DEPARTMENT OF CORRECTIONS

Policy Number:	**302.250**
Title:	**Offender Property**
Effective Date:	**3/3/20**

PURPOSE: To provide procedures for managing acquisition, tracking, storage, and disposal of offender property that maintain the security, safety, and orderly management of adult correctional facilities. The property department at each facility is responsible for maintaining offender property records.

APPLICABILITY: All adult Minnesota correctional facilities

DEFINITIONS:

Allowable Property List (attached) – approved listing of items an offender may possess.

Altered item –an item that has been modified from its original state. (See also Policy 301.030, "Contraband.")

Consumable items – items that are perishable, consumed through use, or non-durable items (e.g., food, hygiene and writing supplies, and plastic items).

Damaged items – items that are cracked, have missing parts or pieces, or other indications that their usefulness or value has been reduced, including poor reception or sound in electronic items.

Non-inventoried items – consumable items and personal papers, including published and legal materials, that are not tracked on offender property inventories maintained in the correctional operations management system (COMS).

State-issued property – property purchased with state funds and issued to offenders for their use while incarcerated.

Unauthorized property – any item not listed on the department allowable property lists, authorized but in excess of allowed limits, or authorized but not for the offender who has possession of it. (See also Policy 301.030, "Contraband.")

PROCEDURES:

A. Offender admission:

1. An offender may bring authorized personal property upon initial admission to the DOC.
   a) All incoming personal property must be in accordance with the published list that the department provides to county administrators.
   b) Any clothing (county jumpsuit, shoes, and coats) or articles not authorized are returned to the county or sent out at the offender's expense. The following property is authorized for the offender upon intake:
      (1) One pair prescription eyeglasses (contact lenses only allowed until glasses are received)*;
      (2) One plain wedding band (no stones) – no other jewelry*;
      (3) Dentures or dental partials*;

(4) Medically-approved prosthetics*;
(5) One address book (no metal spiral);
(6) Twenty personal photographs (must meet DOC criteria);
(7) Legal materials (no floppy disks, CDs, DVDs, or flash drives);
(8) Religious items (no more than five);
(9) Money (county check or voucher preferred);
(10) Offender's personal identification (ID) documentation, i.e. current driver's license and/or current state identification card (no wallet);
(11) Social security card; and
(12) Passport, birth certificate, tribal ID.

Authorized property must be kept separate from the offender excluding asterisked (*) items.

c) Upon initial admission to the DOC, property department staff search and inventory the offender's property using the Offender Intake Inventory Record (attached) and authorized items are recorded in the correctional operations management system (COMS).
   (1) Unauthorized items are shipped or disposed of as indicated on the Offender Intake Inventory Record.
   (2) The incoming property of a general population offender must be inspected and processed, which generally occurs within two business days.
d) Offenders must review and sign the State Issue Clothing Record (attached) prior to being issued their property. Offenders requesting subsequent copies must pay for copying costs.
e) Incoming interstate/federal, and housed out of facility (HOF) offenders must comply with DOC property restrictions. Additionally, HOF offenders returning to facilities are allowed comparable personal property items that were purchased at the county jails. Items must be inspected for tampering and pass inspection.

2. State-issued property
Upon admission all offenders are issued clothing that fits properly and is suitable for the weather and durable.
   a) Offenders are issued and must take all items in the amounts as indicated as state-issue in the Allowable Property List. The offender's two-bin property limit must include the full state issue.
      (1) State-issued property is added to the offender's COMS property inventory.
      (2) The offender is responsible for maintaining all state-issued items in good condition.
         (a) Offenders may be charged for missing or altered items.
         (b) If extenuating circumstances are verified, the facility may replace the items.
      (3) Offenders who are observed wearing state-issued clothing that does not fit, must exchange the clothing for the appropriate size.
   b) An offender wearing contacts upon admission must contact health services staff to be seen by an optometrist and order glasses.

3. Replacement/exchange of state-issued items
   a) Annual exchange of whites (new briefs, socks, t-shirts, or bras) and shoes are issued at the offender's written request one year from the date of last issue. If the

offender's annual scheduled reissue date falls 90 days (or fewer) prior to the offender's release, the offender receives only three sets of whites and one pair of serviceable shoes.

b) All other state-issued items (excluding whites and shoes) are replaced only when they are no longer in serviceable condition.

c) The offender must exchange an item in order to receive a replacement item or may be charged.

B. Allowable property lists

1. General guidelines

a) The department publishes the Allowable Property List for general population offenders in adult facilities.

(1) Items removed for security reasons are contraband and must be removed from facilities immediately.

(2) Offenders are given a 30-day notice unless otherwise noted.

b) Offenders must not transfer, take/give, trade, loan, and/or sell property to/from other offenders.

(1) Items found to be transferred, taken, given, traded, loaned, and/or sold are confiscated by staff and disciplinary action may be taken against the offender(s) involved.

(2) A new/replacement item may not be purchased for six months after confiscation by staff.

2. Changes/exceptions

a) Requests for changes or exceptions to the Allowable Property List must be submitted to the DOC property committee.

b) Committee recommendations are forwarded through the chain of command by the committee chair.

c) Upon offender transfer, the receiving facility must review the Allowable Property List to determine if the item is appropriate in that facility.

3. Property limits

Offenders in general population are allowed to have in their possession only the amount of property per the allowable property list.

4. Storage of property

a) All offenders are required to store their personal property in their cells/living areas.

b) Offenders are solely responsible for the care and safekeeping of their personal property while it is in their possession.

c) Regulations concerning the storage of property may vary depending on the physical plant and the restrictions imposed by fire and health regulators.

d) Secure storage areas are provided within each cell/living area.

e) When leaving the cell or living area, offenders must ensure all personal property is secure.

5. Religious items

Offenders are allowed to possess a maximum of five personal religious items, subject to specifications in this policy. All religious items are subject to the same restrictions and limitations as defined on the Allowable Property List (e.g., ten total books, papers).

a) Personal religious items must be preapproved for special orders by property staff and a religious services coordinator/chaplain prior to the offender ordering them.
b) Final approval for personal religious items is subject to all security restrictions. Personal religious items are restricted or prohibited if they affect security, safety, and/or the orderly management of the facility.
c) All religious items must be listed on the COMS personal property inventory.

C. Offender acquisition of property

1. Offenders are only allowed to obtain/purchase property through canteen or the property department's approved vendors. Exceptions are made for magazine subscriptions, new books, kiosk media players, approved kiosk accessories, and published calendars that are purchased by a private party and shipped directly from authorized vendor/publisher.

2. Vendors
   a) The DOC property committee authorizes offender property vendors.
   b) The religious practices committee authorizes religious items.
   c) Each facility may approve appropriate vendors to provide for the specific needs of its offenders (e.g., electronic repairs, guitars, and eyewear).
   d) Vendor lists are available at each facility.
   e) Facilities may impose limits on the number of purchases made by offenders. Facilities may restrict the ordering of electronics, other property, or canteen orders for a reasonable period of time during reception/orientation and initial transfer.

3. Special order process – how to purchase items from approved vendors
   a) Offenders must complete and sign an Offender Voucher/Special Order form (attached) with an addressed prepaid envelope.
      (1) Offenders must prepay the full amount of an item to the vendor at the time of order submission.
      (2) Restrictive housing unit offenders may not place special orders, except for medically-recommended items that are approved by the associate warden of operations (AWO).
   b) Property staff must check each Offender Voucher/Special Order form to ensure that each item ordered is acceptable according to the Allowable Property List and from an approved vendor. All acceptable orders are signed by property staff authorizing offender accounts staff to process the Offender Voucher/Special Order form.
   c) If any part of the Offender Voucher/Special Order form is not authorized, property staff must write "denied" on the form and send it back to the offender with a written explanation of the denial.
   d) Offender accounts staff process the authorized Offender Voucher/Special Order form according to Policy 300.100, "Offender/Resident Accounts." Property staff must maintain a record of the Offender Voucher/Special Order forms.
   e) When the ordered item arrives at property, staff must verify that the offender properly purchased the order by comparing the item with the photocopied Offender Voucher/Special Order form on file.
   f) Property staff must inspect the item.
   g) Property staff must check the copy of the receipt/voucher against the offender's COMS property inventory. If the new item puts the offender over the allowed amount for that item, a Property Disposition Record (attached) must be completed.
   h) Property staff must attach the copy of the receipt/voucher to the new item purchased and prepare it to be picked up by the offender.

(1) Property staff must make copy of receipt or retain a copy of voucher.
(2) When the item is picked up, staff must have the offender and staff sign/date as received.
(3) Once the offender receives the item, property staff must update the offender's COMS file with current changes.

i) Offenders are allowed to place special orders using the vouchers process and have them delivered directly to a non-incarcerated third party destination.

4. Security seals/engraving offender personal property
   a) Property staff attaches a security seal to non-clear electrical items as noted on the Allowable Property List.
   b) Property staff must engrave all electrical items with the offender's name and OID as noted on the Allowable Property List.

5. Returns, service, or warranty work of personal items
   a) Offenders may not correspond with a vendor or the vendor's employees unless the offender is attempting to resolve an issue with the order.
   b) Offenders must submit a kite to the property staff indicating the need to return an item to the vendor.
   c) The offender must bring the item and a completed Offender Voucher/Special Order form with a written letter of explanation to property staff. Offenders are responsible for paying all estimates, service, warranty work, service charges, and shipping and handling fees. The Offender Voucher/Special Order form for vendor charges is processed through offender accounts before the package is mailed out.
   d) Property staff must inspect items to be returned.
   e) Property staff must package the item for shipment.
   f) Property staff must record in COMS any items that are sent for repair, service, or warranty work, and note in the comments field.

D. <u>Property pack-up and inventory</u>
1. General property pack-up and inventory
   a) When an offender is to be transferred to another facility, is on delegation, is moved to restrictive housing, or may be away from the offender's cell/living area for any other reason for an extended period of time, the offender's property must be secured, packed-up, and inventoried as soon as security priorities allow and after the offender is removed from the cell/living area.
   b) When packing-up/inventorying offender property, staff must pack the property in the following priority:
      (1) Full state-issue property;
      (2) Legal materials and other papers;
      (3) Personal property;
      (4) Unfinished hobby craft items; and
      (5) Hygiene/canteen items.
   c) To begin a pack-up/inventory, staff must print the offender's COMS offender property inventory.
      (1) Staff must verify that the packed-up items match the offender's personal property inventory and are within the allowable property limits.
      (2) Staff conducting the pack-up/inventory must record the specific number of items found in the offender's cell/living area on the COMS offender property inventory printout.

d) Staff must document on the COMS offender property inventory printout any item listed that is not found in the offender's cell/living area.

e) Staff must confiscate any altered, damaged or unauthorized items and note the state of the item on the COMS offender property inventory printout (see Procedure E).

f) Staff must verify that an offender's electronic items, such as television (speakers disconnected) or radio, are in working order; including information on the picture and reception on the COMS offender property inventory printout.

g) Staff conducting the pack-up/inventory must document any excess property (property over the allowable number of each item or the two-bin limit) and any property confiscated because it was damaged or altered on a Property Disposition Record. The offender has 30 days from the date of notification to give instructions about disposition.

h) When the pack-up/inventory is complete, all staff involved must print and sign their full names at the bottom of the COMS offender property inventory printout and place the property in the facility-designated storage area.

i) Staff must document the completed pack-up and inventory in the unit log, noting the name of the offender whose property was packed-and inventoried and the staff conducting the pack-up/inventory.

j) Staff must distribute copies of the COMS offender Property Inventory printout as follows:

(1) The original signed copy is forwarded to the property department. Property staff must update the offender's COMS personal property inventory and upload it into the Offender Document System (ODocS).

(2) A copy must be given to the offender, upon request.

(3) A copy is placed in the offender's bin.

k) Property staff must remove any inventoried personal item that an offender claims is lost, stolen, altered, or improperly disposed of from the offender's COMS offender property inventory, and note that the offender may not purchase a replacement for six months from that date.

l) The property department or facility designated storage area maintains control of the offender's property when it is not in the offender's possession.

m) After an offender is packed-up/inventoried and the property department receives the COMS offender property inventory printout, property department staff must update the offender's COMS personal property list with information on all verified and authorized property.

(1) Any property, for which ownership cannot be verified, must be retained by the property department for 30 days.

(2) If the offender provides proof of ownership of the property within 30 days, property unit staff determine final disposition of the property.

(n) When offenders are released from the restrictive housing unit, they must pick up the property that was removed from their cells and stored by property staff and property staff must give them an opportunity to inspect their property and sign the COMS offender property inventory form to document they picked up their property.

2. Restrictive housing and other restricted living units pack-ups and inventory

a) The restrictive housing staff must complete a Restrictive Housing Unit Intake form (attached) documenting all property entering restrictive housing with the offender, any items retained by the offender (such as eye glasses, medications, and address book) and items placed in storage. Any item that is confiscated due to the status as

a biological hazard or for investigative purposes must be documented on both the Restrictive Housing Unit Intake form and an incident report, which includes the reason the item was confiscated and the disposition of the item.

b) The restrictive housing unit staff person completing the Restrictive Housing Unit Intake form must print and sign the staff person's full name at the bottom of the form and distribute as indicated on the Restrictive Housing Unit Intake Form (301.083C).

c) If staff remove any offender property from storage prior to an offender's release from the restrictive housing unit, they must document what was removed on the offender's Restrictive Housing Unit Intake form. Documentation must include the name of the staff removing the item, the item removed, the reason why it was removed, and the disposition of the item.

3. Transfer of offender

a) When an offender is transferred from one facility to another, the sending facility must pack-up and inventory the offender's property according to Procedure D.1. Only property items allowed at the receiving facility may be transferred.

b) Property department staff are responsible for ensuring offender property files are updated and uploaded to ODocS.

c) HOF offender property is packed according to what each county allows.

(1) The remaining items are packed in additional boxes for the county to store for the offender.

(2) After the final pack-up, a copy of the COMS offender property inventory printout is uploaded into ODocS.

d) Prior to an offender being transferred to another facility/jail, the sending facility's property department staff must verify that the offender's electronic and electric devices are in working order.

(1) Staff must confiscate and write an incident report on any altered or damaged electronic or electric devices.

(2) Staff must also note in the offender's COMS offender property inventory which items were confiscated.

e) If the offender is in possession of medications or medical devices, the offender's medications/medical devices must be packed-up in a brown paper or a clear plastic bag.

(1) The bag must be labeled with the offender's name and OID. Medication/medical devices must be listed on the transportation log as being sent with the offender.

(2) All medications/medical devices must be transported in a separate container labeled, "Health Services."

(3) The medication/medical device container must be delivered to the health services in the receiving facility.

f) Offenders may only wear one set of state-issued clothing during a transfer.

(1) If they are found to have additional clothing on, the clothing must remain at the sending facility.

(2) If the clothing is personal clothing, a property disposition form must be completed.

g) The receiving facility's property department staff must update the transferring offender's COMS offender property inventory.

4. Delegation

a) Offenders may not bring back any property without prior authorization. If the delegation is of sufficient duration, the offender's property may be packed-up and inventoried according to Procedure D.1.

b) If an offender has been out of the facility for an extended delegation, the property department staff must have the offender review and sign the offender's COMS offender property inventory.

5. Release

a) Staff must print the offender's COMS offender property inventory. Staff must verify that the items match the offender's personal property inventory and pack the items into labeled boxes for release.

b) An offender may keep one set of serviceable state-issued clothing. Offenders are furnished with one good, serviceable jacket when released during the winter months.

E. Disposition of property

1. General requirements

a) All offender property must be discarded or sent out through the property department.

b) Property staff must verify the ownership of the item before disposition and make adjustments to the offender's property inventory record as needed.

c) Staff select the appropriate delivery service from among authorized vendors.

d) All packaging and shipping charges are deducted from the offender's account.

e) Property staff must process outgoing property within five business days of receipt.

2. Items obtained from an unauthorized vendor or source

When a facility receives property for an offender that was not obtained in accordance with department policy, staff must:

a) Send the offender a completed Property Disposition Record and/or Notice of Non-Delivery of Mail/Package (attached) that states the reason for rejection; and

b) Return the package to the sender at the offender's expense.

3. Items obtained properly but not authorized

When an offender receives or is in possession of property that is not authorized because it exceeds allowable property limits, no longer fits, or is damaged and staff confiscate it; or when an offender turns in property they no longer need, and they have proof of ownership:

a) Staff must give or send the offender a completed Property Disposition Record that notifies the offender they have 30 days to inform the property department whether they want staff to:

(1) Return the item(s) to the sender at the offender's expense,

(2) Ship the item(s) to an address provided by the offender at the offender's expense; or

(3) Dispose of the item(s) and charge any disposal fee to the offender's account.

(b) If the offender does not respond within 30 days, the property department determines disposition of the item.

c) Offenders may appeal the removal of their property to the:

(1) Property supervisor within 10 days of receipt of the Property Disposition Record; and

(2) Department head within 10 days of the receipt of the supervisor's response. The department head's decision is final.

4. Items that cannot be shipped out
   a) Staff must not ship out the following items:
      (1) State-issued items;
      (2) Contraband items that have been confiscated; or
      (3) Televisions found in the possession of an offender who has no proof of ownership.
   b) When staff confiscate an inventoried item that is considered contraband, they must note in the offender's property inventory in COMS that the offender is not allowed to replace the item for six months from the date the item was confiscated.
   c) If an offender is found to be in possession of another offender's television, the possessing offender is charged the disposal/recycling fee for that location.

5. Unclaimed property
   a) When an offender has died, been released, or has escaped from a facility, and the offender's property, other than money, has not been claimed after 90 business days, and no person is known to be entitled to it, the warden may sell or dispose of the property in the manner provided by law for the sale or disposition of state property.
   b) The proceeds of any sale, after the deduction of the costs, must be deposited according to Policy 300.100, "Offender Accounts."
   c) Within two years of the sale, the offender or the offender's heirs may file with, and provide proof of ownership to, the warden who initiated the sale of the property. On receiving satisfactory proof, the warden must certify with the state treasurer the amount received by the sale of the property, for payment to the offender or the offender's heirs.

INTERNAL CONTROLS:

A. Offenders' inventoried personal and state issued property items are recorded electronically in the COMS offender property inventory.

B. An electronic property file is maintained on each offender with copies of all property paperwork.

ACA STANDARDS: 4-4164, 4-4285, 4-4292 through 4-4294, 4-4334 through 4-4340, and 4-4342

REFERENCES: Minn. Stat. §§ 241.09, subd 2; 243.24; and 243.20
Policy 301.030, "Contraband"
Policy 302.300, "Religious Programming"
Policy 300.100, "Offender/Resident Accounts"
Policy 106.210, ""Providing Access to and Protecting Government Data"
Policy 301.035, "Evidence Management"
Policy 302.010 "Canteen"
Policy 204.047 "Hobby Craft"
Policy 301.083 "Restrictive Housing Management"

REPLACES: Policy 302.250, "Offender Property," 5/1/18.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Allowable Property List (302.250C)
Offender Voucher/Special Order form (302.250G)
Property Disposition Record (302.250H)
State Issue Clothing Record (302.250I)
Property Transfer Log (302.250M)
Property Transport Tag (302.250N)
Offender Intake Inventory Record (302.250P)
HOF Offender Property Removal Receipt (302.250Q)
Notice of Non-Delivery of Mail/Package (302.020A)
Restrictive Housing Unit Intake form (301.083C)

APPROVED BY:
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