

1.3.C.5 Inmate Forfeiture of Personal Property

I Policy Index:



Date Signed: 06/14/2021
Distribution: Public
Replaces Policy: 3C.4
Supersedes Policy Dated: 07/13/2020
Affected Units: All Institutions
Effective Date: 06/14/2021
Scheduled Revision Date: June 2022
Revision Number: 20
Office of Primary Responsibility: DOC Administration

II Policy:

The acquisition and possession of personal property within a DOC institution is a privilege. Inmate personal property is subject to forfeiture.

III Definitions:

Personal Property:

Personal property includes all property owned by or in possession of an inmate that is not state owned or otherwise issued to the inmate on behalf of the Department of Corrections. Includes items an inmate is permitted to possess pursuant to policy, institutional operations memoranda or directives.

IV Procedures:

1. Forfeited Property:

- A. Inmates may be required to forfeit specified personal property items, as directed by staff, for a specified time period (See DOC policy 1.3.C.2 *Inmate Discipline System* and SDCL § 24-2-9), usually for safety, security or punitive reasons in response to negative behavior.
- B. The following personal property items are subject to forfeiture for punitive reasons:
 1. Television and/or remote;
 2. Personal radio/ear buds;
 3. Typewriter/word processor;
 4. Headphones;
 5. Coffee pot/hot pot;
 6. Musical instruments;
 7. Tablet;
 8. Calculator;

9. Craft work and craft supplies,
 10. Board games; and
 11. Desk lamp.
- C. Inmates will not have access to forfeited personal property unless granted limited access to the item by staff for specified reasons.
- D. Property may be temporarily forfeited for a specified time period, or an inmate may be ordered to send out or dispose of the item (See DOC policy 1.3.C.4 *Inmate Personal Property*).
- E. Reference to inmate personal property shall not establish an ownership interest in the property superior to department policy, rules and procedures.
- F. If the Disciplinary Hearing Officer (DHO), Unit Disciplinary Committee (UDC) or authorized staff order an inmate to forfeit a personal property item in response to actions or behaviors of the inmate or as a sanction issued through the disciplinary process, the inmate will be informed of the length of time which the item(s) shall be forfeited.
1. During the time which forfeiture of the property item is imposed, the inmate will not be allowed to purchase or possess the specified personal property items.
 2. In the case of temporary forfeiture of an item, the inmate's forfeited property may be stored in a designated, secure area of the institution.
- G. Inmates may appeal an order to forfeiture of personal property through the Administrative Remedy process (See DOC policy 1.3.E.2 *Administrative Remedy for Inmates*).

2. Restrictive Housing Inmate Personal Property:

- A. Inmates assigned to a restricted housing unit may be ordered to temporarily forfeit specified personal property as a consequence for negative behavior, or when the inmate moves to a different level. A list of inmate personal property items subject to forfeiture is included in DOC policy 1.3.D.4 *Restrictive Housing*.
- B. Any approved personal property item temporarily forfeited by an inmate shall be stored in a designated, secure area of the institution until the property is returned to the inmate.

V Related Directives:

SDCL § [24-2-9](#)

DOC policy 1.3.C.2 – *Inmate Discipline System*

DOC policy 1.3.C.4 – *Inmate Personal Property*

DOC policy 1.3.D.1 – *Disciplinary Housing*

DOC policy 1.3.D.4 – *Restrictive Housing*

DOC policy 1.3.E.2 – *Administrative Remedy for Inmates*

VI Revision Log:

Removed revisions from October 2002 to June 2009.

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.

June 2017: Reviewed with no changes.

July 2018: Reviewed with no changes.

August 2019: Minor changes to language.

July 2020: No changes.

June 2021: Deleted policy number 1.3.C.3 and Replaced with 1.3.C.2 for the Inmate Discipline System policy reference. Added “word processor” to Section 1 B 3.

Mike Leidholt (original signature on file)

Mike Leidholt, Secretary of Corrections

06/14/2021

Date