

**DEPARTMENT OF PUBLIC SAFETY****CORRECTIONS ADMINISTRATION
POLICY AND PROCEDURES****EFFECTIVE DATE:**

JAN 17 2012

POLICY NO.:

COR.17.02

SUPERSEDES (Policy No. & Date):

COR.17.02 & 09/29/2011

SUBJECT:**PERSONAL PROPERTY**

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1.0 PURPOSE

To provide guidelines that will ensure the safeguard of inmate's personal property.

2.0 REFERENCES AND DEFINITIONS**.1 References**

- a. Hawaii Revised Statutes (HRS), Section 353-20, Custody of Moneys, Accounts for Prisoners, etc.
- b. HRS, §353-21, Withdrawal, Forfeitures', etc.
- c. HRS, §353-22, Earnings Exempt from Garnishment, etc.
- d. HRS, §353-24, Guardians of Committed Persons, Appointed when
- e. HRS, §353-25, Powers and Duties of Guardians.
- f. HRS, §353-26, Removal of Guardian.
- g. HRS, §353-27, Compensation, Expenses.
- h. HRS, §353-28, Property Given to Convicts.
- i. Chapter 523A Uniform Unclaimed Property Act.
- j. HRS, § 26-14.6, Department of Public Safety (PSD); and § 353C-2, Director of PSD, Powers and Duties.
- k. Departmental Policies and Procedures (P&P); COR.17.01, Personal Property Confiscation and Disposition of: COR.08.04, Contraband: COR.08.03, Seizure of Evidence.
- l. American Corrections Association (ACA), Standards for Adult Correctional Institutions, 4th Ed., 4-4163.

.2 Definitions

- a. Inmate Personal Property: Article legally owned by an offender.
- b. Mental Health Inmate: An inmate diagnosed with chronic mental health issues preventing their ability to fully understand the 30 day storage and disposal of property.
- c. Homeless Inmate: An inmate identified as having no known local address upon his intake assessment at admission
- d. Centralized Storage of Personal Property: A secure room where all inmate personal property is stored. Property is sent to this storage area under the following conditions:

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- 1) Excess or unauthorized property that shall be held until a disposition is made.
 - 2) Properties the offender is permitted to retain while in custody but prohibited while the offender is temporarily in segregation.
- e Decentralized Storage of Personal Property: Several secure areas where offender's personal property is stored. As an example, a single storage room may be employed where all offender excess property is stored awaiting disposition with a storage room maintained in each residency unit where allowed personal property is temporarily stored while the offender is in segregation.
 - f Excess Property: Items the offender is not allowed to retain while in custody including electronic items (i.e. television, games systems, musical instruments, etc.) from any contracted Out-of-State facilities. Each facility is allowed to establish their own regulations in this respect.
 - g Tangible Property: Any property which may be felt or touched such as jewelry, clothing, wrist watches, shoes, books and so forth.
 - h Intangible Property: Money, checks, deposits, interest, or income.
 - i. Forms of Identification: Birth certificate, drivers license, state Identification card, passport, resident alien (green) card, social security card

3.0 POLICY

- .1 Every correctional facility shall establish an inmate personal property control system which shall ensure the safeguard of their personal property while they are in the custody of the PSD. The primary components of this system shall be:
 - a. Establishment of staff accountability in all aspects of processing and handling inmate personal property.
 - b. Establishment of control for the disposal of inmate's excess personal property and the safeguard of excess personal property placed in storage while awaiting disposition.

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- c. Establishment of control, which will ensure the safeguard of personal property inmates, are allowed to retain while in custody.
- .2 Inmates shall be allowed to maintain a certain amount of personal property within the confines of the facility in which they are incarcerated. However, because the presence of money and items of personal property may lead to conflict; disruption or harm to individuals through theft; gambling, or other disputes, restrictions shall be placed on the possessions and the use of personal property and money within the facility.
- .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 location where inmate personal property is stored and the disposition of that property in accordance with the provisions of this policy.

The property officer shall be held responsible for the loss of any offender property maintained in the storage area they are responsible for.

4.0 PROCEDURES

.1 Intake and Orientation:

The original intake and orientation process of each offender admitted to a correctional facility shall include the following provisions:

- a. All money and other property in the possession of the detainee shall be surrendered to the intake officer. The detainee shall be given a written receipt for the money and property signed by both the intake officer and detainee. A copy of the receipt and money shall be sealed in an envelope (or other device which shall ensure the safety of said items while being transferred to the facility business office).

The money shall be either hand delivered to the business office; or picked up by a representative of the business office. The business office, or its representative, shall verify the contents of the envelope and sign the receipt copy in the presence of the intake officer whom initially signed the receipt. This receipt (signed by 3 parties, the detainee, intake officer and business office or its representative) shall be placed in the detainee's file. The business office shall deposit the money into an account for the use by the detainee.

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When the business office is closed, the money shall be stored in a secure location until it can be transferred to the business office. A single authority shall be responsible for the key to this storage area.

- b. Detainee's shall be informed in writing of which personal property items they will be allowed to retain while in custody. The type of personal articles and amount shall be left to the discretion of the facility administrator. However, for the protection of the offender's property, they shall not be allowed to retain any article of excessive value i.e. expensive athletic shoes, watches, jewelry, and clothing.
- c. All property in the possession of the detainee (except money and other negotiable) shall be recorded on form PSD 8212, Inmate Property Receipt (See Attached) a note shall be made next to each item recorded if it's excess property, which the detainee isn't allowed to retain while in custody. Both the intake officer and detainee shall sign the form PSD 8212 and the detainee shall be given a copy of the signed property receipt. All excess clothing that the detainee is wearing, or in their possession shall be included on form PSD 8212. If warranted, the clothing shall be laundered before being placed in storage with the detainee's excess property.

All excess property shall be placed in a storage bag, or other container. The copy of the form PSD 8212 shall be either attached to, or placed in the storage container. The container shall be labeled with an Inmate Property Tag, form PSD 8224 (See Attached) and sealed.

The excess property container shall be sent to a secure storage area. Upon receipt of the property, the property officer in charge of the storage area shall open the container and verify the contents against article listed on form PSD 8212. The signature of the property officer and date at the top of form PSD 8212 shall indicate this verification. Form PSD 8212 shall be retained in the property storage room until disposition of the property.

The excess property container shall be stored in a secure storage area. Upon receipt of the property, the property officer in charge of the storage area shall store the property until disposition of the property.

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- d. Detainees shall be notified in writing that they have 30 days to dispose of all excess personal property. Form PSD 8256, Notice of Excess Property (See Attached), shall be used for this purpose. The conditions of the written notice shall be verbally explained to the detainee and acknowledged by the detainee's signature. Detainees shall be responsible for all costs pertaining to the mailing of property. At this time, detainees shall also be verbally informed that if they wish to know the detailed procedures the facility maintains to protect their personal property, the policies and procedures governing this function may be reviewed in the facility library. A staff member shall sign form PSD 8256 as witness verifying that the conditions were explained to the detainee and the detainee understands. The offender shall be given the original of form PSD 8256 and the property officer shall maintain the copy.
- 1) When the property officer determines the detainee is unable to understand the procedures regarding the 30 day storage and disposal of personal property, due to a mental health condition, the property officer shall tag the property for exemption from the 30 day storage and disposal until such time the detainee has been treated and has the ability to understand the procedures, or the detainee transfers to the State Hospital which at such time the property will be transferred with the detainee. The determination for the exemption shall be made on a case-by-case basis and in consultation with a facility mental health clinician. Once determined the detainee can understand the procedures for 30 day storage and disposal, the appropriate forms shall be filled out with the detainee and the procedure as listed in 4.0 1 f. shall be followed.
 - 2) When the property officer determines the detainee is homeless, the property officer shall tag the property for exemption from the 30-day storage and disposal until such time the detainee is released. Property stored for homeless detainees shall only be items useful to the detainee such as clothing, shoes, backpack etc.
- e. The detainee shall notify the property officer in writing to whom their excess property shall be mailed to, or who will personally pick up the property.

If the designated recipient picks up the property, both the recipient shall acknowledge receipt and the attending officer signing their

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names and date in the "Released To" column on form PSD 8212 for each article marked excess property. Recipients shall show state issued photo identification. If the property is mailed to the designated recipient, the attending officer shall note the name of the recipient and date mailed in the "Released To" column of form PSD 8212 including the signature of the attending officer.

Upon completion of property disposition, the detainee's written notification of who is to receive the property and form PSD 8212 shall become the permanent documents in the detainee's active file.

- f. If no one claims the excess property within the 30 days, or the detainee doesn't make an effort to send out or dispose of the property within that period, all excess property except for those items identified as Forms of Identification as listed in .2 g., shall be considered abandoned. Any items identified, as Forms of Identification shall be separated from the excess property eligible for disposal. The items listed as Forms of Identification shall be maintained until such time the detainee is released. Excess property shall be disposed of in accordance with the provisions of Section 4.2, Disposition of Abandoned Tangible Property.

.2 Disposition of Abandoned Tangible Property:

All tangible property abandoned by the inmate shall be donated to a charitable organization. The receiving agency shall sign and date the form PSD 8212 in the appropriate places to indicate receipt. Form PSD 8212 shall then become a permanent document in the offender's active file to verify this transaction.

If a charitable organization considers the property valueless, the property shall be disposed of at a county-designated refuse disposal area. This transaction, with the signature and date of two attending officers, shall be noted on form PSD 8212 and the form returned to the offender's file.

.3 Property Storage Control:

All excess inmate property shall be maintained in a secure, locked storage area while awaiting disposition. Property officers shall be responsible for maintenance of this storage area and they shall be responsible for maintain the only key to the area. No one shall be allowed access to this storage area unless authorized by the property officer.

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This provision shall also comply with the storage of personal property the inmate is not allowed to have while in segregation.

4. Property allowance when transferring custodies between facilities and other jurisdictions:

1) The following is the maximum property allowed when transferring inmates between In State Correctional Facilities or when transferring inmates from the Federal Detention Center to In State Facilities:

- a) Legal materials
- b) Forms of Identification
- c) Holy book of professed faith, eg. Bible, Koran, etc
- d) Treatment/Education program material, i.e., Substance abuse treatment RDAP Journal/corresponding paper work, Sex offender treatment journal/corresponding paper work, education workbooks, diplomas etc.
- e) Athletic shoes, gym shorts, one plain grey sweatshirt if purchased through approved institutional channels.
- f) Prescribed medication/medical prosthesis and devices, i.e., braces elastic bands, etc
- g) Basic hygiene products not to exceed
 - (1) One 4.5 oz soap.
 - (2) One 12 oz or less shampoo.
 - (3) One 12 oz or less conditioner.
 - (4) One 8 oz or less tube of toothpaste.
 - (5) One toothbrush.
 - (6) One 2 oz or less deodorant

2) The following is maximum property allowed when transferring inmates to mainland facilities, other jurisdictions and the Federal Detention Center:

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a) Legal materials

The sending facility shall inventory excess property on PSD 8212 Property Inventory form and require custody to sign PSD 8256 Notice of Excess Property (see attached) requiring offenders to arrange for property to be picked up or sent out within 30 days.

The offender's Inmate Property Receipt form PSD 8212, which is maintained in the offender's active file, shall be used to record this transaction. The escorting and receiving officer shall inventory and verify the property transfer by signing their names and date in the appropriate box on form PSD 8212. Offenders shall witness this transaction and sign and date their names as verification within the same box titled, "Inmate Property Transfer," on form PSD 8212. Form PSD 8212 shall then be returned to the offenders file.

The receiving facility may limit the type and amount of personal property the offender is allowed to retain while in their custody. If the offender is not allowed to retain certain articles, this property shall be disposed of in accordance with the provisions outlined in Sections 4.1.c., 4.1.d., 4.1.e., and 4.1f. above.

.5 Transfers to and from an Out-of-State Correctional Facility:

a. When offenders are transferred to contracted out-of-state correctional facilities, other jurisdictions and the Federal Detention Center, the following property shall be allowed to transfer with them.

1) Legal materials

The contracted out-of-state correctional facility shall mail out excess property at the offender's expense to an address other than the receiving correctional facility.

.6 Personal Property Record Maintenance:

The offender's record file shall always contain a copy of what personal property the offender is allowed to retain while in custody. Form PSD 8212, Inmate Property Receipt, shall always be used for this purpose. If the offender is involved in multiple transfers to various correctional institutions, a new form PSD 8212 may be completed at any time, but the

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offender's file must always contain the latest copy, signed and dated by the offender and attending officers.

.7 Transfers to Segregation:

a. Personal Property:

Offenders transferred to Segregation, shall have their personal property stored in a secure location. The offender's residency officer shall contact the segregation unit to determine what personal articles the offender is allowed to retain while in segregation. All personal articles not allowed shall be inventoried and documented by the offender's residency officer. The Inmate Property Receipt, form PSD 8212, shall be used for this purpose. The attending officer and offender shall sign and date the receipt and the offender given a copy.

The offender's personal property shall be placed in a bag along with a signed copy of form PSD 8212. The bag or storage container shall be sealed and labeled, as specified under section 4.1.c. above, and stored in a secured location.

The storage location may consist of the centralized or decentralized concept. If property is kept in the offender's residency unit, one staff member shall be responsible for the security of that area. That person shall maintain the only key to the area and no one is allowed access unless authorized by the person in charge.

When an offender returns from segregation, the residency officer shall inventory the property bag; with the offender as witness, and both the officer and the offender shall sign and date form PSD 8212 in the appropriate area at the bottom of the form. The offender shall be given a copy of form PSD 8212 and the original, which verifies the return of the property, shall be kept on file for six (6) months and then destroyed.

b. Store Orders:

The store orders of an inmate transferred to segregation shall be protected in one of two (2) ways:

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- 1) Return all unused items to the commissary and credit the inmates account accordingly.
- 2) Consider all store orders as personal property, which are to be inventoried and stored according to the provisions of Section 4.7.a above.

.8 Confiscation of Personal Property:

In any case of residency shakedown which may uncover unauthorized property, or the death or escape of an inmate, all personal property shall be processed in accordance with the provisions of policy COR. 17.01 (Personal Property, Confiscation and Disposition of and/or policy COR. 08.03 (Seizure of Evidence).

.9 Inmate Responsibilities for Personal Property:

Inmates shall be notified that they are responsible for all personal property they are allowed to retain while in custody. A locker shall be provided every inmate for the safekeeping of personal articles. Inmates shall be allowed to purchase a lock at their own expense, to secure the locker.

.10 Additions to Personal Property:

Inmates shall be notified that they are responsible for notifying their friends and relatives' of what personal articles they are allowed to have while in custody. Allowable items may be mailed to the offender or delivered to the facility by a friend or relative.

In either case, the staff member receiving the article or articles shall complete, sign, and date an Inmate Property Receipt, form PSD 8212, for the article. The article and form PSD 8212 shall be delivered to the offender by the person who received it and the offender shall sign the form. A copy of form PSD 8212 shall be given to the offender and a copy filed in the offender's active file.

.11 Laundry Control:

A laundry control system shall be established to ensure the return of all laundered items of personal clothing the offender is allowed to retain while in custody. This does not apply to State issued clothing. This control

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system shall consist of identifying marks on the clothing such as a coding system or the last name, first name or initial of the offender. The staff member in charge of laundry operations shall be held personally responsible for any items not returned to the offender.

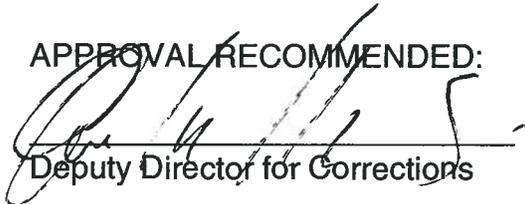
.12 Discharge from Custody:

When an offender is discharged from custody, all personal property they were allowed to have shall be inventoried and verified against the Inmate Property Receipt form PSD 8212 maintained in the offender's active file. The attending officer and offender shall sign and date form PSD 8212, in appropriate areas at the bottom at the form. This shall verify that the inmate was discharged with all personal property in their possession. Form PSD 8212 shall become a permanent document in the offender's inactive file. The offender need not be given a copy of form PSD 8212.

5.0 SCOPE:

This policy shall apply to all correctional facilities.

APPROVAL RECOMMENDED:


 Deputy Director for Corrections


 Date

APPROVED:


 Director


 Date

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 _____	Sending Officer		Date _____
Received From _____	Receiving Officer		Date _____

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

NOTICE OF EXCESS PROPERTY

You are hereby given notice that you may keep only those articles, which are allowed to be in your possession in accordance with the policy and procedures of this Correctional Center.

You are responsible to see that all arrangements are made to have the rest of your property (which shall include jewelry, luggage, excess clothing, etc.) sent to or picked up by a friend or relative within 30-days of this notice.

You are responsible for any mailing costs.

You will provide a written notice to the Property Officer, which will specify to whom you wish the property sent or who will pick it up.

DEADLINE: _____

If you wish to know the complete details of how your personal property will be protected while you are in custody, you may review the Department's policy and this facility's procedures on the subject. Unabridged copies of these policies and procedures are kept in the facility's library for your review.

Failure to comply by the deadline shall result in the assumption that your excess property has been abandoned and it will be disposed of in accordance with paragraph 4.2 of the Department of Public Safety Policy and Procedure, COR.17.02.

I have read, or had read to me, this notice and I understand and will comply.

SIGNATURE

DATE

Witness:

SIGNATURE

DATE

SIGNATURE

DATE

Original: Inmate

Copy: Designated Property Officer

INMATE PROPERTY TAG

Inmate's Name _____

Social Security No. _____

Checked By _____
Attending Correctional Worker

Date _____

PSD 8224 (11/2009)