box is authorized.

(2) Inmates are responsible to not accumulate excess property that cannot be properly stored.

(3) Inmates may only transfer with one fire retardant box.

(4) Inmates may possess no more than three (3) appliances such as televisions and fans that do not need to be placed in their footlocker/box when not in use.

(5) Additional boxes may be purchases for the storage of legal material only.

(6) Inmates may have individual religious boxes-see AR 810.

(7) Inmates may purchase property at their own risk.

B. Institutions/facilities will not permit the possession of personal property that is considered contraband.

C. All property must be stored neatly and safely.

D. Displays of photographs will be restricted to the inside of the state provided locker; and/or where feasible, to a designated 24"X24" wall space area; and/or where feasible, to the top of the state provided lockers or shelves.

(1) Display of sexually explicit/graphic activities is not permitted.

(2) Display of any type of nudity or partial nudity is prohibited.

4. Liability

A. All non-expendable property, legally acquired by an inmate while in the Department, is to be recorded on the NOTIS Property Program and Inmate's Personal Property Card (DOC-1520) by the property officer.

(1) The value of all non-expendable property and the inmate's signature must appear after each entry on the Inmate's Personal Property Card and in NOTIS.

a. NOTIS entries do not allow inmate's signature, however, records will reflect date inmate received the property.

(2) The inmate is held accountable for all personal property so recorded.

(3) When an inmate is transferred from one institution to another, the Personal Property Card will be sent with the inmate, if still in use.

B. The Department accepts no liability for the theft, loss, damage or destruction of such property through the intentional, willful, or negligent act or activities of any inmate, which exposes such property to loss, damage, theft, or destruction.

C. Excessive authorized property may be confiscated when:

(1) An inmate is placed in more restrictive custody, including Austere housing or;

(2) Transferred to another facility or;

(3) Poses a security, safety and/or health hazard,

(4) Any other time an inventory of property is required.

D. The staff on duty at the time the inmate is moved will be responsible for taking control of the inmate's property as soon as possible.

(1) The inventorying officer will inventory the property, sign the inventory sheet, and secure the containers in accordance with this regulation. Property will be checked for damage and operation during this inventory.

(2) Once the property is inventoried and packaged, the property will either be transferred to the inmate's current location or to a secure place designated for property storage.

a. When completed, a copy of the inventory will be supplied to the inmate.

(3) When the property is delivered to the inmate, staff will check the property for damage and operation. Staff must check the property against the original inventory in the presence of the inmate.

a. If a discrepancy is noted, a written report will be prepared and submitted to the Warden/Facility Supervisor by the inventory officer.

b The inmate shall sign the inventory at the bottom indicating that he has inventoried and received all of his property.

c. Any discrepancies will be noted on the inventory form.

(4) When time permits, staff will compare the items on the inmate's property card/NOTIS with the property in the possession of the inmate.

(5) Excessive authorized property will be confiscated and processed per Inmate Property Manual.

E. Handling of inmate property during routine housing changes.

(1) The inmate will move his own property on most occasions. If the inmate is unable to move the property during a housing move, staff will move the property with the inmate.

(2) Inmate property does not have to be inventoried for a routine housing change, unless the inmate will not be allowed to keep all or part of his property as a result of the move. In these instances, an inventory of the unauthorized items must be completed.

a. Inmate property is to be moved with the inmate at the time of a housing move, except as outlined in this regulation.

F. Inmates will not be involved in the movement, inventory, storage or handling of another inmate's property.

(1) Under no circumstances will an inmate have a work assignment in the area where the property is being stored.

a. Inmates may enter only to pick up or turn in property or discuss property issues.

b. These activities must occur in a secure area where the inmate has no access to any other inmate property.

G. Each employee will be held strictly accountable for the inmate's property when they:

(1) Sign a Property Transfer receipt;

(2) Receive the property and transfer it;

(3) Receive the property at the destination and sign as receiving it.

H. Transferring or loaning of property between inmates is not permitted.

I. Inmate Personal Property Cards (DOC-1520) and NOTIS will list all non-expendable property items.

(1) Each item will be listed and the value indicated. The inmate must sign after each entry.

(2) The value of any item cannot exceed the limits contained within this regulation.

(3) Inmate personal property cards will be stored and secured in the property room.

(4) Those routinely doing property inventories will be familiar with proper property procedures.

J. Inmates who report non-expendable property lost or stolen must wait six months from the time it has been reported stolen, lost, or broken, to replace the item with a similar one unless other evidence is available to independently verify this claim. It is the responsibility of the inmate to immediately report any property that has been lost, stolen, or broken.

K. No items are authorized to be sent out for repair except under warranty.

(1) Items that break and are irreparable will be disposed of by institutional procedure.

(2) Items sent out for warranty service will not be exchanged for a different make or model. No exceptions.

(3) Items sent out for warranty will be at the expense of the inmate unless provided by the vendor.

L. Inmates purchase/receive all items at their own risk.

M. An inmate Personal Property Manual will be established to include, but not limited to:

(1) Inmate Transfers;

(2) Personal Property Restrictions for New Commitments and Parole Violators

(3) Immigration and Customs Enforcement (ICE)/U.S. Marshal's Property Transport Restrictions

(4) Disposal of authorized and/or excessive property

(5) Handling/Disposal of Inmate's Property Upon Escape

(6) Handling/Disposal of Inmate's Property Upon Death or Serious Injury

(7) Authorized Inmate Personal Property

(8) General Package Procedures

(9) Inmate Personal Clothing/Food Packages

(10) Forms attached with the Inmate Property Manual.

N. This Administrative Regulation and Manual should be made available to inmates during the intake process and in the Institution's Law Libraries..

711.02 INMATE PERSONAL PROPERTY CLAIMS

1. The primary responsibility for safeguarding authorized personal property lies with the inmate at all times when is has not been taken from his possession by a staff member.

2. The Department will consider compensating inmates for lost, damaged, stolen, or destroyed personal property:

A. Employee negligence or other failures to observe Department regulations.

B. Property abuse resulting in direct damage by Department employees.

C. Property lost, stolen, or misplaced with direct responsibility attributable to Department employee.

3. Claims recommended for payment will be limited to the declared value, less depreciation of the lost or damaged item as registered on the inmate property card.

A. The aggregate total amount of payment for any claim of loss or damage to personal property shall, in no event, exceed $500.00.

B. Tort claims more than $500 must be submitted through the inmate grievance process.

C. Establishment that property damage or loss occurred and establishment of authorized ownership of the property by the inmate is necessary. The burden of proof rests with the inmate to establish that the property was lost or devalued.

D. Establishment of the specific Department employee(s) responsible for the abuse, or establishment of direct State obligation regarding protection against damage, loss, misplacement or theft, and adherence to the property claims procedure by the inmate presenting the claim. Methods for establishment of employee responsibility for abuse or damage of inmate property:

(1) Department employee's admission of responsibility; or,

(2) One employee witness to the abuse or damage to inmate property or;

(3) Other means of establishment may be considered on an individual basis

E. Item must be registered on the Inmate's Personal Property Card and NOTIS.

F. Inmate must be able to demonstrate continuous ownership.

4. Claims not recommended for payment:

A. Claims based upon allegations of loss or damage from the actions of persons, other than staff members, who are unknown or unidentified, will not be recommended for payment under any circumstance.

B. Under no circumstance will a claim be recommended for payment which is based upon alleged loss or damage sustained due to failure of the inmate to use proper and reasonable care and diligence to safeguard and protect property allegedly lost or damaged, such as leaving it abandoned in his assigned area, in the possession of any other person or otherwise.

5. When an inmate believes the State is responsible for the loss of or damage of his personal property, the inmate must file a grievance.

A. It is the inmate's responsibility to file an inmate grievance along with the Inmate Personal Property Claim Form DOC-3026.

(1) The claim must be completed and filed through the inmate grievance process with property claim form and relevant documentation attached to the grievance.

B. In the event property reported as lost is located and returned to the inmate or a settlement is made with payment in kind or use of donated or confiscated property, the inmate is required to sign a Property Claim Release Agreement DOC-3027.

C. If at any level of review the claim is considered to have no merit the original copy of the property claim form together with the Department's findings will be returned to the inmate denied.

D. If it is determined at any level of the grievance procedure that the State is responsible for the loss of or damage to the property in question, the conclusion along with the original copy of the property claim form and all supporting evidence, will be forwarded to the Assistant Director/Support Services, with a DOC Stores Requisition for payment coded to the applicable institution/facility, Category 04 GL 7195, Inmate Property Claims. If the claim is less than $500.00, the Deputy Director will effect payment.

E. If the claim exceeds $500 the Deputy Director/Support Services will forward the inmate's claim to the Tort Claims Manager of the Attorney General's Office with a recommendation

for payment (either favorable or unfavorable). In addition he will notify the inmate of the date the claim was forwarded to the Board of Examiners.

F. The inmate is required to sign a Property Claim Release Agreement DOC Form 3027 acknowledging receipt of payment for property identified in the property claim form for all approved claims. Failure to sign will result in no reimbursement.

6. If an inmate has filed and is proceeding with a civil action for the loss of his property, the Office of the Attorney General must initiate and conduct all negotiations for settlement relating to that action.

A. The Office of the Attorney General will forward all questions regarding the civil action to the institution/facility that will provide assistance as necessary.

B. The Deputy Director/designee shall notify the Deputy Director of Support Services of any negotiated settlements..

C. The Director/designee will notify the Office of the Attorney General of his recommendation concerning the civil action.

APPLICABILITY

1. This AR requires an Operational Procedure.

2. This AR requires an audit

James G. Cox, Acting Director

5/11/11
Date