

POLICY TITLE: PRISONER ALLOWABLE PROPERTY		PAGE 1 OF 8
POLICY NUMBER: 10.1		
CHAPTER 10: PRISONER PROPERTY		
	STATE of MAINE DEPARTMENT OF CORRECTIONS	PROFESSIONAL STANDARDS: See Section VII
	Approved by: <u><i>Martin Magnusson</i></u> Signature of Commissioner	
EFFECTIVE DATE: January 15, 2004	LATEST REVISION: January 22, 2010	CHECK ONLY IF APA []

I. AUTHORITY:

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

II. APPLICABILITY:

All Adult Correctional Facilities

III. POLICY:

It is the policy of the Department of Corrections that all prisoners confined within a Department of Corrections facility on or after the date of this policy shall only be allowed the property listed on the Prisoner Allowable Property List attached to this policy. It is also the policy of the Department of Corrections that there be consistency between facilities in the property allowed prisoners. Each facility shall ensure that space is provided for safely and securely storing prisoner personal property.

IV. CONTENTS:

- Procedure A: Allowable Property, General
- Procedure B: Medically Necessary Items
- Procedure C: Religious Items
- Procedure D: Acquisition of Personal Property
- Procedure E: Record Keeping
- Procedure F: Other Provisions

V. ATTACHMENTS

- Attachment A: Prisoner Allowable Property List (Male Prisoners – Female Prisoners)
- Attachment B: Prisoner Property Contraband Disposition form
- Attachment C: Prisoner Property Inventory form (Male Prisoners – Female Prisoners)

Attachment D: Acknowledgement of Receipt of Allowable Property form
 Attachment E: Facility Contraband Disposition form

VI. PROCEDURES:

Procedure A: Allowable Property, General

1. Prisoners shall receive a copy of this policy and the applicable Prisoner Allowable Property List (Attachment A) during their initial orientation at a Department of Corrections facility.
2. Each facility shall permit prisoners to have property as outlined on the Prisoner Allowable Property List. No additional item(s) shall be allowed prisoners at a facility, except as outlined in Procedure A.14. nor shall items on the list be determined non-allowable or otherwise limited by a facility, except as outlined in Procedure A. 4.
3. A committee, comprised of Department staff appointed by the Commissioner, shall meet quarterly to review the facilities' compliance with this policy, review any requested revisions to the Prisoner Allowable Property List and make recommendations to the Commissioner regarding revision(s). Facility requests for revision(s) to the Prisoner Allowable Property List shall be submitted by the Chief Administrative Officer directly to this committee. This committee shall also serve as the Department's Canteen/Commissary committee in order to ensure consistency throughout the Department.
4. Prisoners on high risk management status, administrative segregation status or disciplinary segregation status shall only be allowed those property items listed in Chapter 15, Special Management. Prisoners on reception status shall only be allowed those property items allowed by the facility in accordance with facility-specific written practices for such prisoners. In addition, a prisoner not on one of these statuses who is housed in a housing unit primarily used for prisoners on one of these statuses shall only be allowed those property items allowed those prisoners, unless otherwise approved by the Commissioner of Corrections. Items generally allowed prisoners under this policy but not allowed to a prisoner under this procedure shall be stored at the facility until allowed to the prisoner, unless the property is determined contraband or non-transferable, as outlined in Procedure A. 7, 8, 9, 10, 11, 12 or 13.
5. Each facility shall provide prisoners with written information as to those items available for purchase in the facility Commissary/Canteen or through special order arrangements made by the facility.
6. Prisoner property is subject to being searched at any time without the consent of the prisoner.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
10.1 Prisoner Allowable Property	10. Prisoner Property	Page 2 of 8 1/22/10R

7. Any property item(s) “grandfathered” prior to or as of the original effective date of this policy are “grandfathered” only for the facility where the prisoner resided on that date. “Grandfathered” items shall not be transferable to other Department of Corrections facilities. All “grandfathered” items shall become contraband if the prisoner is found guilty of a Class A or B disciplinary offense. The prisoner shall be allowed to dispose of the contraband property using the Prisoner Property Contraband Disposition form (Attachment B), except as otherwise set out in this policy and procedures.
8. All property on the Prisoner Allowable Property List is transferable among the Department’s facilities, with the exception of any “grandfathered” item(s), food/drink items, hygiene, health and comfort items, and any items noted as non-transferable by (*) on the Prisoner Allowable Property List. The prisoner shall be allowed to dispose of non-transferable property, except for food/drink items, using the Prisoner Property Contraband Disposition form. Food/drink items shall be disposed of by the facility by destroying and discarding them through trash pick-up.
9. A property item shall be declared contraband if it exceeds the maximum quantity allowed or it does not meet the description of the item on the Allowable Property List. The prisoner shall be allowed to dispose of the contraband property using the Prisoner Property Contraband Disposition form.
10. Allowable property brought in at intake at any facility or property allowed to come in through the mail shall be declared contraband if, upon the item’s receipt at the facility, a search that might cause damage to the item is necessary to maintain safety, security or orderly management and the prisoner is not willing to consent to the damage that might be caused by the search. The prisoner shall be allowed to dispose of the property using the Prisoner Property Contraband Disposition form, unless there is reasonable suspicion that there is a threat to safety of persons or to security of the facility, in which case it shall be secured as evidence for possible use in disciplinary or court proceedings.
11. Property shall be declared contraband if the property is used for other than its authorized use as determined by the Chief Administrative Officer, or designee. The prisoner shall be allowed to dispose of the property using the Prisoner Property Contraband Disposition form unless there is reasonable suspicion that there is a threat to safety of persons or to security of the facility, in which case it shall be secured as evidence for possible use in disciplinary or court proceedings.
12. Property shall be declared contraband if it has been misused or abused, e.g., by being used to manufacture contraband items or conceal contraband, has been modified from its original state or has been tampered with (to include tampering with a seal or other security device) all as determined by the Chief Administrative Officer, or designee. If the property is not secured as evidence for possible use in

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
10.1 Prisoner Allowable Property	10. Prisoner Property	Page 3 of 8 1/22/10R

disciplinary or court proceedings, it shall be confiscated and disposed of by the facility in one of the ways set out in Procedure F.4.

13. Prisoners shall be responsible to immediately report any personal property stolen by another prisoner to the Chief of Security or other staff designated by the Chief Administrative Officer. Property shall be declared contraband if the property appears to belong to a person other than the prisoner in whose possession it is found or if it is unclear to whom it belongs as determined by the Chief Administrative Officer, or designee. If the property is not secured as evidence for possible use in disciplinary or court proceedings, it shall be confiscated and either returned to its rightful owner or disposed of in one of the ways set out in Procedure F.4, as determined by the Chief Administrative Officer, or designee.
14. Minimum and community facilities shall establish facility specific written practices regarding State issued or personal work-related clothing, footwear, tools or other work-related items, e.g., lunch coolers for work crews. All personal work-related clothing or footwear items must be purchased through the Commissary/Canteen or be purchased through special order arrangements made by the facility. Work related items may not be obtained via other means. Work-related items are not transferable to other Department of Corrections facilities. Work-related items purchased by the prisoner may be disposed of by the prisoner using the Prisoner Property Contraband Disposition form.

Procedure B: Medically Necessary Items

1. Items deemed medically necessary by the facility's health care staff including, but not limited to, prescription glasses, dentures, prosthetics, etc., shall be allowed and provided by the health care department. If an item creates a safety or security concern, the Chief of Security, or other designated supervisory staff, shall consult with the health care staff, so the health care staff may determine if there exists an alternative adequate to meet the medical needs of the prisoner. Any medically necessary item(s) determined to create a safety or security concern shall require the approval of the Chief of Security, or other designated supervisory staff.

Procedure C: Religious Items

1. Religious items that are acquired in accordance with Policy 24.3, Religious Services, General Guidelines, Procedure D., shall be allowed.

Procedure D: Acquisition of Personal Property

1. All allowable property must be acquired as outlined on the Prisoner Allowable Property List. No means of acquiring property other than those specified are permissible.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
10.1 Prisoner Allowable Property	10. Prisoner Property	Page 4 of 8 1/22/10R

2. No property or funds for prisoners shall be allowed to be brought in by visitors.
3. A prisoner may not receive, directly or indirectly, property or funds from another prisoner.
4. A prisoner may not receive, directly or indirectly, property or funds from the family or visitors of another prisoner, without the prior written approval of the Chief Administrative Officer, or designee.
5. Only general and privileged correspondence, publications (magazines, newspapers, and books) from publishers or commercial distributors, approved photographs, and allowable special order items ordered through established facility practices may be received by prisoners through the mail.
6. No property, other than clothing and any item(s) approved by the Chief Administrative Officer, or designee, may be taken out by a prisoner going on a furlough/furlough pass. Only those item(s) taken out by the prisoner may be brought back by the prisoner from the furlough/furlough pass.

Procedure E: Record Keeping

1. An accurate accounting shall be completed of all allowable and contraband prisoner property brought with each prisoner received, via intake or transfer, at a Departmental correctional facility using the Prisoner Property Inventory form (Attachment C), the Prisoner Property Contraband Disposition Form (Attachment B) and the Property Section of the CORIS System to provide accurate and accountable documentation for all prisoner property. The staff completing the form(s) and the prisoner shall sign the form(s) for all property allowed or determined to be contraband and the prisoner shall be given a copy of the form(s).
2. An Acknowledgement of Receipt of Allowable Property form (Attachment D) and the Property Section of the CORIS System, shall be completed as property, other than food/drink items, personal hygiene items, photographs, correspondence and items sent with correspondence, junk mail, postage stamps, writing supplies, legal materials, and newspapers and magazines, is received at the facility. The staff completing the form(s) and the prisoner shall sign the form(s) for all property received at the facility and the prisoner shall be given a copy of the form(s).
3. All items sent out from the facility, or otherwise disposed of, shall be recorded on a Prisoner Property Contraband Disposition form (Attachment B) or a Facility Contraband Disposition form (Attachment E) and the Property Section of the CORIS System. The staff completing the form(s) and the prisoner shall sign the form(s) for all property sent out from the facility or otherwise disposed of, if applicable, and the prisoner shall be given a copy of the form(s).

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
10.1 Prisoner Allowable Property	10. Prisoner Property	Page 5 of 8 1/22/10R

4. Any time all of the property in a prisoner's possession is physically inventoried, the Prisoner Property Inventory form (Attachment D) shall be completed. A physical inventory shall be done whenever a prisoner is to be transferred to another facility, transferred to Special Management status, or released, when all of the prisoner's property is placed in storage or when a prisoner's cell/room/housing area is searched. If any contraband is found, it shall be accounted for using a Prisoner Property Contraband Disposition form or a Facility Contraband Disposition form and the Property Section of the CORIS System. If a physical inventory has not been conducted for a reason outlined above within the last quarter, Prisoner Property Inventory forms and the Property Section of the CORIS System shall be updated using Acknowledgement of Receipt of Allowable Property forms and Prisoner Property Contraband Disposition or Facility Contraband Disposition forms (as applicable) and the Property Section of the CORIS System, to provide accurate and accountable documentation for all prisoner property. The staff completing the form(s) and the prisoner shall sign the form(s) and the prisoner shall be given a copy of the form(s).
5. All prisoner property to be stored for any reason shall be placed in secure storage at the facility prior to the end of the shift. A copy of the appropriate form(s) shall be affixed to or placed in the bag with the property. If a prisoner receives property from storage, it shall be accounted for using the Prisoner Property Inventory form and the Property Section of the CORIS System. The staff completing the form(s) and the prisoner shall sign the form(s) for all property received from storage and the prisoner shall be given a copy of the form(s).
6. Prisoners receiving property shall examine their property prior to signing for its receipt.
7. Records shall be maintained for all property, except as outlined above, and copies of the Property Inventory Form shall be provided to prisoners as completed. Should a prisoner have a claim regarding his/her property, the prisoner may request a copy of the relevant property records.

Procedure F: Other Provisions

1. Prisoners are allowed personal property at their own risk. A prisoner may make a claim for replacement/reimbursement of any item(s) lost or damaged due to the fault of staff. The prisoner shall be required at the time of the claim to provide proof of purchase. If it is determined that staff were at fault, then, except in an unusual situation, the item(s) shall be depreciated depending on date of purchase and condition of the item(s), if known by staff. All claims shall be reviewed on a case by case basis and replacement/reimbursement decisions shall be made by the Chief Administrative Officer, or designee.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
10.1 Prisoner Allowable Property	10. Prisoner Property	Page 6 of 8 1/22/10R

2. Prisoners shall be notified of all contraband items to be disposed of by the facility using a Facility Contraband Disposition form.
3. Except for property being stored under Procedure A. 4., property that must be disposed of immediately because handling or storing the property would create a risk to safety (e.g., food/drink item, broken item(s) with sharp edges, etc.), property secured as evidence or property handled in accordance with Procedure A.12. or A.13., contraband property must be disposed of by the prisoner within thirty (30) days of when the prisoner is notified the item has been declared contraband. During the thirty (30) days, the property shall be stored at the facility. Non-transferable property must be disposed of within thirty (30) days of when the prisoner is notified of the transfer, or if the prisoner has not been notified, within thirty (30) days of when the transfer has taken place. During the thirty (30) days, the property shall be stored at the transferring facility (unless the prisoner requests it to be stored during those 30 days at the receiving facility and both facilities agree). Prisoners shall be notified of all contraband (or, when relevant, non-transferable) items to be disposed of by the prisoner utilizing a Prisoner Property Contraband Disposition form.
4. Any property that is contraband and not disposed of by the prisoner within the thirty (30) days or is disposed of by the facility under Procedure A.12 or A.13. shall be disposed of by the relevant facility in one of the following ways:
 - a. Destroying and discarding through trash pick-up;
 - b. Donating the property to a charitable organization; or
 - c. Using the property for the common benefit of prisoners.
5. If contraband property is secured as evidence, it shall be handled as follows:
 - a. If the contraband is used as evidence in a court proceeding, its final disposition shall be determined by the prosecuting attorney.
 - b. If the contraband is only used as evidence in a disciplinary proceeding, it shall be disposed of in accordance with departmental policies and procedures or, if applicable, returned to its rightful owner as determined by the Chief Administrative Officer, or designee. A photo shall be taken of the contraband prior to its disposal or return and the photo shall be retained in the disciplinary record.
 - c. If the contraband is not used as evidence, the prisoner shall be allowed to dispose of it using the Prisoner Property Contraband Disposition form, unless the property was confiscated under Procedure A.12 or A.13, in which case it shall be handled as set out in the applicable procedure.

VII. PROFESSIONAL STANDARDS

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
10.1 Prisoner Allowable Property	10. Prisoner Property	Page 7 of 8 1/22/10R

ACA:

ACI - 4-4292 Written policy and procedure govern the control of personal property and funds belonging to inmates; these policies and procedures are reviewed annually and updated as needed and are made available to inmates upon admission and when updated.

ACI - 4-4293 Written policy, procedure, and practice specify the personal property inmates can retain in their possession.

ACI - 4-4294 Written policy and procedure govern the control and safeguarding of inmate personal property. Personal property retained at the institution is itemized in a written list that is kept in the permanent case file; the inmate receives a current copy of this list.

4-ACRS-7D-13 Procedures specify the personal property that offenders can retain in their possession and govern the control and safeguarding of such property.

4-ACRS-7D-14 Personal property stored in the facility is itemized on a written list that is signed by the offender, and kept in a permanent file. The offender receives a copy listing the property retained for storage.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
10.1 Prisoner Allowable Property	10. Prisoner Property	Page 8 of 8 1/22/10R