	DEPARTMENT OF PUBLIC SAFETY CORRECTIONS ADMINISTRATION POLICY AND PROCEDURES	EFFECTIVE DATE: December 4, 2018	POLICY NO.: COR.17.01
		SUPERSEDES (Policy No. & Date): COR.17.01 & 09/29/2011	
	SUBJECT: PERSONAL PROPERTY, CONFISCATION AND DISPOSITION OF		Page 1 of 7

1.0 PURPOSE

To define policy that governs the confiscation and disposition of inmates' personal property.

2.0 SCOPE

This policy applies to all correctional facilities and to all Department personnel handling inmate personal property.

3.0 REFERENCES, DEFINITIONS & FORMS

.1 References

- a. Department of Public Safety (PSD), Policies and Procedures (P&P), COR.02.12, Inmate Trust Accounts.
- b. PSD, P & P, COR.08.02, Searches of Visitors and Staff.
- c. PSD, P & P, COR.08.03, Seizure of Evidence.
- d. PSD, P & P, COR.08.04, Notice of Laws Relating to Contraband.
- e. PSD, P & P, COR.13.03, Adjustment Procedures Governing Serious Misconduct Violations and the Adjustment of Minor Misconduct Violations.
- f. PSD, P & P, COR.15.04, Visitation.
- g. PSD, P & P, COR.17.02, Personal Property of Inmates.
- h. Hawaii Administrative Rules (HAR), Title 23, Subtitle 2, Corrections, Chapter 101, Contraband.
- i. Hawaii Revised Statutes (HRS), § 353-21, Withdrawals, Forfeitures, etc.
- j. HRS, § 353-23, Disposition of Property Subject of Action for Damages.
- k. HRS, Chapter 523A, Uniform Unclaimed Property Act.

NOT-CONFIDENTIAL

COR P & PM	SUBJECT: PERSONAL PROPERTY, CONFISCATION AND DISPOSITION OF	POLICY NO.: COR.17.01
		EFFECTIVE DATE: December 4, 2018
		Page 2 of 7

.2 Definitions

- a. Contraband – Any item in the possession of an inmate which is not authorized by the facility Warden, is in excess of the maximum quantity permitted, or is received or obtained from an unauthorized source and is not appropriate for criminal prosecution.
- b. Dangerous Contraband – Anything prohibited by law from being introduced under criminal sanctions, which an individual incarcerated is prohibited from possessing by statute, i.e., dangerous instruments, drugs, explosives.
 1. Criminal Contraband according to HRS §§ 710-1022 AND 710-1023, includes but is not limited to dangerous instruments which may be any firearm, whether loaded or not, and whether operable or not, or other weapon, device, instrument, material, or substance, whether animate or inanimate, which in the manner it is used or is intended to be used is known to be capable of producing death or serious bodily injury; and drugs, which includes dangerous drugs, detrimental drugs, harmful drugs, intoxicating compounds, marijuana and marijuana concentrates.
- c. Intangible Property – Money, checks, deposits, interest, or income.
- d. Personal Property – Articles that an offender is authorized to possess while incarcerated. This excludes intangible property for the purposes of this policy.
- e. State General Fund – The primary fund of a government, where all assets and liabilities are recorded and funds that are not assigned to a special purpose fund are kept and used to pay the day-to-day activities, and administrative and operating expenses of the government. This fund is managed by the Director of Finance for the State of Hawaii.
- f. Tangible Property – Any property which may be touched or felt such as jewelry, clothes, wristwatches, shoes, books, and so forth.

.3 Forms

- a. PSD 8212, Inmate Property Receipt form (attached).
- b. PSD 8214, Incident Report form (attached).
- c. PSD 8231, Found Property Report form (attached).

NOT-CONFIDENTIAL

COR P & PM	SUBJECT: PERSONAL PROPERTY, CONFISCATION AND DISPOSITION OF	POLICY NO.: COR.17.01
		EFFECTIVE DATE: December 4, 2018
		Page 3 of 7

d. PSD 8231A, PSD Evidence/Contraband Tag form (attached).

4.0 POLICY

- .1 The following procedural guidelines shall apply in cases when inmates' personal property is confiscated pursuant to a general institutional shakedown search, death, or escape of an inmate. These guidelines are designed to insure the safekeeping of inmates' personal property in cases where inmates are, for various reasons, deprived of custody of their personal property. These procedures are not to be used in unwarranted circumstances.
- .2 Inmates shall be allowed to have items of personal property specified by facility regulations. Inmates are required upon request and based on good cause, to account for any personal property registered in their names.
- .3 Each facility shall designate a staff member to function as the facility property officer. The property officer shall be responsible for maintaining a secure storage area for all confiscated personal property. Access to this storage area shall be restricted to only those authorized by the Warden and Chief of Security.
- .4 If criminal contraband is discovered in an inmates' personal property, the facility shall contact Law Enforcement or other official agency pursuant to PSD, P & P, COR.08.03 Seizure of Evidence and complete form PSD 8231.

5.0 PROCEDURES

- .1 Disposition of Confiscated Property
 - a. All inmate personal property confiscated during an individual, residency unit, or general facility search or shakedown, shall be listed on form PSD 8231, Found Property Report (see attached).

If both contraband and criminal contraband items are found in the possession of an inmate, a separate form PSD 8231 shall be used to inventory each type of property. All contraband (unauthorized) items shall be listed on one form (or several forms if there are many items). The inmate shall sign the form and be given a copy as receipt. Excess State issued items need not be listed on form PSD 8231. All contraband items shall be listed on a separate form PSD 8231 (or several forms if there are many items). The signature of the inmate is not required and a copy need not be

NOT-CONFIDENTIAL

COR P & PM	SUBJECT: PERSONAL PROPERTY, CONFISCATION AND DISPOSITION OF	POLICY NO.: COR.17.01
		EFFECTIVE DATE: December 4, 2018
		Page 4 of 7

given to the inmate. The procedures outlined in COR.08.03, Seizure of Evidence, shall be followed.

- b. An Incident Report form PSD 8214 (see attached) shall be completed by the attending officer and forwarded via established channels to the Adjustment Committee for disposition.
- c. All contraband items (unauthorized) shall be placed in a container along with the original copy of form PSD 8231 and the container shall be sealed and tagged. The provisions for tagging the property containers, storage of, and verifying the contents upon receipt in storage shall be in accordance with the procedures outlined in COR.17.02, Personal Property of Inmates, Intake and Orientation section.
- d. Inmates shall be notified in writing that they have 30 days to dispose of all unauthorized personal property that was sent to storage. Notification shall be made in accordance with the provisions outlined in policy COR.17.02.
- e. Inmates shall notify the property officer in writing to whom their unauthorized property shall be sent to or who will personally pick up the property at the facility. The provisions outlined in policy COR.17.02 for excess property shall apply except that form PSD 8231 shall be utilized.
- f. If no one claims the unauthorized property within 30 days, or the inmate does not make an effort to dispose of the property within that period, all property shall be considered abandoned. The provisions of policy COR.17.02, Personal Property of Inmates, shall apply except that form PSD 8231 shall be employed.

.2 Disposition of Property upon Death

- a. Upon the death of an inmate, two staff members shall inventory all personal property of the inmate. This inventory shall consist of verifying the property against the allowable items listed on the Inmate Property Receipt, form PSD 8212 (see attached), which is maintained in the offender's active file. If there are any discrepancies, these differences shall be listed and described on a new form PSD 8212. Both staff members who inventoried the property shall sign and date the form, or forms, as verification.
- b. The tangible property shall be bagged, sealed, labeled, sent to storage and verified in storage according to the provision of policy COR.17.02, Personal Property of Inmates.

NOT-CONFIDENTIAL

COR P & PM	SUBJECT: PERSONAL PROPERTY, CONFISCATION AND DISPOSITION OF	POLICY NO.: COR.17.01
		EFFECTIVE DATE: December 4, 2018
		Page 5 of 7

- c. The next of kin shall be notified to claim all tangible and intangible property of the deceased within 30 days.
 - 1. Tangible property disposition shall follow the provisions of policy COR.17.02. In this case, the designated recipient is the next of kin. If no one claims the tangible property within 30 days, or the deceased did not name a next of kin, the tangible property shall be disposed of in accordance with policy COR.17.02, Personal Property of Inmates.
 - 2. Intangible property of the deceased which is not claimed within 30 days or there is no designated next of kin, shall be held for one year and then disposed of in accordance with provisions of H.R.S. Chapter 523A-8, Report of Abandoned Property.
- .3 Disposition of Property after Escape
 - a. As soon as possible after an escape has been confirmed, all personal property left behind by the inmate shall be impounded.
 - b. Two staff members shall inventory the property and compile a list, using form PSD 8212, Inmate Property Receipt, which shall include but not limited to the following:
 - 1. Date and time the property was impounded.
 - 2. List of each item including a brief description of the item for clarification, especially noting if the item is broken or damaged.
 - 3. Signature and date of both staff members who inventoried the property.
 - c. All tangible property shall be bagged along with a copy of form PSD 8212, sealed, labeled, sent to storage and verified in storage according to the provisions of policy COR.17.02, Personal Property of Inmates.
 - d. The property officer shall keep an original copy of the impounded property (form PSD 8212) on file.
 - e. If the inmate is apprehended and returned to the facility within 30 days of the escape, the individual's property shall be returned. The attending officer and inmate shall sign and date both forms which lists the impounded property (form PSD 8212) and the inmate shall be given a copy. The

NOT-CONFIDENTIAL

COR P & PM	SUBJECT: PERSONAL PROPERTY, CONFISCATION AND DISPOSITION OF	POLICY NO.: COR.17.01
		EFFECTIVE DATE: December 4, 2018
		Page 6 of 7

original of form PSD 8212, which contains the offender's signature, shall be held on file for six (6) months and then destroyed.

- f. When circumstances arise that it is not possible for an inmate to send his/her property out within the 30-day period, they may request in writing to the facility Warden for a one-time 30-day extension. The approval is at the discretion of the Warden upon his review of the circumstances.
- g. If the escapee is not apprehended within 30 days, their next of kin shall be notified to claim the tangible personal property. The provisions of Policy COR.17.02, for the claiming of property, shall apply. If the next of kin does not claim the tangible personal property within 30 days, or there is no designated next of kin, the property shall be considered abandoned and disposed of in accordance with the provisions of policy COR.17.02. All tangible property of the escapee shall be held for one year and then disposed of in accordance with the provision of HRS Chapter 523A-8, Report of Abandoned Property.

.4 Disposition of Cash in Excess of Allowable Limits

a. Furlough

- 1. If an inmate returning from work furlough is found with money in excess of the allowable limits, the facility shall:
 - a) Fill out PSD 8231, put cash in a sealed envelope, identify it with PSD 8231A, and send to the facility Business Office.
 - b) Allow the inmate two (2) weeks to have an authorized family member pick up the money. The authorized person shall be an individual on the inmates authorized/approved visitor list.
 - i) If the inmate elects to not have an authorized family member pick up the money, then the funds shall be deposited to the inmate's restricted trust account, in accordance with P & P, COR.02.12.
 - c) If warranted, the inmate may be disciplined for a misconduct violation in accordance with PSD, P & P, COR.13.03 Adjustment Procedures Governing Serious Misconduct Violations and the Adjustment of Minor Misconduct Violations.

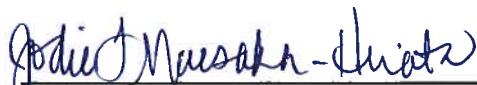
NOT-CONFIDENTIAL

COR P & PM	SUBJECT: PERSONAL PROPERTY, CONFISCATION AND DISPOSITION OF	POLICY NO.: COR.17.01
		EFFECTIVE DATE: December 4, 2018
		Page 7 of 7

b. Routine and Random Searches in Housing Units

1. If money is found during a search, the money shall be confiscated. If the inmate is not participating in a work furlough program, it will be assumed that the money was obtained through illicit means, i.e., drug deals, smuggled in from outside the facility, etc. The facility shall:
 - a) Fill out PSD 8231.
 - b) The money shall be treated as evidence pursuant to PSD, P & P, COR.08.03 Seizure of Evidence, and placed in a clear plastic or brown paper bag, sealed and identified using PSD 8231A.
 - c) If the facility staff believes the money was obtained through criminal activity, the evidence will be turned over to law enforcement for processing and prosecution.
 - d) If any inmate disputes this claim, he/she will have 30 days to establish ownership of the money (i.e., work furlough program, workline, etc). If the inmate is unable to do so, the money will then be processed as excess contraband and deposited into the **State General Fund**.

APPROVAL RECOMMENDED:


Deputy Director for Corrections

December 4, 2018
Date

APPROVED:


Director

December 4, 2018
Date

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STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

INMATE PROPERTY RECEIPT

Facility _____

Date _____

Received From _____

S.S. No. _____

INMATE NAME

Qty/Amt	Item	Description	Released To	Date

Received By _____

Date _____

Attending Officer

Inmate's Signature _____

Date _____

INMATE PROPERTY TRANSFER

Property Transferred to _____
Facility

Received From _____ Date _____
Sending Officer

Received From _____ Date _____
Receiving Officer

Received From _____

Date _____

Attending Officer

I have all my personal property listed above:

Inmate's Signature _____

Date _____

Original: Facility
Copy: Inmate

**STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY**

INCIDENT REPORT

Facility: _____

Prepared on: _____

TO: _____ (Administrator/Section Supervisor) THRU: _____ (Watch Supervisor)

DATE	TIME	NARRATIVE (Specify inmate name & ID and location if related to misconduct)

By: _____
Reporting Officer/Employee Title

ORIG - FACILITY ADMINISTRATOR
CANARY - CONTROL OFFICER
PINK - ATTACH TO MISCONDUCT REPORT

STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

Facility: _____
Section: _____

FOUND PROPERTY REPORT

As a result of a search which I conducted or discovery which I made at:

Time: _____
Mo/Day/Yr: _____
Inmate's Name: _____
Location: _____

The following articles, or goods were seized or confiscated as:

- _____ Criminal Contraband
- _____ Unauthorized Property (Unauthorized personal property confiscated
Requires inmate signature and copy to inmate)

REPORT OF INCIDENT: (Circumstances relating to discovery of property; reference
Misconduct Report where applicable)

Inventoried by and Acknowledgement: _____
(Signature of Supervisor of person finding property) Date

DISPOSITION OF PROPERTY

ID TAG NO.	DESCRIPTION OF ITEM	RECEIVED FROM (Signature)	BY (Signature)	DATE/TIME	STORAGE LOCATION