



Operating Procedure

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Amended 12/1/18	Operating Level Department
Supersedes Operating Procedure 802.1(9/1/15)	
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Subject OFFENDER PROPERTY	
ACA/PREA Standards 4-4164, 4-4292, 4-4293, 4-4294, 4-4334, 4-4335, 4-4336, 4-4337, 4-4338, 4-4339, 4-4340; 4-ACRS-4B-02, 4-ACRS-4B-04, 4-ACRS-7D-09, 4-ACRS-7D-13, 4-ACRS-7D-14; 2-CO-4D-01	
Incarcerated Offender Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Public Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Attachments Yes <input checked="" type="checkbox"/> #6 No <input type="checkbox"/>
Office of Primary Responsibility Operations Support Manager	

I. PURPOSE

This operating procedure provides for the administration of offender personal property in Department of Corrections facilities.

II. COMPLIANCE

This operating procedure applies to all units operated by the Department of Corrections (DOC). Practices and procedures must comply with applicable State and Federal laws and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

III. DEFINITIONS

Community Corrections Facility - A residential facility operated by the Department of Corrections to provide Community Corrections Alternative Programs

Confiscate - Conversion of offender personal property to state ownership following proper notice and completion of the appeal process; confiscation does not include the holding of an offender's personal property in storage pending disposition. (COV §53.1-26)

Contraband - An item forbidden for entry, possession, or removal from a Department of Corrections facility; an item in the possession of, or accessible to, an offender that has not been specifically issued to, or authorized for possession by the offender; or has not been obtained by the offender in accordance with operating procedures. Contraband items (for offenders) may include, but are not limited to, the following:

- State or personal property of any type not specifically authorized for possession or use by an offender
- State or personal property in the possession of, or used by, an offender that has not been properly received, acquired by or issued to the offender in accordance with operating procedures
- State or personal property, regardless of how acquired, that has been modified or altered without written authorization
- Any knife, tool, instrument, firearm, explosive, bodily fluid or waste, or other object that an offender might make, possess, collect, hide, or have in their possession for the purpose of escaping, circumventing security procedures, or inflicting death or bodily injury
- Any drug, chemical compound, or controlled substance that has not been issued to an offender by a proper authority; or if authorized, is accumulated beyond prescribed amounts or expiration dates
- Moneys or other negotiable instruments, whether cash, checks, money orders, lottery tickets, credit/debit/phone cards, etc., in the possession of an offender except where specifically authorized
- Any correspondence, documents, drawings, jewelry, symbols, or property of any type that contains or indicates gang identifiers, language, or information
- Property of any type (including cassette tapes, compact disks, pictures, or written material of any type) regardless of how acquired that violates the criteria that govern offender incoming publications
- Unauthorized electronic equipment including, but not limited to cell phones, palm pilots, pagers, electronic games, etc. and any enabling components such as chargers, power cords, batteries, connectors/adapters, etc.

- Tobacco and tobacco related products

Educational Documents - Diplomas, High School Equivalency or GED Certificates, Career and Technical Education Certificates, apprenticeship documentation, transcripts, and other such documentation of educational achievements

Extent of Liability - When in the physical possession of the Department of Corrections, the maximum liability for damage, loss, or theft of any item of authorized personal property is limited to \$50.00

Facility - Any institution or Community Corrections facility

Feminine Hygiene Products - Sanitary napkins and tampons provided to female offenders at no cost

Funds - Negotiable instruments, including, but not limited to, cash, checks, money orders, lottery tickets, savings, treasury or other bonds, stock certificates, certificates of deposit, etc.

Identification Documents - Documents that satisfy the requirements of the U. S. Citizenship and Immigration Services *Employment Eligibility Verification* (Form I-9) or the identification requirements of the Virginia Department of Motor Vehicles for driver's license or identification card; examples include passport, residency card, visa, driver's license, photo ID card issued by a government agency, Social Security card, birth certificate, etc.

Institution - A prison facility operated by the Department of Corrections - includes major institutions, field units, and work centers

Personal Financial Documents - Documents that include, but are not limited to, credit cards, checkbooks, savings passbooks; for the purposes of this operating procedure, these do not include financial account statements or credit reports.

Personal Property - Any item belonging to an offender that has been acquired and authorized for possession, excluding authorized state-issued property

Purchase Price - The actual retail price paid by an offender for an item, not including sales tax or shipping and handling charges

Restrictive/Special Housing - A general term for special purpose bed assignments including general detention, pre-hearing detention, restrictive housing, segregation, and disciplinary segregation

State-Issued Property - Items issued to an offender from state sources for that offender's use

Vendor - Any entity i.e. publisher, organization, business, or governmental agency that as a usual and regular business provides mail order service to the public

Virginia Distribution Center (VDC) - A warehouse operated by the Virginia Division of Purchases and Supply to supply goods to state agencies

IV. LIABILITY AND RESTRICTIONS

A. Liability

1. Every offender must complete a [Notification to Offender of Release of Liability](#) 802_F3 as a condition of possessing personal property while confined in any state correctional facility.
 - a. This document also serves to confirm the offender's notification and acceptance of the DOC policy of "zero tolerance" for gang related activities.
 - b. The original *Notification* must be uploaded as an external document in the *Facility Notes* section of VACORIS identified as a *Special Entry* and a copy will be provided to the offender.
2. When in the physical possession of the Department of Corrections, the maximum liability for damage, loss, or theft of any item of authorized personal property is limited to \$50.00. Items with a value exceeding the limits of this procedure are retained solely at the offender's risk.
3. Reimbursement will be limited to the fair market value of the item at the time of loss, not to exceed the limits specified above or the actual purchase price, whichever is less.
 - a. At DOC option, replacement with a similar new or used item may be given in lieu of

reimbursement.

- b. Reimbursement or replacement is limited to damage, loss, or theft only when such property is in the possession or under the control of a DOC employee.
 - c. Damage does not include normal wear and tear, minor or cosmetic damage incidental to searches or transportation of personal property, or damage resulting from other incidents, including, but not limited to, theft or damage by other offenders, disturbances, riots, fires, floods, natural disasters, power surges or failures, or equipment, mechanical or other physical plant failures.
 - d. Reimbursements will be calculated and managed in accordance with Attachment 1, *Property Reimbursement/Depreciation*
4. Personal property is the sole responsibility of the owner.
- a. The DOC assumes no responsibility for offender personal property except as stated in this operating procedure.
 - b. Permission to keep personal property is considered a privilege that may be withdrawn.
 - c. Failure to comply with this operating procedure or facility procedures may result in forfeiture of personal property privileges.
 - d. An offender may not loan, trade, sell, or give away personal property; lost or missing personal or state issue property must be reported by the offender on a [Lost or Missing Property Report](#) 802_F7.

B. Offender Personal Property Requirements and Restrictions

1. All personal property acquired after October 1, 1998 must conform to the criteria listed in this operating procedure and the appropriate *Authorized Personal Property Matrix* (See Attachment 2 for male institutions, Attachment 3 for female institutions, Attachment 4 for male Community Corrections Facilities, and Attachment 5, for female Community Corrections Facilities) unless another compliance date is specified for the item. (4-4293)
 - a. Subject to housing status, quantity limits, and facility rules, offenders may possess any item currently sold in the facility commissary or approved for offender possession by the *Faith Review Committee* in accordance with Operating Procedure 841.3, *Offender Religious Programs*.
 - b. Any non-conforming property found in an offender's possession should be considered contraband and disposed of in accordance with this operating procedure.
 - i. If a facility sold to or authorized an offender to buy, after the applicable compliance date, any personal property item that is not in compliance with the criteria listed in this operating procedure and the appropriate *Authorized Personal Property Matrix*; the facility should exchange the item for an item in compliance with this operating procedure or refund the value of the item at the time of exchange.
 - ii. If any offender is transferred to another facility with non-conforming property that they were authorized to acquire after the compliance date, the facility that authorized the offender to buy it is responsible for the cost of exchange or refund.
 - iii. If the offender chooses to retain ownership of the item, the offender will be required to dispose of it and will not receive an exchange or refund.
 - iv. Any non-compliance issues should be resolved between the sending and receiving facilities and/or the respective Regional Administrators.
2. Although purchases are unlimited, the number of publications an offender may possess at any one time is limited to the number allowed on the appropriate *Authorized Personal Property Matrix*.
 - a. Publications will include religious texts, approved study texts, personal photo books, and legal references. Publications borrowed through the facility are not included.
 - b. Catalogs and brochures will be treated as magazines if they contain a publisher name, publication date, volume/issue number or other identifier, copyright notice, and publisher address in the publication. All other catalogs and brochures will be treated as general correspondence and handled in accordance with Operating Procedure 803.1, *Offender Correspondence*.

- c. Publications that have been altered are considered contraband and must be disposed of immediately.
3. There is no limit on personal mail, newspaper and magazine clippings, or legal materials an offender may possess as long as they can be stored in the offender's designated locker or cabinet. Reasonable quantities of legal materials may be placed in storage dependent on facility resources.
4. Sound producing equipment (radios, media devices, tape/CD players, and televisions) must be played through earphones at all times. Violation of this rule may result in confiscation of all such equipment and forfeiture of the privilege of possessing audio/video equipment.
5. Personal clothing must be purchased through the commissary
 - a. Offender personal clothing must be the appropriate size and fit properly as determined by facility staff; pants and shirts should not fit too tightly or too loosely.
 - b. Personal clothing will substitute for state issue except for outside workers who should be issued an additional two state clothing sets (blue with orange strip pants).
 - c. Facility rules should specify times, locations, and circumstances in which personal clothing including hats, caps, and other authorized head coverings may be worn.
 - d. Personal clothing should not be laundered or repaired at state expense. Cleaning and repair of personal clothing is the responsibility of the owner.
 - i. Facilities may provide washers and dryers (paid for from Commissary profits) for offenders to use to launder their personal clothing.
 - ii. Offenders may also hand wash their personal items.
 - iii. Offender laundry workers should not launder personal property items unless personal items are sent to a central laundry area.
6. At the discretion of the facility, offenders may retain certain personal hygiene items that were previously available but may not purchase any new or replacement like items.
7. Only jewelry authorized in the appropriate *Authorized Personal Property Matrix* is allowed.
 - a. No item of jewelry may be in an offender's possession if it contains stones or gems regardless of value.
 - b. The Facility Unit Head may approve, on a case-by-case basis, wedding bands/sets that do not comply with these criteria. The value/price of wedding bands/sets is not specified; however, DOC liability is limited to \$50.
 - c. Jewelry should not be characterized as to type of metal or value. For example, a watch should be described as a "yellow or white colored metal watch," not a "gold watch."
8. Virginia Correctional Enterprises is the DOC's only procurement source for prescription eyewear.
 - a. Offenders will not be allowed to purchase personal non-VCE eyeglass frames.
 - b. Offenders who currently have personal frames (metal frames acceptable for Security Level W-3 institutions only), contact lenses, and tinted lenses will be allowed to keep them until the next eye exam or prescription change. When replacement is necessary, state frames must be obtained.
9. Only medications and health items issued through the facility Medical Department or sold in the commissary, including non-prescription glasses, are permitted.
 - a. Offenders may be allowed to retain medically necessary prosthetic devices in their possession when received into the DOC, as approved by the Medical Authority.
 - b. The DOC liability for privately purchased glasses/lenses or any other prosthetic device will be limited to the repair of the item or the replacement of the item with a state-issue prosthetic device.
 - c. DOC owned crutches, canes, wheelchairs, braces, etc. must be returned to the Medical Department when no longer prescribed or medically necessary.
10. All religious personal property items, other than publications, approved by the *Faith Review Committee* for individual offender possession are listed on the *Approved Religious Items* attachment

- to Operating Procedure 841.3, *Offender Religious Programs*.
- a. Religious personal property items must be purchased through the facility commissary; offender requests for religious items, not listed on *Approved Religious Items*, must be submitted to the Facility Unit Head on a [Request for Approval of Faith Object](#) 841_F1.
 - i. It is the offender's responsibility to complete the [Request for Approval of Faith Object](#) 841_F1 and furnish necessary information and appropriate documentation to support the *Request*.
 - ii. The Facility Unit Head will forward the completed *Request* to the *Faith Review Committee* who will forward their recommendations to the Chief of Corrections Operations or designee.
 - iii. The Chief of Corrections Operations or their designee will review and make a final decision to approve or disapprove an item.
 - b. Prayer rugs must be stored in storage space provided when not in use and must not to be hung on walls or continuously maintained on the floor.
 - c. Religious hat/head covering - No face coverage, maximum length to shoulder; size and type consistent with security concerns at the facility; subject to search at any time. Religious head coverings can be worn in the same manner (time, locations, and circumstances) as non-religious head coverings unless designated otherwise on the *Approved Religious Items* list.
 - d. Previously approved kufis, yarmulkes, wave caps, baseball and stocking caps may be retained if they differ in color from the current standards, but new orders must conform to current standards.
 - e. Worship/ Prayer beads will not be worn as a necklace; violation of this requirement can result in confiscation of the religious item.
11. Hobby, craft, and art supplies/materials may be permitted subject to facility procedures and Operating Procedure 841.6, *Recreation Programs*.
- a. Only those items listed on the *Approved Arts and Crafts Items* attachment to Operating Procedure 841.6, *Recreations Programs*, for the institution's assigned Security Level are authorized for offender possession.
 - b. Certain items may not be allowed in offender living areas. Some facilities may require hobby and craft supplies to be stored in a hobby shop.
 - c. Each facility may establish limits on hobby, craft, and art items based on available storage and work space.
 - d. Certain items may not be allowed at all facilities and the offender may be required to send them out or otherwise dispose of them when transferred.
12. Facilities that do not provide electrical service in offender living areas may restrict electrical or electronic possessions to battery operated items.
- a. Availability of electrical and electronic items may be limited to facilities that provide electrical service in offender living areas.
 - b. All electrical and electronic equipment must be purchased from the commissary in accordance with the approved Commissary List.
13. All property in the possession of an offender must be stored in a secured locker(s) or other container(s) assigned to that offender by the facility. (4-4164; 4-ACRS-7D-13)
- a. Each facility will establish rules regulating the storage of personal property in the living area.
 - b. Personal property must be properly stored so that it will not interfere with sanitation or insect and rodent control and will not violate fire or other safety regulations.
 - c. Property that exceeds the capacity of the designated container(s) must be disposed of in accordance with this operating procedure.
14. Repair, cleaning, maintenance, and secure storage of personal property are the responsibility of the owner.
- a. Personal property will not be repaired by facility employees or in facility shops.
 - b. Personal property will not be sent out to family or friends for repair, and any personal property sent

from the facility other than to an approved vendor or repair shop will not be allowed to return.

- c. Property items, when appropriate, can be returned by mail or delivery service for warranty service, or repaired at a local repair shop if such service has been arranged through the facility.
 15. An offender transferred to a facility that does not permit an item otherwise authorized under this procedure must arrange for disposition of the item as provided for in this operating procedure.
 16. Personal property will not be mounted, attached, or displayed on facility walls, windows, doors, or other building elements unless the facility provides a designated area for such display.
 17. Semi-nude pictures, photographs, drawings, or other such depictions will not be displayed so that they can be viewed by staff or other offenders. This display includes mounted on or inside any locker, cabinet, or other facility supplied storage container; laying on a bed, desk, or other surface; or being handled by the offender.
- C. Additional restrictions may be imposed on personal property at reception and classification centers, and special population housing areas, such as restrictive/special housing, Marion Correctional Treatment Center, and Death Row.
- D. Facilities housing Security Level S offenders may develop, with approval of the Chief of Corrections Operations (may be delegated to the Regional Administrator), facility specific authorized state and personal property lists similar to those in this procedure that are appropriate to the facility mission and population.
- E. Personal Property accommodations for offenders diagnosed by Mental Health staff with Gender Dysphoria will be determined on an individual basis and approved by the Chief Psychiatrist.
- F. Except as provided for in this section, no other modifications or variances are permitted without the written permission of the Chief of Corrections Operations. Items currently sold in the facility commissary or approved by the *Faith Review Committee* for offender possession are authorized as “other” items if not specifically listed in the appropriate *Authorized Personal Property Matrix*.

V. REGULATION AND INVENTORY OF PERSONAL PROPERTY

- A. This operating procedure governs the control of personal property belonging to offenders housed in Department of Corrections facilities. See Operating Procedure 802.2, *Offender Finances*, for procedures relating to funds belonging to offenders. Both operating procedures and any updates should be available to offenders in areas designated by the facility such as the law library and institutional library. (4-4292)
- B. Each facility should designate one or more employees to serve as Personal Property Officer to be responsible for offender personal property. The Personal Property Officer is responsible for the control of offender personal property, including inventory and search of personal property, adding or deleting property, identifying property, disposing of property, and keeping accurate offender personal property files and property records in VACORIS.
- C. Offender Property Requirements
1. Equipment such as engraver and indelible marker should be available to mark offender personal property except the authorized media device which is electronically encoded with the offender number. Offenders will not be allowed to mark state-issued property except as may be needed for laundry purposes.
 2. Offenders should not have unsupervised access to areas where personal property is stored. Offenders will not participate in taking inventory of another offender's property.
- D. State-Issued Property (2-CO-4D-01)
1. Each offender should be issued appropriate state clothing and linens (See Attachment 2 for male institutions, Attachment 3 for female institutions, Attachment 4 for male Community Corrections Facilities, and Attachment 5 for female Community Corrections Facilities). (4-4336)

2. The clothing should be properly fitted, climactically suitable, durable, and presentable. (4-4336)
 3. Facilities must provide offenders the opportunity to have three complete sets of clean clothing per week. The facility may provide this clean clothing by access to self-serve washer facilities, central clothing exchange, or a combination of the two. Wash basins in cells or rooms are not compliant. (4-4338, 4-ACRS-4B-02)
 4. State issue items must be entered into VACORIS so that the offender will be accountable for the clothing and bedding issued to that offender. (4-4335)
 5. Each offender will be issued suitable, clean bedding and linen, including two sheets, pillow, pillowcase, one mattress, not to exclude a mattress with integrated pillow, and sufficient blankets to provide comfort under existing temperature controls. There should be provision for linen exchange, including towels, at least weekly. (4-ACRS-4B-04) Each facility should set a schedule for quarterly blanket cleaning or exchange. (4-4340)
 6. The available quantity of clothing, linen, and bedding will exceed what is required for the facility's offender population. (4-4334)
 7. Special and, when appropriate, protective clothing and equipment will be issued to offenders assigned to the facility's food service, hospital, farm, garage, physical plant maintenance shops, industries, and other special work details. (4-4337)
 8. Female offenders will be issued a reasonable quantity of feminine hygiene products at no cost to the offender.
 - a. State issued feminine hygiene products must be purchased from the Virginia Distribution Center (VDC).
 - b. Feminine hygiene products will be maintained in the housing unit control center or other central location for distribution to offenders upon request.
 - c. The Facility Unit Head will establish the appropriate location for issuance, method and frequency of distribution, and the quantity to be issued to the offender per request.
 - d. Any offender misuse or abuse of feminine hygiene products is subject to disciplinary action under the offender disciplinary procedure.
- E. Inventory Procedures (4-4294; 4-ACRS-7D-14)
1. Inventories of personal property must be documented in VACORIS capturing the name of the responsible staff member. (4-ACRS-7D-09)
 2. Facilities may develop and utilize a facility specific inventory form to record an offender's property inventory when immediate access to a computer is not feasible; VACORIS must be updated upon completion of the inventory.
 3. An offender's property inventory must be updated prior to the offender's transfer and transferred out in VACORIS.
 4. Whenever possible, the offender should observe the property inventory; otherwise, the inventory should be completed by two employees, who will both be documented in VACORIS. Property should be verified against the inventory, and the offender should sign the VACORIS inventory report.
 5. Any claim by the offender of missing or damaged property should be made at that time by written notation on the VACORIS inventory report. Claims should be forwarded by the personal property officer to the Facility Unit Head or designee for resolution.
 6. The offender should receive a copy of the completed VACORIS inventory report and a copy must be placed in each box of property kept in storage or shipped to another location.
- F. Initial Intake
1. The offender will complete the [Notification to Offender of Release of Liability](#) 802_F3.
 - a. This document will be uploaded as an external document in VACORIS in the *Facility Notes* section

- and identified as a *Special Entry* with a copy provided to the offender.
- b. No offender will be allowed to possess personal property in a DOC facility until the offender signs the [Notification to Offender of Release of Liability](#) 802_F3.
 2. Each offender will be issued appropriate state clothing and linens in accordance with this operating procedure.
 3. Any money or negotiable instruments, personal financial documents, educational documents, and identification documents, as defined in this operating procedure, should be collected, counted, and a receipt issued in accordance with Operating Procedure 050.1, *Offender Records Management*, and Operating Procedure 802.2, *Offender Finances*.
 - a. Identification and educational documents should be stored in the brown *Personal Property Envelope* in the offender's facility folder or historical hardcopy record or, if the offender desires, disposed of in accordance with this operating procedure. The offender may possess copies of their own educational documents.
 - b. Personal financial documents, such as savings/checkbooks, credit cards, and negotiable instruments (i.e. stocks, bonds), that cannot be deposited to the offender's account, will not be stored by the facility. The offender will be required to send those items out.
 - c. The offender is allowed to possess their own other personal documents such as *Certificate of Release or Discharge from Active Duty* (DD-214), military medical records, financial account statements, credit reports, and criminal history reports.
 4. The offender may retain personal property in accordance with the appropriate *Authorized Personal Property Matrix* (See Attachments 2 and 3 for institutions, and Attachments 4 and 5 for Community Corrections facilities) unless the specific facility or special circumstances dictate additional restrictions. (4-4293; 4-ACRS-7D-13)
 - a. Reception centers will notify local and regional jails of *Authorized Personal Property - Offenders Received from Jails* (See Attachment 6) to transfer with the offender.
 - b. Community Corrections facilities should notify the appropriate jail, P&P Office, or offender of the Property allowed at the facility (see Attachments 4 and 5).
 - c. If the offender is received at a facility with property listed on the appropriate *Authorized Personal Property Matrix* for that facility, the offender should normally be allowed to retain it.
 - d. The facility provides for the thorough cleaning and, when necessary, disinfecting of offender personal clothing before storage or before allowing the offender to keep and wear personal clothing. (4-4339)
 5. All property should be inventoried and entered into VACORIS in accordance with this operating procedure listing items that are issued to the offender, stored by the facility, disposed, or seized pending disposition. The VACORIS inventory report should be signed by the offender and placed in the offender's personal property file, with a copy provided to the offender, and a copy attached to stored items.
 6. Property that arrives with an offender at initial intake but is disallowed, should be sent to an address specified by the offender; may be picked up by a visitor; or may be donated as specified in this operating procedure.
 - a. If the offender's account does not have sufficient funds to pay the cost of sending the property out, it should be sent at the facility's expense (this *only* applies at initial intake).
 - b. Items that are not authorized should be stored up to 30 days pending disposition.
 7. Any disallowed property should be properly documented by completing [Personal Property Request Add/Drop](#) 802_F1, [Property Disposition](#) 802_F4, and [Notice of Confiscation of Property](#) 802_F5 as needed and placing the document(s) in the offender's personal property file.

G. Transfers

1. When an offender is transferred from one facility to another, the personal property must be searched and inventoried in VACORIS by the Personal Property Officer or a Corrections Officer. A copy of the VACORIS inventory report should be provided to the offender and one copy should be kept with the property.
2. All prescribed medications to include those medications on the *Self-Medication Program* (except nitroglycerin, Epinephrine auto-injectors (Field Units and Work Centers, only), and oral inhalers that may be needed during transport for acute respiratory symptoms) will be collected and sent to the facility Medical Department for transport in accordance with Operating Procedure 720.5, *Pharmacy Services*.
3. The sending facility should ensure that unauthorized property (e.g. altered, belongs to another offender, contraband, etc.), property not authorized at the new facility, or property not on the offender's approved property list, is *not* transferred with the offender to the next facility. These items should be seized from the offender and retained at the sending facility for proper disposition.
4. After the Personal Property Officer or a Corrections Officer inventories the property, staff or the offender, under staff supervision, will pack the property and place a copy of the VACORIS inventory in each box of property for transport.
 - a. The facility should provide boxes and packing materials from the commissary fund.
 - b. Each box of offender property will not exceed a maximum weight of 50 pounds.
5. For **temporary transfers**, the offender may take necessary items up to one standard (18 inch by 18 inch by 12 inches deep) box subject to acceptance by the receiving facility.
 - a. An offender's remaining personal property should be inventoried and placed in storage for the duration of a temporary transfer to court, hospital, or similar temporary stay away from the facility.
 - b. The DOC accepts no responsibility for perishable items that deteriorate while personal property is stored because an offender is temporarily transferred.
6. For **permanent transfers**, the sending facility will transfer one standard (18 inch by 18 inch by 12 inches deep) box of the offender's personal property to the new assignment.
 - a. A complete inventory of the offender's property at the time of transfer printed from VACORIS must be placed in the top of the box of property being transferred with the offender. This inventory will clearly list and differentiate the property items being sent with the offender, property items that are being sent to the new facility at offender expense, and any property items that are being sent out to family or friends instead of being sent to the new facility.
 - b. The offender should prioritize items, such as hygiene products, personal clothing, legal materials, religious items, perishable goods, etc. to go into the box to be transferred with the offender.
 - c. Remaining personal property may be sent to the receiving facility at the offender's expense or otherwise disposed of in accordance with this operating procedure. Indigent offenders may request a loan to cover the shipping cost of personal property to the new facility.
 - d. Only personal property authorized at the offender's new facility per the appropriate *Authorized Personal Property Matrix* should be transferred with the offender to the offender's new facility assignment. The offender must dispose of any unauthorized property in accordance with this operating procedure.
 - e. The offender being transferred that refuses to voluntarily dispose of excess or non-conforming property, should submit an appeal to the sending facility, which will process the appeal and hold the property pending completion of the appeal process in accordance with this operating procedure.
 - f. When an offender arrives at a facility with excessive property or property that is not authorized at that facility, the offender will be given the opportunity to dispose of the property. If the offender fails to do so, the facility may dispose of the property in accordance with the administrative confiscation process of this operating procedure.
 - g. When any unauthorized property or contraband items have been transferred with the offender by the sending facility, the receiving facility may determine the item is contraband and may dispose

of it in accordance with the administrative confiscation process of this operating procedure. In such cases, the offender should not be charged with a disciplinary infraction for possession of this contraband unless it can be determined that the offender intentionally tried to circumvent search procedures.

H. Assignment to Restrictive/Special Housing

1. If an offender is assigned to a restrictive/special housing unit, only personal property specified on the appropriate *Authorized Personal Property Matrix* or other applicable procedure is allowed.
2. Remaining authorized personal property should be inventoried and stored by the facility until the offender returns to general population or is transferred. Institutions may require offenders assigned to Security Level S to dispose of personal property items not allowed in that status.
3. If an offender is transferred into a facility in a status that restricts property, remaining authorized personal property should be inventoried and stored by the facility until the offender enters general population or is transferred.
 - a. Within 30 days of arrival, the offender should be required to dispose of any property items that are not authorized for general population at that facility.
 - b. The Facility Unit Head or designee may grant exceptions to disposal for temporary assignments where the offender is expected to transfer within a reasonable time to a facility where the property is authorized.
4. The DOC accepts no responsibility for perishable items that deteriorate while personal property is stored because an offender is in restrictive/special housing.

VI. PURCHASE OF PROPERTY

A. Offenders must purchase all authorized personal property items (per offender property matrix or *Faith Review Committee*) from the commissary or designated DOC contract vendor unless otherwise excluded in this operating procedure.

1. All purchases other than third party purchase of publications and media devices must be prepaid from the offender's personal trust account funds.
 - a. Credit and C.O.D. purchases are prohibited.
 - b. Third party purchases other than for publications and media devices are prohibited.
 - c. The usage of postage stamps to purchase goods and services through the mail in order to circumvent payment through the offender trust account is prohibited.
2. Offenders must submit a [*Personal Property Request Add/Drop*](#) 802_F1 to document acquisition of items that must be recorded on the offender's property and inventoried.
 - a. Prior approval of the Facility Unit Head or designee may be required prior to purchasing regulated items from the facility commissary to include purchases of non-consumable items, such as radios or televisions that require registration through property control.
 - b. For authorized third party purchases a [*Personal Property Request Add/Drop*](#) 802_F1 must be completed before the property item will be issued to the offender.
3. The commissary contract vendor is responsible for procuring all approved personal property items except publications and designated property items available for purchase from other DOC contract vendors.
 - a. Property items that are not regularly stocked by the contract vendor such as approved religious items and unique sizes for offender clothing will be made available for offender purchase through the special ordering process provided in Operating Procedure 801.6, *Offender Services*.
 - b. Items designed to serve the same general purpose regardless of quality or other personal preferences will be considered to be the same item.
 - c. Items purchased through the special ordering process should match as closely as possible the color

and appearance as those items available in the Commissary.

4. All approved electronic items must be purchased from the commissary or the DOC contract vendor.
 - a. The media device provides the ability to download music and non-music audio files and allows offenders and outside users to communicate by secure messaging. This device must be purchased from the DOC Contract Vendor.
 - i. Offenders will order the device through the kiosk. Submission of a [Personal Property Request Add/Drop](#) 802_F1 is not required prior to purchase, the offender may submit the [Personal Property Request Add/Drop](#) 802_F1 after the device arrives at the facility.
 - ii. Family and friends can order the media device on behalf of the offender from J-Pay at www.JPay.com. All devices received at the institution for delivery to the offender must be shipped directly from the DOC Contract Vendor.
 - iii. Offenders may not possess both a CD player and a media device.
 - iv. The media devices are electronically encoded with the offender name and number and will not be marked or engraved as physical damages to the device will void any warranty.
 - v. A warranty is provided by the DOC Contract Vendor for a period of 90 days following the date the device is credentialed at the kiosk. The warranty is non transferrable and becomes void if the device is not used in accordance with the product instructions, or if it is damaged as a result of misuse, unauthorized repair, modification, or accident.
 - b. Each offender will be provided with a system default password; the offender is responsible for securing the device and changing their password through the kiosk. The wait period to change the system default password is three days.
5. Offenders may subscribe to, order, and receive publications direct from a commercial vendor so long as they do not pose a threat to the security, discipline, and good order of the facility and they otherwise comply with the requirements of Operating Procedure 803.2, *Incoming Publications*.
 - a. Subscriptions to periodicals (newspapers, magazines, or catalogs published on a regular schedule) may be ordered by either the offender or a third party without approval from the facility.
 - b. Offenders must secure permission from the Facility Unit Head, or designee (usually mailroom or personal property) prior to ordering a book or back issue of a periodical by submitting a [Personal Property Request Add/Drop](#) 802_F1.
 - i. Upon receipt of an approved *Property Request Add/Drop*, the Business Office may issue a check or money order in the amount requested.
 - ii. The amount requested will be drawn, with the money order fee, against the offender's trust account.
 - iii. The payment will be placed in the offender's order and mailed to the vendor.
 - iv. Outgoing orders should be stamped with the DOC disclaimer required on all offender mail.
 - v. The Business Office should forward the approved copy of the *Property Request Add/Drop* to the Personal Property Officer.
 - vi. The order should be returned to the offender, if the offender has insufficient trust account funds for the purchase.

B. Receiving Purchases

1. When an order is received for an offender, the order must be verified against the original [Personal Property Request Add/Drop](#) 802_F1 and inspected to ensure the item conforms to the criteria specified in this operating procedure and Operating Procedure 803.2, *Incoming Publications*, and any facility requirements. Verification should also be made that the order has not been fraudulently purchased.
2. If the order is correct, it may then be inspected for contraband, inventoried, registered to the offender, and delivered to the offender.
 - a. The property item must be added to the offender's inventory in VACORIS within seven working days of issuance.
 - b. Containers and packing materials will not be given to the offender.

3. Any publications ordered that contain items that the offender is not permitted to possess (to include but not limited to, stickers, CD's/CD ROM's, collector cards, make-up or scent samples, calendars, etc.), may have the unauthorized advertising item removed and disposed of without notifying the offender so that the offender may receive the publication.
 4. If necessary to comply with authorized property limits, the offender will be required to surrender a like item to the Personal Property Officer before receiving the new item. Property item must be removed from the offender's inventory in VACORIS within seven working days
 5. Personal property may not be received from visitors or any other source.
- C. Each time an offender adds or deletes property, a [Personal Property Request Add/Drop](#) 802_F1 must be completed and documented in VACORIS to maintain an accurate inventory of the offender's personal property.

VII. STORAGE AND DISPOSITION OF PERSONAL PROPERTY

- A. Except as specified in this operating procedure where property ownership or disposition is uncertain, and in cases of temporary transfer or assignment to restrictive/special housing, offender personal property should not be stored longer than 30 days. A reasonable exception may be made for personal clothing retained for release.
- B. An offender should be permitted up to 30 days to dispose of unauthorized stored property.
- C. Each facility should designate a secure area for the safekeeping of offender personal property. Access to this area must be restricted to prevent loss, damage, or theft of offender property. (4-4164; 4-ACRS-7D-13)
- D. Voluntary Disposition and Disposal of Personal Property - An offender may dispose of unauthorized, excess, or unwanted property for which ownership has been established by completing a [Property Disposition](#) 802_F4 and selecting one of the following means of disposal:
 1. Mail or Delivery Service - An offender may authorize a trust account deduction to send property out by mail, UPS, or other delivery service (see provisions in this procedure for disposition at initial intake). The facility should provide shipping boxes and packing materials from the commissary fund. Outgoing property must be packed by or in the presence of the Personal Property Officer or a Corrections Officer who should verify ownership of the property.
 2. Visitor Pick-up - An offender may arrange through the Personal Property Officer to have property picked up by a visitor. Ownership of the property should be verified, and property must be picked up and signed for after the visit, in accordance with facility practices.
 - a. Property should normally be picked up by the visitor within 30 days.
 - b. Property may be picked up by an individual who is not a registered visitor for the offender if the individual is not a registered visitor for another offender or known to be a relative of another offender. The individual must be positively identified by picture identification and the individual will not be allowed to visit the offender, unless the visitor registers and is admitted in accordance with Operating Procedure 851.1, *Visiting Privileges*.
 3. Donation to Charity - An offender may donate personal property to a recognized charity. Items should not be donated if the item is inappropriate for the receiving charity. Under no circumstances will sexually explicit materials be donated to any entity. The facility should designate appropriate charitable organizations and describe how the property will be transferred. A receipt should be obtained for all donated items.
 4. Destruction - Personal property to be destroyed may be placed in the regular trash removal system used by the facility. Discarded items will not be given to other offenders or to employees, and should not be placed in trash receptacles accessible to offenders. The destruction or disposal of property should be documented.

5. The personal property officer should complete the bottom section of the [Property Disposition](#) 802_F4 documenting date and method of property disposition.
 6. Personal property will be stored up to 30 days pending disposal. Property held more than 30 days due to failure of the offender to authorize payment to ship the property or to otherwise arrange for the property to be picked up or disposed of, may be seized, converted to state ownership and disposed of by the facility, in accordance with the *Confiscation and Involuntary Disposition of Property* Section below.
- E. Confiscation and Involuntary Disposition of Property - Confiscation is the conversion of an offender's personal property to state ownership, either after completion of a notification and administrative appeal process through the Offender Grievance Procedure in institutions or appeal to the Facility Unit Head at Community Corrections facilities, or after conviction of a related disciplinary offense and appeal through the offender disciplinary procedure.
1. A facility may seize, and should retain custody of, unauthorized property until a determination regarding confiscation has been made.
 2. The offender should be given notification of the seizure and the right to appeal before personal property is confiscated, using [Notice of Confiscation of Property](#) 802_F5.
 3. If the offender has been charged under the offender disciplinary procedure and is subsequently convicted, the disciplinary hearing will be sufficient to authorize confiscation or require disposal of personal property, which may be appealed through the disciplinary appeal process.
 - a. If the offender appeals the disciplinary decision within the time limits specified by the offender disciplinary procedure, disposition of the property should be held in abeyance pending completion of the disciplinary appeal process.
 - b. Unauthorized or altered state property and illegal items such as weapons, escape implements, illicit drugs, and intoxicants may be taken from offenders, documented by a *Disciplinary Offense Report*, used as disciplinary hearing and/or legal prosecution evidence, and appropriately disposed of without further notification to the offender. Usable state property will be returned to service.
 4. Property may be confiscated for the following reasons:
 - a. The property is contraband as defined by state or federal law or regulation, DOC and facility operating procedures, or violates the criteria set in Operating Procedure 803.2, *Incoming Publications*. These criteria apply even though the item may have come from some source other than a publication. Items other than publications will not be sent to the *Publication Review Committee*. Appeal of the confiscation will be through the offender grievance procedure (appeal to the Facility Unit Head at Community Corrections facilities) or the offender disciplinary procedure as appropriate.
 - b. The property is determined to have been stolen, in which case, it should be returned to its proper owner, providing the property is not contraband, and was properly acquired by the rightful owner. If the owner cannot be identified, the property may be confiscated.
 - c. The property has been loaned, traded, sold, or given to another offender, in which case, the offender in possession of the property should be charged under the offender disciplinary procedure; otherwise, notice should be given to the offender of the confiscation and the right to appeal.
 - i. If the offender who owns the property has been charged under the offender disciplinary procedure for unauthorized sale or transfer of personal property and is subsequently convicted, the disciplinary hearing is sufficient to authorize confiscation of the property, which should be held pending completion of any properly filed appeal.
 - ii. Otherwise, notice should be given to the offender of the confiscation and the right to appeal in accordance with this operating procedure.
 - d. The offender refuses to voluntarily dispose of excess, unauthorized, or unwanted property in accordance with this procedure.
 - e. In accordance with the offender disciplinary procedure, an offender should not be charged for

possession of contraband when unauthorized, excess, or altered property has been inventoried and stored/transferred with the offender, if a charge was not filed and served within the specified time limits after the original inventory documented discovery of the property in the offender's possession. The unauthorized property, however, may be confiscated in accordance with the administrative confiscation and appeal sections of this procedure.

- F. Disposition of Seized State Property - State property which has been seized as contraband should be returned to the issuing authority unless the item is needed as evidence for disciplinary action, litigation, criminal prosecution, investigation, or other appropriate action.
- G. Alteration or Modification of Personal or State Property - Any state or personal property which has been altered or modified without written authorization is contraband and may be confiscated; the offender may be charged in accordance with the offender disciplinary procedure, if appropriate. Upon conviction for intentionally destroying, damaging, or altering state property the offender may also be required to pay the costs of replacement or repair as provided in the offender disciplinary procedure.
- H. Notification of Confiscation - A [Notice of Confiscation of Property](#) 802_F5 should be used to document property seized from an offender if the property does not belong to that offender, or if ownership cannot be verified. If the verified owner refuses to voluntarily dispose of disapproved personal property the offender should be served with a [Notice of Confiscation of Property](#) 802_F5 and a [Property Disposition](#) 802_F4. The offender will have seven days to appeal the confiscation of the personal property, in accordance with the *Administrative Review and Appeal Process* Section below.
- I. Administrative Review and Appeal Process - When personal property has been determined to be unauthorized for possession by the offender from whom it was seized, the offender may appeal the decision. The appeal process provides the offender with the opportunity to prove ownership of disputed property, and/or to provide evidence to support retaining personal property that is unauthorized or excess. The resolution of the appeal may authorize the return of the personal property to the offender, its disposal by the offender, its return to its verified owner, or its conversion to state ownership (confiscation) and disposal by the facility in accordance with state law and this operating procedure.
1. Offenders may appeal confiscation through the Offender Grievance Procedure or by appeal to the Facility Unit Head at Community Corrections facilities. Written appeals must be submitted within seven days of receipt of the *Notice of Confiscation of Property*. The facility grievance coordinator should notify the personal property officer upon receipt of any grievance appealing confiscation of property. Disposition of property will be held in abeyance pending completion of the appeal process.
 2. If it is verified that the seized property belongs to an offender that is not authorized to possess the property (e.g. it is excess or non-conforming or has been altered), the offender may choose to voluntarily dispose of the property in accordance with this procedure by completing a [Property Disposition](#) 802_F4.
 3. The offender that appeals the confiscation of property must provide evidence of ownership if the ownership of the property is disputed or cannot be established.
 - a. If the offender cannot support the claim of ownership, the property will be confiscated.
 - b. If the item was obtained from another offender, the item is contraband and a claim of ownership will not be accepted.
 - c. If there was a timely report of loss or theft and ownership can be verified, the item will be returned to its owner.
 - d. An offender cannot make a claim of ownership for state property or for any item made from the misuse of state property.
 4. If the offender establishes ownership and the item is determined to be authorized, it should be returned and recorded on the offender's VACORIS property inventory record.
 5. The offender that establishes ownership of an item unauthorized for possession will be notified to complete and return a *Property Disposition* within 5 days designating the disposal method.

6. Items for which the offender has not established ownership, or did not appeal the confiscation within the designated time limits, or not designate a method of disposal, will be converted to state ownership and disposed of by the facility.
7. The personal property officer should complete the bottom section of the *Notification of Confiscation of Property* indicating the items of property which were confiscated and documenting disposition of the property.

J. Disposition of Confiscated Personal Property

1. After completion of all appeals and other claims, personal property that has been confiscated should be sold in accordance with COV §53.1-26 or destroyed in accordance with this operating procedure.
2. Any funds from the sale of such property will be placed in the Offender Commissary Fund and used in accordance with COV §53.1-44.
3. Appropriate confiscated items may be used to replace similar items lost or damaged in accordance with the *Liability and Restrictions* section of this procedure.

K. Disposition of Personal Property upon Release

1. Upon release of an offender from confinement, all personal property belonging to the offender should be returned.
2. Property should be verified against the inventory in VACORIS, and both the offender and Personal Property Officer or a Corrections Officer should sign the inventory.
3. The offender should be given a copy and the original inventory printed from VACORIS should be filed in the offender's personal property file.
4. Any claim for missing or damaged property must be made at that time by written notation on the VACORIS inventory report.
5. Claims will be forwarded by the Personal Property Officer to the Facility Unit Head for resolution.
6. The offender must remove all personal property when released from custody.
7. Any property the offender fails to remove may immediately be discarded or donated to charity at the option of the Facility Unit Head.

L. Disposition in the Event of Escape/Absconding -

1. All known personal property belonging to the escapee/absconder should be collected, inventoried, and secured.
2. A copy of the inventory should be kept with the stored property, and a copy kept in the offender's personal property file.
3. Property should be retained for 30 days (COV §53.1-228). The property of an offender that has not returned to custody after 30 days may convert to unclaimed property and may be disposed in accordance with *Unclaimed or Unidentifiable Property* section below.
4. A record should be kept noting the date of escape/absconding, the date of conversion to unclaimed property, and the method of disposal.

M. Disposition in the Event of Death - The personal property of an offender that has died should be gathered and inventoried in VACORIS. The inventory should be signed by the employee conducting the inventory and an employee witness.

1. If an executor or administrator has been appointed by a Court to administer the estate, the Facility Unit Head or designee should promptly deliver all sums in the deceased offender's account, and/or all other personal property (to include the contents of the offender's *Personal Property Envelope* except the Social Security Card) to the executor or administrator. The Facility Unit Head must, at the time of delivery, receive a certified copy of the qualification certificate and a receipt signed by the executor or administrator, both of which documents should be kept in a secure location at the facility and a copy

- placed in the offender's personal property file.
2. For estates valued at \$25,000 or less, if 60 days have elapsed and there has been no application for the appointment of a personal representative, all personal property and money in the offender's account may be released, pursuant to COV §64.2-602, to any individual that is the beneficiary under the will, or if none, the next of kin. The person accepting the offender's property should sign for all property received and will have a fiduciary duty to safeguard and promptly pay or deliver the small asset as required by the laws of the Commonwealth. The receipt should be kept at the facility and a copy uploaded as an external document in the *Facility Notes* section of VACORIS identified as a *Special Entry*.
 3. For estates valued at \$50,000 or less, if 60 days have elapsed and there has been no application for the appointment of a personal representative, all personal property and money in the offender's account may be released, pursuant to COV §64.2-601, et seq., to any individual who can prove by affidavit that they are the beneficiary under the will, or if none, the next of kin.
 - a. The claimant should submit the [Small Estate Affidavit](#) 802_F6 to the facility holding the personal property or money.
 - b. Such affidavit must be submitted on the above referenced form or, if this form is not used, must contain the same information and statements as the form, must be properly completed, signed, and notarized.
 - c. Such affidavit should be kept in a secure location at the facility and a copy uploaded as an external document in the *Facility Notes* section of VACORIS identified as a *Special Entry*.
 - d. The person accepting the offender's property should sign for all property received and must have a fiduciary duty to safeguard and promptly pay or deliver the small asset as required by the laws of the Commonwealth. The receipt should be kept, with the affidavit, at the facility and a copy uploaded as an external document in the *Facility Notes* section of VACORIS identified as a *Special Entry*.
 4. When there has been no appointment of an executor or administrator and the value of the property, including the funds in the offender's account, exceeds \$50,000, appropriate legal advice should be sought prior to the release of any property or funds.
 5. If no executor or administrator has come forward within 90 days and no person has filed a *Small Estate Affidavit* (see paragraph 3 above), the Facility Unit Head should inquire of the clerks of the Circuit Courts of both the county in which the facility is located and the deceased offender's last residence to determine if there has been a qualification on the estate. If there is no appointed executor/administrator for the estate and no one has come forward with an affidavit the property should be treated as unclaimed and handled in accordance with the *Unclaimed or Unidentifiable Property* Section below.

N. Unclaimed or Unidentifiable Property

1. Property left in the facility after the exit of an offender will be considered unclaimed property.
2. If possible, attempts should be made to have the former offender or the offender's estate claim the property. If claim is laid to the property, the person so claiming will be responsible for all debts incurred in connection therewith.
3. Property abandoned by an offender, or property whose owner cannot be determined, should be inventoried and stored.
 - a. A copy of the inventory should be placed with the property and a copy maintained on file; the date on the inventory should be the date of the offender's exit and used as the starting date for unclaimed property status.
 - b. At the same time, an entry will be made in the property storage log which indicates the starting date, and offender's name and number, if known, or, if the owner is unknown, listed as "unidentified property" and assigned an unidentified property number, which should be listed on both copies of the inventory.

4. Where the total value of the unclaimed property is less than \$100, after 30 days the Director may sell such property at public sale or otherwise dispose of it. The proceeds will be paid into the State Treasury and credited to the Literary Fund. (COV §53.1-228)
5. Where the total value of the unclaimed property is greater than \$100, proceed in accordance with the *Uniform Disposition of Unclaimed Property Act* (COV §55-210.1 et seq.).
 - a. Under the Act, tangible personal property remaining unclaimed for more than five years is presumed abandoned. Intangible personal property, such as the offender's account, is presumed abandoned if unclaimed after one year.
 - b. Once deemed abandoned, the property must be reported to the State Treasurer on or before November 1st following the date the property is considered abandoned.
 - i. Reports of money and other unclaimed property should be sent to The Department of the Treasury, Division of Unclaimed Property, 101 North 14th Street, Monroe Building 4th Floor, Richmond, Virginia 23219.
 - ii. The report should include the following:
 - The offender's name, social security number, last known address with zip code
 - Description of each item of a value greater than \$50 (items of a value of less than \$50 each may be reported in aggregate)
 - The address of the place where the property is held
 - The date the property was returnable (i.e. release, escape, death)
 - If the Facility Unit Head had a predecessor during the holding period, that person's name and address
 - A statement that due diligence has been used to find the owner at least 60 days but no more than 120 days prior to the filing of this report (a letter sent by first class mail to the last known address is sufficient)
 - The report must be signed by the Facility Unit Head and notarized
 - iii. Reporting forms and assistance may be obtained by contacting the Division of Unclaimed Property at the above address.
 - c. The actual property must be delivered to the Treasurer on or before the following June 1st. A receipt should be obtained and kept in a secure location of the facility.

VIII. REFERENCES

Operating Procedure 050.1, *Offender Records Management*
Operating Procedure 720.5, *Pharmacy Services*
Operating Procedure 801.6, *Offender Services*
Operating Procedure 802.2, *Offender Finances*
Operating Procedure 803.1, *Offender Correspondence*
Operating Procedure 803.2, *Incoming Publications*
Operating Procedure 841.3, *Offender Religious Programs*
Operating Procedure 841.6, *Recreation Programs*
Operating Procedure 851.1, *Visiting Privileges*

IX. FORM CITATIONS

[Personal Property Request Add/Drop](#) 802_F1
[Notification to Offender of Release of Liability](#) 802_F3
[Property Disposition](#) 802_F4
[Notice of Confiscation of Property](#) 802_F5
[Small Estate Affidavit](#) 802_F6

[Lost or Missing Property Report](#) 802_F7

[Request for Approval of Faith Object](#) 841_F1

X. REVIEW DATE

The office of primary responsibility shall review this operating procedure annually and re-write it no later than three years after the effective date.

Signature Copy on File

9/13/18

A. David Robinson, Chief of Corrections Operations

Date