


**U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons**



**PROGRAM STATEMENT
Inmate Property Claims**

Approved by	 William K. Marshall III Director, Federal Bureau of Prisons
DPI	OGC
Number	5581.01
Date	May 7, 2026

Summary of Changes

<i>Program Statement Rescinded:</i> <ul style="list-style-type: none">▪ 5580.09 Inmate Property Claims (3/20/2018)
<i>Changes:</i> <ul style="list-style-type: none">▪ Provides more details about what information and documentation to include in the investigations.▪ Recommends completion of the investigations within 60 days.

1. PURPOSE AND SCOPE

All claims for damage to, or loss of, an inmate’s privately owned property detained by staff must be processed under the Small Claims Act, 31 U.S.C. § 3723. This program statement instructs staff on the system for filing, investigation, and payment of these inmate property claims.

a. Program Objective.

- Inmate property claims will be acknowledged, investigated, and approved or denied within the time frames and according to the procedures in this program statement.

b. Institution Supplement. None.

2. DELEGATION OF AUTHORITY

Regional Counsel are delegated authority to consider, adjust, determine, compromise, settle, and pay inmate property claims filed under the Small Claims Act, 31 U.S.C. § 3723.

3. FILING A SMALL CLAIM

a. **Requirements to File a Claim Under 31 U.S.C. § 3723.** All claims must meet the following statutory requirements:

- Claim is for damage to, or loss of, a current or former Bureau of Prisons (Bureau) inmate's privately owned property.
- Loss must be caused by the negligence of an officer or employee of the U.S. Government acting within the scope of employment.
- Claim must be submitted within one year after accrual.
- A claim may not be settled for more than \$1,000.

b. **Who May File a Claim.** A claim may be filed by a current or former inmate who is the owner of the damaged or lost property. A person acting on the inmate's behalf as an agent, parent, guardian, or other representative may file a claim if that person provides written permission from the inmate to act on their behalf. If the inmate authorizes a lawyer or other representative to act on their behalf, the Bureau will correspond only with that representative, not the claimant.

c. **Time Constraints on Filing a Claim.** The claim must be filed within one year after the claim accrues.

d. **Claims Should Be Filed on Form BP-A0943.** Inmates should file claims under 31 U.S.C. § 3723 using BP-A0943, Small Claims for Property Damage or Loss (31 U.S.C. § 3723), and provide all necessary information, including:

- Date of incident
- Place where the incident occurred
- Explanation of events
- Witnesses
- Description of property loss or damage
- Proof of ownership
- Sum certain claimed
- Date of claim
- Claimant or authorized representative's signature

e. **Claims Should Be Submitted to the Regional Office.** The claim should be submitted to the Regional Office in the region where the property loss occurred. Claims submitted at the institutional level will be rejected and returned to the inmate with instructions to file at the appropriate Regional Office. If an inmate files a claim regarding property lost during a transfer, ordinarily that claim is handled by the sending institution with the assistance of the receiving institution providing property forms. Claims submitted to the wrong Regional Office will be

transferred to the appropriate Regional Office.

f. **Claims Will Be Tracked.** Regional Counsel staff will track all claims that are filed properly within their regions. Claims will not be closed until they are settled, denied, or rejected.

4. PROCESSING A SMALL CLAIM

a. **Acknowledgment Letter.** If the claimant has provided all necessary information to process the claim, such as time, date, place where the incident occurred, and a specific damages request, staff will send an acknowledgment letter to the claimant indicating the filing date and a claim number. Staff will also notify the claimant of their responsibility to inform the agency of any changes in address. Staff will reject claims that are unclear, illegible, fail to specify a sum certain, or fail to provide a signature.

Legal staff will date-stamp all claims on the date they are received, whether the claims are received in the proper office or not. A claim that is transferred to another Bureau office is considered filed on the date when the claim was received by the transferring office. The office responsible for the claim will then notify the claimant that the claim was transferred.

b. **Investigation.** The Regional Office will refer the claim to the appropriate institution or office for investigation. Claim investigations should be completed within 60 days. The investigation report must contain a summary of the facts and a recommendation as to the merits of the inmate's claim. The report should also include all records relevant to the claim. Investigators may obtain additional information regarding relevant records and investigation reports from the Office of General Counsel or their institution's Consolidated Legal Center attorneys.

The claimant or representative can be required to provide additional information during the investigation. Failure to respond within 60 days may result in the rejection or denial of the claim. Claims filed by inmates in the Witness Security Program (WITSEC) must be handled in the same manner as other claims, except that all correspondence and the resulting investigation must be sent through the Inmate Monitoring Section, Correctional Programs Branch, Correctional Programs Division.

c. **Final Decision on Each Claim.** The Regional Counsel, or designee, will review the investigation and supporting evidence, and render a decision on all claims properly filed in the Regional Office. After considering the merits of the claim, the Regional Counsel may deny or propose a settlement of the claim. The settlement limit for claims filed under 31 U.S.C. § 3723 is \$1,000.

d. **Inmate Property Claims Filed under the FTCA Must Be Denied.** If an inmate property claim is incorrectly filed under the FTCA instead of 31 U.S.C. § 3723, staff must deny the FTCA

claim. However, staff can consider the claim under 31 U.S.C. § 3723 without the claimant filing another claim.

e. **Depreciation Must Be Considered.** Staff must consider depreciation of lost or damaged property when settling a claim. The Bureau maintains a depreciation guide for staff reference.

f. **Requests for Reconsideration.** If a claim is denied or the claimant is dissatisfied with the settlement offer, the claimant may request, in writing, that the Bureau reconsider the claim. The request for reconsideration must be submitted within three months after the date of the decision letter to the appropriate Regional Office. The claimant must include additional evidence of injury or loss to support the request for reconsideration. There is no judicial review for claims decided under 31 U.S.C. § 3723.

g. **Timing for Bureau Response.** Generally, claimants should receive a decision regarding their claims within six months of when they properly file the claim.

h. **Settlements Will Be Paid From the Judgment Fund.** All settlements of 31 U.S.C. § 3723 claims are forwarded to the Judgment Fund Section, Financial Management Service, Department of the Treasury, for payment.

REFERENCES

Federal Statutes

31 U.S.C. § 3723 Small Claims Act

ACA Standards

Performance-Based Standards and Expected Practices for Adult Correctional Institutions (5th Edition): 5-ACI-3D-19, 5-ACI-5F-05

Performance-Based Standards and Expected Practices for Adult Local Detention Facilities (5th Edition): 5-ALDF-6B-01, 5-ALDF-5B-19

Records Retention Requirements

Requirements and retention guidance for records and information applicable to this program are available in the Records and Information Disposition Schedule (RIDS) on the Bureau's intranet site.