WYOMING DEPARTMENT OF CORRECTIONS

Policy and Procedure #3.006
Property Control

Authority: Wyoming Statute(s): 25-1-104; 25-1-105; 34-24-113 ACA Standard(s): 4-4292-R; 4-4293; 4-4294; 4-4495-R	**Effective Date:** September 15, 2016 **Revision/Review History:** 07/15/15, 07/15/14, 07/15/13, 06/15/12, 04/07/99 **Summary of Revision/Review:** Updates existing policy pursuant to annual review.
Cross Reference of Policy: P&P #1.114, *Inmate Commissary*; P&P #3.013, *Searches*; P&P #3.100, *Inmate Communication and Grievance Procedure*; P&P #3.101, *Code of Inmate Discipline*; P&P #3.401, *Inmate Access to Courts*; P&P #5.401, *Inmate Mail*; P&P #5.600, *Inmate Religious Activities*	**Supersedes Existing Policy :**
Approved: R.O. Lampert — 9-6-16 Robert O. Lampert, Director — Date	

APPROVED FOR INMATE DISTRIBUTION

REFERENCE

1. ATTACHMENTS

A. WDOC Form #307, *Notice of Confiscation*
B. WDOC Form #349, *Property Inventory and Matrix- Male Facilities*
C. WDOC Form #350, *Property Inventory and Matrix- Female Facilities*
D. WDOC Form #351, *Property Exception Request*
E. WDOC Form #352, *Property Disposition Form*
F. WDOC Form #353, *Property Allowed Newly Admitted Inmates*
G. WDOC Form #355, *Unified Matrix for Authorized Personal Religious Property*

2. OTHER – None Noted

I. PURPOSE

A. Inmate Property Control. The purpose of this policy and procedure is to provide the Wyoming Department of Corrections (WDOC) with a comprehensive set of guidelines for inmate property control in all Wyoming correctional facilities.

II. POLICY

A. General Policy. It is the policy of the WDOC to govern the control of personal property and funds belonging to inmates through written policy and procedure. Department policy, correctional facility operational procedures, and any other rules regulating inmate property shall comply with this policy. These policies, procedures, and rules shall be made available to inmates upon admission and when updated. (ACA 4-4292 Revised)

III. DEFINITIONS

A. Abandoned Property: Any property found in an unauthorized area where it has obviously been left unattended. Property left behind in the event of an escape is considered abandoned. Such property will be destroyed in as outlined in the abandoned property section of this policy.

B. Altered Property: Property changed, made different or modified in any way and/or any item that is used in a manner other than intended. Property that has been modified from its original form is considered contraband.

C. Commissary Matrix: A list identifying the maximum allowable commissary items excluding food items, which an inmate may possess.

D. Contraband: Contraband includes:

1. Any item or article which an inmate is prohibited by statute, rule or order from obtaining or possessing.

2. Any item or article which is not authorized by regulations of the Wyoming Department of Corrections, or a subunit thereof.

3. Any item or article which is in excess of the maximum quantity permitted by written regulations of the Wyoming Department of Corrections, or a subunit thereto, including approved property items in excess of the amounts established by WDOC Policy and Procedure #3.006, *Property Control*.

4. Any item or article which is received or obtained from an unauthorized source.

5. Any item or article which was once authorized but is no longer authorized or which poses a threat to security and good order.

6. Any item or article which is altered without authorization, put to an unauthorized use, or taken into an unauthorized area.

7. Evidence of a crime or other violation.

8. Property that an inmate refuses to send out is also considered contraband

9. Any item being used for anything other than its intended purpose

10. Any item deemed to pose a threat to the security and/or orderly operation of the facility.

E. **Health and Comfort Items:** (*For this policy only.*) Items including but not limited to basic hygiene items and a change of clothing.

F. **Hobby Craft:** Arts and crafts projects and any associated materials, tools, equipment and supplies individually authorized at each correctional facility. Hobby craft items will not be allowed to remain in the facility once completed.

G. **Inmate:** A person who has entered a plea of guilty or has been convicted of a misdemeanor or a felony and is committed to the custody or supervision of Wyoming Department of Corrections.

H. **Legal Materials Storage Box:** A standard sized flame retardant storage container, no larger than two (2) cubic feet in volume, provided by the facility to each requesting inmate for the storage of inmate legal material only. Property staff will ensure storage containers for legal work are available for issue to approved inmates.

I. **Personal Property:** Any inmate property, other than state property, authorized by the property list or special memorandum, purchased or obtained through proper channels, in accordance with the inmate's custody level and listed on a valid property inventory form. At no time will an inmate's property exceed that which can be fitted into the institutionally approved storage box(es), excluding shoes and electronic items or other items as identified in WDOC Policy and Procedure #3.006, *Property Control*, or facility operational procedures.

J. **Property Matrix:** A list identifying the maximum allowable property, state or personal, which an inmate may possess based on their current custody classification or housing status.

K. **Regression:** The return of an inmate to a former or higher custody level that is initiated because of a disciplinary action, or safety and security concerns of the correctional facility resulting from the inmate's behavior.

L. **Religious Property Storage Box:** A standard sized flame retardant storage container, no larger than one (1) cubic foot in volume, approved by the WDOC Property Committee for purchase by the inmate through the commissary to be used for the optional separate storage of approved religious items only.

M. **Soft Hobby:** A form of Hobby Craft that does not utilize tools as part of the hobby. Tools, as identified by tool control procedures, should not be used in soft hobby crafts.

N. **Special Status Housing:** A housing assignment that restricts an inmate's movement and/or privileges. This may include but is not limited to Temporary Restrictions Order (TRO), Administrative Segregation (AS), and Disciplinary Segregation (DS).

O. **State Property:** State clothing, bedding or equipment issued to an inmate by WDOC.

P. **Storage Box/Tote:** A flame retardant box provided by the facility for the storage of inmate property or legal work. Property staff will ensure storage boxes/totes for inmate property or legal work are available for issue. At some facilities the storage box/tote may be built into the cell as drawers, closets, etc. Facility operational procedure will direct the inmate population on the approved storage containers.

IV. PROCEDURE

A. **Policy Review by Property Committee.** A property committee shall be established which is comprised of the Warden's at all WDOC facilities. The property committee shall review this policy and changes requested by inmates using a WDOC Form #351, *Property Exception Request*, during the annual update of this policy.

1. The committee shall be chaired by one Warden appointed by the WDOC Prison Division Administrator. The chairperson shall serve for a minimum of a one (1) year period. The chairperson shall be responsible for the annual review, which includes making recommended changes and submitting the review to the Director in a timely manner.

2. Facility staff/employees who serve as property, commissary and laundry supervisors may be consulted by the respective committee members as to changes, needs, or modification to the policy governing property issues.

3. Inmates may request exceptions to this policy by submitting WDOC Form #351, *Property Exception Request*, to their respective facility Warden. The chairperson shall ensure that all exception requests received at any facility since the last annual review are reviewed during the annual update.

B. General Guidelines Regarding Personal Property of Inmates

1. Property Matrix. Written policy, procedure, and practice specify the personal property inmates can retain in their possession. (ACA 4-4293) The Division of Prisons shall maintain an *Inmate Property Matrix* for both male and female correctional facilities (*i.e.*, WDOC Form #349, *Property Inventory and Matrix- Male Facilities*, and WDOC Form #350, *Property Inventory and Matrix- Female Facilities*).

i. The *Inmate Property Matrix* shall contain a listing of authorized property items an inmate may possess at a WDOC correctional facility.

ii. All newly received inmates shall receive a copy of the *Inmate Property Matrix* for their personal use and legal library holdings shall include at least five (5) copies of the *Inmate Property Matrix* for reference and checkout.

iii. The *Inmate Property Matrix* shall be reviewed annually by the property committee.

iv. State-issued property items, along with food items, health and comfort items, over-the-counter medications, underclothing, and other authorized property items purchased through the commissary, shall be limited to those quantities authorized under the *Inmate Property Matrix* or institutionally specific commissary allotment list only. Items in excess of the quantities authorized shall be considered contraband and handled accordingly.

2. Selling, Trading, or Lending of Personal Property. Inmates are not permitted to sell, trade, lend, or give away their personal property to another inmate. Any item sold, traded, lent, or given to another inmate will be considered contraband and disposed of as such.

i. In accordance with WDOC Policy and Procedure #3.101, *Code of Inmate Discipline*, property confiscated as the result of an

unauthorized transfer between inmates may be returned to the rightful owner immediately or temporarily held of a period not to exceed thirty (30) days. Final disposition of the property in question may also include donation, destruction, or mailing out of the property at the inmate's expense.

ii. Inmates are prohibited from lending property to others for risk of losing the privilege of having such items.

iii. Inmates are not allowed under any circumstances to resell items that were purchased from the commissary. (See Section IV.E.4.iii. of this policy.)

3. **Initial Issue and Replacement of Inmate Clothing.** The property matrix defines the quantities of state-issued inmate clothing items to be provided upon intake in accordance with WDOC Policy and Procedure #4.001, *Inmate Admission and Orientation Procedures*.

i. Inmates are expected to maintain their state-issued clothing in a clean and serviceable condition, free of obvious holes and excessive stains.

ii. Each facility shall develop an exchange of excessively worn state-issued inmate clothing items as follows:

a. State-issued inmate clothing items shall only be exchanged once annually. Items may be exchanged due to normal, excessive wear with no replacement charge to the inmate. The exchange items are limited to:

(1) Underwear five (5);

(2) Socks five (5) pairs;

(3) T-shirts five (5) (Male facilities only);

(4) Bras (WWC only) five (5)

b. The inmate may be held responsible for the cost of replacement of state-issued inmate clothing items found to have been altered, tampered with, or purposefully damaged.

4. **Hazards to Facilities.** Under no circumstances shall any materials referred to in this policy and procedure be accumulated to the point of

becoming a fire, sanitation, security, or housekeeping hazard as determined by the safety manager/designee of each facility.

5. **Property Limits.** Property limits shall be the maximum allowed property an inmate may possess per their classification or housing status and will fit within the institutionally approved container.

i. Additional limitations on allowed property may be placed for special management concerns related to safety, security, and management of inmates on special status housing.

ii. The facility shall ensure all inmates are advised in writing of property limitations based on special status housing.

6. **Contraband.** Inmates found in possession of contraband may be charged in accordance with WDOC Policy and Procedure #3.101, *Code of Inmate Discipline*. It is the responsibility of the inmate to ensure all of their property is in compliance with the *Inmate Property Matrix*.

7. **Electrical Items.** Electrical items shall be engraved with the inmate's prison number. Only staff may engrave such items.

i. Inmates must contact property staff in the event an electrical item has not been engraved, is missing seals, or the engraving is no longer legible.

ii. Property staff shall ensure electrical items are properly engraved and seals are placed on necessary items as required by policy.

iii. Registered, numerical seals shall be placed on electrical items that do not have transparent cases.

iv. Engraved electrical items shall not be tampered with or have altered inmate identification. Items with multiple names/numbers shall be confiscated.

a. Inmates are responsible to provide proof of purchase at the time the item is being inspected. Only proof of purchase and not a property inventory is acceptable. The proof of purchase shall identify the serial number of the electrical item.

b. Failure to establish proof of purchase will result in confiscation and may only be reissued by property staff following verification.

i. Any inmate with an electrical item that is re-issued due to being altered must receive a letter to prove ownership from the property officer which the inmate must make available to staff during searches.

8. **Clothing.** Inmate clothing, both state and personal, must be marked with the inmate's name and number where possible.

9. **Marking of Property.** All property shall be marked with the inmate's prison number. It is the inmates' responsibility to ensure property is properly marked. The inmate may contact the property officer or other staff member when needed to ensure property is labeled.

10. **Admittance.** Inmates shall be limited to the property items contained on WDOC Form #353, *Property Allowed Newly Admitted Inmates*, at the time of commitment upon intake at WMCI or WWC.

C. Inmate Property Storage

1. **Storage of Personal Property.** The amount of personal property allowed each inmate will be limited to items which can be neatly and safely stored inside of the approved storage box(es)/tote(s) provided, unless otherwise authorized under this policy. Inmates shall be allowed to maintain legal materials necessary for legal actions, personal mail and personal papers, within the amounts authorized under this policy.

i. A separate approved storage box/tote shall be assigned to each housing location for use by each inmate assigned to live in that housing location and labeled accordingly (*e.g.*, B-2-210 Top, or B-2-210 Bottom.)

ii. Property boxes shall remain in their assigned locations and shall be identified by institutional markings. Inmates moving from one housing location to another shall not be authorized to take the housing unit assigned storage box/tote with them.

iii. Inmates are encouraged to check with the facility's property officer in the event the cell does not have an assigned storage box/tote available for use.

iv. At no time shall an inmate's property exceed that which can be fitted into the institutionally approved storage boxes, excluding shoes, electronic items, and other items as identified within this policy or in facility operational procedures. Facility operational

procedures shall outline what, if any, state-issued or personal property items may be stored on desk tops, hygiene shelves, or clothing hooks, in lieu of storage within the institutionally approved storage boxes.

v. Property boxes remain state property and destruction of these boxes may result in a conduct violation.

vi. When storage boxes are not being used to access stored property, they shall be neatly stored under the inmate's bunk or the lower bunk of the cell/room. In the event the storage box does not fit under the bed, the facility shall designate proper storage locations by operational procedure or posted regulations for inmates.

vii. Inmates who use the institutional storage boxes for purposes other than property storage such as a table, shelf, or other means are subject to a conduct violation for not following rules and regulations.

2. **Storage of Legal Property.** Inmates will be allowed to maintain legal materials necessary for legal actions. In-cell storage of these items shall be limited to no more than the amount that can be stored within the inmate's assigned in-cell storage container (*e.g.,* tote or locker), unless otherwise approved under this policy.

i. Legal material must be stored in accordance with WDOC Policy and Procedure #3.401, *Inmate Access to Courts.* Limitations on the storage of property may be placed on the inmate as outlined in Policy #3.401.

ii. In-cell storage of legal materials shall be limited to no more than the amount that can be stored within the inmate's assigned in-cell storage container (tote or locker) along with the inmate's other personal property, or in a separate legal materials storage box when approved for issue to the inmate.

iii. Legal material must be clearly marked and separated from personal mail and papers. It is recommended that inmates storing legal material within their assigned in-cell inmate property storage container keep legal material in a separate self-purchased accordion file holder, or other clearly labeled folder/envelope, to ensure proper handling by staff during searches.

iv. Only if otherwise in compliance with property matrix limits, fire code, and other safety restrictions, a single separate standard-sized

storage container, no larger than two (2) cubic feet in volume, may be approved for issue to the inmate upon documented need, to be used exclusively for the storage of legal material.

a. Requests for a separate legal materials storage container shall be addressed to the facility property officer, who shall verify that the volume of the inmate's active legal material exceeds that amount which can fit, along with the inmate's other personal property, within the state provided inmate property storage box/tote. Upon verification the property officer may issue the inmate one (1) legal materials storage container.

b. No items, other than legal material, may be stored within the legal materials storage box.

c. No inmate may have more than one (1) legal materials storage box for in-cell storage of legal material.

d. Inmates who have more legal material than will fit within one (1) in-cell legal materials storage box may request additional out-of-cell storage within the limits and restrictions outlined in WDOC Policy and Procedure #3.401, *Inmate Access to Courts* , and Section IV.C.3 of this policy.

v. In-cell legal materials must be stored within the inmate's assigned in-cell storage container (tote or locker) along with the inmate's other personal property, or in the approved legal materials storage box, when in the cell and not actually in use.

vi. The legal materials storage box may be kept outside of the state provided property storage box/tote, but shall be neatly stored under the inmate's bunk or the lower bunk of the cell/room when not in use.

3. **Limited Out-of-Cell Legal Materials Storage.** Inmates may be granted no more than one (1) additional two (2) cubic feet legal materials storage container for out of cell storage space of legal materials in excess of the amount permitted for in-cell storage, provided the inmate receives permission from the Warden upon reasonable demonstration of the need for maintenance of the legal material on site (*i.e*. the material deals with an active court case or a current issue).

i. Additional legal materials storage containers authorized under this section shall be kept in designated secure property storage.

ii. Generally, inmates will be allowed access to out-of-cell legal storage within two (2) weeks of each request, not to exceed two (2) times a month following a request. If there is legitimate need for further or more frequent access (*i.e.*, an imminent court date) the Unit Manager/Security Manager may allow for exceptions on an as needed basis.

iii. Inmates must submit a legible table of contents with any legal property stored out-of-cell prior to the property being stored. This sheet shall be kept on top of the stored material and will allow staff to efficiently locate requested material.

4. **Storage and Use of Inmate Religious Property.** Individual religious property items shall be restricted to the type and amounts outlined in WDOC Form #355, *Unified Matrix for Authorized Personal Religious Property*. Additional religious property guidelines may be found in WDOC Policy and Procedure #5.600, *Inmate Religious Activities*.

i. All religious property must fit, along with other personal property, within the housing unit assigned storage box/tote provided by the facility, unless the inmate has self-purchased a standard-sized clear religious property container, no larger than one (1) cubic foot in volume, approved by the WDOC Property Committee for purchase through the commissary that is specifically designated for religious property.

ii. Inmates shall be limited to one (1) approved religious property container, which must be clearly labeled "Religious Property" and used solely for the storage of religious items only.

iii. The religious property storage container may be kept outside of the state provided property storage box/tote, but shall be neatly stored under the inmate's bunk or the lower bunk of the cell/room when not in use.

iv. The religious property storage container may be also be stored inside of the state provided property storage box/tote at the inmate's option.

5. **Temporary Out-of Cell Property Storage.** Each facility shall establish secure storage areas for the temporary storage of inmate property.

i. The approved property of inmates placed on a special status, the infirmary, a local hospital, or temporary court ordered release for periods exceeding twenty-four (24) hours shall be stored in the secured property storage area.

a. Property stored for an inmate should be documented using a separate *Property Inventory Sheet* (*i.e.*, WDOC Form #349, *Property Inventory and Matrix- Male Facilities*, and WDOC Form #350, *Property Inventory and Matrix- Female Facilities*).

b. Stored property should be carefully packaged to prevent damage. After logging the property, it should be stored in a place where it cannot be lost, stolen, or damaged, and should not be easily accessible to anyone except the property officers and supervisors.

c. Opened food items that are not re-sealable shall not be placed in storage, and should be disposed of.

d. Unopened food items may be placed in storage until they exceed their date of expiration.

ii. When an inmate whose property has been placed in storage is returned to the general population from a special status, the hospital, or temporary court ordered release, the authorized property shall be returned to the inmate within time limits defined by the individual correctional facility.

a. When the property is returned to the inmate, a staff member shall go through the property and the *Property Inventory Sheet* with the inmate.

b. The inmate shall sign the *Property Inventory Sheet* to confirm the property has been received. Any refusal to sign or identified discrepancy shall be noted on the *Property Inventory Sheet*.

c. In the event inmates have identified discrepancies in their property inventory, they should utilize the inmate communication and grievance procedure for resolution.

D. Control and Inventory of Inmate Property. 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 (*Property*

Inventory Sheet) that is kept in the property file; the inmate receives a current copy of this list. (ACA 4-4294) It is every WDOC employee/staff member's obligation to monitor and control inmate property. This is essential to the safe and orderly function of a correctional facility.

1. **Property Files.** WDOC correctional facilities shall maintain an electronic property file on every inmate in custody. Property files shall be maintained and retained in electronic format in accordance with designated procedures.

i. The property file shall be created when the new commitment is received at the reception and assessment unit. All property accompanying the new commitment shall be inventoried, and unauthorized items shall be disposed of in the manner prescribed by this policy.

ii. All memos, inventory sheets, and package receipts regarding an inmate's property shall be placed in the property file.

iii. For records where the file is still in paper format, the file shall be maintained at the facility where the inmate is housed.

a. In the event an inmate is on long-term court ordered release, or is transferred to a county jail or an out-of-state placement, the property file shall be maintained at the respective facility (*i.e.*, WSP or WWC.) This file shall be maintained until the inmate is returned to WDOC or is released from custody.

iv. Contents of the property file shall be maintained in chronological order with oldest material on the bottom and most recent on the top. Correspondence shall be maintained on the left side of the file. Special memos and property inventory sheets shall be placed on the right side of the file.

2. **Personal Property Inventory.** When an inmate is moved from one correctional facility to another, or when an inmate is placed on special status as outlined in section IV.C.5., an inventory of the inmate's personal property shall be conducted by staff at both the sending and receiving facilities, using the *Property Inventory Sheet.* The *Property Inventory Sheet* shall also be completed when staff packs an inmate's property for temporary storage outside the presence of the inmate.

i. The officer who secures the inmate's property shall be responsible to ensure the inventory is completed.

ii. When the inmate does not constitute a threat to security or has not been placed on a special status, the inmate may be present to observe the inventory and assist in the identification and collection of all of the inmate's property. This is at the discretion of the staff and is not an inmate right.

a. Under no circumstances shall an inmate, other than the inmate whose property is being inventoried, be allowed to take part in the inventory.

b. The inmate's acknowledgement of the inventory shall be documented on the *Property Inventory Sheet* via inmate signature. If the inmate refuses to sign, this shall simply be noted on the *Property Inventory Sheet* and shall require an additional staff witness to sign.

c. When circumstances prevent the inmate from being present for the inventory, the property shall be immediately secured and then inventoried within twenty-four (24) hours or the next working day, except during emergencies.

d. When the inmate cannot be present during the inventory, for whatever reasons, a second staff member shall be present, when possible, for the inventory verification.

iii. All property shall be identified on the *Property Inventory Sheet*. The only items to be labeled as lot or bundles shall be personal letters and materials. The *Property Inventory Sheet* shall be filled out fully and legibly. Inmates are responsible to ensure their property is marked with their inmate number.

iv. The *Property Inventory Sheet* should be signed by the inmate before the move is completed. The inmate's signature shall constitute his/her acknowledgement that all of his/her property has been properly accounted for.

a. The officer conducting the inventory shall note on the *Property Inventory Sheet* if and why the inmate is not present to sign the form. Descriptions on the *Property Inventory Sheet* must be specific and include an adequate description of the items with quantities, brands, color, and model where appropriate.

v. The original completed *Property Inventory Sheet* shall go to the property officer for placement in the property file. A copy of the completed *Property Inventory Sheet* shall be placed with the inventoried property if the property is to be stored or transferred. A copy of the completed *Property Inventory Sheet* shall be given to the inmate.

3. Transfer of Property Between Facilities

i. No property shall be sent to another facility without the inmate property file and a completed inventory of the inmate's property. The receiving facility or housing unit property officer shall verify the inventory and distributed within three (3) working days of the inmate's arrival whenever possible, but no later than five (5) working days.

a. The inmate property file shall only be sent when inmates are transferring between WDOC facilities. If an inmate is transferred to a private or out-of-state facility, only the property inventory will be transferred and the inmate property file shall be retained by the sending institution.

ii. After all property is inventoried, the items shall be boxed and secured if they are to be stored or transferred with the inmate to another facility. The box shall be clearly labeled with the inmate's name and facility number. Whenever possible, the box should be sealed in the inmate's presence and not reopened until the property is reissued to the inmate. Electrical items shall be clearly marked and tagged.

iii. It is not permissible to transfer opened commissary food items or opened liquids. Any opened food items or opened liquids shall be disposed of, in accordance with this policy.

iv. Opened commissary hygiene items are not allowed to be transferred, unless the items are in completely clear containers and/or the property officer is reasonably sure there is no contraband present.

v. All non-in-cell hobby craft items shall be inventoried separately and boxed separately to be sent to the property officer. The property officer shall review the hobby craft inventory to verify the inmate is authorized to have the items listed.

a. The property officer of the sending facility shall verify the receiving facility has a non-in-cell hobby craft program which will accept the inmate's hobby craft items. All approved hobby craft shall be sent to the security manager or designee at the receiving facility.

b. The sending facility shall dispose of any unauthorized hobby craft items as instructed in this policy. Non-in-cell hobby craft items not authorized by the receiving facility shall be disposed of as instructed in this policy.

vi. The sending facility shall assure disposal of all property not allowed at the reassigned facility or new custody level. This may include having the inmate ship articles to a locale of their choosing at the inmate's expense. The disposition of property sent out or otherwise disposed of shall be noted using WDOC Form #352, *Property Disposition Form*.

a. If an inmate is transferred to a private or out-of-state facility, WDOC shall pay the expense of shipping out the inmate's property.

b. Due to security concerns, no property shipped out by an inmate shall be allowed to be sent back into the facility even if the inmate is returned to that facility or another lower custody facility.

vii. If an inmate is regressed to the Wyoming State Penitentiary (WSP) or the Wyoming Medium Correctional Institution (WMCI) from the Wyoming Honor Farm (WHF) or the Wyoming Honor Conservation Camp (WHCC), they will be permitted to return with property allowable for the receiving facility following a security check for contraband.

a. No food items that are opened will be allowed.

b. Inmates at an adult community corrections center who are regressed shall not be permitted to return with property items. It shall be the responsibility of the adult community corrections center to handle disposition of said property.

c. The sending facility is responsible to send out the items not allowed at the higher custody receiving facility at the inmate's expense.

(1) An inmate's account may be placed in the red for the cost of shipping if the funds are not available to cover the expense at the time of shipping.

4. **Confiscated Items.** Confiscated items shall be handled in a manner consistent with WDOC Policy and Procedure #3.013, *Searches*, and shall be inventoried using WDOC Form #307, *Notice of Confiscation*.

i. The items confiscated shall be listed on the WDOC Form #307 and the reason for such confiscation shall be specified.

a. Staff shall make reasonable efforts to allow inmates to self-select the items they wish to retain when property is confiscated because it is over the limit.

b. Inmates may be subject to a conduct violation for obtaining or retaining property that is over the limit.

ii. The inmate shall be required to sign the WDOC Form #307, acknowledging the items confiscated. If the inmate is unable or refuses to sign, such shall be noted on the WDOC Form #307. The form shall serve as the inmate's receipt for confiscated items.

iii. The final disposition of the confiscated property (*i.e.*, property was sent out at inmate's expense, stored, destroyed, *etc.*) shall be noted on the WDOC Form #307. The inmate shall be required to sign the WDOC Form #307, acknowledging return of items or designating final disposition of the items. If the inmate is unable or refuses to sign, such shall be noted on the WDOC Form #307.

iv. A copy of the WDOC Form #307 shall be placed in the inmate's property file.

5. **Contraband Items.** Contraband items may be destroyed by the facility without the inmates consent. The destruction of any contraband other than nuisance contraband of diminutive value shall be documented by staff.

6. **Disposition of Property**

i. Disposition of contraband discovered in the course of a search shall be as described in WDOC Policy and Procedure #3.013, *Searches*. If the item is determined to belong to the inmate and is not to be held as evidence or determined to be nuisance contraband, then the inmate shall be given seven (7) days from the notice of confiscation to designate the disposition of the item.

Such property may be donated, destroyed, or mailed out at the inmate's expense. Designation of the final disposition of such property shall be indicated on WDOC Form #307, *Notice of Confiscation*.

ii. Authorized personal property which has been the subject of an unauthorized transfer between inmates may be returned to the rightful owner immediately or temporarily confiscated for a period not to exceed thirty (30) days in accordance with WDOC Policy and Procedure #3.101, *Code of Inmate Discipline*. Final disposition of the property in question may also include donation, destruction, or mailing out of the property at the inmate's expense.

a. Such property may also be forfeited as a sanction pursuant to a disciplinary finding.

iii. Excess property, unauthorized property, completed hobby craft items, and property not permitted at a new custody level, other than currently authorized electrical/electronic items, shall be donated, destroyed, or mailed out at the inmate's expense. It is up to the inmate to determine which option he/she chooses. If the inmate refuses to choose a disposition method, the property shall be destroyed.

a. Upon notification from the property officer of need to dispose of property, an inmate shall have thirty (30) calendar days to take one of the following courses of action:

(1) The denial of property may be challenged through the inmate grievance process (WDOC Policy and Procedure #3.100, *Inmate Communication and Grievance Procedure*);

(i) If the inmate elects to grieve the denial, the property in question shall be stored at the facility through the duration of the grievance and appeal process.

(ii) If the grievance is not overturned at the Director level, the inmate shall have thirty (30) calendar days from the time of notification to submit a completed WDOC Form #352, *Property Disposition Form*, authorizing the property to be donated,

destroyed, or mailed out at the inmate's expense. An inmate's account may be placed into negative balance to pay for shipping costs.

(iii) Altered items are considered contraband and may be destroyed by the facility. Any item that threatens the security and order of the facility may also be destroyed without consent of the inmate.

(2) If the inmate elects not to challenge the denial through the grievance process, it shall be the responsibility of the inmate to send the property officer a completed WDOC Form #352, *Property Disposition Form*, authorizing the property to be donated, destroyed or mailed out at the inmate's expense.

b. If the warden/designee permits, arrangements can be made through special memoranda for the property to be picked up from the facility by an individual designated in writing by the inmate.

c. If the property is to be mailed out, a completed slip for postage due and insurance, if desired, must be attached to the WDOC Form #352, *Property Disposition Form*. Property that is shipped is at the expense of the inmate, unless otherwise noted in this policy.

d. If the inmate fails to submit a WDOC Form #352, *Property Disposition Form*, within the days allotted, the property will be considered abandoned.

(1) Abandoned property and confiscated property that is not determined to be contraband will be stored by the facility for no more than one hundred and twenty (120) days, after which it will be destroyed.

(2) The inmate shall be notified in writing that their property is to be destroyed a minimum of thirty (30) days in advance. When possible, the inmate's signature of receipt of such notice shall be acquired but in all cases shall be witnessed by two (2) staff members.

iv. Pursuant to W.S. § 34-24-113, intangible property (*i.e.*, monies, unpaid wages, credit balances, *etc.*) of an inmate which is held by WDOC and which remains unclaimed for more than one (1) year is deemed abandoned and shall be disposed of in accordance with Wyoming law.

7. Damaged or Lost Property – Reporting Procedures

i. Staff who is notified that an inmate's property is lost, stolen, or damaged must report such loss/damage through WDOC Form #102, *Staff Report.* A copy of any such report shall be sent to the property officer.

a. If multiple correctional facilities are effected (*i.e.*, property was lost or damaged in transition between facilities) a copy of the *Staff Report* shall be sent to the property officers at all facilities involved.

ii. Inmates with lost or damaged property complaints may file a grievance in accordance with WDOC Policy and Procedure #3.100, *Inmate Communication and Grievance Procedure*.

8. Damaged or Lost Property Due to Staff Negligence. If, upon investigation, it is determined WDOC staff was responsible for inmate property loss or damage, due to negligence, the facility responsible for loss or damage may repair the damaged item or provide the inmate with a similar replacement item at the lowest price available.

i. Clothing lost or damaged shall be replaced with state issued property only. If state issued items are not available, clothing may be reimbursed according to the reimbursement values listed in Section IV.D.9. below.

ii. Electrical items in need of repair may not be sent out for repair and must be replaced by the inmate. In order to promote the security and order of the facility, no repair of such items is allowed.

iii. Only new items purchased through the commissary will be used for replacement items. Abandoned or confiscated inmate property may not be used to replace any property lost or damaged.

iv. If an item cannot be replaced, inmates may be reimbursed financially through their inmate account in accordance with the reimbursement values listed in Section IV.D.9 of this policy.

v. WDOC is not responsible for the loss, damage, or theft of property occurring as the result of any inmate action.

vi. The WDOC shall only be responsible for negligent loss and destruction of an inmate's personal property to maximum aggregate of five hundred dollars ($500.00). Inmates who accumulate personal property with an aggregate value of more than five hundred dollars ($500.00) will do so at their own risk.

vii. At the discretion of the property officer, inmates may be required to show original receipts in order to prove ownership of valuable property. It is the responsibility of the inmate to keep receipts for personal property of significant value.

9. Reimbursement Values for Inmate Property Lost or Damaged Due to Staff Negligence. For purposes of determining replacement values, inmate property indicated on the *Inmate Property Matrix*, other than commissary items, are considered Schedule 1 items. Schedule 2 items are those listed as *commissary items*. Inmates who choose to possess property do so at the risk of a replacement value as indicated below.

i. Schedule 1 Reimbursement Values. Property items listed on the *Inmate Property Matrix*, other than commissary items, shall be reimbursed as follows:

a. Property less than six (6) months old shall be reimbursed at one hundred percent (100%) of original value;

b. Property more than six (6) months but less than one (1) year old shall be reimbursed at fifty percent (50%) of original value;

c. Property over one (1) year old shall be reimbursed at ten percent (10%) of original value;

d. Electrical items proven functional at the time of damage will be replaced or reimbursed at full value.

ii. Schedule 2 Reimbursement Values. Inmate *commissary items* shall be reimbursed as follows:

a. Damaged or lost commissary items that were unopened and unexpired at the time of damage or loss due to staff

negligence shall be reimbursed at one hundred percent (100%) of original value.

b. Damaged or lost commissary items that were opened or expired at the time of damage or loss due to staff negligence shall be reimbursed at fifty percent (50%) of original value.

10. Property of an Escaped Inmate

i. After the investigating officers clear the crime scene, the property of an escaped inmate shall be immediately inventoried. The property, with the completed *Property Inventory Sheet*, shall be secured for investigation.

ii. When it is determined that any of an escaped inmate's property may be evidence in administrative disciplinary or criminal proceedings, it shall be handled in accordance with facility and WDOC policy.

iii. At the conclusion of the investigation of the escape, all property not secured as evidence shall be declared as abandoned.

E. Property Ordered Through the Facility

1. Packages. Inmates shall be allowed to order pre-approved packages in accordance with WDOC Policy & Procedure #5.401, *Inmate Mail*. Packages are limited to only items of religious, medical, or hobby materials not otherwise available for purchase through the commissary.

i. Items such as books and/or magazines shall not be considered packages but may be subject to pre-approval.

ii. All packages must be pre-approved in writing before the item arrives at the facility. Packages received without pre-approval will result in return to the sender or treated as contraband for final disposition.

iii. Packages shall be delivered upon receipt by property staff but no later than seventy-two (72) hours excluding weekends and holidays. (ACA 4-4495 Revised)

iv. Property staff shall ensure the content(s) of the package is added to the inmate's inventory and property file once marked with identification.

2. **Religious Items.** Religious articles may be ordered as a package through the facility but must have the prior approval of the chaplain and security manager, and must be in accordance with the *Inmate Property Matrix and Unified Matrix for Authorized Personal Religious Property.*

i. The chaplain shall ensure any religious items ordered are in compliance with the *WDOC Handbook of Religious Beliefs* as well as the *Unified Matrix for Authorized Personal Religious Property.* Inmates should consult with the chaplain regarding allowable religious property.

3. **Medical Items.** Medically authorized items must be approved in writing by the authorized health care provider through the security manager/designee. This written authorization shall have a review/expiration date not to exceed one (1) year, and shall be retained in the inmate's property file. The inmate shall be provided a copy of the authorization and shall keep it for his/her records.

4. **Commissary Items.** All items listed on the property matrix must be purchased through the facility's commissary. Inmates may not purchase through catalogue orders or other vendors except for religious, hobby, or medical necessary items.

i. Items listed on the approved inmate property matrix that are not state-issued must be purchased through the commissary. Items may be handled through recreation, business office, or other staff person, but shall be considered a commissary purchase. Standard markup rules apply to all purchases as noted in the WDOC Policy and Procedure #1.114, *Inmate Commissary*, policy.

a. All facilities shall ensure items listed on the property matrix are available to purchase through the commissary. Items not kept in stock may be ordered, which may result in a delayed delivery.

b. Facilities shall place orders for items not in stock at least every two (2) weeks.

ii. Items on the facility commissary list shall not conflict with the authorized items on the *Inmate Property Matrix.*

iii. Items once sold in the commissary or by an authorized vendor but that are no longer authorized may be considered contraband.

a. If an item is declared contraband under these circumstances and the inmate is able to provide proof of purchase, the property shall be disposed of in accordance with this policy.

iv. In order to prevent inmates from re-selling items purchased from the commissary, each facility shall develop a commissary allotment list, which defines the maximum in-cell commissary allowance. Commissary items in excess of the commissary allowance shall be considered contraband.

v. Any item that requires engraving or special marking, such as electrical items or clothing, shall be forwarded to the property officer or person designated to create and record such markings. It shall be the responsibility of the property officer/designee to then deliver the item to the inmate as soon as possible.

F. Hobby Craft Materials

1. Hobby craft items may be ordered through the inmate package process and will require pre-approval.

2. Each correctional facility shall develop internal procedures for the storage of hobby crafts prior to implementation of a hobby program. The procedure shall require hobby crafts to be stored securely in a designated area.

3. In cell hobbies shall be limited to "Soft Hobby" activities except as authorized in a minimum security facility. "Soft Hobbies" must fit within the institutionally approved storage box along with all other inmate property designated within this policy.

i. Hobby projects that exceed storage allowances may be approved by the facility Warden.

ii. Placement outside of the approved storage box shall not exceed ninety (90) days. Project storage shall not exceed State fire codes.

4. Hobby craft items must not present a fire, sanitation, security, or housekeeping hazard as determined by the security manager of each facility. No flammable or toxic materials shall be permitted in an inmate housing unit.

5. In an effort to promote consistent hobby programs, the Prison Division Administrator shall review all hobby procedures prior to implementation by the facility.

6. Any inmate possessing hobby craft materials must have written permission from the security manager to do so. The written authorization shall be maintained in the inmate's hobby, property, or base file.

7. The Warden shall be informed of hobbies approved by the facility's security manager and shall review them to ensure they fit within facility guidelines.

8. Hobby shop and out-of-cell hobbies shall be allowed as determined by the Warden of each correctional facility, and shall be clearly outlined in the hobby craft procedures for the facility.

9. Inmates who are regressed to a higher custody level, for any reason, may lose their hobby privilege. All items not approved at a higher custody level must be disposed of in accordance with this policy.

10. No inmate is allowed to employ any other inmate(s) as part of a hobby program.

11. Completed hobby items may not remain within the institution as personal property. It must be sent out or disposed of, in accordance with this policy.

G. Property Disposition Upon Discharge

1. When an inmate is discharged or released on parole, the inmate's property shall be inventoried. State issue property shall be returned to stock. Property the inmate fails to take upon release shall be considered abandoned property.

2. Inmates shall not be permitted to sell, trade, or give away their personal property.

3. When an inmate is discharged or released on parole, the inmate's property file shall be stored at the intake facility.

H. Disposition of Inmate's Property and Funds Upon Death of an Inmate

1. Each inmate in the WDOC shall be required to complete WDOC Form #608, *Offender Emergency Information and Disposition*, designating individual(s) or next-of-kin to be notified in the event of death or serious

illness and designating individual(s) to be recipient(s) of the body and any personal effects. The body and personal effects shall be released to such recipient(s) upon their request, who shall be required to sign a receipt for the same.

i. If the inmate refuses to so designate an individual(s), reasonable efforts will be made to locate and contact next-of-kin, who shall be given the opportunity to claim the body and personal effects.

ii. If an inmate refuses to sign the WDOC Form #608, a staff member will witness the Form #608, date it, and indicate, in writing, the inmate's refusal to sign.

2. Upon an inmate's death, the inmate's property shall be immediately inventoried and placed in property storage.

3. No property/funds shall be released until the autopsy has been received and the Morbidity and Mortality Review recommends such release.

4. Inmate funds may only be released to an individual(s) who presents an affidavit of entitlement pursuant to Wyo. Stat. § 2-1-201, or other legal documentary evidence of entitlement. A receipt shall be obtained for any payments so made, and copies of any entitlement documents shall be retained.

I. Discharge Clothing

1. Depending on the facility and with approval of the Warden/designee, inmates may order clothing for discharge purposes no more than sixty (60) days prior to discharge date. The family of an inmate may send in clothing during this period but at no time shall inmates have access to the clothing prior to discharge.

2. Inmates who do not have funds to provide clothing themselves may request facility approved discharge clothing. The facility shall ensure that discharge clothing is not routine prison clothing. Due to inclement weather inmates shall be given a coat and hat upon discharge, when requested. At least one full (1) change of clothes in addition to those worn (including undergarments) shall be provided if requested ~~as well~~.

J. Special Status Housing

1. Each facility shall create an operational procedure which outlines the property items inmates may have while on a special status. Special status includes Temporary Restrictions Order, Administrative Segregation, and

Disciplinary Segregation. Facility procedures shall be made available to inmates who are housed in a special status.

2. Inmate property may be restricted based on facility guidelines. However, unless the inmate is a threat to himself, neither legal property nor religious property shall be denied.

3. Inmates that have medically indicated property such as glasses, prosthesis, or assistive devices shall not be denied such property unless approved by the security manager and Deputy Warden.

4. Inmate property while being housed on Temporary Restrictions Order (TRO) shall not be limited unless the inmate is being housed in a segregation unit.

i. When housed in a segregation unit the inmate who is on TRO shall receive the highest amount of allowable property for any status in that unit as defined by the facility.

ii. Inmate hobby material shall not be authorized in segregation units while housed on TRO.

5. Inmate property shall be provided within seventy-two (72) hours of any relocation or status change.

6. Inmates shall be afforded health and comfort items and a change of clothing unless restricted to ensure safety.

V. TRAINING POINTS

A. Why is effective control of inmate property important to the overall management of the correctional facility?

B. Explain the difference between personal and state issued property.

C. Define what constitutes contraband.

D. What procedures must be used when confiscating inmate property?

E. When an inmate is regressed, what is done with the inmate's property?

F. Does an inmate have to be present when his/her property is inventoried?

G. Who has the authority to issue hobby craft items to inmates?

H. What are the property steps for completing an inmate property inventory?

I. What are the rules surrounding inmate property storage and disposition?

J. What procedure should an inmate follow if he/she has property that is stolen, lost or damaged?

K. What must an inmate have in order to obtain and retain medical type items in his/her cell?

L. When an inmate is released or discharged on parole, what procedure should be followed in closing out his/her property?

M. Where must an inmate keep his/her property in the cell when not in use?

N. What happens to an inmate's property that is loaned to another inmate?

O. Only what kinds of items can be ordered as a pre-approved package?

P. True or False? Items listed on the approved inmate property matrix that are not state-issued must be purchased through the commissary?