



# Virginia Department of Corrections

## Offender Management and Programs

### Operating Procedure 802.1

#### *Inmate and CCAP Probationer/Parolee Property*

#### **Authority:**

Directive 802, *Offender Property and Finances*

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**Access:**  Restricted  Public  Inmate

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### REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

### COMPLIANCE

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

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## DEFINITIONS

**Case File** - A confidential computer record maintained in VACORIS, ICOTS, and/or written record material maintained in a P&P Office or Community Corrections Alternative Program regarding the probationer/parolee that includes documentation of all action, which has occurred in the case.

**Community Corrections Alternative Program (CCAP)** - A system of residential facilities operated by the Department of Corrections to provide evidence-based programming as a diversionary alternative to incarceration in accordance with COV §53.1-67.9, *Establishment of community corrections alternative program; supervision upon completion*.

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

**Confiscate** - Conversion of inmate or CCAP probationer/parolee personal property to state ownership following proper notice and completion of the appeal process; confiscation does not include the holding of an inmate or CCAP probationer/parolee personal property in storage pending disposition (COV §53.1-26, *Confiscation of prohibited articles*).

**Contraband** - An item forbidden for entry, possession, or removal from a DOC facility; an item in the possession of, or accessible to, an inmate or CCAP probationer/parolee that has not been specifically issued to or authorized for possession by the inmate or CCAP probationer/parolee; or has not been obtained by the inmate or CCAP probationer/parolee in accordance with operating procedures. Contraband items 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 inmate or CCAP probationer/parolee
- State or personal property in the possession of, or used by, an inmate or CCAP probationer/parolee that has not been properly received, acquired by, or issued to the inmate or CCAP probationer/parolee 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 inmate or CCAP probationer/parolee 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 inmate or CCAP probationer/parolee 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 inmate or CCAP probationer/parolee 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 incoming publications)
- Unauthorized electronic equipment including, but not limited to cell phones, electronic communication devices, electronic storage devices, 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.

**Facility** - Any institution or Community Corrections Alternative Program.

**Feminine Hygiene Products** - Sanitary napkins and tampons provided to female inmates or CCAP probationers/parolees 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.

**Gang/Security Threat Group (STG)** - A group of individuals who: (a) possess common characteristics that distinguish them from other persons or groups of persons and who, as an entity, pose a threat to the safety and security of staff, the facility, inmates or the community; (b) have a common distinctive goal, symbolism or philosophy; (c) possess identifiable skills or resources, or engage in unauthorized/illegal activities. Criminal street gangs, terrorists (domestic & international), radical extremists, hate groups, cults, and neighborhood cliques are examples of a Gang/STG.

**Health Care Practitioner** - A clinician trained to diagnose and treat patients, such as Physician, Psychiatrist, Dentist, Optometrist, Nurse Practitioner, Physician Assistant, and Psychologist.

**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.

**Inmate** - A person who is incarcerated in a Virginia Department of Corrections facility or who is Virginia Department of Corrections responsible to serve a state sentence.

**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 inmate or CCAP probationer/parolee that has been acquired and authorized for possession, excluding authorized state-issued property.

**Probationer/Parolee** - A person who is on community supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, the Virginia Department of Corrections, or other release authority; this includes post release supervision and Community Corrections Alternative Programs (CCAPs).

**Purchase Price** - The actual retail price paid by an inmate or CCAP probationer/parolee for an item, not including sales tax or shipping and handling charges.

**Restorative Housing Unit** - A general term for special purpose bed assignments including general detention, restorative housing, and step-down statuses; usually a housing unit or area separated from full privilege general population.

- **Restorative Housing (RHU)** - Special purpose bed assignments operated under maximum security regulations and procedures, and utilized under proper administrative process, for the personal protection or custodial management of inmates.
- **RH Step-down 1 (SD-1), RH Step-down 2 (SD-2)** - General population bed assignments operated with increased privileges above restorative housing but more control than full privilege general population.

**State-Issued Property** - Items issued to an inmate or CCAP probationer/parolee from state sources for that inmate's or CCAP probationer's/parolee'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 Department of General Services Division of Purchases and Supply to supply goods to state agencies.



## PURPOSE

This operating procedure provides for the administration of inmate or CCAP probationer/parolee personal property in Department of Corrections (DOC) facilities.

## PROCEDURE

### I. Personal Property

- A. This operating procedure governs the control of personal property belonging to inmates and CCAP probationers/parolees and is available to inmates and CCAP probationers/parolees in designated areas such as the law library and institutional library. (5-ACI-5A-06)
- B. Each facility has one or more Corrections Officers to serve as the Personal Property Officer responsible for inmate or CCAP probationer/parolee personal property.
  1. The Personal Property Officer is responsible for the control of inmate and CCAP probationer/parolee personal property, including inventory and search of personal property, adding or deleting property, identifying property, and disposing of property.
  2. The Personal Property Officers are responsible for keeping accurate inmate and CCAP probationer/parolee personal property files.
  3. In addition to the Personal Property Officer, a Corrections Officer is authorized to inventory, search, add and delete, identify and dispose of inmate and CCAP probationer/parolee personal property as authorized in this operating procedure.
- C. The Personal Property Officer must not allow inmates and CCAP probationers/parolees to participate in taking inventory of another inmate's or CCAP probationer's/parolee's property and must not allow unsupervised access to areas where personal property is stored.

### II. DOC Limits of Liability

- A. Every inmate and CCAP probationer/parolee must sign the *Notification of Release of Liability 802\_F3* as a condition of possessing personal property while confined in a state correctional facility.
  1. The *Notification of Release of Liability* also serves to confirm the inmate's and CCAP probationer's/parolee's notification and acceptance of the DOC "Zero Tolerance" policy for gang/STG related activities.
  2. Staff must upload the original *Notification of Release of Liability* as an external document, identified as a *Special Entry*, in the *Facility Notes* section of VACORIS with a copy provided to the inmate or CCAP probationer/parolee.
  3. Inmates and CCAP probationers/parolee are not permitted to possess personal property in a DOC facility until they sign the *Notification of Release of Liability 802\_F3*.
- B. When in the physical possession of staff, the maximum liability for damage, loss, or theft of any authorized personal property item is limited to \$50.00. Inmates and CCAP probationers/parolees who retain items with a value exceeding the limits of this operating procedure do so solely at the risk of the inmate or CCAP probationer/parolee.
- C. The reimbursement for personal property items damaged, lost, or stolen while in the possession of staff is 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.
  1. The Facility Unit Head or designee may opt to replace the personal property item with a similar new or used item in lieu of reimbursement.
  2. Reimbursement or replacement is limited to damage, loss, or theft only when such property is in the possession or under the control of a staff member.



3. Reimbursement or replacement for personal property items that are damaged does not include:
  - a. Normal wear and tear
  - b. Minor or cosmetic damage incidental to searches or transportation of an inmate's or CCAP probationer's/parolee's personal property
  - c. Damage resulting from incidents, including, but not limited to, theft or damage by other inmates or CCAP probationers/parolees, disturbances, riots, fires, floods, natural disasters, power surges or failures, or equipment, mechanical or other physical plant failures.
4. Staff will manage and calculate the amount of reimbursement in accordance with Attachment 1, *Property Reimbursement/Depreciation*.

D. Personal property is the sole responsibility of the owner.

1. The DOC assumes no responsibility for inmate or CCAP probationer/parolee personal property except as stated in this operating procedure.
2. Permission to keep personal property is considered a privilege that may be withdrawn.
3. Failure to comply with this operating procedure or facility procedures may result in an inmate's or CCAP probationer's/parolee's forfeiture of their personal property privileges.
4. Inmates and CCAP probationers/parolees are prohibited from loaning, trading selling, and giving away their personal property. Inmates and CCAP probationers/parolees must report their lost or missing personal or state-issue property on a *Lost or Missing Property Report 802\_F7*.

III. State-Issued Property (2-CO-4D-01)

- A. The available quantity of clothing, linen, and bedding will exceed what is required for the facility's inmate or CCAP probationer/parolee population. (5-ACI-5D-06)
- B. Staff will issue each inmate and CCAP probationer/parolee appropriate state clothing and linens upon their arrival to the facility; see Attachment 2 for male institutions, Attachment 3 for female institutions, Attachment 4 for male CCAPs, and Attachment 5 for female CCAPs. (5-ACI-5D-08)
  1. Special and, when appropriate, protective clothing and equipment will be issued to inmates and CCAP probationers/parolees assigned to the facility's food service, hospital, farm, garage, physical plant maintenance shops, industries, and other special work details. (5-ACI-5D-09)
  2. All clothing issued to an inmate or CCAP probationer/parolee should be properly fitted, climactically suitable, durable, and presentable. (5-ACI-5D-08)
  3. Staff will issue each inmate or CCAP probationer/parolee 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. (5-ACI-5D-12; 4-ACRS-4B-04)
    - a. There should be provision for linen exchange, including towels, at least weekly.
    - b. Each facility should set a schedule for quarterly blanket cleaning or exchange.
- C. The Personal Property Officer must enter state-issue items into VACORIS so that the inmate or CCAP probationer/parolee will be accountable for the clothing and bedding issued to them. (5-ACI-5D-07)
- D. Female inmates and CCAP probationers/parolees will be issued a reasonable quantity of feminine hygiene products at no cost to the inmate and CCAP probationer/parolee. (4-ACRS-4B-01)
  1. Staff must purchase state-issued feminine hygiene products from the Virginia Distribution Center (VDC).
  2. Feminine hygiene products must be available in the housing unit control center or other central location for distribution to inmates and CCAP probationers/parolees upon request.



3. The Facility Unit Head will establish the appropriate location for issuance, method and frequency of distribution, and the quantity issued to the inmate or CCAP probationer/parolee per request.
4. Any inmate or CCAP probationer/parolee misuse or abuse of feminine hygiene products is subject to disciplinary action.

#### IV. Personal Property Requirements and Restrictions

- A. All personal property acquired after October 1, 1998 must conform to the criteria listed in this operating procedure and the appropriate *Property Matrix* unless another compliance date is specified for the item; see Attachment 2 for male institutions, Attachment 3 for female institutions, Attachment 4 for male CCAPs, and Attachment 5, for female CCAPs. (5-ACI-5A-07; 4-ACRS-7D-13)
1. Inmates and CCAP probationers/parolees, subject to housing status, quantity limits, and facility rules may possess any item currently sold in the facility commissary or approved for inmate or CCAP probationer/parolee possession by the *Faith Review Committee*; see Operating Procedure 841.3, *Offender Religious Programs*.
  2. The Facility Unit Head may impose additional restrictions on inmate personal property at reception and classification centers, and special population housing areas, such as a Restorative Housing Unit.
  3. The Facility Unit Head with approval of the Chief of Corrections Operations or, when delegated, the Regional Administrator may develop institution specific state and personal property lists for Security Level S inmates similar to those in this operating procedure that are appropriate to the institution's mission and population.
  4. The Facility Unit Head for Security Level 5 and above institutions may place additional security restrictions on any authorized property item such as requiring that an item be exchanged in order to receive a like item, that specific items be maintained by staff and checked out by the inmate, etc.
  5. Personal Property accommodations for inmates or CCAP probationers/parolees diagnosed by Mental Health staff with Gender Dysphoria will be determined on an individual basis and approved by the Chief Psychiatrist.
  6. Except as provided for in this section, no other modifications or variances are permitted without the written permission of the Chief of Corrections Operations.
  7. Items currently authorized for an inmate or CCAP probationer/parolee and sold in the facility commissary and items approved by the *Faith Review Committee* for inmate or CCAP probationer/parolee possession are "other" items if not specifically listed in the appropriate *Property Matrix*.
- B. Non-conforming personal and state-issued property found in an inmate's or CCAP probationer's/parolee's possession should be considered contraband and disposed of as required in this operating procedure.
1. When an inmate or CCAP probationer/parolee was allowed to buy a personal property item not in compliance with this operating procedure or the appropriate *Property Matrix* after the applicable compliance date, the Facility Unit Head or designee should exchange the item for an item in compliance or refund the current value of the item.
  2. If an inmate or CCAP probationer/parolee transfers to another facility with non-conforming property that they were authorized to buy after the compliance date, the facility that authorized the inmate or CCAP probationer/parolee to buy the non-conforming property is responsible for the cost of exchange or refund.
  3. If the inmate or CCAP probationer/parolee chooses to retain ownership of the item, the inmate or CCAP probationer/parolee will be required to dispose of the non-conforming property and will not receive an exchange or refund.
  4. Any non-compliance issues should be resolved between staff at the sending and receiving facility and/or the respective Regional Administrators.



- C. The inmate or CCAP probationer/parolee is responsible for the repair, cleaning, maintenance, and secure storage of personal property items.
1. Facility staff will not repair inmate and CCAP probationer/parolee personal property nor will personal property items be repaired in facility shops.
  2. Inmates and CCAP probationers/parolees when appropriate, may return personal property items by mail or delivery service for repairs under warranty or at a local repair shop when the facility has arranged for such services.
  3. Inmates and CCAP probationers/parolees must not send their personal property items out to family or friends for repair. Staff must not deliver inmate and CCAP probationer/parolee personal property items returned to the facility unless facility staff sent the items to an approved vendor or repair shop.
- D. All inmate and CCAP probationer/parolee personal property must be stored in a secured locker(s) or other container(s) assigned to that inmate or CCAP probationer/parolee by the facility. (5-ACI-2E-10; 4-ACRS-7D-13)
1. Inmate and CCAP probationer/parolee 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.
  2. Property that exceeds the capacity of the designated container(s) must be disposed of in accordance with this operating procedure.
  3. Each Facility Unit Head or designee will establish facility rules regulating the storage of inmate or CCAP probationer/parolee personal property in the living area.
- E. Inmates and CCAP probationers/parolees transferred to a facility that does not permit an item otherwise authorized under this procedure must arrange for disposition of the item as required in this operating procedure.

V. Specific Restrictions for Certain Property Items

- A. Although there is not a limit on the number of publications an inmate may purchase, the number of publications an inmate may possess at any one time is limited to the number allowed on the *Property Matrix* for male and female institutions.
1. Publications include religious texts, approved study texts, personal photo books, and legal references. Publications borrowed through the facility are not included.
  2. Staff will process catalogs and brochures as magazines if they contain a publisher name, publication date, volume/issue number or other identifier, copyright notice, and publisher address in the publication. Staff will process all other catalogs and brochures as general correspondence, see Operating Procedure 803.1, *Inmate and Probationer/Parolee Correspondence*.
  3. Publications that have been altered are considered contraband and must be disposed of immediately.
- B. There is no limit on personal correspondence, newspaper and magazine clippings, or legal materials an inmate or CCAP probationer/parolee may possess as long as these items can be stored in the inmate's or CCAP probationer's/parolee's designated locker or cabinet. The Facility Unit Head or designee may allow an inmate or CCAP probationer/parolee to store a reasonable quantity of legal materials dependent on facility resources.
- C. Inmates and CCAP probationers/parolee must not mount, attach, or display their personal property items on facility walls, windows, doors, or other building elements unless the facility provides a designated area for such display.
- D. Inmates must not display semi-nude pictures, photographs, drawings, or other such depictions 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 inmate or CCAP probationer/parolee so that they can be viewed by staff or other inmates or CCAP probationers/parolees.



- E. Inmates and CCAP probationers/parolees must play sound producing equipment such as radios, media devices, tape/compact disc (CD) players, and televisions through earphones at all times. Violation of this rule may result in confiscation of all such equipment and forfeiture of the privilege to possess audio/video equipment.
- F. Inmates and CCAP probationers/parolees must purchase electrical and electronic equipment from the facility commissary.
1. The sale of electrical and electronic items in the facility commissary may be limited to facilities that provide electrical service in inmate or CCAP probationer/parolee living areas.
  2. Facilities that do not provide electrical service in inmate or CCAP probationer/parolee living areas may restrict inmate's or CCAP probationer's/parolee's possession to battery-operated items.
- G. Personal Clothing
1. Inmates and CCAP probationers/parolees must purchase personal clothing through the commissary; 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.
  2. Personal clothing will substitute for state-issue except for outside workers. Staff should issue outside workers two additional sets of state clothing, blue with orange stripe pants.
  3. Inmate and CCAP Probationer/Parolee Head Coverings
    - a. Inmates and CCAP probationers/parolees may wear approved state-issued orange ball or stocking caps, personal orange ball or stocking caps, and religious head coverings anywhere inside the facility.
    - b. Inmates and CCAP probationers/parolees may wear state-issued, personal, or religious head coverings to outside work assignments.
    - c. Inmate and CCAP probationer/parolee kitchen workers may wear clean state-issued, personal, or religious head coverings into the kitchen work area.
      - i. The inmate and CCAP probationer/parolee must wear a hair net over their head covering while working.
      - ii. All head coverings must fit securely on the head.
    - d. Inmates and CCAP probationers/parolees may wear head coverings in Virginia Correctional Enterprise (VCE) shops.
      - i. Plant Managers may recommend prohibiting the wearing of head coverings, state-issued, personal, and religious, on a specific machine based on safety reasons.
      - ii. The VCE Chief Executive Officer must approve all such prohibitions.
    - e. Inmates and CCAP probationers/parolees must not wear any head coverings, state-issued, personal or religious, on external transportation.
    - f. The wearing of head coverings, state-issued, personal, or religious, must not interfere with the use of any OSHA required equipment.
    - g. Head coverings must not cover the face when worn.
    - h. When requested by security staff, the inmate or CCAP probationer/parolee must remove head coverings for search purposes. Inmates and CCAP probationers/parolees who refuse to comply with an order to remove their head covering will be subject to a disciplinary offense in accordance with Operating Procedure 861.1, *Offender Discipline, Institutions*, and Attachment 4, *Offender General Rules of Behavior and Offender Disciplinary Infractions* to Operating Procedure 940.4, *Community Corrections Alternative Program*.
  4. The facility should not launder or repair an inmate's or CCAP probationer's/parolee's personal clothing at state expense. Cleaning and repair of personal clothing is the responsibility of the owner.
    - a. Facilities may provide washers and dryers purchased with commissary profits for inmates or CCAP probationers/parolees to use to launder their personal clothing.

- b. Inmates and CCAP probationers/parolees may also hand wash their personal items.
  - c. Inmate and CCAP probationer/parolee laundry workers should not launder personal clothing, unless the personal clothing is laundered to a central laundry area.
- H. At the discretion of the Facility Unit Head, inmates and CCAP probationers/parolees may retain certain personal hygiene items that were previously available for sale in the facility commissary but may not purchase any new or replacement like items.
- I. Inmates and CCAP probationers/parolees can only possess jewelry authorized on the appropriate *Property Matrix*.
- 1. Inmates and CCAP probationers/parolees cannot possess any item of jewelry that contains stones or gems regardless of value.
    - a. The Facility Unit Head or designee may approve, on a case-by-case basis, wedding bands/sets that do not comply with these criteria.
    - b. There is no specific value/price for wedding bands/sets; however, DOC liability is limited to \$50.
  - 2. Staff should not characterize jewelry as to type of metal or value but by color and material, e.g. staff should describe a watch as a "yellow or white colored metal watch," not a "gold watch."
- J. Health Items
- 1. VCE is the DOC's only procurement source for prescription eyewear.
    - a. Staff must not allow inmates and CCAP probationers/parolees to purchase personal non-VCE eyeglass frames.
    - b. Staff should allow inmates and CCAP probationers/parolees who currently have personal frames, contact lenses, and tinted lenses to keep them until the next eye exam or prescription change.
      - i. Metal frames are acceptable for Security Level W-3 and below institutions and CCAP facilities only.
      - ii. When replacement is necessary, inmates and CCAP probationers/parolees must obtain state frames through VCE.
  - 2. Inmates and CCAP probationers/parolees may only possess medications and health items issued through the facility Medical Department or sold in the facility commissary, including non-prescription glasses.
  - 3. Staff will allow inmates and CCAP probationers/parolees to retain medically necessary prosthetic devices in their possession when received into the DOC and as approved by the Health Care Practitioner.
    - a. Inmates and CCAP probationers/parolees must return DOC owned crutches, canes, wheelchairs, braces, etc. to the Medical Department when no longer prescribed or medically necessary.
    - 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.
- K. Religious Personal Property Items
- 1. Inmates and CCP probationers/parolees may only purchase individual religious items through the facility commissary.
    - a. All religious items, not to include publications, approved by the *Faith Review Committee* for individual inmate and CCAP probationer/parolee possession are listed on the *Approved Religious Items* attachment to Operating Procedure 841.3, *Offender Religious Programs*.
    - b. Inmates and CCAP probationers/parolees may request religious items, not listed on the *Approved Religious Items*, by submitting a *Religious Item/Holy Day Observance Request 841\_F1* to the Facility Unit Head for review and approval by the Faith Review Committee.
      - i. It is the inmate's or CCAP probationer's/parolee's responsibility to complete the *Religious Item/Holy Day Observance Request 841\_F1* and furnish necessary information and appropriate

documentation to support approval of the *Request*.

- ii. The Facility Unit Head will forward the completed *Religious Item/Holy Day Observance 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 designee will review and make a final decision to approve or disapprove an item for sale through the facility commissary.
2. Inmates and CCAP probationers/parolees must not hang their prayer rugs on the walls or continuously leave them on the floor. Prayer rugs must be stored in the space provided when not in use.
  3. Inmates and CCAP probationers/parolees may retain their previously approved kufis, yarmulkes, wave caps, baseball and stocking caps if they differ in color from the current standards, but new items must be purchased through the facility commissary.
  4. Inmates and CCAP probationers/parolees must not wear their worship/prayer beads as a necklace; violation of this requirement can result in confiscation of the religious item.

#### L. Hobby, Craft, and Art Supplies/Materials-Institutions

1. Inmates may possess hobby, craft, and art supplies/materials subject to institution specific requirements and Operating Procedure 841.6, *Recreation Programs*.
  - a. Inmates may possess only those items authorized for the institution's assigned Security Level as listed on the *Approved Arts and Crafts Items* attachment to Operating Procedure 841.6, *Recreation Programs*.
  - b. Institutions may not allow certain items in inmate living areas, and some institutions may require hobby and craft supplies be stored in a designated storage location.
  - c. Each institution may establish limits on hobby, craft, and art items based on available storage and workspace.
  - d. Certain items may not be allowed at all institution and the inmate may be required to send them out or otherwise dispose of them when transferred.

#### M. Staff should engrave or mark with a permanent marker all inmate and CCAP probationer/parolee personal property items.

1. This requirement does not include the authorized media device; the media device is electronically encoded with the inmate's number.
2. Inmates and CCAP probationers/parolees must not mark state-issued property except as may be needed for laundry purposes.

### VI. Inventory Procedures (5-ACI-5A-08; 4-ACRS-7D-14)

#### A. Inventory Requirements

1. Each institution may develop and utilize an institution specific inventory form to record an inmate's personal property inventory when immediate access to a computer is not feasible.
  - a. The Personal Property Officer must update VACORIS upon completion of the inventory.
  - b. The Personal Property Officer using their account must document all inmate personal property inventories in VACORIS as VACORIS captures the name of the responsible staff member.
2. Each CCAP facility will develop and utilize a facility specific inventory form to record the CCAP probationers/parolees property; staff are not required to record CCAP probationer/parolee personal property inventories in VACORIS. (4-ACRS-7D-09)

#### B. The inmate or CCAP probationer/parolee, whenever possible, should observe the personal property inventory.

1. If the inmate or CCAP probationer/parolee does not observe the personal property inventory, two staff



members must complete the inventory and both must be documented in VACORIS.

2. Staff should verify the inmate's or CCAP probationer's/parolee's personal property against the personal property inventory in VACORIS or on file in CCAP facilities, and the inmate or CCAP probationer/parolee should sign the personal property inventory report.
3. An inmate's or CCAP probationer's/parolee's claim of missing or damaged property should be made at the time they sign the personal property inventory report.
  - a. The inmate or CCAP probationer/parolee will document their claim by written notation on the personal property inventory report.
  - b. The Personal Property Officer or other designated staff member will forward all claims to the Facility Unit Head or designee for resolution.
4. The Personal Property Officer will provide the inmate or CCAP probationer/parolee with a copy of the completed inventory report.

#### C. Initial Intake

1. All inmates and CCAP probationers/parolees will complete and sign the *Notification of Release of Liability* 802\_F3.
2. Staff will collect, count, and issue a receipt for all money or other negotiable instruments, personal financial documents, educational documents, and identification documents, as defined in this operating procedure; see Operating Procedure 050.1, *Offender Records Management*, and Operating Procedure 802.2, *Offender Finances*.
  - a. Personal financial documents, such as savings/checkbooks, credit cards, and negotiable instruments (i.e. stocks, bonds), that cannot be deposited to the inmate's or CCAP probationer's/parolee's account, will not be stored at the facility. The inmate or CCAP probationer/parolee will be required to dispose of these items.
  - b. The original copy of all educational documents should be stored in the brown *Personal Property Envelope* in the inmate's facility folder or historical hardcopy record or the CCAP probationer's/parolee's case file.
    - i. The inmate or CCAP probationer/parolee can choose to dispose of educational documents in accordance with this operating procedure.
    - ii. The inmate or CCAP probationer/parolee, at their discretion, may possess copies of their personal educational documents.
  - c. Identification documents must be stored in the brown *Personal Property Envelope* in the inmate's facility folder or historical hardcopy record or the CCAP probationer's/parolee's case file. Inmates and CCAP probationers/parolees may not maintain possession of these items.
  - d. The inmate or CCAP probationer/parolee may 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.
3. The inmate or CCAP probationer/parolee may retain personal property unless the specific facility or special circumstances dictate additional restrictions. (5-ACI-5A-07; 4-ACRS-7D-13)
  - a. Reception center staff will notify local and regional jails of the personal property allowed and will provide jail staff with a copy of Attachment 6, *Authorized Personal Property - Inmates Received from Jail*.
  - b. CCAP staff should notify the appropriate jail, P&P Office, and CCAP probationer/parolee of the Property allowed at the facility using Attachment 4, *Community Corrections Alternative Program Property Matrix - Males*, or Attachment, 5 *Community Corrections Alternative Program Property Matrix - Females*.
  - c. When staff receive inmate or CCAP probationer/parolee property listed on the appropriate *Property Matrix* for that facility; the inmate or CCAP probationer/parolee should normally be allowed to



retain it.

4. The Personal Property Officer will thoroughly search and inventory all personal property received for an inmate or CCAP probationer/parolee listing items issued to the inmate or CCAP probationer/parolee, stored by the facility, disposed of, or seized pending disposition.
  - a. The Personal Property Officer at institutions must enter the inmate's personal property into VACORIS in accordance with this operating procedure.
  - b. The inventory report should be signed by the inmate or CCAP probationer/parolee and placed in the inmate's or CCAP probationer's/parolee's personal property file, with a copy provided to the inmate or CCAP probationer/parolee, and a copy attached to stored items.
5. Property arriving with an inmate or CCAP probationer/parolee at initial intake but is disallowed will be sent to an address specified by the inmate or CCAP probationer/parolee; picked up by a visitor; or donated as specified in this operating procedure.
  - a. If the inmate's or CCAP probationer's/parolee's account does not have sufficient funds to pay the cost of sending the personal property out, the personal property items should be sent out at the facility's expense for initial intake, only.
  - b. The Personal Property Officer must properly document disallowed property by requiring the inmate to complete a *Personal Property Request - Add/Drop 802\_F1*, *Property Disposition 802\_F4*, and *Notice of Confiscation of Property 802\_F5* as needed.
    - i. The Personal Property Officer will place the original document(s) in the inmate's or CCAP probationer's/parolee's personal property file and will provide a copy to the inmate or CCAP probationer/parolee.
    - ii. Disallowed items may be stored up to 30 days pending disposition.
6. Additional personal property provisions CCAP
  - a. CCAP staff, with prior approval of the Facility Unit Head or designee, may permit CCAP probationers/parolees to receive one package containing clothing items listed on the approved *Property Matrix*, after admission; see Attachment 4, *Community Corrections Alternative Program Property Matrix - Males* and Attachment 5, *Community Corrections Alternative Program Property Matrix - Females*.
  - b. The CCAP probationer/parolee must submit a *Personal Property Request - Add/Drop 802\_F1* to request additional clothing items.
    - i. The Personal Property Officer must complete the *Personal Property Request - Add/Drop 802\_F1* by documenting receipt and inventory of the CCAP probationer's/parolee's property before they issue the property items to the inmate or CCAP probationer/parolee and
    - ii. The *Personal Property Request - Add/Drop 802\_F1* must be maintained in the CCAP probationer's/parolee's property file with a copy provided to the probationer/parolee.
  - c. A commercial vendor (USPS, UPS, FedEx, etc.) must deliver the package.
    - i. A family member, friend or other individual known to or associated with the CCAP probationer/parolee may not deliver the package.
    - ii. The commercially delivered package must be received at the facility within 30 days of the CCAP probationer's/parolee's intake.
  - d. A CCAP probationer/parolee transitioning from an intensive site to a CCAP facility providing the opportunity for community employment may receive a second package. The second package may only contain clothing items specifically required for the CCAP probationer's/parolee's community employment.

#### D. Transfers

1. When an inmate or CCAP probationer/parolee transfers from one facility to another, the Personal Property Officer must thoroughly search and inventory the inmate's or CCAP probationer's/parolee's personal property.





- a. The Personal Property Officer must update the inmate's personal property inventory in VACORIS prior to the inmate's transfer in and transfer out of an institution.
  - b. The Personal Property Officer must provide the inmate or CCAP probationer/parolee with a copy of the personal property inventory and one copy must be placed in each box of property shipped to another location for issuance to the inmate or CCAP Probationer/Parolee or kept in storage at the facility.
2. The Personal Property Officer will collect all inmate and CCAP probationer/parolee prescribed medications and will send them to the facility Medical Department who will package them for transport; see Operating Procedure 720.5, *Pharmacy Services*.
  3. The Personal Property Officer should not ship unauthorized property to the next facility.
    - a. Unauthorized property such as altered property, property that belongs to another inmate or CCAP probationer/parolee, contraband, etc., property not authorized at the new facility, or property not on the inmate's or CCAP probationer's/parolee's approved property list will be collected from the inmate or CCAP probationer/parolee.
    - b. The Personal Property Officer will retain inmate and CCAP probationer/parolee unauthorized items at the sending facility for proper disposition.
  4. After the Personal Property Officer inventories the property, the Personal Property Officer or the inmate or CCAP probationer/parolee, under staff supervision, will pack the personal property and place a copy of the personal property inventory, in each box of property.
    - a. The facility should provide boxes and packing materials from the commissary fund.
    - b. Each box of inmate or CCAP probationer/parolee property will not exceed a maximum weight of 50 pounds.
  5. Temporary Transfers
    - a. For temporary transfers, the inmate may take one standard 18 inch by 18 inch by 12 inches deep box of legal material.
    - b. An inmate's or CCAP probationer's/parolee's remaining personal property will be thoroughly searched, inventoried and placed in storage for the duration of a temporary transfer to court, hospital, or similar temporary stay away from the facility.
      - i. Staff will not store opened perishable items; they must be consumed or disposed of prior to transfer.
      - ii. The DOC accepts no responsibility for unopened perishable items that deteriorate while personal property is stored because an inmate or CCAP probationer/parolee is temporarily transferred.
    - c. Staff at the receiving institution will issue the inmate appropriate state clothing and linens upon their arrival to the institution and will provide the inmate with access to indigent services; see Operating Procedure 801.6, *Inmate and CCAP Probationer/Parolee Services*.
  6. Permanent Transfers
    - a. For permanent transfers, staff at the sending facility will afford the inmate the opportunity to transfer with one standard, 18 " by 18 " by 12 " deep, box of legal material to their new assignment.
      - i. The inmate or CCAP probationer/parolee is responsible for selecting the legal material to go into the box to transfer with the inmate or CCAP probationer/parolee to their new assignment.
      - ii. Staff must secure the inmate's box of legal material in a secure capsule so that the box and its contents are inaccessible to inmates; see Operating Procedure 411.1, *Inmate Transportation*.
      - iii. For those inmates who did not transfer with a box of legal material, staff will ship one box of the inmate's personal property to the new facility at state expense.
    - b. The Personal Property Officer will promptly ship, at the inmate's expense, all remaining personal property authorized on the appropriate *Property Matrix* for issuance to the inmate or CCAP probationer/parolee.





- i. Indigent inmates or CCAP probationers/parolees may request a loan to cover the shipping cost of personal property to the new facility.
  - ii. Staff or the inmate, or CCAP probationer/parolee, should pack all electronics carefully in order to limit the risk of damage during shipping.
  - iii. The inmate or CCAP probationer/parolee must dispose of any unauthorized property items and property items not shipped to the receiving facility in accordance with this operating procedure.
  - iv. The personal property inventory must clearly list and differentiate the property items that will be shipped to the new facility at state expense, shipped to the new facility at inmate's or CCAP probationer's/parolee's expense, and property items that will be sent out to family or friends instead of the new facility.
- c. When an inmate's or CCAP probationer's/parolee's personal property arrives at a facility the Personal Property Officer must thoroughly search the inmate's property prior to issuance to the inmate or CCAP probationer/parolee.
- i. The Personal Property Officer will remove unauthorized or excessive property, and will give the inmate or CCAP probationer/parolee the opportunity to dispose of the property items.
  - ii. If the inmate or CCAP probationer/parolee fails to do so, the Personal Property Officer may dispose of the property; see *Confiscation and Involuntary Disposition of Property*.
  - iii. When the receiving facility Personal Property Officer determines that the unauthorized property is contraband, the Personal Property Officer may confiscate and dispose of the property items; see *Confiscation and Involuntary Disposition of Property*.
  - iv. The inmate or CCAP probationer/parolee should not be charged with a disciplinary infraction for possession of this contraband unless it can be determined that the inmate or CCAP probationer/parolee intentionally tried to circumvent search procedures.

## VII. Assignment to Restorative Housing

- A. Personal Property Officers will only allow inmates assigned to a Restorative Housing Unit to retain the personal property specified on the appropriate *Property Matrix* or authorized in other applicable procedures.
1. The Personal Property Officer will inventory and store the remaining authorized personal property until the inmate returns to general population or transfers.
  2. The Facility Unit Head or designee may require inmates assigned to Security Level S to dispose of personal property items not allowed in that status.
- B. When an inmate transfers into a facility in a status that restricts property, the Personal Property Officer will inventory and store the remaining authorized personal property until the inmate enters general population or transfers.
1. Within 30 days of arrival, the inmate should be required to dispose of any property items not authorized for general population at that institution.
  2. The Facility Unit Head or designee may grant exceptions to disposal when assignment is temporary and the inmate is expected to transfer within a reasonable amount of time to a facility where the property is authorized.
- C. The DOC accepts no responsibility for perishable items that deteriorate while personal property is stored due to an inmate's assignment to restorative housing.

## VIII. Purchase of Personal Property

- A. Inmates and CCAP probationers/parolees must purchase personal property items, except publications, from the commissary or a designated DOC contract vendor.
1. Commissary Purchases
    - a. 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.

- b. Personal property items that are not regularly stocked by the contract vendor such as approved religious items and unique sizes for inmate or CCAP probationer/parolee clothing will be made available for inmate and CCAP probationer/parolee purchase through the special ordering process in Operating Procedure 801.6, *Inmate and CCAP Probationer/Parolee Services*.
  - i. Inmates and CCAP probationers/parolees cannot order non-authorized items nor can they select the specific items to order through the special ordering process. Items procured by the commissary contract vendor that are designed to serve the same general purpose regardless of quality or other personal preferences will be considered to be the same item.
  - ii. Items purchased through the special ordering process should match as closely as possible the color and appearance as those items available in the commissary.

## 2. DOC Contract Vendor

- a. Inmates and CCAP probationers/parolees must purchase all approved electronic items from the commissary or the DOC contract vendor for the media device available in institutions.
  - i. The media device provides the ability to download music and non-music audio files and allows inmates and outside users to communicate by secure messaging.
  - ii. Inmates must order the media device through the vendor provided kiosk. Inmates are not required to submit a *Personal Property Request Add/Drop 802\_F1* prior to purchase; the inmate may submit the *Personal Property Request Add/Drop* after the media device arrives at the facility.
  - iii. Family and friends can order the media device on behalf of the inmate from J-Pay at [www.JPay.com](http://www.JPay.com). All media devices received at the institution for delivery to the inmate must ship directly from the DOC Contract Vendor.
  - iv. The contract vendor provides a warranty for a period of 90 days following the date the device is credentialed at the kiosk.
    - (a) 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) The media devices are electronically encoded with the inmate's name and number and, the Personal Property Officer will not mark or engrave the media device, as physical damages to the device will void any warranty.
- b. Each inmate or CCAP probationer/parolee is provided a system default password.
  - i. The inmate is responsible for securing the device and changing their password through the kiosk.
  - ii. The wait period to change the system default password is three days.
- c. Inmates may not possess both a CD player and a media device.

## 3. Publications

- a. Inmates or a third party may subscribe to publications and periodicals such as newspapers, magazines, or catalogs published on a regular schedule without approval from the facility.
- b. Inmates 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 *Personal Property Request - Add/Drop*, the Business Office staff may issue a check or money order in the amount requested.
  - ii. Staff will draw the amount requested, with the money order fee, against the inmate's trust account.
  - iii. Staff will place the check or money order with the inmate's order form and will mail the order and payment to the vendor.



- iv. Staff should stamp all outgoing orders with the DOC disclaimer required on all inmate mail.
  - v. Business Office staff will return the approved *Personal Property Request - Add/Drop* to the Personal Property Officer if the inmate has sufficient funds for the purchase.
  - vi. Business Office staff will return the order to the inmate if the inmate has insufficient trust account funds for the purchase with a copy sent to the Personal Property Officer.
  - vii. Staff will only deliver publications to an inmate those publications received direct from a commercial vendor that comply with Operating Procedure 803.2, *Incoming Publications*.
4. Inmates and CCAP probationers/parolees using funds from their trust account must prepay all purchases other than third party purchase of publications and media devices.
    - 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 inmate or CCAP probationer/parolee trust account is prohibited.
  5. Inmates and CCAP probationers/parolees must submit a *Personal Property Request Add/Drop 802\_F1* to document acquisition of regulated items recorded on the inmate's or CCAP probationer's/parolee's personal property inventory.
    - 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, inmates must complete a *Personal Property Request Add/Drop 802\_F1* before the Personal Property Officer will issue the property item to the inmate.

#### B. Receiving Purchases

1. Inmates and CCAP probationers/parolees must complete a *Personal Property Request Add/Drop 802\_F1* each time items are added or deleted from their property to maintain an accurate inventory of the inmate's or CCAP probationer's/parolee's personal property.
2. All property items added to, deleted from, or inventoried for inmates must be documented in VACORIS.
3. When the Personal Property Officer receives an order for an inmate or CCAP probationer/parolee, they must verify the items received against the original *Personal Property Request Add/Drop 802\_F1*.
  - a. The Personal Property Officer will inspect the items to ensure compliance with any facility requirements, this operating procedure and Operating Procedure 803.2, *Incoming Publications*.
  - b. The Personal Property Officer should also verify the order was not been fraudulently purchased.
4. If the order is correct, the Personal Property Officer will search the order for contraband, inventory, and deliver the items to the inmate or CCAP probationer/parolee.
  - a. The Personal Property Officer must add regulated property items to the inmate's or CCAP probationer's/parolee's inventory in VACORIS within seven working days of issuance.
  - b. The Personal Property Officer will not give inmate's and CCAP probationer's/parolee's containers and packing materials.
5. If necessary to comply with authorized property limits, the inmate or CCAP probationer/parolee will be required to surrender a like item to the Personal Property Officer before receiving the new item. The Personal Property Officer must add the new item and remove the like item from the inmate's or CCAP probationer's/parolee's inventory in VACORIS within seven working days.
6. Staff may remove and dispose of any unauthorized advertising items such as stickers, CD's/CD ROM's, collector cards, make-up or scent samples, calendars, etc. from any publication ordered, without notifying the inmate so that the inmate may receive the publication.
7. Inmates and CCAP probationers/parolee must not receive personal property items from visitors or any

other source, items received from visitors or any other source not authorized in operating procedure are contraband.

IX. Storage Unauthorized Personal Property

- A. The Facility Unit Head or designee provides for the thorough cleaning and, when necessary, disinfecting of inmate and CCAP probationer/parolee personal clothing before storage or before allowing the inmate or CCAP probationer/parolee to keep and wear their personal clothing. (5-ACI-5D-11)
- B. The Personal Property Officer should permit an inmate or CCAP probationer/parolee up to 30 days to dispose of unauthorized stored property.
  1. The Personal Property Officer should not store inmate and CCAP probationer/parolee personal property for longer than 30 days except as specified in this operating procedure where property ownership or disposition is uncertain, and in cases of temporary transfer or assignment to the restorative housing unit.
  2. The Facility Unit Head or designee may make a reasonable exception for personal clothing retained for release.
- C. The Facility Unit Head will designate a secure area for the safekeeping of inmate and CCAP probationer/parolee personal property. Access to this area must be restricted to prevent loss, damage, or theft of inmate or CCAP probationer/parolee property. (5-ACI-2E-10; 4-ACRS-7D-13)

X. Disposition and Disposal of State and Personal Property

A. Voluntary Disposition and Disposal of Personal Property

1. When the Personal Property Officer verifies that seized property belongs to an inmate or CCAP probationer/parolee but the inmate or CCAP probationer/parolee is not authorized to possess the property, the inmate or CCAP probationer/parolee may choose to dispose of the property voluntarily in lieu of confiscation.
2. An inmate or CCAP probationer/parolee 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 methods of disposal:
  - a. Mail or Delivery Service
    - i. Inmates and CCAP probationers/parolees may choose to send property out by mail, UPS, or other delivery service by authorizing a deduction from their inmate trust account.
    - ii. The Personal Property Officer should provide shipping boxes and packing materials from the commissary fund.
    - iii. The Personal Property Officer should verify ownership and pack outgoing property. The inmate or CCAP probationer/parolee may pack their outgoing property in the presence of the Personal Property Officer.
  - b. Visitor Pick-up
    - i. An inmate or CCAP probationer/parolee may arrange through the Personal Property Officer to have property picked up by a visitor.
      - (a) The Personal Property Officer should verify ownership of the property.
      - (b) The authorized visitor must pick up and sign for inmate and CCAP probationer/parolee personal property after the visit, in accordance with facility practices.
      - (c) The visitor should normally pick up the property within 30 days.
    - ii. Individuals who are not a registered visitor for the inmate or CCAP probationer/parolee may pick up the property items provided the individual is not a registered visitor for another inmate or CCAP probationer/parolee or known to be a relative of another inmate or CCAP probationer/parolee. The individual must be positively identified by picture identification and the individual will not be allowed to visit the inmate or CCAP probationer/parolee until they



register online; see Operating Procedure 851.1, *Visiting Privileges*.

c. Donation to Charity

- i. An inmate or CCAP probationer/parolee may donate personal property to a recognized charity.
- ii. Inmates and CCAP probationers/parolees cannot donate items that are inappropriate for the receiving charity. Under no circumstances will sexually explicit materials be donated.
- iii. The Facility Unit Head or designee should designate appropriate charitable organizations and describe how they will transfer the property to the charity. Staff should obtain a receipt for all donated items.

d. Destruction

- i. The Personal Property Officer may place inmate and CCAP probationer/parolee personal property designated for destruction in the regular trash removal system used by the facility.
  - ii. The Personal Property Officer must not give items designated for destruction to other inmates, CCAP probationers/parolees, or staff, and should not place these items in trash receptacles accessible to inmates or CCAP probationers/parolees.
3. The Personal Property Officer should complete the bottom section of the *Property Disposition 802\_F4* documenting date and method of disposition.
  4. The Personal Property Officer may store inmate and CCAP probationer/parolee personal property of for up to 30 days pending disposal. When the inmate or CCAP probationer/parolee fails to authorize payment to ship the property or to otherwise arrange for the property to be picked up or disposed of within 30 days, the Personal Property Officer may seize the property for conversion to state ownership and disposal; see *Confiscation and Involuntary Disposition of Property*.

B. Confiscation and Involuntary Disposition of Personal Property

1. Confiscation is the conversion of an inmate's or CCAP probationer's/parolee's personal property to state ownership.
  - a. An inmate's or CCAP probationer's/parolee's personal property can be converted to state ownership upon completion the administrative appeal process through the 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 inmate or CCAP probationer/parolee disciplinary procedure.
  - b. The Personal Property Officer may seize and retain custody of unauthorized inmate and CCAP probationer/parolee personal property until a determination regarding confiscation is made.
2. Inmate and CCAP probationer/parolee personal property may be confiscated for the following reasons:
  - a. The property is contraband as defined by state or federal law or regulation, operating procedures, or the content violates the *Specific Criteria for Publication Disapproval*; see Operating Procedure 803.2, *Incoming Publications*.
  - b. The Personal Property Officer determined the inmate or CCAP probationer/parolee stole the property item.
    - i. The Personal Property Officer should return the property to its proper owner, provided the property is not contraband, and was properly acquired by the owner.
    - ii. If the Personal Property Officer cannot identify the owner, the property may be confiscated.
  - c. The Personal Property Officer determined that the inmate or CCAP probationer/parolee loaned, traded, sold, or gave the property item to another inmate or CCAP probationer/parolee.
    - i. The Personal Property Officer should charge the inmate or CCAP probationer/parolee in possession of the property item and the inmate or CCAP probationer/parolee who owns the property item under the inmate or CCAP probationer/parolee disciplinary procedure
    - ii. If the inmate or CCAP probationer/parolee who owns the property item is not charged, the Personal Property Officer will give notice to the inmate or CCAP probationer/parolee using the *Notice of Confiscation of Property 802\_F5*.



- d. The inmate or CCAP probationer/parolee refuses to dispose of voluntarily in accordance with this procedure.
  - e. The inmate or CCAP probationer/parolee fails to authorize payment to ship the property or to arrange for excess, unauthorized, or unwanted property to be picked up or disposed of within 30 days.
3. The Personal Property Officer should give notice of the seizure and the right to appeal to the inmate or CCAP probationer/parolee before they confiscate the personal property, unless the inmate or CCAP probationer/parolee was charged with a disciplinary offense.
    - a. The Personal Property Officer should use a *Notice of Confiscation of Property* 802\_F5 to document property seized from the inmate or CCAP probationer/parolee when the property does not belong to that inmate or CCAP probationer/parolee, or if the Personal Property Officer cannot verify ownership.
    - b. If the Personal Property owner verifies ownership and the owner refuses to dispose of unauthorized personal property voluntarily, the Personal Property Officer should serve the inmate or CCAP probationer/parolee with a *Notice of Confiscation of Property* 802\_F5 and a *Property Disposition* 802\_F4.
    - c. Transferring inmates and CCAP probationers/parolees who refuse to dispose of excess or non-conforming property voluntarily may submit an appeal to the sending facility, which will process the appeal and hold the property pending completion of a properly filed appeal.
    - d. Inmates may appeal the confiscation of property items through the grievance procedure, CCAP probationers/parolees may appeal to the Facility Unit Head.
      - i. If the inmate or CCAP probationer/parolee appeals the confiscation of the property items, the Personal Property Officer will hold the items pending completion of a properly filed appeal.
      - ii. The inmate or CCAP probationer/parolee will have seven days to appeal the confiscation of the personal property; see *Appeal Process*.
  4. If the inmate or CCAP probationer/parolee is convicted of a disciplinary offense under the inmate or CCAP probationer/parolee disciplinary procedure, the conviction will be sufficient to authorize confiscation and require disposal of personal property.
    - a. The inmate or CCAP probationer/parolee should not be charged for possession of contraband when unauthorized, excess, or altered property was inventoried, stored, and/or transferred with the inmate or CCAP probationer/parolee when a charge was not filed and served when the original inventory documented discovery of the property. The Personal Property Officer should confiscate and dispose of the unauthorized property as contraband.
    - b. If the inmate or CCAP probationer/parolee appeals a disciplinary conviction within the time limits specified in the inmate or CCAP probationer/parolee disciplinary procedure, the Personal Property Officer will hold the property items in storage pending completion of the disciplinary appeal process.
  5. Unauthorized or altered state property and illegal items such as weapons, escape implements, illicit drugs, and intoxicants will be confiscated.
    - a. The Personal Property Officer will seize the items without providing the inmate or CCAP probationer/parolee with a *Notice of Confiscation of Property* 802\_F5, and will complete a *Disciplinary Offense Report* in VACORIS; see Operating Procedure 861.1, *Offender Discipline, Institutions*, and Attachment 4, *Offender General Rules of Behavior and Offender Disciplinary Infractions* to Operating Procedure 940.4, *Community Corrections Alternative Program*.
    - b. When unauthorized or illegal property items are used as evidence at a disciplinary hearing or for legal prosecution, the items will be retained and, when appropriate, will be properly disposed of without further notification to the inmate or CCAP probationer/parolee.
    - c. The Personal Property Officer will return usable state property to service.



### C. Disposition of State Property

1. The Personal Property Officer may confiscate any state or personal property altered or modified without written authorization and may charge the inmate or CCAP probationer/parolee under the disciplinary procedure, when appropriate.
2. Upon conviction for intentionally destroying, damaging, or altering state property the inmate or CCAP probationer/parolee may also be required to pay the costs of replacement or repair as provided in the inmate or CCAP probationer/parolee disciplinary procedure.
3. The Personal Property Officer should return state property to the issuing facility unless the item is needed as evidence for disciplinary action, litigation, criminal prosecution, investigation, or other appropriate action.

## XI. Appeal Process

- A. When the Personal Property Officer has determined personal property to be unauthorized for possession by the inmate or CCAP probationer/parolee from whom it was seized, the inmate or CCAP probationer/parolee may appeal the decision.
- B. The appeal process provides the inmate or CCAP probationer/parolee with the opportunity to prove ownership of disputed property, and/or to provide evidence to support retaining personal property that is unauthorized or excess.
- C. The resolution of the appeal may authorize the return of the personal property to the inmate or CCAP probationer/parolee, its disposal by the inmate or CCAP probationer/parolee, 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. Inmates may appeal the confiscation of property items through the grievance procedure and CCAP probationers/parolees by appeal to the Facility Unit Head at CCAPs.
    - a. Inmates and CCAP probationers/parolees must submit their appeal within seven days of receipt of the *Notice of Confiscation of Property*.
    - b. The Institutional Ombudsman or Facility Unit Head or designee at CCAP facilities should notify the Personal Property Officer upon receipt of the inmate's or CCAP probationer's/parolee's appeal of the confiscation of personal property.
    - c. The Personal Property Officer will hold confiscated property in abeyance pending completion of the appeal process before disposing of the of inmate's or CCAP probationer's/parolee's personal property .
  2. Inmates and CCAP probationers/parolee that appeal the confiscation of their personal property must provide evidence of ownership when the ownership of the property is disputed or cannot be established.
    - a. If the inmate or CCAP probationer/parolee establishes ownership and the item is determined to be authorized, the Personal Property Officer should return the personal property to the owner and record the item on the inmate's or CCAP probationer's/parolee's personal property inventory record.
    - b. If the inmate or CCAP probationer/parolee establishes ownership and the item is determined to be unauthorized for possession, the Personal Property Officer will notify the inmate or CCAP probationer/parolee to complete and return a *Property Disposition* within 5 days designating the disposal method.
    - c. If the inmate or CCAP probationer/parolee cannot support the claim of ownership, the Personal Property Officer will confiscate the property.
    - d. If the inmate or CCAP probationer/parolee received the personal property from another inmate or CCAP probationer/parolee, the property is contraband and the Personal Property Officer will not

accept a claim of ownership.

- e. When the Personal Property Officer can verify that the inmate or CCAP probationer/parolee completed a *Lost or Missing Property Report* 802\_F7, timely, and the inmate or CCAP probationer/parolee establishes ownership, the Personal Property Officer will return the personal to its owner.
- f. An inmate and CCAP probationer/parolee cannot make a claim of ownership for state property or for any item made from the misuse of state property.

3. Items for which the inmate or CCAP probationer/parolee has not established ownership, did not appeal the confiscation within the designated time limits, or did not designate a method of disposal will be confiscated and disposed of by the Personal Property Officer.
4. The Personal Property Officer should complete the bottom section of the *Notification of Confiscation of Property* indicating the items of property confiscated and documenting disposition of the property.

#### D. 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, *Confiscation of prohibited articles*, or destroyed in accordance with this operating procedure.
2. Any funds from the sale of such property will be placed in the inmate or CCAP probationer/parolee commissary fund and used in accordance with COV §53.1-44, *Investment of funds belonging to prisoners; use of income*.
3. The Facility Unit Head or designee may use appropriately confiscated items to replace similar items lost or damaged in accordance with the *DOC Limits of Liability* section of this operating procedure.

#### XII. Disposition of Personal Property Upon Release

- A. The Personal Property Officer should return all personal property belonging to the inmate or CCAP probationer/parolee upon the inmate's or CCAP probationer's/parolee's release from confinement.
- B. The Personal Property Officer should verify the property against the inmate's or CCAP probationer's/parolee's personal property inventory.
  1. Both the inmate or CCAP probationer/parolee and the Personal Property Officer should sign the inventory.
  2. The Personal Property Officer in an institution will record the personal property inventory in VACORIS.
- C. The Personal Property Officer will give the inmate or CCAP probationer/parolee a copy of the personal property inventory and the original should be filed in the inmate's or CCAP probationer's/parolee's personal property file.
- D. The inmate or CCAP probationer/parolee must make their claim of missing or damaged property at this time by written notation on the personal property inventory report.
- E. The Personal Property Officer will forward inmate and CCAP probationer/parolee claims to the Facility Unit Head for resolution.
- F. The inmate or CCAP probationer/parolee must remove all of their personal property when released from confinement.
- G. At the discretion of the Facility Unit Head, any personal property the inmate or CCAP probationer/parolee fails to remove from the facility at the time of release may be immediately destroyed or donated to charity.

#### XIII. Disposition of Personal Property in the Event of Escape or Absconding

- A. The Personal Property Officer should collect, inventory, and secure all known personal property



belonging to an escapee or absconder.

- B. The Personal Property Officer will keep a copy of the personal property inventory inside each box of the stored property and in the inmate's or CCAP probationer's/parolee's personal property file.
- C. The Personal Property Officer should retain the inmate's or CCAP probationer's/parolee's property for 30 days; see COV §53.1-228, *Disposal of unclaimed personal property of prisoner*.
  - 1. The Personal Property Officer may convert the personal property of an inmate or CCAP probationer/parolee, who has not returned to custody after 30 days, to unclaimed property and dispose of it in accordance with the *Unclaimed or Unidentifiable Property* section.
  - 2. A record should be kept noting the date the inmate escaped or the date the CCAP probationer/parolee absconded, the date of conversion to unclaimed property, and the method of disposal.

#### XIV. Disposition of Personal Property in the Event of Death

- A. The Personal Property Officer should gather and inventory the personal property of the inmate or CCAP probationer/parolee who died.
  - 1. The Personal Property Officer must inventory the inmate's personal property in VACORIS.
  - 2. The Personal Property Officer and a staff witness should sign the personal property inventory.
- B. When an executor or administrator was appointed by a Court to administer the estate, the Facility Unit Head or designee should promptly deliver all sums in the decedent's trust account, and all other personal property to include the contents of the *Personal Property Envelope*, except the Social Security Card, to the executor or administrator.
  - 1. The Facility Unit Head must receive a certified copy of the qualification certificate and a receipt signed by the executor or administrator, at the time the funds and personal property are delivered to the executor or administrator. These documents should be kept in a secure location at the facility with a copy placed in the inmate's or CCAP probationer's/parolee's personal property file.
  - 2. If necessary, facility staff will arrange and pay for the decedent's personal belongings to be delivered to the designated contact, see Operating Procedure 038.4, *Notification of Serious Injury, Illness, or Death*.
  - 3. In order to secure a receipt for mailed property, facility staff will send the items "return receipt requested".
- C. For estates valued at \$25,000 or less, the decedent's funds and personal property may be released to any beneficiary under the will, or if none, the next of kin see COV §64.2-602, *Payment or delivery of small asset valued at \$25,000 or less without affidavit*.
  - 1. The decedent's funds and personal property may be released if 60 days has elapsed with no application for the appointment of a personal representative is pending or has been granted.
  - 2. The beneficiary or next of kin accepting the inmate's or CCAP probationer's/parolee's property should sign for all property received and will have a fiduciary duty to safeguard and promptly pay or deliver the small asset to other successors as required by the laws of the Commonwealth.
  - 3. Facility staff should keep the receipt at the facility with a copy uploaded as an external document in the *Facility Notes* section of VACORIS identified as a *Special Entry*.
- D. For estates valued at \$50,000 or less, the decedent's funds and all personal property may be released to any individual who can prove by affidavit that they are the beneficiary under the will, or if none, the next of kin; pursuant to COV §64.2-601, *Payment or delivery of small asset by affidavit*.
  - 1. The decedent's funds and personal property may be released if 60 days have elapsed and there has been no application for the appointment of a personal representative.
  - 2. The claimant should submit the *Small Estate Affidavit* 802\_F6 to the facility holding the decedent's



trust account funds and personal property.

3. The claimant must submit the *Small Estate Affidavit* 802\_F6 or, if this *Affidavit* is not used, the affidavit submitted must contain the same information and statements as the *Small Estate Affidavit* 802\_F6, must be properly completed, signed, and notarized.
  4. Facility staff should keep such affidavit in a secure location at the facility with a copy uploaded as an external document in the *Facility Notes* section of VACORIS identified as a *Special Entry*.
  5. The individual accepting the decedent's personal property should sign for all property received and will have a fiduciary duty to safeguard and promptly pay or deliver the small asset to other successors as required by the laws of the Commonwealth.
  6. Facility staff should keep the receipt with the affidavit at the facility with a copy uploaded as an external document in the *Facility Notes* section of VACORIS identified as a *Special Entry*.
- E. When there has been no appointment of an executor or administrator and the value of the decedent's funds in the trust account and personal property exceeds \$50,000, the Facility Unit Head or designee should seek appropriate legal advice prior to releasing any of the decedent's funds or personal property.
- F. When no executor or administrator has come forward within 90 days and no individual has filed a *Small Estate Affidavit*, the Facility Unit Head or designee should inquire of the clerks of the Circuit Courts of both the county in which the facility is located and the decedent's last residence to determine if there was 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.

#### XV. Unclaimed or Unidentifiable Property

- A. Inmate and CCAP probationer/parolee personal property left in a facility will be considered unclaimed property.
1. If possible, facility staff should attempt to have the former inmate or CCAP probationer/parolee or the inmate's or CCAP probationer's/parolee's estate claim the property. If an individual claims the personal property, the individual so claiming will be responsible for all debts incurred in connection therewith.
  2. The Personal Property should inventory and store personal property abandoned by an inmate or CCAP probationer/parolee and personal property whose owner cannot be determined.
    - a. The Personal Property Officer should place a copy of the inventory with the property and a copy of the inventory will be maintained on file. The date on the inventory should be the date the inmate or CCAP probationer parolee left the facility, which will be used as the starting date for unclaimed property status.
    - b. At the same time, an entry will be made in a facility specific property storage log which indicates the starting date, and inmate's or CCAP probationer's/parolee'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.
- B. 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, *Disposal of unclaimed personal property of prisoner*.
- C. Where the total value of the unclaimed property is greater than \$100, see COV §55.1-2500 et seq., *Virginia Disposition of Unclaimed Property Act*.
1. Under the *Virginia Disposition of Unclaimed Property Act*, tangible personal property remaining unclaimed for more than five years is presumed abandoned. Intangible personal property, such as the funds in the inmate's or CCAP probationer's/parolee's account, is presumed abandoned if unclaimed after one year.



2. Once deemed abandoned, the Facility Unit Head or designee must report the personal property to the State Treasurer on or before November 1st following the date the property is considered abandoned.
  - a. Facility staff should send all reports of funds and other unclaimed property to Virginia Department of the Treasury, Unclaimed Property Division, PO Box 2485, Richmond, Virginia 23218-2485 or [ucpmail@trs.virginia.gov](mailto:ucpmail@trs.virginia.gov).
  - b. The report should include the following:
    - i. The inmate's or CCAP probationer's/parolee's name, social security number, last known address with zip code
    - ii. Description of each item of a value greater than \$50, items of a value of less than \$50 each may be reported in aggregate
    - iii. The address of the place where the property is held
    - iv. The date the property was returnable i.e., release, escape, death
    - v. If the Facility Unit Head had a predecessor during the holding period, that person's name and address
    - vi. A statement that due diligence was 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
    - vii. The report must be signed by the Facility Unit Head and notarized
  - c. Facility staff may obtain reporting forms and assistance may by contacting the Unclaimed Property Division at 1-800-468-1088 or by mail to [ucpmail@trs.virginia.gov](mailto:ucpmail@trs.virginia.gov).
3. The Facility Unit Head or designee must deliver the actual property to the Treasurer on or before the following June 1. Facility staff should obtain a receipt and maintain it in a secure location of the facility.

## REFERENCES

COV §53.1-26, *Confiscation of prohibited articles*

COV §53.1-44, *Investment of funds belonging to prisoners; use of income*

COV §53.1-67.9, *Establishment of community corrections alternative program; supervision upon completion*

COV §53.1-228, *Disposal of unclaimed personal property of prisoner*

COV §55-2500 et seq., *Virginia Disposition of Unclaimed Property Act, et seq.*

COV §64.2-601, *Payment or delivery of small asset by affidavit*

COV §64.2-602, *Payment or delivery of small asset valued at \$25,000 or less without affidavit*

Operating Procedure 038.4, *Notification of Serious Injury, Illness, or Death*

Operating Procedure 050.1, *Offender Records Management*

Operating Procedure 411.1, *Inmate Transportation*

Operating Procedure 720.5, *Pharmacy Services*

Operating Procedure 801.6, *Inmate and CCAP Probationer/Parolee Services*

Operating Procedure 802.2, *Offender Finances*

Operating Procedure 803.1, *Inmate and Probationer/Parole 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*

Operating Procedure 861.1, *Offender Discipline, Institutions*



Operating Procedure 940.4, *Community Corrections Alternative Program*

## **ATTACHMENTS**

Attachment 1, *Property Reimbursement/Depreciation*

Attachment 2, *Institution Property Matrix - Males*

Attachment 3, *Institution Property Matrix - Females*

Attachment 4, *Community Corrections Alternative Program Property Matrix - Males*

Attachment 5, *Community Corrections Alternative Program Property Matrix - Females*

Attachment 6, *Authorized Personal Property - Inmate Received from Jail*

## **FORM CITATIONS**

*Personal Property Request - Add/Drop* 802\_F1

*Notification 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

*Religious Item/Holy Day Observance Request* 841\_F1

