

1.3.C.5 Forfeiture of Inmate Personal Property

I Policy Index:



Date Signed: 03/31/2013
Distribution: Public
Replaces Policy: 3C.4
Supersedes Policy Dated: 08/06/2012
Affected Units: Adult Institutions
Effective Date: 04/01/2013
Scheduled Revision Date: June 2013
Revision Number: 12
Office of Primary Responsibility: DOC Administration

II Policy:

Inmates may be subject to the forfeiture of personal property items as a sanction for any major Offense in Custody.

III Definitions:

None

IV Procedures:

1. Disciplinary Sanctions:

- A. In addition to other disciplinary sanctions provided forth and issued in accordance with DOC policy 1.3.C.3 [Inmate Discipline System](#) and SDCL § 24-2-9, any inmate found to have a high or moderate Offense in Custody or three low Offenses in Custody within any twelve (12) month period may be required to forfeit specified items of of his/her personal property.
- B. The following items of personal property, if already allowed at the institution and issued to an inmate will be forfeited by the inmate:
1. Television;
 2. Walkman radio, except for Administrative Segregation inmates (See DOC policy 1.3.D.4 [Administrative Segregation](#));
 3. Typewriter;
 4. Headphones;
 5. Coffee pot/hot pot;
 6. Musical instruments;
 7. Calculator; and
 8. Desk lamp.

- C. The inmate has the option of sending out the forfeited property at his/her expense or having it disposed of by staff in accordance with DOC policy 1.3.C.4 [Inmate Personal Property](#).
- D. Loss of property status can be extended for those inmates who are found to have violated additional Offenses in Custody while the sanction remains imposed.

2. Replacement Property:

- A. If a Disciplinary Hearing Officer (DHO) or Unit Disciplinary Committee (UDC) imposes loss of personal property as a disciplinary sanction, the sanction will include a specific length of time before the inmate can begin to purchase replacement personal property items.
 - 1. The length of time may not exceed twelve (12) months from the date of the inmate's release from Disciplinary Segregation (See DOC policy 1.3.D.1 [Disciplinary Segregation Housing](#)) or completion of his/her other sanction(s), unless it is extended because an inmate was found to have violated additional Offenses in Custody while on loss of property.
 - 2. During the time which the sanction imposed, the inmate will be allowed to purchase other commissary items not specified on the forfeiture list as specified in Section B. of this policy.
- B. An inmate may appeal disciplinary decisions through the Administrative Remedy process (See DOC policy 1.3.E.2 [Administrative Remedy for Inmates](#)).
 - 1. Staff shall store forfeited property until the conclusion of any appeal the inmate pursues through the Administrative Remedy process (See DOC 1.3.E.4 [Administrative Remedy for Inmates](#)).

V Related Directives:

- DOC policy 1.3.C.3 – [Inmate Discipline System](#)
- DOC policy 1.3.C.4 – [Inmate Personal Property](#)
- DOC policy 1.3.D.1 – [Disciplinary Segregation Housing](#)
- DOC policy 1.3.D.4 – [Administrative Segregation](#)
- DOC policy 1.3.E.2 – [Administrative Remedy for Inmates](#)

VI Revision Log:

October 2002: Clarified policy statement to state sanction for violation of Prohibited Acts. Added personal clothing to items allowed to be kept in inmate housing unit. Added C. Loss of property status to Disciplinary Sanctions section.

June 2003: Re-stated which property items an inmate will forfeit under disciplinary sanctions. Revised the section on Replacement Property. Deleted reference to each institution establishing a list of personal property items that may be kept.

June 2004: Revised policy statement. Revised entire policy to state that loss of property is no longer mandatory. Loss of property is now an option available to the UDC or DHO. Added a reference to DOC policies 1.3.C.4 and 1.3.E.2.

July 2005: Added reference to policy 1.3.D.4. Clarified that inmates can purchase other commissary items while on loss of property status.

June 2006: No changes made.

July 2007: Added a reference to DOC policy 1.3.D.1.

June 2008: Revised formatting of policy in accordance with DOC policy 1.1.A.2 Policy and Operational Memorandum Management. Added "DOC policy" when referencing policies throughout policy in Related Directives section.

June 2009: Revised wording within ss (A of Disciplinary Sanctions). Added hyperlinks throughout policy.

June 2010: Revised formatting of Section 1.

July 2011: Reviewed with no changes.

July 2012: Deleted a significant portion” and Replaced with “specified items” to Section 1 A. Added “and issued to an inmate” and Deleted “this disciplinary sanction is imposed” Section 1 B. Deleted “on loss of property” and Replaced with “the sanction remains imposed” in Section 1 D. Deleted “will also state the” and Replaced with “sanction will include a specific” and Deleted “accumulate” and Replaced with “purchase” in Section 2 A. Deleted “waiting period” and Replaced with “time which the sanction is imposed” and Deleted “food and toiletry items, as well as any” and Added “specified” and Added “described in Section B. of this policy”. in Section 2 A. 2. Deleted “the loss of personal property and Replaced with “disciplinary decisions” in Section 2 B. Added 1. to Section 2 B.

January 2013: Deleted “violation(s) of Category 5 and Category 4 Prohibited Acts and Replaced with “any major Offense in Custody” in Section II Policy. Deleted “category 5 Prohibited Act at any time or three Category 4 Prohibited Acts” and Replaced with “high or moderate Offense in Custody or three low Offenses in Custody” in Section 1 A. Deleted “Prohibited Acts” and Replaced with “Offenses in Custody” throughout the policy.

Denny Kaemingk (original signature on file)

Denny Kaemingk, Secretary of Corrections

03/31/2013

Date