

1.3.C.4 Inmate Personal Property

I Policy Index:



Date Signed: 02/05/2021
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Replaces Policy: 4-A3
Supersedes Policy Dated: 12/04/2018
Affected Units: All Institutions
Effective Date: 02/05/2021
Scheduled Revision Date: June 2022
Revision Number: 17
Office of Primary Responsibility: DOC Administration

II Policy:

Inmates may be allowed to possess items of personal property; however, inmate personal property will be limited for safety, health and hygiene concerns and to control contraband.

III Definitions:

Contraband:

Any item which an inmate is not authorized to possess or is prohibited by law or policy. Approved items may be contraband if altered, possessed in higher quantity than authorized, used in ways not authorized or intended, or obtained through an unapproved source/means.

Disposed:

To dispose of through destruction, transfer, discarding or donation.

Personal Property:

Includes all approved property not issued to the inmate by the Department of Corrections.

IV Procedure(s):

1. Allowable Inmate Personal Property:

- A. A comprehensive list of allowed personal property shall be maintained and kept current for each DOC facility. The property list shall include a description of the property item, quantity and how this may be obtained.
 1. Inmates may obtain personal property not offered by the contract commissary vendor through approved vendors, i.e. craft supplies, religious and cultural items and printed matter, provided this is sent directly from the vendor to the inmate.
 2. Sufficient space shall be offered to inmates to safely and securely store personal property (ACA 4-4163). The quantity of property and storage space may be limited for safety and security reasons.

3. Inmates may not accumulate excessive amounts of printed matter (including legal materials) within their cell/room. All paper materials must fit in the approved space or container. Staff shall determine at what point excessive paper materials pose a fire hazard, sanitation concern or otherwise adversely impact the safety, security and disciplined operation of the institution.
 - a. The DOC attorney will be contacted in the case of excessive legal materials to verify if the inmate has an active case pending. Inmates with an active case may be granted additional storage space while the case is pending.
 4. All personal property in an inmate's possession at the time of admission to a DOC institution which the inmate is not approved to possess, must be mailed out or otherwise disposed of at the expense of the inmate. If an inmate refuses to mail out or dispose of the prohibited property, the property will be disposed of by staff (See DOC policy 1.4.A.2 [Inmate Admission](#)).
 - a. All new admission inmates are required to complete the *Admission Document* (See Attachment 1) at the time of admission to the institution.
 5. Inmates are not allowed to retain in their possession, property (including legal materials or correspondence) belonging to or issued to another inmate.
 6. Inmates may possess religious property, as authorized by the Cultural Coordinator or designated staff (See DOC policy 1.5.F.4 [Inmate Religious and Cultural Activities](#)).
 7. Inmates are not allowed to possess in their cells any material containing nudity and/or sexually explicit conduct as defined in DOC policy 1.3.C.8 [Pornography](#).
- B. Staff are responsible for enforcing inmate compliance with personal property rules and requirements. Inmate personal property is subject to search at any time.
1. Regular searches of inmate property will be conducted to ensure compliance with property rules and to identify threats to safety or security (See DOC policy 1.3.A.5 [Searches - Institutions](#)).
 2. Possession of contraband by an inmate may result in disciplinary action. Contraband found in an inmates possession will be confiscated, identified and processed, in accordance with approved institutional practices and procedures (See DOC policy 1.3.C.2 [Inmate Discipline System](#), DOC policy 1.3.A.5 [Searches - Institutions](#) and SDCL § 24-2-26).
 - a. Staff will dispose of contraband in accordance with accepted institutional practices and procedures.
 - b. Confiscated state property that has not been altered, damaged or destroyed will be returned to the state. Damaged, destroyed or altered state property will be removed from inventory and properly disposed of, at the discretion of the Warden or designee.
 - 1) Inmates may be assessed all or a portion of the actual replacement cost for lost, damaged, destroyed or altered state property (See DOC policy 1.3.C.2 [Inmate Discipline System](#)).

3. No alcoholic beverage, marijuana or weapon may be possessed by any inmate (See SDCL § 22-1-2(10)). Inmates may not have in their possession, any prescription or nonprescription drugs, controlled substances or other article of indulgence, except as authorized by Health Services.
 4. Damaged, destroyed or altered inmate personal property is subject to confiscation and disposal.
 5. Inmates are not entitled to reimbursement or compensation for personal property that has been lost, stolen, confiscated, sent out or otherwise properly disposed.
- C. Inmates may obtain personal property through the following methods:
1. Authorized property retained by the inmate upon admission to the institution.
 2. Property purchased by the inmate through the institutional commissary system.
 3. Property authorized by staff for the inmate to receive, either through and approved vendor or delivered by the inmate's attorney (limited to legal items).
- D. Inmates may not trade, loan, barter, sell, give or transfer any item of personal property to staff, a visitor, contractor, volunteer or other inmate.

2. Forfeiture of Personal Property:

- A. In addition to forfeiture of personal property through disciplinary sanctions (see DOC policy 1.3.C.2 *Inmate Discipline System* and SDCL § 24-2-26), inmates may be required to forfeit specified personal property items in accordance with DOC policy 1.3.C.5 *Inmate Forfeiture of Personal Property*.
1. Inmates who do not currently possess the personal property item specified for forfeiture will not be allowed to possess or acquire the item until the expiration of the sanction.

3. Recording and Tracking Personal Property:

- A. Each institution will follow a standardized system within the Comprehensive Offender Management System (COMS) to record and track specified items of inmate personal property
1. The recording of inmate personal property does not create or infer liability of the DOC or its staff for said property.
 2. Certain items of personal property reported by an inmate as lost, stolen or missing, will be listed on the inmate's property record as such. The inmate may be allowed to purchase replacement property as authorized by staff. Inmates are responsible for reporting lost, stolen, missing, damaged or destroyed personal property to the property office or OIC.
 3. If the lost, stolen or missing personal property item is located and can be returned to the inmate, the inmate will be required to send out or destroy any property item(s) in the inmate's possession that is in excess of established limits.

- B. Inmates possessing personal property are required to sign the *Admission Document* (See [Attachment 1](#)).
1. Inmates may be compensated for lost or damaged personal property, if the loss or damage is determined to be caused by a negligent act or omission by another.
 2. The DOC and its staff are not liable for damages, actions, claims, demands or expenses or costs of whatever kind or character in connection to an inmate's personal property resulting from the acts or omissions by the inmate or another inmate.
 3. Inmate personal property may be mailed out of the institution to a destination of the inmate's choice, at the expense of the inmate, in accordance with DOC policy 1.5.D.3 [Inmate Correspondence](#). Select items of property sent out or disposed of must be documented on the inmate's property list.
 4. Inmate wedding bands, watches, earrings and medallions may not contain stones and will not have a value that exceeds \$35.00.
 5. Inmates may submit an Administrative Remedy (See DOC policy 1.3.E.2 [Administrative Remedy for Inmates](#)) for property claims involving lost or damaged personal property allegedly caused by the actions of a staff member.
 - a. Substantiated claims seeking settlement of the damaged item(s) must be forwarded to Risk Management (See DOC Policy 1.1.A.3 [Staff Reporting Information to DOC Administration](#)).
- C. The institution's property inventory system constitutes proof of ownership by the inmate. The property inventory system does not establish or provide proof of value of a personal property item.
- D. The ability to acquire and possess personal property is a privilege. References to personal property do not establish an ownership interest in the property superior to policies, rules and procedures of the institution or DOC.
- E. When an inmate is temporarily removed from an assigned cell, including medical trips, court, placement on disciplinary or IP status or other temporary restricted status, staff will ensure the inmate's property is promptly removed from the cell, packed, inventoried and stored in a designated, secure location. As time allows, and when permitted, the inmate will be allowed to pack his/her property.

4. Disposal of Personal Property:

- A. Each institution will establish procedures for disposing of all contraband and inmate personal property, consistent with policy and state and federal law.
- B. Following an inmate's death, discharge or escape, all tangible personal property of the inmate may be sold, donated to charity, discarded, returned to an heir, or used for the benefit of the institution, in accordance with SDCL § [24-5-5](#) and DOC policy 1.4.E.6 [Death of an Offender or Unresponsive Offender](#).
- C. The institution will maintain documentation of discarded, donated or destroyed property for three (3) years from the date the property was disposed.

- D. The DOC, institutions and staff are not responsible for the personal property of an inmate who absconds from DOC custody. Inmate personal property left on DOC property after an inmate departs from DOC custody or supervision without proper authority is considered to be abandoned property. Staff are not responsible for inventorying, collecting or storing abandoned inmate personal property.

V Related Directives:

SDCL §§ [22-1-2\(10\)](#), [24-2-26](#), [24-5-5](#) and Chapter [34-20B](#).

DOC policy 1.1.A.3 -- [Staff Reporting Information to DOC Administration](#)
DOC policy 1.3.A.5 -- [Searches - Institutions](#)
DOC policy 1.3.C.2 -- [Inmate Discipline System](#)
DOC policy 1.3.C.5 -- [Inmate Forfeiture of Personal Property](#)
DOC policy 1.3.C.8 -- [Pornography](#)
DOC policy 1.3.E.2 -- [Administrative Remedy for Inmates](#)
DOC policy 1.4.A.2 -- [Inmate Admission](#)
DOC policy 1.4.E.6 -- [Death of an Offender or Unresponsive Offender](#)
DOC policy 1.5.D.3 -- [Inmate Correspondence](#)
DOC policy 1.5.F.4 -- [Inmate Religious and Cultural Activities](#)

VI Revision Log:

Removed revision history 2002-2009.

June 2010: Revised formatting of Section 1.

July 2011: Added definition of "Personal Property". Added "such as craft supplies, religious and cultural items" to Section 1. A. 1. Added "This includes legal documents and materials" to Section 1. A. 2. Added "and be stored in approved storage containers" to Section 1. A. 3. Added 3. "All unapproved property, except money, in an inmate's possession at the time they are admitted to the DOC shall be mailed to a destination of the inmate's choice and at the expense of the inmate. Money shall be deposited into the inmate's institutional account (see SDCL 24-2-5)." to Section 3. Deleted "his/her" in Section 1 B. Added "established by the institution." to Section 1 C. Added "and disposal" to Section 1 C. 2. Deleted "also" and Added "and disposal" to Section 1 C. 3. Added "lost, stolen, damaged" to Section 1. C. 5. Created Section 2 "Forfeiture of Property" Added 1. "Staff will only store forfeited property until the conclusion of any appeal the inmate pursues through the Administrative Remedy Process" to Section 2. A. Added a. "Inmates must make arrangements with the institution's property office to send out or destroy forfeited property" to Section 2. A. 1. Added "or its employees" to Section 3 A. 1. Added "at their own expense" to Section 3 A. 3. Added "absolves the DOC and all" to Section 3. B. Added "negligent" to Section 3 B. 1. Added Section 4. "Disposal of Inmate Personal Property" Added A. "Each institution will establish procedures for handling, reporting and disposing of all contraband and inmate personal property" Added 1. "Confiscation of contraband of forfeiture of inmate personal property is not theft as referenced in SDCL 22-30A-21" to Section 4. Added B. "Personal property not claimed following an inmate's escape or death will be discarded, donated to charity or destroyed by DOC staff." to Section 4. Added C. "The institution will maintain documentation of discarded, donated or destroyed property for a minimum of three (3) years." to Section 4.

July 2012: Reviewed with No changes.

January 2013: Added "or donated to charity or destroyed" in Section 1 A. 4. Deleted "a rule infraction" and Replaced with "an Offense in Custody" in Section 1 C. 2. 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 2 A. Deleted "on the Citrix database" and Replaced with "in COMS" in Section 3 A.

July 2013: Reviewed with no changes.

June 2014: Added "Consistent with the mission of the institution, each Warden will identify in writing the personal property which may be retained by inmates at the institution" in Section 1 A.

Added “numerical” and **Added** “The amount of space provided to store property may depend on the number of inmates assigned to the institution and available space” in Section 1 A. 2. **Added** 3-6. in Section 1 A. **Added** a. & b. in Section 1 B. 2. **Added** 3. and 3. a. and 4 in Section 1. **Added** C. 1-4 in Section 1. **Added** D-E to Section 1. **Added** “Personal property may be mailed to a destination of the inmate’s choice and at the expense of the inmate in accordance with DOC policies and institutional OMs” in Section 3 B. 2. **Added** a. to Section 3 B. 2. **Added** 3. & 4. to Section 3 B. **Added** E. & F. in Section 3. **Added** D. to Section 4.

June 2015: Reviewed with no changes.

September 2015: **Added** 8. to Section 1 A. **Added** a. to Section 2 A. 2. **Added** E. to Section 3. **Updated** Attachment 1.

June 2016: **Added** definition of “Disposed”. **Added** “or policy” in Section 1 B. **Added** “or give away” in Section 1 E. **Deleted** 6. in Section 3 B. **Added** “the property inventory does not establish” in Section 3 C. **Deleted** D. in Section 3. **Deleted** “cannot ensure the safety of inmate personal property from loss, theft or damage” and **Replaced** with “and its staff is not liable for damages, actions, claims, demands or expense or costs of whatever kind or character in connection to an inmate’s personal property resulting from the” in Section 3 B. 2. **Deleted** “minimum of” and **Added** “from the date” in Section 4 C.

June 2017: Reviewed with no changes.

June 2018: **Added** D. to Section 4. Other changes to language within the policy.

March 2019: **Added** “and how this may be obtained” and **Deleted** “which an inmate is permitted to have in his/her possession” in Section 1 A.

January 2021: **Added** “provided this is sent directly from the vendor to the inmate” to Section 1 A. 1. **Added** “a. The DOC attorney will be contacted in the case of excessive legal materials to verify if the inmate has an active case pending. Inmates with an active case may be granted additional storage space while the case is pending.” to Section 1 A. 3. **Added** “a. All new admission inmates are required to complete the *Admission Document* (See Attachment 1) at the time of admission to the institution.” to Section 1 A. 4. **Deleted** “possess” and **Replaced** with “retain in their possession” and **Added** “or correspondence” to Section 1 A. 5. **Added** “7. Inmates are not allowed to possess in their cells any material containing nudity and/or sexually explicit conduct as defined in DOC policy 1.3.C.8 *Pornography.*” to Section 1 A. **Corrected** policy number reference for Inmate Forfeiture of Personal Property from 1.3.C.4 to 1.3.C.5 in Section 2 A. **Corrected** policy number reference for Administrative Remedy for Inmates from 1.3.E.4 to 1.3.E.2 in Section 3 B. 5. **Updated** Attachment 1 and **Removed** link to the WAN and **Added** reference to PolicyTech.

Mike Leidholt (original signature on file)

Mike Leidholt, Secretary of Corrections

02/05/2021

Date

Attachment 1: Admission Document

The **Admission Document** form may be accessed an IWP in COMS, **PolicyTech**,
or <M:\DOC\DOC Policies\Agency\DOC Policies\Attachment Templates\Admission Document.doc>

The gray areas indicate the information that is to be entered.

| | |
|--|--|
| South Dakota Department of Corrections Policy Distribution: Public | Attachment: Admission Document Please refer to DOC policy 1.1.B.2, 1.3.C.4 and 1.5.D.3 Inmate Accounts & Financial Resp./ Inmate Pers. Property / Offender Corr. |
| ADMISSION DOCUMENT | |
| PERSONAL PROPERTY AGREEMENT | |
| I UNDERSTAND THAT I AM FULLY RESPONSIBLE FOR MY PERSONAL PROPERTY. | |
| I MAY ORDINARILY ONLY POSSESS THAT PROPERTY WHICH I AM AUTHORIZED TO RETAIN UPON ADMISSION TO THE INSTITUTION, THAT WHICH IS ISSUED TO ME WHILE IN DOC CUSTODY, THAT WHICH I PURCHASE THROUGH COMMISSARY, OR THAT WHICH IS APPROVED BY STAFF TO BE MAILED TO ME OR OTHERWISE RECEIVED. I UNDERSTAND I AM RESPONSIBLE FOR ALL EXPENSES AND BEAR ALL RESPONSIBILITY FOR THE DISPOSITION OF MY PERSONAL PROPERTY. | |
| I CERTIFY THAT I HAVE READ AND UNDERSTAND THE FOREGOING AND THAT BY AFFIXING MY SIGNATURE BELOW, I RELIEVE AND HOLD HARMLESS THE STATE OF SOUTH DAKOTA AND ALL OFFICIALS AND EMPLOYEES OF THE STATE OF SOUTH DAKOTA OF ANY PECUNIARY LIABILITY IN THE EVENT ANY OF MY PERSONAL PROPERTY IS LOST, STOLEN, DAMAGED, DESTROYED, CONFISCATED, SENT OUT, DONATED OR DISCARDED. | |
| RECEIPT OF INMATE LIVING GUIDE | |
| I ACKNOWLEDGE RECEIVING A COPY OF THE SOUTH DAKOTA DEPARTMENT OF CORRECTIONS INMATE LIVING GUIDE. I UNDERSTAND IT IS MY RESPONSIBILITY TO READ AND UNDERSTAND THE CONTENT OF THE LIVING GUIDE AND TO FOLLOW ALL RULES INCLUDED WITHIN THE LIVING GUIDE. I UNDESTAND I MAY CONTACT STAFF IF I HAVE QUESTIONS ABOUT THE LIVING GUIDE. | |
| BEHAVIOR WHILE IN THE DEPARTMENT OF CORRECTIONS | |
| I UNDERSTAND THAT UPON MY ADMISSION TO THE DOC, I OBLIGATED TO FOLLOW THE RULES, POLICIES AND DIRECTIVES OF THE DEPARTMENT OF CORRECTIONS THAT MAY AFFECT MY STATUS AS AN INMATE, OR THAT OTHERWISE APPLY TO ME WHILE I AM AN INMATE. FAILURE BY ME TO FOLLOW THE RULES, POLICIES AND DIRECTIVES MAY ADVERSLY AFFECT MY CLASSIFICATION, PROGRAMMING, HOUSING PLACMENT, PAROLE ELIGIBILITY, AND SUSPENDED SENTENCE STATUS. | |
| AUTHORIZATION TO DEPOSIT | |
| I HEREBY AUTHORIZE THE SOUTH DAKOTA DEPARTMENT OF CORRECTIONS TO CASH CHECKS RECEIVED AT A DOC FACILITY MADE PAYABLE TO ME THAT ARE APPROVED BY THE DOC FOR RECIEPT. IF I REFUSE TO PROVIDE SUCH AUTHORIZATION, OR CHOOSE TO REVOKE THIS AUTHORIZATION, I UNDERSTAND THAT I MAY NOT UTILIZE THE SERVICES OF THE INMATE BANKING SYSTEM. I UNDERSTAND IF I REFUSE OR REVOKE SUCH AUTHORIZATION, I MAY BE REQUIRED TO WAIT UP TO 6 MONTHS TO MAKE SUCH AUTHORIZATION. | |
| JUDGMENT PAPERS | |
| I ACKNOWLEDGE THAT I AM ENTITLED TO RECEIVE ONE COPY OF MY JUDGMENT/COMMITMENT PAPERS TO THE SOUTH DAKOTA DEPARTMENT OF CORRECTIONS. | |
| RELIGIOUS/CULTURAL AFFILIATION | |
| OPTIONAL- MY RELIGIOUS/CULTURAL AFFILIATION IS: (PLEASE IDENTIFY) _____ | |
| _____ | _____ |
| INMATE PRINTED NAME | INMATE SIGNATURE |
| _____ | _____ |
| STAFF WITNESS SIGNATURE | DATE |
| Revised: 03/08/2019 Page 1 of 1 | |