

1.3.C.5 Inmate Forfeiture of Personal Property

I Policy Index:



Date Signed: 08/15/2019
Distribution: Public
Replaces Policy: 3C.4
Supersedes Policy Dated: 07/13/2018
Affected Units: All Institutions
Effective Date: 08/15/2019
Scheduled Revision Date: June 2020
Revision Number: 18
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 not issued to the inmate by 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.3 *Inmate Discipline System* and SDCL § 24-2-9).
- B. The following personal property items are subject to forfeiture:
 1. Television and/or remote;
 2. Personal radio/ear buds;
 3. Typewriter;
 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 the item out or disposed of by staff (See DOC policy 1.3.C.4 [Inmate Personal Property](#)).
- E. References to personal property do 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 other authorized staff member orders 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. The length of time which the item is forfeited shall not exceed twelve (12) months
 2. 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.
 3. 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:

- 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.

June 2017: **Reviewed** with no changes.

July 2018: **Reviewed** with no changes.

August 2019: Minor changes to language.

Mike Leidholt (original signature on file)

Mike Leidholt, Secretary of Corrections

08/15/2019

Date