



**STATE OF MONTANA  
DEPARTMENT OF CORRECTIONS  
POLICY DIRECTIVE**

Policy No. DOC 4.1.3	Subject: <b>OFFENDER PERSONAL PROPERTY</b>
Chapter 4: FACILITY/PROGRAM SERVICES	Page 1 of 5
Section 1: Reception and Orientation	Effective Date: May 1, 1997
Signature: /s/ Mike Ferriter, Director	Revised: 06/19/11

## **I. POLICY**

The Department of Corrections secure facilities will establish procedures that govern the control and safeguard of offender personal property and will at all times maintain the accountability of property limits, issue, inventory, and storage to ensure facility order, safety, and security.

## **II. APPLICABILITY**

All Department-owned and contracted secure care facilities as specified in contract.

## **III. DEFINITIONS**

Administrator – The official, regardless of local title (division or facility administrator, bureau chief, warden, superintendent), ultimately responsible for the facility or program operation and management.

Contraband – Any item possessed by an offender or found within the facility that is illegal by law, prohibited by policy or procedure, or unauthorized by those legally charged with the administration and operation of the facility.

Master Property List – A standardized list of allowable offender personal property items applicable to Department and contracted adult secure facilities.

Offender Personal Property – Allowable, non-facility issued offender property items.

## **IV. DEPARTMENT DIRECTIVES**

### **A. General Requirements**

1. A property committee, comprised of the chief security officer from each facility, will review the adult facility master property list and possession limits at least annually and recommend changes as needed. Facility administrators will:
  - a. review the recommendations and approve any changes by consensus;
  - b. ensure facility procedures are revised to reflect any changes; and
  - c. ensure their facilities comply with the approved list, gender specific items, and possession limits.
2. Youth facility administrators will review the youth offender property lists at least annually and recommend changes as needed.
3. Each facility will establish procedures approved by the facility administrators that address:

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- a. property requirements upon offender admission;
- b. possession limits for various housing or custody levels;
- c. property inventories, standardized inventory forms, and secure storage;
- d. required inventory signatures and receipts;
- e. lost, stolen, damaged, or unclaimed property;
- f. property disputes and grievances;
- g. liability claims, reimbursement limits, and replacement processes;
- h. size and value limits of specific property items;
- i. gender specific items;
- j. approved vendor purchases;
- k. availability and distribution of canteen items;
- l. standardized property container requirements;
- m. permitted electronics including “grandfathering” stipulations;
- n. allowable storage for legal documents and hobby items;
- o. random and routine property searches;
- p. inspections for and disposition of contraband; and
- q. Department employee training and supervision for handling offender property.

**B. Allowable Property Items**

1. Administrators will ensure that Department employees and offenders comply with the allowable personal property lists applicable to each secure facility.
2. Facility procedures will include storage requirements for offender personal legal papers and allowable hobby craft items.
3. Each facility will establish a process of admitting personal property into the facility reception area.
4. Department employees will:
  - a. search, inventory, and secure incoming offender clothing and property;
  - b. determine the disposition of non-allowed property; and
  - c. provide allowable property information and facility-issued hygiene items to incoming offenders.
5. Offenders may only purchase personal property from facility canteen services or from approved vendors.
6. Facility procedures will prohibit offenders from giving, receiving, selling, buying, loaning, or trading personal property to another offender or to a Department employee.
7. Administrators may:
  - a. approve specific facility-issued clothing or property at state expense, e.g., protective clothing or equipment for offender work assignments; and
  - b. limit offender property in accordance with the facility disciplinary procedures.
8. In emergency circumstances and when there is a documented need, the Department director may approve changes to the offender property list.

**C. Offender Funds**

1. At initial intake, facility admissions employees will:
  - a. carefully inventory all incoming offender funds, which may include money, checks, money orders, or other negotiable items;
  - b. document all funds on a property inventory form;
  - c. obtain the offender's signature on the form;
  - d. secure the funds and documentation in a sealed envelope; and
  - e. forward the envelope to the facility business office at the earliest opportunity.
2. The business office or designated Department employee will:
  - a. establish an offender account; and
  - b. provide the offender with a receipt of all deposits.

**D. Unauthorized Property Items**

1. When an offender is received for initial intake in possession of unauthorized items, the offender may decide on its disposition and, in accordance with facility procedures, employees will:
  - a. ship the items to a designated location;
  - b. donate the items; or
  - c. dispose of the items.
2. Department employees will process contraband items, e.g., weapons, illegal drugs, or alcohol, in accordance with *DOC Policies 3.1.17, Searches and Contraband Control, and 3.1.28, Crime Scene and Physical Evidence Preservation*.
3. If an offender escapes and leaves his or her property behind, it will be considered abandoned and processed as contraband. The disposition of property after an escape must be documented. Evidence handling will comply with *DOC Policy 3.1.28, Crime Scene and Physical Evidence Preservation*.

**E. Property Inventory**

1. Assigned Department employees will complete a property inventory when required by procedure or when the offender:
  - a. arrives at the admissions center;
  - b. transfers between facilities;
  - c. transfers from general population to segregated status;
  - d. is assigned a temporary placement;
  - e. is released from facility custody;
  - f. escapes; or
  - g. dies.
2. Inventories will be completed by:
  - a. one Department employee with the offender present, both of whom will sign a completed offender property inventory form; or by

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- b. two Department employees when the offender is not present, both of whom will sign and complete the inventory form indicating that the inventory is an accurate accounting of the offender property.
3. Department employees will:
  - a. test all electronic property in the offender's presence, if possible, and document its condition on the property inventory form;
  - b. accurately and legibly complete the inventory forms, describing only one item on each line with sufficient detail to distinguish it from any other listed items; and
  - c. provide a copy of the inventory form to the offender, the offender file, and secure a copy with any stored property.

**F. Property Storage**

1. Administrators will ensure that:
  - a. offender property is stored safely and securely pending final disposition;
  - b. all containers of stored property items are clearly marked with the offender name and number; and
  - c. offender access to storage containers is strictly prohibited.

**G. Property Transfer and Shipping**

1. Each facility will transfer offender property between facilities in conformance with established procedures and the allowable property lists.
2. Facility procedures will address the use of offender and offender welfare funds for the transfer and shipping of offender property.
3. Staff will include a completed and signed property inventory with each property transfer or shipment.
4. When offender property is not sent under supervision on offender transports, facility staff will comply with the shipping agent's mailing standards.
5. Department employees will secure packaged offender property pending shipment and after delivery.
6. Department employees may not appropriate or otherwise acquire for their personal use offender property deemed abandoned.

**H. Annual Inventory**

Each facility will ensure each offender's property is inventoried at least annually to include confiscation and disposal of contraband, i.e., excess or unauthorized property.

**V. CLOSING**

Questions concerning this policy should be directed to the facility administrator.

**VI. REFERENCES**

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- A. [2-15-112](#), MCA
- B. 4-4292, -4293, -4294; *ACA Standards for Adult Correctional Institutions, 4<sup>th</sup> Edition*
- C. 3-JTS-5A-05; *Standards for Juvenile Correctional Facilities, 2003*
- D. DOC Policies [3.1.17, Searches and Contraband Control](#); [3.1.28, Crime Scene and Physical Evidence Preservation](#); [3.4.1, Offender Disciplinary System](#); [3.3.6, Offender Mail](#)

## VII. ATTACHMENTS

None.