

LANCASTER COUNTY CORRECTIONS

TORT CLAIM FORM

FILED

INSTRUCTIONS: Explain all details and facts relating to your claim; how your alleged loss occurred, when it occurred, and when it occurred. List any witnesses (staff or inmates) and how you claim the department or employee was negligent. Place the original in an envelope addressed to the Department Director and give the envelope to a staff member who will forward it to the Director's office for investigation. Your claim will then be submitted to the Lancaster County Board for consideration. You will be notified of the Board's action so it is important that you provide your forwarding address & phone number.

MAR 18 2009

LANC. COUNTY CLERK

Your Name: Jimmy Vinson Phone #: (407) NONE
Last First MI

Address: 605 S. TENTH STREET Lincoln NE 68502
Street City State Zip Code

Date/Time of Loss: 2/11/09 Location of loss: BAKER OFF 33

Amount & Type of Claim: Amount \$ 20.16 Lost Property Damaged Property Other
 Staff Involved Jodi Zimmerman

Explain Your Claim:
 (attach additional sheets if necessary) On February 11 I filled out a commissary order form but the order was wrong so I did not
except it and did not sign for it either but still had
funds deducted from my account and the items placed
on my inmate property although I did not give my
signature which would be the proper permission to deduct
funds from an account balance and also to my understand-
ing to the rule in the inmate handbook. ~~rule~~ (Commissary IF)
IT states that a "Signature is required" therefore you can not force
someone to except an order they don't want - by placing it
on their property ^{without my signature} and taking the money without a signature
to approve of the transaction so no money should have been
taken so due to these facts and rules I would like to
request to receive my \$20.16 back it would be greatly
Appreciated and thank you for your time have a wonderful day and God Bless

Your Signature: X Jimmy Vinson Date: 2-25-9

The following will be completed by staff

Staff Issuing Tort Claim OMS
 Date & Time: 2/26/09 PSN: 5214

Director's Office
 Date Rec'd: 2-27-09 Control # JT09-12

TORT CLAIM RECOMMENDATION FORM

NAME OF PERSON FILING TORT CLAIM: Jimmy Vinson

CONTROL NUMBER ASSIGNED: JT09-12

INVESTIGATIVE FINDINGS: The investigation found that staff acted in accordance with department policy and post orders in placing Mr. Vinson's commissary order on his property, since he refused to sign the commissary form when delivery was made to him. Denial of the tort claim is recommended.

DATE: 03/03/09

SIGNATURE:

Brenda L. [Signature]

DIRECTOR'S FINDINGS: Clearly Inmate Vinson knows the rules and procedure for commissary purchases. I recommend strongly the Board disapprove this claim.

DIRECTOR'S RECOMMENDATION:

(CHECK ONE)

 X

APPROVED FOR \$

DISAPPROVED

CLAIM WITHDRAWN

DATE: 03/13/09

SIGNATURE:

Michael Thumber

DATE SUBMITTED TO COUNTY ATTORNEY'S OFFICE: 03/16/09

DISTRIBUTION: COUNTY CLERK (ORIGINAL)
PERMANENT TORT FILE (DOC)
JAIL ADMINISTRATORS

INTER-DEPARTMENT COMMUNICATION

TO	Brenda Fisher	DATE	February 27, 2009
DEPARTMENT	Program Director	FROM	Steve Foree
ATTENTION		DEPARTMENT	Corrections Specialist
CARBONS TO		SUBJECT	Attached Grievance of Inmate Jimmy Vinson, #JT09-12

On February 27, 2009, the Director's office received the attached claim from Inmate Vinson upon which he made the following allegations.

1. Vinson claimed that, on February 11, 2009, filled out a commissary order form but the "order was wrong" so he refused to sign the receipt. Vinson alleged further that staff did not return to him the money spent on the order. He alleged that, in commissary rules in the inmate handbook, that an inmate must sign the receipt or "no reimbursements will be made." Vinson contended that, according to that rule, he could not be forced to accept a commissary order he did not want.

Allegation 1

Inspection of commissary records confirmed that Vinson did submit a commissary order for \$20.16 in commissary items. When the items were delivered, he refused to sign the receipt and the commissary items were placed in Vinson's property in the Intake Center property room.

Facility commissary rules and procedures were reviewed. The review clearly established that, once an inmate submits a commissary order form, "the order may not be changed after it has been turned in." The review also found that the procedures and rules state that an inmate is to sign the commissary form upon receipt of the order. If there are errors regarding what was ordered and what was delivered to the inmate, the officer notes discrepancies, but the inmate still signs the form.

Further inspection of the rules and procedures showed that commissary procedures do not allow an inmate to cancel or refuse delivery of their order once it has been placed. If an inmate refuses to sign the commissary for upon delivery of their order, the order is placed in the inmate's personal property.

Findings:

1. The investigation found that the Department owes Vinson no reimbursement for his commissary order of February 11, 2009, because he refused to sign his receipt. Had he chosen to sign the receipt, Vinson could have any errors in his order corrected, or he could have funds refunded for items he ordered that he did not receive. If the inmate refuses to sign the receipt, corrections and refunds are not an option because the order cannot be changed after submission without the inmate's signature.



Lancaster County Clerk

COUNTY-CITY BUILDING
555 SOUTH 10TH STREET
LINCOLN, NE 68508-2803

(402) 441-7481
FAX (402) 441-8728



DAN NOLTE
CLERK

March 18, 2009

Mr. Jimmy Vinson
605 So. 10th Street
Lincoln NE 68508

RE: Political Subdivision Tort Claim

Dear Mr. Vinson:

The political subdivision tort claim which you filed against the Lancaster County Corrections Department will be placed on the Lancaster County Board of Commissioners agenda for their consideration at 9:30 a.m. on Tuesday, March 24, 2009.

You may appear at this time to provide any additional information on this issue, however, your appearance is not required. The County Board will meet in the Commissioners Hearing Room, Room 112, on the first floor of the County-City Building, 555 South 10th Street, Lincoln, Nebraska.

If you have any questions regarding the scheduled date the County Board will hear this matter, please call at 441-7481.

Sincerely,

A handwritten signature in black ink that reads "Melissa Koci". The signature is written in a cursive, flowing style.

Melissa Koci
County Clerk's Office