I. Authority
In accordance with 22 AAC 05.155, the Department of Corrections will establish and maintain a manual of policies and procedures to interpret and implement the statutory and regulatory duties of the Department.

II. References
Alaska Statutes:
AS 33.30.015
AS 33.30.017
AS 33.30.21
AS 33.30.251
AS 33.30.261
AS 44.28.030

Alaska Administrative Code:
22 AAC 05.035

III. Purpose
To establish the amount and type of property maintained in a prisoner’s possession, the volume of property institutions will maintain in secure storage, and to describe procedures for the safekeeping, storage, access to and disposal of prisoner property.

IV. Application
All employees and prisoners confined to correctional facilities owned and operated by the Alaska Department of Corrections.

V. Definitions

Authorized Prisoner Personal Property List: A list of personal property authorized for retention based on a prisoner’s custodial status, sentence, housing, behavior, employment and compliance with recommended programing.

Contraband: Property not authorized for receipt, retention, or use in a facility, or property that prisoners may normally possess but which is subject to seizure because it was used in the commission of a rule violation. Property that has been altered, or that was previously but is no longer authorized, or property that otherwise poses a threat to the security or orderly administration of the facility.

Indigent Prisoner: A prisoner who has less that $20.00 presently available in his or her account and who has had no more than $50.00 in his or her account during the preceding 30 days. A prisoner with more than $50.00 in his or her account during the preceding 30 days will still be considered indigent if no more than $50.00 remained after mandatory deductions such as restitution, fines, child support enforcement orders, violent crime compensation payments, or civil judgments or other deductions made for education, counseling or health care.
Jail/Pre-Trial Facility: A facility or component of a facility normally used for the holding or detention of persons pending disposition of criminal charges, pending probation or parole revocation, persons remanded for mental health holds under AS 47.30.700 or due to intoxication under AS 47.37.170 or prisoners serving terms of imprisonment of less than one year.

Personal Property: Items authorized for prisoners to possess in a facility, or which are stored in facility storage.

Prison Facility: A facility or component of an facility normally used for the confinement of sentenced prisoners serving terms of imprisonment of one year or more.

Prisoner Incentive Program (PIP): A program where a prisoner’s allowed property is determined by the prisoner’s custodial status, sentence, housing, behavior, employment and compliance with recommended programming.

Property Box: A box, drawer, closet, locker, etc. provided by the facility for prisoner personal property storage. The container will provide at least 1890 cubic inches which is available in a standard 10.5” x 12” x 15” “banker” box.

Working Day: A 24-hour period of which no portion includes a Saturday, Sunday, or holiday. In computing a period of time in this policy pertaining to a “working day,” the day of the act, event, or default from which the designated period of time begins to run is not to be included; the last day of the period is to be included, unless it is a Saturday, a Sunday or a legal holiday, in which case the period runs until the end of the next working day; a half-holiday is considered as other working days and not as a holiday.

VI. Policy
The Department shall allow reasonable types and amounts of prisoner property depending on a prisoner’s custodial status, sentence, housing, behavior, employment and compliance with recommended programming as indicated in the PIP, while ensuring that institutional order and security are not compromised. The provisions of this policy shall be strictly followed so that prisoner property is consistently addressed at all facilities.

VII. Procedures
A. Property Inventory - When a prisoner is remanded to a correctional facility, a property inventory shall be completed during the booking process.
   1. Any property or funds in the possession of a prisoner remanded into custody shall be immediately inventoried on the Prisoner Property Inventory form (811.05A) to establish an accurate property inventory, determine what items are authorized for retention by the prisoner pursuant to section B of this policy, determine what property will be accepted for storage pursuant to section C of this policy, and to take necessary steps to dispose of unauthorized property under section M of this policy. This information on the Prisoner Property Inventory Form shall be added to the department’s electronic prisoner data base.

   2. Firearms, ammunition, knives, explosives, combustible liquids, or electronic devices etc., shall not be accepted and shall be turned over to the remanding authority at the time of admission.
3. The prisoner shall sign both the Prisoner Property Inventory form (811.05A) and the department's electronic prisoner database form ("booking sheet") to acknowledge the accuracy of the property inventory. If a prisoner is unable or unwilling to sign either form it shall be signed by the admitting staff member who will also print their name clearly on the form. The prisoner shall be provided a copy of their property inventory; file the original in the prisoners' institutional file.

4. Jewelry in possession of the prisoner at the time of booking shall be processed as follows:
   a) Jewelry shall be photocopied and the photocopy shall be placed in the prisoner's institutional file.
   b) Jewelry which is not allowed to be retained in a prisoner's possession under section VII(B)(6) of this policy shall be sealed in a plastic bag or an envelope. The prisoner shall initial across the sealing flap. The bag shall be stored in a locked unit such as a safe, and recorded in the Safe Log according to Policy 1208.11, Permanent Records Logs.
   c) A Declaration of Valuable Property (811.05B) shall be completed for all jewelry that a prisoner values at more than $100.00.
   d) When a prisoner claims a jewelry value of over $100, a second staff member shall verify the jewelry inventory.

5. Regardless of the items authorized for retention, the staff member performing the inventory shall ensure the prisoner's property is free of contraband. Any contraband shall be seized and returned to the remanding officer.

6. A prisoner shall not be allowed to retain money, driver’s licenses, credit or debit cards, social security cards, identification cards or important documents such as birth certificates, passports, etc. Non-cash financial instruments such as debit or credit cards shall be listed on the inventory and secured in a locked unit such as a safe.

7. All medications shall be inventoried at the time of intake and provided to medical staff for review pursuant to Policy 807.05(D)(10). All medical equipment or devices shall be inventoried and provided to medical staff for review and approval. Medical equipment and devices not authorized by medical staff shall be disposed of as unauthorized property.

8. If the prisoner is not immediately released, food items, tobacco products, hygiene items, etc., in possession of the prisoner at the time of remand shall not be authorized for retention and must be disposed of.

9. A numbered property box shall be provided for property storage at the time of property inventory and the box number(s) entered on the booking record in the department's prisoner data base.

B. Authorized Personal Property

1. Prisoners housed in a jail or prison facilities shall be authorized personal property items as specified on their Authorized Property List (811.05C or D) and in accordance with the Prisoner Incentive Program in section D of this policy.

2. Personal Property in the possession of the prisoner is the responsibility of that prisoner and not the institution. A prisoner shall be allowed to possess one property box of personal property and may be allowed to possess a television and authorized educational, vocational and rehabilitative program materials in addition to this property box.

3. Property in excess of that authorized for prisoner possession in sections B(1) and B(2) above shall be considered contraband and seized. A Property Seizure Report/Receipt form (1208.08A) shall be completed within 48 hours of the seizure, signed by the prisoner and a copy shall be given to the prisoner. A disciplinary
incident report may be written for the possession of this contraband. Any property seized during an institutional emergency shall be tagged, separated, and secured as soon as the emergency is under control. Officers will complete a Property Seizure Report form (1208.08A) for all seized property, and are responsible to ensure the prisoner signs the form. Officers will then give a signed copy to the prisoner; originals are filed in the prisoners’ institutional file.

4. All prisoner personal property must be acquired through a vendor approved by the department. Property already in possession of prisoners must conform to this policy or be disbursed under Section M below unless otherwise authorized in writing by the Superintendent and Director.

5. Prisoners shall not be allowed to possess items with an individual value over $100.00 with exception for electronics, musical instruments and other property as approved by the Superintendent. For approved property with a value over $100 a Prisoner Release of Liability (811.05E) must be completed and placed in the prisoner’s institutional file with a copy to the property officer, prior to property being released to the prisoner.

6. Prisoners are authorized to retain jewelry consisting of a wedding band which must be constructed of plain metal or other material such as ivory, with no gemstone(s) or imitation gemstone(s). A Prisoner Release of Liability (811.05E) must be completed and placed in the prisoner’s institutional file with a copy to the property officer, prior to property being released to the prisoner.

7. Prisoners are authorized to possess books, magazines or newspapers received by mail directly from a vendor approved by the Director as specified on Authorized Property Lists (811.05C or D).

8. It is the responsibility of the prisoner to request written permission from the appropriate facility staff when the prisoner seeks to obtain and possess additional property. If approved and acquired, the additional items shall be added to the prisoner’s inventory list.

9. A prisoner may not give property to or receive property from another prisoner. A prisoner may not possess property which belongs to another prisoner under any circumstances and a disciplinary report may be written when a prisoner is in possession of another prisoner’s property.

C. Storage of Personal Property

1. Each facility shall maintain a separate room or secure area for the storage of prisoner property. The Superintendent will develop a Standard Operating Procedure to govern access and develop other safeguards to ensure accountability.

2. Temporary secure storage shall be provided for property not authorized for personal retention pending the disbursement of such property pursuant to section M of this policy.

3. Permanent secure storage of personal property consisting of one property box or its equivalent shall be provided.
   a. Property such as cell phones, checkbooks, and credit or debit cards may be stored for pre-sentenced prisoners. These items may be stored for a sentenced prisoner with less than 1 year to release.
   b. Secure storage may not be used as a means to rotate property with the exception of books.
   c. Magazines and newspapers shall not be held in secure storage for the prisoner and must be donated to the institution, disposed of, or disbursed at the prisoner’s expense.
   d. Excess property which is not allowed in secure storage shall be disbursed pursuant to section M of this policy.
4. Electronic devices and other property temporarily forfeited due to the result of disciplinary action shall be stored for up to one hundred eighty (180) days and shall be returned if the prisoner remains disciplinary incident free during that period. If the electronic devices are not returned to the prisoner, they shall be disbursed pursuant to Section (M) of this policy.

5. Staff shall inventory and store a prisoner’s personal property when the prisoner’s housing status temporarily changes as a result of segregation, hospitalization, program participation, or court appearances. A Prisoner Property Inventory (811.05 A) shall be completed and signed by the prisoner.

6. Once the prisoner’s property has been received into Department custody, a search warrant or court order is required before law enforcement agencies may inspect or seize the property. Property inventory sheets may be reviewed without a search warrant or a court order.

D. Prisoner Incentive Program - Prisoners shall be allowed to possess property dependent on their phase status.

1. Phase I shall include all newly remanded prisoners, pre-trial detainees and those serving less than a year and those in segregation. Prisoners in Phase I shall be allowed to possess only the property on the Jail and Pretrial Authorized Property List (811.05C) and shall not be allowed personal clothing.

2. Phase II consists of sentenced prisoners serving 366 days or longer, that do not have any B or C guilty findings in the proceeding 90 days. Prisoners in Phase II shall be allowed to possess the following property:
   a. Personal Clothing as listed on the Prison Authorized Property List (811.05D).
   b. Personal property not to exceed items listed on the Prison Authorized Property List (811.05D).
   c. A personal music device approved by the Director of Institutions.

3. Phase III consists of prisoner who have been in Phase II for six months with no B or C guilty findings. Prisoners in Phase III shall be allowed to possess the following property:
   a. The same property as prisoners in Phase II, as listed on Prison Authorized Property List (811.05D).
   b. A television if the prisoner has met the requirements of AS 33.30.015(d):
      (1) Is not classified as administrative segregation maximum;
      (2) Either is incapable of obtaining or has attained a high school diploma or general education development diploma or the equivalent;
      (3) Is actively engaged in an educational, vocational training, or employment program.
      (4) Has satisfied or is on regular and current payment schedule for all restitution orders entered by the court as part of the prisoner’s sentence and, if applicable, is actively engaged in a treatment plan or counseling, psychiatric, or rehabilitation program ordered by the court or the department as part of the prisoner’s sentence; and
      (5) Pays for the expense of providing the television, the utility fee and the expense of providing any cable/satellite service.

4. Prisoners are responsible to request phase adjustments via a request for interview (808.11a) to their Probation officer or other identified staff member as indicated by the Superintendent, upon:
   a. Initially meeting minimum standards for a Phase change; and
   b. Successful completion of the required waiting period following a disciplinary infraction.
E. Authorized Religious Property - Prisoners are authorized to possess the following religious property:
1. One religious necklace and/or set of prayer beads constructed from plain metal, beads, string or braided material, with no wire, gemstones or imitation gem stones. The necklace must have apparent religious significance or be approved by the chaplaincy program coordinator office after consultation with an appropriate religious representative. The attached emblem/pendent may not exceed 1.5 in length, diameter, depth, or width.
2. One medicine bag no larger than 2.5 inches long and 2.5 inches wide which must attach to a necklace constructed pursuant to section 1 above. Medicine bags are subject to inspection by having the prisoner empty the contents of the bag into the open palm of his or her hand. The prisoner shall hold the bag open, which will allow staff to inspect inside with a flashlight. Refusal of a prisoner to allow staff to search the medicine bag will result in the seizure of the medicine bag. If the prisoner is not present, a medicine bag may be secured for inspection in the presence of the prisoner.
3. Additional religious items must be approved in writing by the chaplaincy program coordinator's office and Director's office pursuant to Policy 816.01.
4. Unless approved by the Director in writing, religious items must fit in a prisoner's personal property storage box pursuant to section B.
5. All religious property retained by a prisoner must be documented on the Prisoner Release of Liability form (811.05E).

F. Legal Property
1. A prisoner may possess one box of legal property in his or her cell unless more is approved by the superintendent in writing. Such approval shall be for pending litigation and limited to a specified time period to complete a motion or brief for this litigation. The prisoner shall be required to submit a request for additional legal property which includes the specific case which requires the possession of additional legal property and the reason the additional legal property is necessary. The attorney general's office shall be contacted to verify that litigation is pending and legal work necessitates the possession of the additional property box.
2. The facility shall store one box of legal property unless otherwise approved by the superintendent for pending litigation. The prisoner shall be required to submit a request for the storage of additional legal property which includes the specific case which requires the storage and the reason the storage of the additional legal property is necessary. The attorney general's office shall be contacted to verify that litigation is pending and requires additional storage, and annually thereafter to determine if such litigation has been completed. When the litigation is completed, the excess legal property boxes shall be disbursed under Section VII (N) of this policy. The prisoner may exchange legal property between the box(es) possessed in the prisoner's cell and box(es) in storage once per week or as otherwise approved by the superintendent for verified litigation needs.

G. Restricted Use of Property
1. The superintendent may restrict the possession and use of certain personal property items such as electronic devices, typewriters, and musical instruments to certain times and locations to ensure orderly administration of the institution.
2. Pursuant to AS 33.30.017 (G) a prisoner shall not possess a coffee pot, hot plate, appliance or heating element for food preparation, or more than three electrical appliances of any kind. The superintendent may limit the use of appliances/devices
and electrical power within a prisoner's cell or living unit to ensure the safe, secure
and orderly administration of the facility.

H. Property of Prisoners on Escape Status - The property of any prisoner who escapes
shall be considered abandoned and will be disposed of in accordance with section VII
(M) of this policy.

I. Property of a Deceased Prisoner - Immediately upon the death of a prisoner, the shift
supervisor shall order:
1. The prisoner's cell or bunk area in a day room shall be secured and treated as a
crime scene to prevent the contamination of any evidence. Once the scene is
released by investigating law enforcement the shift supervisor shall have the
prisoner’s property inventoried using the Prisoner Property Inventory form (811.05A).
Place the property, with a copy of the inventory in each property box and secure the
property with any property already held in secure storage.
2. Any prisoner property held in secure storage is to be inventoried using the Prisoner
Property Inventory form (811.05A) and sealed in a banker box with a copy of the
inventory form.
3. If property is removed from a facility by law enforcement personnel, a notation shall
be made on the Prisoner Property Inventory Form (811.05A) identifying the property
taken and the name of the officer and agency taking possession of the property.
4. In all other cases, the property shall be held in storage at the facility until disposed of
per instructions from the state chaplaincy coordinator's office.
5. The Superintendent shall direct claimants to the deceased’s property to the state
chaplaincy coordinator’s office.
6. If the deceased’s property is released directly to the claimant, the claimant shall sign
for all property received.
7. If the deceased’s property is mailed to the claimant it shall be by a shipping method
requiring return receipt and a delivery signature from the claimant only. Copies of the
signed inventory or proof of delivery shall be placed in the prisoner's file. The
originals shall be sent to the Department Chaplain’s Office and maintained in a file
there, with a copy placed in the deceased prisoner’s file.
8. If there is no claim filed for the deceased prisoner's property within 90 days, the
property shall be disposed of in accordance with section M, this policy.

J. Repair of Personal Property
1. Any servicing and maintenance of personal property shall be at the prisoner’s
expense and as approved by the Superintendent.
2. Superintendents shall develop a Standard Operating Procedure governing the way a
prisoner may have such articles repaired.
3. Any vendor used to service or maintain personal property shall be approved by the
Director.

K. Replacing Lost/Damaged Personal Property - If a prisoner claims that property is lost or
damaged the Superintendent shall have the claim investigated and a Report of Lost or
Damaged Property form (811.05G) shall be completed.
1. If prisoner personal property is lost or damaged as a result of Department action, the
department shall assume responsibility for only personal property which has been
documented on a Prisoner Property Inventory form (811.05A).
2. The institution has twenty (20) working days to investigate a report of lost/damaged property. If the investigation involves more than one facility, the time period may be extended an additional thirty (30) days before a final resolution must be made.
3. A copy of all Reports of Lost or Damaged Property form (811.05G) shall be maintained at the institution where the claim originated and/or was settled.
4. Substantiated claims in excess of $250 shall be submitted to the Director of Institutions. The Director shall submit claims in excess of $1000 shall be submitted to the Division of Risk Management for disposition.
5. When the claim is resolved the prisoner will sign the original Report of Lost or Damaged Property form (811.05G). Distribute a copy of the form to the prisoner and place the original in the prisoners’ institutional file.

L. Transfer of Prisoner Personal Property
1. One property box of personal property and any approved medical appliance(s) shall be transferred with the prisoner at the time of transfer.
2. A prisoner transferring within the state will be allowed to ship one box of stored personal property and one box of legal property. A television must be shipped in the box of personal property unless otherwise approved by the superintendent.
3. The sending facility shall inventory the contents of the property box which is being transferred with the prisoner and the contents of the property boxes which are shipped using the Property Inventory form (811.05A) and the prisoner shall sign this form. A copy of the inventory shall be placed in the property box and the prisoner’s institutional file. Upon arrival at the receiving facility, the received property shall be verified against the inventories and the prisoner will sign the form to verify that all property has been received. If a prisoner claims that property is missing, refer to Lost or Damaged property procedures in section K of this policy.
4. Prisoners being returned from out of state shall be allowed to ship two boxes of personal property and one box of legal property. Legal property may be shipped in lieu of personal property. Additional legal property may be shipped at the discretion of the directors office for verified pending legal proceedings as specified in section VII(e).
5. The prisoner shall be allowed to decide which property, including legal property, shall be contained in the property box which is transferred with the prisoner.
6. Unsealed or unwrapped food items, drinks or other food perishables will be not be shipped or mailed in a transfer box. Items will not be taped to the outside of the box. Sealed food items, particularly that food purchased in commissary and that is sealed in a wrapper or container, will be allowed for transfer.
7. Transfer boxes shall be clearly identified with the prisoner’s name and offender number and contain a completed Property inventory form (811.05A).
8. Only property boxes shall be used as travel boxes for the actual transport unless approved by the transport officer. Only property boxes shall be used for the shipment of property unless approved by the Superintendent.
9. Property in excess of the above:
   a. The prisoner has ten (10) working days from his or her arrival at the designated facility to make a written request to the sending facility for the shipment or pickup of all property remaining at the sending institution. The prisoner may request a one-time extension of up to 30 days in order to make arrangements to have the property disbursed from the sending facility or to obtain funds to ship the property. All shipments of property shall be at the prisoner’s expense as follows:
   b. The Department shall ship one box of personal property at not cost to indigent prisoners.
c. The Department shall ship one box of legal materials at no cost to indigent prisoners unless additional boxes are approved by the Director's office for verified pending legal proceedings as specified in section F of this policy.

d. Property remaining at the facility 60 days after transfer shall be considered abandoned and will be disposed of according to section M of this policy.

e. Any property that is mailed will be sent at the least expensive rate available unless the prisoner requests and pays for higher priority service or as approved by the superintendent.

M. Disposal of Excess, Unauthorized and/or Abandoned Personal Property

1. For property determined to be in excess of that which is allowed under section B and C above, the Notification of Excess Property form (811.05H) must be completed and the property must be disbursed out of the facility within 90 days of notification after the Prisoner Property Disbursement form (811.05F) is completed. When notification or shipment of property is attempted via U.S. Mail, return-receipt shall be used. The property officer shall maintain a record of all attempts at notification and/or shipment.

2. When property is picked up at the facility it will be signed for on Prisoner Property Disbursement form (811.05F). Forward a copy to the prisoner and place the original in the prisoners’ institutional file.

3. Property held at a facility that has not been disbursed in accordance with (1) above shall be considered abandoned.

4. Abandoned personal property shall be disposed of as follows:
   a. Institutional program staff shall be notified when textbooks, library books, equipment, and supplies that might be of use in an institutional program are declared abandoned.
   b. Items which appear to have value shall be delivered to the Department of Administration under AS 44.68.110., it should be first verified that the Surplus Property Warehouse is interested in receiving these items. If they are not these items are to be donated to an area charity.
   c. All papers shall be shredded.
   d. All other property should be rendered unusable and disposed of in the area landfill.
   e. No department employee, directly or indirectly, shall take possession of any abandoned property.

N. Release

All personal property held by the institution or in personal possession of the prisoner shall be disbursed to the prisoner upon release. Prior to release the prisoner shall be required to mail out property in excess of one (1) box if DOC transport is necessary to return to place of arrest. Under no circumstance will property be stored for a prisoner after release. If the prisoner makes no arrangements to disburse excess property prior to release, it shall be considered abandoned property and disposed of pursuant to section M of this policy.

VIII. Implementation

This policy and procedure is effective 14 days following the date signed by the Commissioner. Each manager shall incorporate the contents of this document into local Standard Operating Procedures. All local Standard Operating Procedures must conform to
the contents of this document and deviation from the contents of this document must be approved in writing by the appropriate Division Director.

9/26/2012

SIGNATURE ON FILE

Date
Joseph D. Schmidt, Commissioner
Department of Corrections

Attachment A: Prisoner Incentive Program

Department of Corrections forms Applicable to this Policy:
811.05A Prisoner Property Intake Sheet
811.05B Declaration of Valuable Property
811.05C Jail and Pretrial Authorized Property List
811.05D Prison Authorized Property List
811.05E Prisoner Release of Liability
811.05F Prisoner Property Disbursement
811.05G Report of Lost or Damaged Property
811.05H Notification of Excess Property