



Ohio Administrative Code Rule 5120-9-32 Inmate property claims.

Effective: September 7, 2015

(A) If an inmate in a state correctional institution has a claim against the department of rehabilitation and correction for the loss of or damage to personal property and the amount claimed does not exceed three hundred dollars, before commencing an action against the department of rehabilitation and correction in the court of claims of Ohio, the inmate shall first attempt to resolve the matter by following the inmate grievance procedure as set forth in rule 5120-9-31 of the Administrative Code.

(B) The claim shall be filed utilizing the inmate grievance procedure (rule 5120-9-31 of the Administrative Code) no later than ninety days prior to the expiration of the time allowed for commencement of a civil action based upon the loss or damage to property under section 2743.16 of the Revised Code. Pursuant to section 2743.16 of the Revised Code, civil actions against the state for the loss of or damage to personal property shall be commenced no later than two years after the date of accrual of the cause of action or within any shorter period that is applicable to similar suits between private parties. The filing of the claim as a grievance does not toll the time allowed for the commencement of a civil action based upon the loss or damage to property under section 2743.16 of the Revised Code.

(C) The inspector of institutional services shall provide a written response to the claim. The written response shall summarize the inmate's claim, describe what steps were taken to investigate the claim, and the inspector of institutional service's findings and decision. If the inmate's claim is determined to have merit, the inspector of institutional services, subject to the warden's concurrence, shall make an offer to compromise the claim to the inmate. The offer to compromise the claim may be monetary or non-monetary.

(D) If the inmate accepts a monetary offer to compromise, a payment shall be made to the inmate's institutional account from general revenue funds appropriated to the department of rehabilitation and correction. Such payment is subject to withdrawal from such account as may be necessary to pay a court ordered obligation pursuant to rule 5120-5-03 of the Administrative Code. The inmate's acceptance of a monetary offer to compromise and payment credited to the inmate's institutional



account shall constitute a full and complete release of liability for the claim. Such a monetary compromise payment shall be the final remedy against the department of rehabilitation and correction and the state of Ohio.

(E) Institutions may utilize contraband valued at one hundred dollars or less to make non-monetary offers to compromise by order of the warden or designee after the institution has attempted to contact or identify the owner of the personal property and those attempts have been unsuccessful, or the inmate who owns the personal property agrees in writing to the disposal of the contraband property. Institutions may utilize contraband valued at over one hundred dollars which has been forfeited by court order to make non-monetary offers to compromise only if the court order of forfeiture states that the forfeited contraband may be utilized by the institution for such a purpose. Institutions may also utilize donated property or property abandoned by an inmate upon release to make a non-monetary offer to compromise. If the inmate accepts a non-monetary offer to compromise, the item of property shall be re-titled to the inmate if appropriate. The inmate's acceptance of an offer to compromise and the documented receipt of the replacement item shall constitute a full and complete release of liability for the property claim. Such a non-monetary compromise shall be the final remedy against the department of rehabilitation and correction and the state of Ohio.

(F) If the department of rehabilitation and correction denies the grievance or does not compromise the claim at least sixty days prior to the expiration of the time allowed for the commencement of a civil action based upon the loss or damage under section 2743.16 of the Revised Code, as set forth in paragraph (B) of this rule, the inmate may commence an action in the court of claims of Ohio under Chapter 2743. of the Revised Code to recover damages for the loss or damage.