

1.3.C.5 Inmate Forfeiture of Personal Property

I Policy Index:



Date Signed: 07/23/2016
Distribution: Public
Replaces Policy: 3C.4
Supersedes Policy Dated: 08/27/2015
Affected Units: All Institutions
Effective Date: 07/25/2016
Scheduled Revision Date: June 2017
Revision Number: 15
Office of Primary Responsibility: DOC Administration

II Policy:

Inmates may be subject to forfeiture of personal property items through the disciplinary process.

III Definitions:

Personal Property:

Personal property includes all property owned by or in possession of an inmate not issued to the inmate by the Department of Corrections. Includes items an inmate is permitted to possess pursuant to applicable institutional operations memoranda and/or directives from the Warden. The ability to acquire and possess personal property is a privilege earned by each inmate and references to personal property do not establish an ownership interest in the property superior to the policies, rules and procedures of the institution. Failure to abide by the policies, rules and procedures of the institution may result in a loss of an inmate's privilege to acquire or possess items of personal property.

IV Procedures:

1. Disciplinary Sanctions:

- A. In addition to sanctions provided for and issued in accordance with DOC policy 1.3.C.3 *Inmate Discipline System* and SDCL § 24-2-9, any inmate found to have committed a high or moderate Offense in Custody or three (3) low Offenses in Custody within any twelve (12) month period, may be required to forfeit specified items of his/her personal property.
- B. Inmates may be ordered to forfeit and send-out any of the following items of personal property or combination of items:
 1. Television and/or remote;
 2. Personal radio;
 3. Typewriter;
 4. Headphones;
 5. Coffee pot/hot pot;

6. Musical instruments;
 7. Calculator;
 8. Craft work/supplies,
 9. Board games; and
 10. Desk lamp.
- C. Inmates have the option of sending out forfeited property at their expense or having the property disposed of by staff (See DOC policy 1.3.C.4 [Inmate Personal Property](#)).
- D. Loss of property status can be extended or expanded for inmates who commit Offenses in Custody while on personal property restriction.

2. Replacement Property:

- A. If the 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 reestablish access to the forfeited personal property.
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 this period is extended or expanded (See Section 1 D.)
 2. During the time which the restriction/forfeiture is imposed, the inmate will be allowed to purchase other personal property items not specified on the forfeiture list.
- B. Inmates may appeal decisions that result in the forfeiture of personal property through the Administrative Remedy process (See DOC policy 1.3.E.2 [Administrative Remedy for Inmates](#)).
1. An inmate's forfeited property will be stored in a secure area of the institution until the conclusion of their appeal.

3. Restrictive Housing Inmate Personal Property:

- A. Inmates assigned to restrictive housing status may be ordered to temporarily forfeit specified personal property by unit staff as a consequence for negative behavior. A list of personal property items subject to forfeiture is included in DOC policy 1.3.D.4 [Restrictive Housing](#).
- B. Any approved personal property item temporarily removed from an inmate's possession shall be stored in a secure area until the property is returned to the inmate.

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 – [Restrictive Housing](#)
- 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.

June 2014: **Reviewed** with no changes.

June 2015: **Deleted** "The following items of personal property, if already allowed at the institution and issued to the inmate, will be forfeited by the inmate:" and **Replaced** with "Inmates may be ordered to forfeit and send out the any one or combination of the following items of personal property:" in Section 1 B. **Added** "and/or remote" to Section 1 B. 1. **Deleted** "Walkman radio" and **Replaced** with "Personal radio" in Section 1 B. 2. **Added** 8. "Craft work/supplies" and 9. "Board games" to Section 1 B. **Added** Section 3.

June 2016: Grammar and sentence structure changes.

Denny Kaemingk (original signature on file)

Denny Kaemingk, Secretary of Corrections

07/23/2016

Date