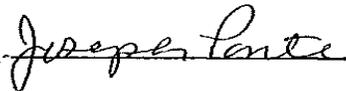


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<b>POLICY NUMBER: 10.1</b>		
<b>CHAPTER 10: PRISONER PROPERTY</b>		
	<b>STATE of MAINE</b> <b>DEPARTMENT OF CORRECTIONS</b>  <b>Approved by Commissioner:</b>  	<b>PROFESSIONAL STANDARDS:</b>  <b>See Section VII</b>
	<b>EFFECTIVE DATE:</b> <b>January 15, 2004</b>	<b>LATEST REVISION:</b> <b>June 10, 2013</b>

**I. AUTHORITY:**

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

**II. APPLICABILITY:**

All Adult Correctional Facilities

**III. POLICY:**

It is the policy of the Department of Corrections that the property allowed to prisoners be consistent, except as otherwise provided by this policy and other applicable Departmental policies.

**IV. CONTENTS:**

- Procedure A: Allowable Property, General
- Procedure B: Medical Items
- Procedure C: Religious Items
- Procedure D: Extra Allowable Personal Property
- Procedure E: Record Keeping
- Procedure F: Other Provisions

**V. ATTACHMENTS**

- Attachment A: Prisoner Allowable Property List (Male Prisoners – Female Prisoners)
- Attachment B: Prisoner Property Inventory (Male Prisoners – Female Prisoners)
- Attachment C: Prisoner Acknowledgement of Receipt of Property
- Attachment D: Disposition of Property by Facility Form
- Attachment E: Disposition of Property by Prisoner Form

## VI. PROCEDURES:

### Procedure A: Allowable Property, General

1. Each prisoner shall receive a copy of this policy and the appropriate Prisoner Allowable Property List (Attachment A) during the prisoner's initial orientation at a Department of Corrections facility.
2. Each facility shall allow property to prisoners as described on the Prisoner Allowable Property List, except as otherwise provided in this policy or other applicable Departmental policies. No items additional to those on this list shall be allowed to prisoners, except for those prisoners at minimum or community security facilities, or as otherwise specified in this policy. Items on the list shall not be determined non-allowable or otherwise restricted, except for those prisoners on administrative segregation status, disciplinary segregation status, or reception status, or as otherwise specified in this policy.
3. At minimum or community facilities, prisoners shall be allowed to purchase personal clothing items in styles and colors other than those allowed at facilities with a higher security level, but must remain within the maximum quantities of each item, as set out on the allowable property list. All personal clothing items must be purchased through facility canteen services or purchased through special order or other arrangements made by the facility. These items are not transferable to Department of Corrections facilities with a higher security level and, in the event of such a transfer, shall be disposed of by the prisoner as set out in Procedure F.
4. At minimum or community facilities, the Chief Administrative Officer, or designee, shall establish facility specific written practices regarding state issued or personal work-related clothing, footwear, tools or other work-related items, e.g., lunch coolers for work crews. All personal work-related clothing or footwear items must be purchased through the facility canteen services or purchased through special order or other arrangements made by the facility. Work-related items may not be obtained via any other means. Work-related items are not transferable to other Department of Corrections facilities with a higher security level. Work-related items purchased by the prisoner that are no longer required for work purposes shall be handled as set out in Procedure F.
5. Prisoners on administrative segregation status or disciplinary segregation status shall only be allowed those property items listed in Chapter 15, Special Management. Prisoners on reception status shall only be allowed property items in accordance with facility-specific written practices for prisoners on that status. In addition, a prisoner not on one of these statuses who is housed in a housing unit primarily used for prisoners on one of these statuses shall only be allowed those property items allowed prisoners on one of these statuses, unless otherwise approved by the Commissioner of Corrections. Personal property items generally

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allowed prisoners under this policy, but not allowed to a prisoner under this procedure, shall be stored at the facility until allowed to the prisoner, except for food/drink items and property considered non-allowable or contraband as outlined in this policy. Food/drink items shall be immediately disposed of by the facility and non-allowable or contraband personal property items shall be handled as set out in Procedure F.

6. Any item not allowed under this policy shall be considered non-allowable property. If possession of the item is prohibited under state or federal law or under Department Policy 20.1, Prisoner Discipline, it shall be considered contraband for purposes of this policy.
7. Each facility shall provide prisoners with written information as to those items available for purchase through the facility canteen services or through special order arrangements made by the facility and approved by the Commissioner, or designee.
8. All allowable property must be acquired as set out on the Prisoner Allowable Property List. No means of acquiring property other than those specified are permissible.
9. A prisoner may not acquire, directly or indirectly, personal property from a volunteer or staff. A prisoner may not acquire personal property during visits.
10. Only authorized staff may issue state property to prisoners.
11. A prisoner may not acquire, directly or indirectly, any property from another prisoner.
12. A prisoner may not acquire, directly or indirectly, personal property from the family or visitors of another prisoner, without the prior written approval of the Chief Administrative Officer, or designee.
13. A prisoner may acquire through the mail only those items specified as allowed in Department Policy 21.2, Prisoner Mail.
14. A prisoner leaving on a furlough pass/furlough leave or participating in a community transition program may not take any property, other than item(s) approved by the Chief Administrative Officer, or designee, out of the facility. When returning from the furlough pass/furlough leave or a community transition program, the prisoner may bring back to the facility only those items taken out by the prisoner.
15. Prisoners are responsible to secure all property allowed to them utilizing storage containers and locking devices issued by the state. In addition, prisoners shall:

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- a. Maintain copies of all Prisoner Property Inventory forms (Attachment B) provided by staff to document proof of issuance of state property and ownership of personal property and shall show these forms upon request of any staff. If a prisoner fails to show proof of issuance of state property or proof of ownership of personal property, said property shall be considered contraband, unless the facility has conclusive documentation;
  - b. Ensure that property is used only for its intended use and as authorized in this policy;
  - c. Ensure that no property is used to manufacture contraband or conceal non-allowable items or contraband;
  - d. Ensure that no property is altered or tampered with in any manner; and
  - e. Not dispose of any inventoried property without the approval of the facility property officer.
16. Prisoner property is subject to search at any time for any reason without the consent of the prisoner.
17. All allowable prisoner personal property, with the exception of open food/drink items and opened hygiene items, are transferable between all Departmental facilities. State issued items, with the exception of state issued clothing, footwear, and work-related items allowed at the receiving facility, are not transferable. Unopened hygiene items are transferrable when a prisoner is transferred to an equal or lesser security level facility only. The receiving facility shall inventory items received and remove any non-allowable or contraband items. Any non-allowable or contraband personal property items shall be handled as set out in Procedure F. Unless the item is secured as evidence for a disciplinary or court proceeding, any reusable non-allowable or contraband state issued items shall be returned to the sending facility and any non-allowable or contraband state issued items that are not reusable shall be disposed of by the receiving facility.
18. All allowable property shall be stored at all times within state issued storage containers, with the exception of state issued linens, items currently being worn or used by the prisoner, items allowed to be displayed in the prisoner's room, and items that do not fit within the issued storage containers. Letters and legal documents shall be limited to a maximum of one (1) letter size accordion folder for personal documents and two (2) legal size accordion folders for legal documents. A prisoner may request extra storage outside of the prisoner's room for legal documents pertaining to current or anticipated legal proceedings.
19. A property item shall be considered non-allowable property or contraband if it:
- a. Does not meet the description of an item on the Allowable Property List;

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- b. Was not acquired by a means allowed as set out on the Prisoner Allowable Property List or Policy 21.2 Prisoner Mail;
  - c. Was acquired from a person not allowed under this policy;
  - d. Was acquired in a way that constitutes a violation of Policy 20.1, Prisoner Discipline;
  - e. Has been used for other than its intended use and as authorized in this policy;
  - f. Has been altered, tampered with, used to manufacture contraband, or used to conceal non-allowable property or contraband;
  - g. Exceeds the maximum quantity allowed; or
  - h. As otherwise specified in this policy.
20. Unless an item is secured as evidence for a disciplinary or court proceeding, any reusable non-allowable or contraband state issued items shall be returned to facility inventory and any non-allowable or contraband state issued items that are not reusable shall be disposed of by the facility.
21. A property item considered non-allowable or contraband shall be confiscated immediately and handled as set out in Procedure F.
22. Otherwise allowable personal property shall not be allowed to a prisoner if, upon the item's receipt at the facility, a search that is necessary to maintain safety or security causes damage to the item.
23. Prisoners are responsible to report immediately any missing state issued property to the property officer, or other staff designated by the Chief Administrative Officer. A prisoner may be held accountable for missing state issued property.
24. Prisoners are responsible to report immediately any missing personal property to the property officer or other staff designated by the Chief Administrative Officer. Personal property shall be considered contraband if the property appears to belong to a person other than the prisoner in whose possession it is found or if it is unclear to whom it belongs, as determined by the Chief Administrative Officer, or designee. Unless the property is secured as evidence for a disciplinary or court proceeding or the property is able to be returned to its rightful owner, the property shall be disposed of by the facility.
25. Prisoners may display allowable religious items in their rooms in a way that does not interfere with safety or security. If permitted by the Chief Administrative Officer,

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or designee, prisoners housed at minimum or community security facilities may display other allowable personal property items in their rooms. Rules regarding those items permitted for display shall be established in writing and available to all prisoners and staff. These requirements shall be reviewed at least annually and revised as necessary.

26. A committee, comprised of Department staff appointed by the Commissioner, shall meet at least semi-annually to review the facilities' compliance with this policy, review any requests for revisions to the Prisoner Allowable Property List, and make recommendations to the Commissioner regarding revision(s). The Chief Administrative Officer, via the facility's committee representative, shall submit facility requests for revision to the Prisoner Allowable Property List.

**Procedure B: Medical Items**

1. Medical items provided by the facility's health care department, purchased through special order arrangements made by the facility, or purchased through facility canteen services are allowable property.
2. If an item creates a safety or security concern, designated supervisory staff shall consult with designated health care staff in order to determine how to meet the medical needs of the prisoner without creating an undue risk to safety or security, including, but not limited to, modifying the item, restricting the prisoner, or providing an alternative item.

**Procedure C: Religious Items**

1. Religious items that are permitted by and acquired in accordance with Department Policy 24.3, Religious Services, are allowable property.

**Procedure D: Extra Allowable Personal Property**

1. Allowable musical instruments (guitar {including effects pedal} and harmonica) and game systems (Play Station 2 {including games and controllers}) are extra allowable property. Unless more than one of these items is already in the possession of a prisoner as of the latest revision date of this policy, a prisoner shall be allowed to purchase and possess only one (1) of these items at a time.
2. Any finding of guilt for a class A or B disciplinary violation shall result in the extra allowable property being considered non-allowable and being handled as set out in Procedure F.
3. The prisoner may request permission from the Chief Administrative Officer to purchase a replacement ninety (90) days after a finding of guilt and completion of imposed disciplinary sanctions only if the prisoner has not been found guilty of any other disciplinary violation of any class since the finding of guilt and has no

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disciplinary matter pending. If the request is approved, the prisoner may only purchase and possess one (1) extra allowable property item (and its allowed accessories) at a time.

**Procedure E: Record Keeping**

1. At intake or transfer, an accurate accounting shall be completed of all state issued property, all allowable personal property with a value of \$100.00 or more, and non-allowable and contraband property brought with each prisoner received at a Departmental correctional facility. Staff shall use the Prisoner Property Inventory form (Attachment B), Prisoner Acknowledgement of Receipt of Property form (Attachment C), Disposition of Property by Facility Form (Attachment D), and Disposition of Property by Prisoner Form (Attachment E), and the prisoner property form in CORIS, as applicable. The staff completing the form(s) and the prisoner shall sign the form(s) and the prisoner shall be given a copy of the form(s).
2. After intake or transfer, any item received at the facility and allowed to a prisoner, other than canteen items, photographs, correspondence and items sent with correspondence, legal materials, and newspapers and magazines, shall be accounted for using the Prisoner Acknowledgement of Receipt of Property form, and the prisoner property form in CORIS, as applicable. The staff completing the form(s) and the prisoner shall sign the form(s) and the prisoner shall be given a copy of the form(s).
3. Any item sent out from the facility by a prisoner shall be noted on the Disposition of Property by Prisoner form, and removed from the prisoner property form in CORIS, as applicable. All items otherwise disposed of shall be noted on the Disposition of Property by Facility form, and removed from the prisoner property form in CORIS, as applicable. The staff completing the form(s) and the prisoner shall sign the form(s) and the prisoner shall be given a copy of the form(s).
4. Any time the property in a prisoner’s possession is physically inventoried, the Prisoner Property Inventory form shall be completed, signed, and dated by the staff conducting the inventory. A physical inventory of all property shall be done whenever a prisoner is to be transferred to another facility, is placed on administrative segregation status or disciplinary segregation status, the prisoner’s property is placed in storage, a prisoner’s room is searched, or the prisoner is released. If any non-allowable or contraband property is found, it shall be accounted for using the Disposition of Property by Facility Form and Disposition of Property by Prisoner Form, and the prisoner property form in CORIS, as applicable. The staff completing the form(s) and the prisoner shall sign the form(s) and the prisoner shall be given a copy of the form(s).
5. If a physical inventory has not been conducted for a reason outlined above within the previous quarterly period, the Personal Property Inventory form, and the

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prisoner property form in CORIS, as applicable, shall be updated using the Prisoner Acknowledgement of Receipt of Property forms, Disposition of Property by Facility Forms, and Disposition of Property by Prisoner Forms. The staff completing the form and the prisoner shall sign the form(s) and the prisoner shall be given a copy of the form(s).

6. Any prisoner property to be stored for any reason shall be placed in secure storage at the facility prior to the end of the shift. A copy of the appropriate form(s) shall be affixed to or placed in the bag with the property. When a prisoner receives property from storage, it shall be accounted for using the Prisoner Property Inventory form and the prisoner property form in CORIS, as applicable. The staff completing the form and the prisoner shall sign the form and the prisoner shall be given a copy of the form.
7. Prisoners receiving property shall examine each item and note any problems at the time of signing for its receipt.
8. All forms related to prisoner property shall be maintained by the facility property officer.

**Procedure F: Other Provisions**

1. The Chief Administrative Officer, or designee, shall ensure that provisions are made for the secure storing of prisoner personal property being stored by facility staff. The Chief Administrative Officer, or designee, shall also ensure that each prisoner is provided the means for secure storing of allowable property in the possession of the prisoner.
2. Although prisoners are allowed personal property at their own risk, a prisoner may make a claim for replacement/reimbursement of any item(s) lost or damaged due to the fault of staff. The prisoner shall be required at the time of the claim to provide proof of purchase and ownership. If it is determined that staff were at fault, the value of the item(s) shall be depreciated, depending on the date of purchase and the condition of the item(s), if known by staff. All claims shall be reviewed on a case-by-case basis and replacement/reimbursement decisions shall be made by the Chief Administrative Officer, or designee. The maximum allowable amount for replacement/reimbursement for a single item is \$100.00, with the exception of a guitar (acoustic or electric), which may be valued above \$100.00 and with a cap of \$300.
3. Unless an item is secured as evidence for a disciplinary or court proceeding, non-allowable or contraband prisoner personal property without substantial monetary value (e.g., stickers, paper clips, etc.) shall be disposed of by staff.

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4. Unless an item is secured as evidence for a disciplinary or court proceeding, non-allowable, non-transferable, or contraband personal property that would create a risk to safety or security if handled or stored (e.g., food/drink item(s), broken item(s) with sharp edges, etc.) shall be disposed of by staff. Prior to its disposal, staff shall take a photo of any nonfood/drink item that, in its original state, had substantial monetary value and of any item that is evidence for a disciplinary proceeding but is disposed of because it cannot be safely handled or stored pending the proceeding.
5. Unless an item is secured as evidence for a disciplinary or court proceeding, personal property that is contraband because its possession is prohibited by federal or state law (e.g., alcohol, illegal drug(s), weapon(s), escape tool(s), etc.) shall be turned over to the facility Correctional Investigative Officer, or other designated staff for disposal.
6. Except for an item disposed of by staff as set out above, allowable personal property that is non-transferable must be disposed of by the prisoner within thirty (30) days of when the prisoner is notified of the transfer or, if the prisoner has not been notified, within thirty (30) days of when the transfer has taken place. The Disposition of Property by Prisoner Form shall be completed for all such property. During the thirty (30) days, the property shall be stored at the transferring facility (unless the prisoner requests it to be stored during those 30 days at the receiving facility and both facilities agree).
7. Except for an item disposed of by staff as set out above, non-allowable personal property that is not contraband must be disposed of by the prisoner within thirty (30) days of when the prisoner is notified that it is not allowable. The Disposition of Property by Prisoner form shall be completed for all such property.
8. Unless an item is secured as evidence for a disciplinary or court proceeding and except for an item disposed of by the staff or returned to its rightful owner as set out above, contraband property must be disposed of by the prisoner within thirty (30) days of when the prisoner is notified it is contraband. The Disposition of Property by Prisoner Form shall be completed for all such property.
9. If contraband personal property is secured as evidence for a disciplinary or court proceeding, it shall be handled as follows:
  - a. If the item is used as evidence in a court proceeding, its final disposition shall be determined by the prosecuting attorney or the Department's legal representative in the Attorney General's office.
  - b. If the item is used as evidence only in a disciplinary proceeding, it shall be disposed of by designated staff after notifying the prisoner using a Disposition of Property by Facility form. A photo shall be taken of the item prior to its disposal and the photo shall be retained in the disciplinary record.

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- c. If the item planned for use as evidence in any proceeding is not used, but it is clear it is contraband, it shall be disposed of by designated staff after notifying the prisoner using a Disposition of Property by Facility form. A photo shall be taken of the item prior to its disposal.

## VII. PROFESSIONAL STANDARDS

### ACA:

- ACI - 4-4292** Written policy and procedure govern the control of personal property and funds belonging to inmates and are made available to inmates upon admission and when updated.
- ACI - 4-4293** Written policy, procedure, and practice specify the personal property inmates can retain in their possession.
- ACI - 4-4294** Written policy and procedure govern the control and safeguarding of inmate personal property. Personal property retained at the institution is itemized in a written list that is kept in the permanent case file; the inmate receives a current copy of this list.
- 4-ACRS-1A-15** Offenders are permitted to decorate their living and sleeping quarters with personal possessions. Rules regarding the decorating of living/sleeping quarters are available to all offenders and staff. The rules are reviewed annually and revised, if necessary.
- 4-ACRS-7D-13** Procedures specify the personal property that offenders can retain in their possession and govern the control and safeguarding of such property.
- 4-ACRS-7D-14** Personal property stored in the facility is itemized on a written list that is signed by the offender, and kept in a permanent file. The offender receives a copy listing the property retained for storage.

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