POLICY DIRECTIVE

Policy:	**DOC 4.1.3 INMATE PERSONAL PROPERTY**
Effective Date:	05/01/1997 Page 1 of 9
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Signature/Title:	/s/ John Schaffer, Public Safety Chief

I. PURPOSE

To establish personal property possession limits for inmates at all Department secure facilities and contracted facilities. The intent is to permit inmates to possess only those items that do not disrupt the safe and orderly operation of the facility or endanger the safety and security of the public, staff, or other inmates.

II. DEFINITIONS (see Glossary)

III. REQUIREMENTS

A. General Requirements

1. It is prohibited for inmates to borrow, lend, give, trade, or sell their property items to, or receive property items from, other inmates.
2. Inmates may only possess or obtain personal property items through facility services or approved vendors/senders. All items must be in new and unused condition; used items and items from other sources are prohibited.
3. It is the inmate's responsibility to manage their property inventory; any excess items shall be disposed of properly.
4. Offender state or government issued documentation, IDs, driver's license, vital statistic documents, etc., are to be maintained by the Department Records Bureau while an offender is in custody.
5. Documentation of the final disposition of any inmate personal property item must be forwarded to the designated property officer who will adjust the inmate's property records.
6. Staff shall always handle inmate property with care to avoid damage. If staff damage inmate property in any way, it must be reported immediately, and an incident report shall be completed. If the property can be cost-effectively repaired, the Department will incur such costs. Otherwise, the Department will replace the property.
7. Limitations on an inmate's personal property will be consistent with the property list and the inmate's housing unit.
8. Authorization of an item does not imply that the item may not be prohibited at a later time or that the inmate may retain the item if placed in another housing unit or facility.
9. Property limits may be imposed on inmates as requirements of an incentive-based program. Property is required to be sent out or confiscated and disposed of if an inmate is readmitted within 12 months (365 days) of discharging the Step-Down Program. Inmate will be responsible for shipping costs.
10. Property may be limited or restricted as a sanction or due to classification.

11. Property may be restricted or allowed for medical or psychiatric reasons as authorized by a Qualified Health Care Professional and approved by the facility administrator or designee.

12. Allowable property will be held for temporary Administrative Segregation Custody or during the appeal process to a classification override. Once the appeal process is complete, the property staff will take the appropriate processing steps depending on the outcome of the appeal.

13. Protective Custody inmates are allowed general population property limits unless such limits are deemed a security risk in writing by the Warden or designee.

14. Staff shall process contraband in accordance with policy.

15. Staff shall process the following items in accordance with *DOC 3.1.28 Crime Scene and Physical Evidence Preservation*:
    a. contraband items such as weapons, narcotics, and alcohol;
    b. property of deceased inmates whose death was unattended; and
    c. property of escaped inmates. This includes the following:
        1) The facility administrator or designee will decide whether to turn over the evidence to local law enforcement authorities for further investigation.
        2) When contraband and the property items of an escaped inmate are no longer needed as evidence, investigative staff will dispose of them as contraband as outlined in *DOC 3.1.17 Contraband Control*.
    d. When the property items of deceased inmates are no longer needed as evidence, investigative staff will forward them to the designated property officer. The property officer will store them pending notification of the next of kin and their final disposition, but in no case longer than 60 days. After 60 days the property officer will dispose of the items as contraband.

16. Unless it is directly related to privileged communication with their attorney, inmates may not possess personal information regarding another offender's criminal or correctional history whether this information is public record or not; examples include, but are not limited to:
    a. specifics about a crime;
    b. tattoos/STG identification; and
    c. DOC Identification numbers.

B. Authorized Property/Inventory List

1. The Department will draft a master property list that includes all allowable items and the amount of each item allowed. Each facility will submit requested modification to the allowable items list at the annual property meeting.

2. The appropriate staff as assigned by the Warden or designee will establish standards for property storage container design, appearance, purpose, and quantity.

3. The Warden or designee may make changes to the list on an emergency basis.

4. The amount of inmate personal property, including legal papers, will not exceed the amount of property that can be stored in the facility's two approved inmate personal property containers (state issued items such as parkas, shoes, medical items, spare clothing, etc. are not part of this limit):
    a. the primary container can be no larger than four cubic feet. Inmates will be required to utilize this container for storing all their personal property, unless they purchase a secondary container;
    b. the secondary container may be no larger than two cubic feet: 51 quarts: 23" x 16" x 12";
    c. hobby property must be stored in a container not to exceed 6" x 12" x 2"; hobby property limits can be found in respective inventory lists; and

d. publications (books, magazines, and similar material) are subject to screening and review and may not contain any of the following:
   1) prohibited images or writings;
   2) contents focusing on weapons or explosives;
   3) instructions for the manufacturing of drugs or drug paraphernalia;
   4) metal bindings or metal fasteners; bindings must be glued;
   5) materials in used or refurbished condition;
   6) code(s);
   7) material that violates any Department policy or facility-specific operational procedure;
   8) content that, as a whole, lacks literary, artistic, political, scientific, or educational value;
   9) material larger than 9" wide, by 12" tall, and 2" thick;
   10) hard covers/bindings (books must be soft cover) will not be allowed, except as follows:
      a) legal, religious, or educational books that exceed these parameters may be reviewed for authorization on a case-by-case basis;
      b) existing personal property that has been purchased by the inmate that has been authorized and stamped by the property office will be allowed for the purchaser's retention (these items will be counted toward the inmate's book limit, including completed journals that are from canteen);
      c) state-owned library books (not marked for library use only) are allowed in housing units based on the inmate following the appropriate library book check out process; on a limited, case by case basis, some library books may be marked for library use only;
      d) new books that are not available in soft cover may be allowed in hard cover unless the inmate is in a restrictive/secure housing unit; and
      e) other publications on a case-by-case basis with consideration of the inmate's custody level;
   11) materials, drawings, photographs or pictures primarily intended to promote sexual arousal or activity, or without any literary value involved are prohibited (for example, information sent from vendors to inmates for purchase of pictures of partially clad females wearing thongs, or pinup type pictures will not be allowed and will be returned to sender and any material received as a result of such purchases will not be allowed);
   12) language or material that advocates for, or encourages the following:
      a) violence or activities that may disrupt the safety or security of the facility;
      b) racial, religious, or national supremacy or hatred;
      c) behavior that is detrimental to security or rehabilitation, such as gambling, illegal sexual activities, or the commission of a crime; and
      d) publications that present history, historical perspective, critique or information related to race, religion, or other items may be allowed based on content review;
   13) publications in a language other than English may be allowed and are subject to a review and approval process that includes up to 20 days for magazines and newspapers and up to 30 days for books;
   14) pictures or other items that are removed from, or torn out of, books, newspapers, or magazines will be considered contraband;
   15) an inmate or a person on the inmate's approved visiting list may order new publications if such items are sent directly by an approved vendor, and comply with the following:
      a) invoice or enclosed paperwork indicates the name of the sender; the inmate will be issued a *Notice of Undeliverable Mail* form for publications received without this information;
      b) paperwork indicates the inmate's last name, identification number, and the name and address of the facility when it arrives; anything received without this information will be returned to the sender or disposed of;
      c) does not contain items prohibited under this or any other section of this procedure;
      d) is not the result of a contract purchase, such as music or book clubs;
      e) does not contain a credit card or credit card application; and

f) all book orders and books from vendors will be forwarded to the Property Officer who will screen them for proper authorization and content;

16) if the item meets requirements, the Property Officer will process it in accordance with this policy, including inventory and documentation and approval stamp;

17) if the Property Officer determines an ordered item received for an inmate is not permitted due to its content, the item will be forwarded for a final decision to the publication review committee designated by the facility administrator or designee; and

18) publications that have scholarly, literary, religious, or artistic value may be allowed. If an item is not permitted due to its content, the inmate and the publisher will be sent a written notice outlining the specific reason(s) the item is being rejected by the publication review committee or property office. Appropriate documentation about the contents of the item will be retained until final resolution of any grievance the inmate may file.

C. Packages

1. For mailed packages, *DOC 3.3.6 Inmate Mail in Secure Facilities* will be followed.

2. If an inmate does not have anyone on their approved visiting list, they may write to the Associate Warden or designee for permission to ship a package(s) to another person.

3. Visitors may pick up outgoing packages with prior written approval of the Associate Warden or designee.

4. Most of the items on the list will be available through facility canteen operations.
   a. Inmates are authorized to purchase a specified amount of canteen per week based on their classification excluding major purchase electronics, for example, televisions, MP3 player, electric razors, radios, alarm clock radios, and game devices, hobby items, and shoes. This includes the following:
      1) TVs and MP3 players that are sold through the canteen. The inmate may purchase a replacement from the canteen if:
         a) the inmate submits a damaged major purchase electronic item to the designated property officer; or
         b) the property officer receives documentation from staff that the inmate's major purchase electronic item has been confiscated and disposed of, or there is substantial proof the item was stolen and could not be located; and
   b. The only allowed vendors are suppliers of magazines and books; all other items shall be purchased through canteen.

D. Inmate Intake

1. Upon arrival at a facility, all personal property items the inmate was transported with will be handed over to admissions staff.

2. The following are the only items of personal property authorized into a secure facility through the initial intake process:
   a. money (goes to Accounting and is credited to inmate's account);
   b. inmate account statement received from Accounting, including receipts for money placed on the inmate's account (retained by inmate);
   c. legal papers (retained by inmate);
   d. prescription eyeglasses - as allowed by medical (retained by inmate);
   e. address book – small (retained by inmate);
   f. ring - 1 - wedding - only if declared marital status is "married" and verified by legal documentation, value is declared as less than $75.00 (retained by inmate), no stones, only plain solid band allowed;
   g. Social Security card (goes to Records file);
   h. photo ID card (goes to Records file);

i. birth certificate (goes to Records file); and
j. personal photos - 24 (retained by inmate).

3. Admissions staff must record on an inventory form all items of personal property accompanying the inmate. The inmate must be present and must sign the form in conjunction with the staff member inventorying the personal property. Copies of the signed form will be distributed as noted at the bottom of the form and to the facility's Property Officer.

4. Admissions staff will ask the inmate if the inmate wants to mail the unallowable items to someone on the approved list or have them disposed of. If the inmate chooses to mail said items out, items will be mailed out at cost to the facility.

5. Interstate Compact Transfers will have the opportunity to review with the Interstate Compact Coordinator or designee any items that are similar to above.

6. Any clothing and accessories such as wallets will be sent out or destroyed.

E. Property Inventory Form

1. Whenever an inmate's property is taken by staff for storage or shipment, staff shall make an inventory of all items on an *Authorized Property/Inmate Personal Property Inventory* form.

2. A copy of each completed inventory form shall be provided to the inmate, placed in the inmate's property file, and included with the stored or shipped property.

3. All applicable information on the form must be completed.

4. Electronic items must be checked for proper operation with the inmate present when possible. If the inmate is not present (due to their placement in pre-hearing confinement, infirmary, etc.), another staff member must be present and will sign as a witness to the item's operational condition; this must be noted on the appropriate form.

F. Property Liability

1. Once an inmate has inspected, signed for, and taken possession of their property items they may not make a liability claim for them.

2. If a determination is made through the grievance process, including the informal resolution process, that a staff member is responsible for the loss, destruction, or damage of an inmate's property, the facility shall reimburse the inmate for the replacement value of the item, with a maximum amount not to exceed a total of $500 for all items. If it is necessary for staff to process an inmate's property, the facility is only responsible for those items checked off on the *Authorized Property/Inmate Personal Property Inventory* form prepared by staff.

G. Processing Property for Moves Within the Facility

1. The property officer will disburse the appropriate property to the inmate as the inmate's level increases.

2. If an inmate is moved to restrictive housing and placed in a step-down program, the property officer will ensure that only authorized property is stored in the property office. A notice will be sent to the inmate requiring a decision to either send out or destroy their property upon their approval for readmittance into the step-down program if the placement has occurred within 365 days of the inmate's last discharge from the program. This notice shall take effect when the referral to the step-down program is received; the inmate will then have 14 days from their approval back into the step-down program to adjust their property accordingly. The inmate is responsible for shipping costs; if the inmate has insufficient funds or if the inmate fails to make a decision in the allotted time, the property will be destroyed.
a. current legal papers may be kept;

b. physical photographs within defined limits may be kept while excess items will be mailed out at the inmate's expense; photographs may be scanned to be added to digital media; and
c. approved religious items may be retained.

3. When an inmate is admitted to the infirmary, placed in pre-hearing confinement, leaves the facility On Leave To Custody (OLTC), or is hospitalized, the sending unit staff must process the inmate's property for storage.
   a. if possible, two staff will process the property and prepare an *Authorized Property/Inmate Personal Property Inventory* form. Unit Sergeants and staff assigned to the inmate's housing unit will be responsible to secure and inventory the inmate's property before the end of their shift;
   b. staff is required to remove any cellmate(s) from the cell until the property can be secured; staff may question the cellmate(s) about which items are/are not theirs when taking an inventory of the inmate's property;
   c. staff is only required to obtain the inmate's property from the area approved to place property, such as inside the cell; staff is not responsible to recover the inmate's property from other areas;
   d. under no circumstances shall the cellmate(s), or any inmate be involved in the packaging or inventorying of property;
   e. contraband items will be removed and processed in accordance with *DOC 3.1.17 Searches and Contraband Control*;
   f. open food containers will be thrown away; the items will be checked off on the form and their disposal noted;
   g. the remaining property must be inventoried and moved to the property office; and
   h. if the inmate is placed in Pre-Hearing Confinement Classification Decision or Pre-Hearing Classification Disciplinary Decision, staff will proceed as follows:
      1) unit staff must ensure the inmate receives the following facility issue items before the end of shift:
         a) hairbrush (1);
         b) toothbrush (1);
         c) soap (one ½ oz. bar);
         d) toothpaste (1);
         e) flex pen or pencil (1);
         f) stationery (per unit rules); and
         g) all Keep-On-Person (KOP) medications; and
      2) if an inmate in pre-hearing confinement requests a religious text, the property office will provide a religious text associated with their religious preference for use while in pre-hearing confinement. The inmate will return the religious text to the unit staff, who will ensure it is returned to the property office;
   i. once the inventory is complete, sending unit staff must bring the property, with a copy of the completed *Authorized Property/Inmate Personal Property Inventory* form attached to the property office for storage;
   j. if it is necessary for staff to process an inmate's property, the facility is only responsible for those items checked off on the *Authorized Property/Inmate Personal Property Inventory* form prepared by staff; the inmate must receive a copy of the form;
   k. when an inmate returns from OLTC, unit staff or the inmate (using an Offender Staff Request (OSR) form) will notify the property officer, so the officer can make arrangements for the inmate to receive the stored property items; and
   l. if the Director of Nursing determines an inmate who is admitted long term to the infirmary or a hospital needs an item or items from the inmate's stored property, the Director of Nursing will consult with the Shift Commander and make arrangements with the property officer to get the authorized item(s) out of storage and to the inmate. The property officer will adjust the inventory form to show which items were taken from storage and delivered to the inmate.

4. When an inmate is receiving the inmate's property items from storage, the property officer will offer the inmate the opportunity to check them and sign a *Waiver of Liability.* The inmate must do one of the following:
   a. sign that the inmate has received, checked, and accepted all property items; if the inmate checks this option, they will be given their property to take to their living quarters.
   b. sign claiming certain items are damaged or missing; and
      1) If the inmate checks this option, they will be instructed to start the grievance process. The designated property officer will check the inmate's claims against what is present and what is checked off on the Authorized Property/Inmate Personal Property Inventory form. The facility is only responsible for those items checked off on the form. This includes:
         a) if the property officer confirms the inmate's claims, they will initiate corrective action:
            (1) the inmate may take any undisputed items that are present to their living quarters; and
            (2) damaged items will remain in the property office until corrective measures are completed, after which they will be disposed of; or
         b) if the property officer's findings don't substantiate the inmate's claims:
            (1) the property officer will inform the inmate that they may file a grievance to resolve the issue; and
            (2) items in dispute will be retained at the property office until the grievance is resolved; the incident report detailing the findings will be retained as evidence for the impending grievance.
   c. if the inmate refuses to mark one of the options on the form, the designated property officer will inform the inmate that the items will be considered abandoned and disposed of if an option is not selected.
      1) If the inmate still refuses to sign, the designated property officer will document the refusal at the bottom of the form and send the abandoned items to the Disciplinary Hearing Investigator or designee to dispose of as outlined in *DOC 3.1.17 Searches and Contraband Control.*

H. Transfers Between Facilities

1. When an inmate transfers from one facility to another:
   a. sending facility staff will:
      1) remove all contraband items and process them as outlined;
      2) check off the property items on an *Authorized Property/Inventory Inmate Personal Property Inventory* form;
      3) observe and note any damage present on the property as each item is packed in a shipping container;
      4) pack the items according to the shipping agent standards and seal the container(s);
      5) send the container(s) of allowable items to the receiving facility; if the container(s) are not sent on the transport vehicle(s) through prior arrangement, they will be shipped (by UPS, Fed Ex, USPS, etc.) at the expense of the Department; and
      6) maintain the container(s) in a secure storage area pending placement.
   b. receiving facility staff will:
      1) take custody of all incoming property containers and maintain the container(s) in a secure storage area pending placement; at no time will inmates be allowed to directly accept transferred property;
      2) inspect and check the item in the container(s) against what is listed on the shipping inventory in the inmate's presence; if staff find discrepancies (missing items, or items that aren't in the condition listed, etc.) they must prepare a detailed report describing and documenting any missing/unlisted, damaged, or additional property; and
      3) the inmate should confirm that all items are present and in good condition;

a) an inmate who verifies that everything is present and in good condition will sign a receipt and take possession of the property;
b) if an inmate reports missing or damaged property, staff must document the claim in detail, specifying the items involved and whether the staff's findings support or refute the inmate's claim. This includes the following:
   (1) if staff substantiates the inmate's claims, they will initiate corrective measures: the inmate will be allowed to take undamaged property items to the inmate's living quarters and damaged items will be retained by staff until the corrective measures are implemented, at which time the damaged item will be disposed of; and
   (2) if staff is unable to substantiate the inmate's claims, they will inform the inmate that they may file a grievance to resolve the issue: the inmate will be allowed to take the undamaged property items that are listed and present to their living quarters, items in dispute will be retained by staff until the grievance is resolved, and the incident report detailing the findings will be retained as evidence for the impending grievance.

4) if a determination is made through the grievance process that facility staff are responsible for the claimed loss or damage, the facility must reimburse the inmate in an amount determined by the grievance process; and
5) an inmate may not file a grievance liability claim once they have inspected, signed for, and taken possession of their property.

I. Storage

1. Facility staff will:
   a. maintain all stored inmate property in a secure restricted access storage area pending placement; the storage area must be designed to protect stored items from damage due to weather, unauthorized access, tampering and theft;
   b. develop processes to track and audit all inmate property that is placed in storage according to the inmate's name and DOC ID number;
   c. assure that any inmate involved in the inventory and storage of property is under direct staff supervision at all times; and
   d. ensure that all electronics are tested.

J. Daily Monitoring of Property

1. Staff must monitor the property of all inmates on a regular, recurring basis. This includes the following:
   a. staff will utilize an *Authorized Property/Inmate Personal Property Inventory* form as directed by their supervisor, whenever they are searching an inmate's property for compliance;
   b. it is the inmate's responsibility to dispose of any items in excess of limits or unauthorized; staff will process excess and unauthorized items as contraband as outlined in *DOC 3.1.17 Searches and Contraband Control;*
   c. excess property will be seized by staff and processed accordingly;
   d. staff is only required to obtain the inmate's property from the area approved to place property, such as inside the cell; staff is not responsible to track down the inmate's property from other areas;
   e. if an inmate is not present when staff are searching the inmate's cell and property for contraband or gathering his property for storage, staff must place the allowable items in the storage container(s) in the following order:
      1) legal papers;
      2) hobby Items;
      3) religious items;
      4) television;
      5) stereo;

6) electric razor;
7) eyewear (glasses or sunglasses);
8) shoes and boots;
9) shorts;
10) t-shirts;
11) socks;
12) personal mail;
13) photos;
14) other items that cannot be consumed; and
15) all unopened items that can be consumed;

f. items stored within the container(s) are not to exceed 50 lbs. of total combined weight; and
g. items that are left over after the storage container(s) are full will be considered contraband, seized by staff, and processed as outlined in *DOC 3.1.17 Searches and Contraband Control*.

K. Undeliverable Items

1. When an item an inmate has ordered from a vendor is received and does not meet requirements, the designated property officer will send or deliver an undeliverable notice to the inmate with 3 options:
   a. return to sender (inmate must enclose a completed Special Mailing Request with this response);
   b. send item to an individual on the inmate's approved visitor list (inmate must enclose a completed Special Mailing Request with this response); or
   c. dispose of the item.
2. The inmate must complete the appropriate sections on the notice and send the notice back to the designated property officer within 10 working days. If the completed form is not returned, or is received without one of the options selected, the designated property officer will return the item(s) to the vendor at the inmate's expense. If there are insufficient funds, the item will be disposed.

L. Release From Facility Custody

1. After an inmate death, any personal property will be returned to the individual designated on the inmate's *Emergency Contact and Beneficiary Designation Change* form.
2. When an inmate is released from facility custody to parole, discharge, pre-release, or out of state transfer, staff from the sending unit will search the inmate's living quarters and property for contraband and facility issued items. Any facility items found will be removed.
3. The facility items will be given to the appropriate department.
4. Contraband and any personal property items left behind by the inmate will be disposed of accordingly.

IV. CLOSING

Questions about this policy should be directed to the facility administrator at the respective facility.

V. REFERENCES

A. DOC 3.1.17b Contraband Control;
B. DOC 3.1.28 Crime Scene and Physical Evidence Preservation