


**U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons**



**PROGRAM STATEMENT
Inmate Personal Property**

Approved by	 William K. Marshall III Director, Federal Bureau of Prisons
DPI	CPD
Number	5580.10
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Summary of Changes

<i>Program Statement Rescinded:</i> <ul style="list-style-type: none">▪ 5580.08 Inmate Personal Property (8/22/2011)
<i>Changes:</i> <ul style="list-style-type: none">▪ Updates the Inmate Personal Property List – National Limit Authorized for Transfer Between Institutions.▪ Adds the National List to the body of the program statement.▪ Removes Attachment A.▪ Updates the procedures for processing inmate personal property.

1. § 553.10 Purpose and scope.

It is the policy of the Bureau of Prisons that an inmate may possess ordinarily only that property which the inmate is authorized to retain upon admission to the institution, which is issued while the inmate is in custody, which the inmate purchases in the institution commissary, or which is approved by staff to be mailed to, or otherwise received by an inmate, that does not threaten the safety, security, or good order of the facility or protection of the public. These rules contribute to the management of inmate personal property in the institution, and contribute to a safe environment for staff and inmates by reducing fire hazards, security risks, and sanitation problems which relate to inmate personal property. Consistent with the mission of the institution, each Warden shall identify in writing that personal property which may be retained by an inmate in addition to that personal property which has been approved by the Director for retention at all institutions.

Procedures outlined in this program statement apply to all inmates housed in Bureau of Prisons (Bureau) institutions, including pretrial and holdovers inmates.

a. **Program Objectives.**

- Inventory records be fully completed and will correctly list each inmate's personal property.
- Inmates be allowed to keep and store their authorized personal property.
- Any contraband found with inmates or in their living or work areas be properly identified, handled, and disposed of.

b. **Institution Supplement.** All institutions will develop an Institution Supplement describing procedures regarding inmate personal property. At a minimum, the supplement must:

- Identify personal property which may be retained upon commitment and maintained in the housing unit. During admission and orientation inmates will be notified of the following:
 - Management of personal property must contribute to a safe environment.
 - Management of personal property must not contribute to fire hazards, security risks, and sanitation problems by having excessive property.
- Identify areas within the institution for property storage. Such storage areas are to be secured, with limited staff access and no access by inmates. Property storage may not be in Unit Management or Correctional Services offices.
- Establish a procedure to ensure a property inventory whenever an inmate's status requires such action (e.g., admission, placement in a Special Housing Unit (SHU), transfer, or release). At a minimum, this will include completion of the BP-A0383, Inmate Personal Property Record, for identifying property and documenting valuables, particularly property valued over \$100.
- Establish a procedure to ensure documentation in the Inmate Central File of all major items received through the mail.

A copy of the Institution Supplement will be forwarded to the appropriate Regional Correctional Programs Administrator for review prior to initial issuance or any change.

2. **§ 553.11 Limitations on inmate personal property.**

(a) **Numerical limitations.** Authorized personal property may be subject to numerical limitations. The institution's Admission and Orientation program shall include notification to the inmate of any numerical limitations in effect at the institution and a current list of any numerical limitations shall be posted on inmate unit bulletin boards.

(b) **Storage space.** Staff shall set aside space within each housing area for use by an inmate. The designated area shall include a locker or other securable area in which the inmate is to store authorized personal property. The inmate shall be allowed to purchase an approved locking device for personal property storage in regular living units. Staff may not allow an

inmate to accumulate materials to the point where the materials become a fire, sanitation, security, or housekeeping hazard.

The amount of space provided depends upon the number of inmates assigned to that housing area. Allowing an inmate to retain excess personal property increases the likelihood property will be damaged or lost and thereby increases the risk for liability claims. See the Program Statement **Inmate Property Claims** for additional information. By providing secured space and adhering to guidelines on retention of property, the individual inmate has responsibility for securing their personal property.

Based on available storage space, the Warden may set limits locally, on the amount of commissary, newspapers, magazines, etc., each inmate may retain.

(c) **Clothing.** Civilian clothing (i.e., clothing not issued to the inmate by the Bureau or purchased by the inmate from the commissary) ordinarily is not authorized for retention by the inmate. Civilian clothing which previously had been approved for retention may not be retained after August 6, 1999. Prerelease civilian clothing for an inmate may be retained by staff in the Receiving and Discharge area during the last 30 days of the inmate's confinement.

Additionally, all inmates are prohibited from wearing any clothing not issued by the government or purchased in the commissary.

The Warden must restrict inmate clothing colors to the following:

- For male inmates, only gray and/or white clothing may be sold.
- For female inmates, only pastel green, gray, and/or white clothing may be sold.

The only exception is for religious headgear. Inmates may only purchase athletic shoes from the commissary.

(d) **Legal materials.** Staff may allow an inmate to possess legal materials in accordance with the provisions on inmate legal activities (see § 543.11 of this chapter).

(e) **Hobbycraft materials.** Staff shall limit an inmate's hobby shop projects within the cell or living area to those projects which the inmate may store in designated personal property containers. Staff may make an exception for an item (for example, a painting) where size would prohibit placing the item in a locker. This exception is made with the understanding that the placement of the item is at the inmate's own risk. Staff shall require that hobby shop items be removed from the living area when completed, and be disposed of in accordance with the provisions of part 544, subpart D, of this chapter.

Part 544, Subpart D refers to the Program Statement **Recreation Programs, Inmate** which establishes limits on the amount of hobbycraft materials which can be purchased quarterly.

(f) **Radios and Watches.** An inmate may possess only one approved radio and one approved watch at a time. The inmate must be able to demonstrate proof of ownership. An inmate who purchases a radio or watch through a Bureau of Prisons commissary is ordinarily permitted the use of that radio or watch at any Bureau institution if the inmate is later transferred. If the inmate is not allowed to use the radio or watch at the new institution, the inmate shall be permitted to mail, at the receiving institution's expense, the radio or watch to a destination of the inmate's choice. Where the inmate refuses to provide a mailing address, the radio and/or watch may be disposed of through approved methods, including destruction of the property.

Inmates may have one approved MP3 player in lieu of a radio. They are also authorized to purchase one tablet, if locally approved. Appropriate department heads (e.g., Supervisor of Education, Supervisory Chaplain, Unit Manager) may provide this type of equipment for use by inmates participating in self-study courses or other programs.

Smartwatches or watches with stones are not authorized. The declared value must be \$100 or less.

(g) **Education Program Materials.** Education program materials or current correspondence courses may be retained even if not stored as provided in paragraph (b) of this section.

Once an inmate completes a religious, educational, or programming course, they may keep the books and materials related to the course as part of their personal correspondence and reading materials.

(h) **Personal Photos.** An inmate may possess photographs, subject to the limitations of paragraph (b) of this section, so long as they are not detrimental to personal safety or security, or to the good order of the institution.

A personal photograph is defined as a photograph intended for individual viewing, as opposed to a photograph published for commercial use. Personal photographs may be stored or displayed in the inmate's assigned locker within their living quarter according to local sanitation and cleanliness guidelines. Ordinarily, photographs, particularly those of family and friends, are approved. Polaroid photos are not authorized.

Inmates are authorized to have up to 25 loose photographs. In addition, they are authorized one photo album with properly stored photos.

Sexually explicit material is not authorized. Refer to the Program Statement **Correspondence** for further guidance.

Refer to the Program Statement **Incoming Publications** for photographs purchased, printed or received from a publisher, social media, or online printing company.

i. **Religious Items.** When an inmate is committed, they may keep religious items approved by the Warden.

Ordinarily, inmates are allowed to possess one non-metallic religious medallion and chain with no stones. The item must not have a declared value of more than \$100.

The Warden must authorize the retention of religious items unless those items pose a security risk or interfere with the orderly running of the institution.

Inmates cannot receive religious items from home.

Religious clothing and accessories include, but are not limited to:

- prayer shawls and robes,
- Kurda or ribbon shirts,
- medals and pendants (as noted above),
- medicine pouches, and
- various types of approved headwear.

Inmates may only purchase personal religious items from the commissary or a Chaplain-approved catalogue using the BP-A0200, Special Purchase Order Request – Inmate form. process. Guidance for approved religious headwear and clothing is detailed in the Program Statement **Religious Beliefs and Practices**.

Religious headwear is permitted in all areas of the institution, subject to normal considerations of security and good order, including inspection by staff.

Religious headwear and/or attire which has been altered without staff approval is contraband.

j. **Awards.** Bureau departments such as Education, UNICOR, Psychology, and Recreation may provide awards to recognize inmate achievements.

k. **Packages from Home.** Inmates may only receive packages from home that contain release clothing and authorized medical devices.

Release clothing can be received within the last 30 days of confinement and will be stored in Receiving and Discharge (R&D).

Medical devices such as hearing aids, eyeglasses, dentures, wheelchairs, braces, orthopedic shoes, and artificial limbs are authorized if medically required and approved by the Health Services Administrator.

1. **Inmates with Disabilities.** Wardens will take steps to reasonably accommodate inmates with disabilities in compliance with the Rehabilitation Act of 1973, which prohibits discrimination against people with disabilities in programs that receive federal assistance.

3. **PERSONAL PROPERTY LIST AND RECORDS**

a. **Inmate Personal Property List – National Limits.** This list includes all personal property approved for transfer between institutions. Some items listed however may not be approved for retention at all Bureau institutions. In cases where items are not approved for retention the items will be shipped to a non-Bureau destination of the inmate's choice, at the Bureau's expense.

The Inmate Personal Property List – National Limits is available on the Correctional Programs Branch page of the Bureau's intranet site.

The Warden may approve local items that exceed the national limits.

A medical device issued or approved by the Health Services Unit (HSU) is authorized for transfer between institutions. This property may be retained by the inmate or packed in their property at the discretion of the sending and receiving institution. Over the counter medications are non-prescription medication purchased from the commissary and are approved for transfer between institutions.

While the institution may set a limit on the number of specific items an inmate may retain, this limit may not exceed the capacity of the local specified area or container designated for inmates to store their property (e.g., locker, storage box).

Items added to an inmate's property list may vary by institution. All such property will be clearly identified when sold at Commissary as "for local use only."

Non-perishable commissary items unopened and in original sealed containers may be transported or shipped between bureau facilities. Examples include oil, shampoo, conditioner, mouthwash, etc.

A non-perishable food item is defined as one that is processed or packaged to withstand prolonged storage or not subject to rapid deterioration or decay. Examples include tuna, peanut butter, etc.

Property approved for local use will be mailed to a non-Bureau destination of the inmate's choice, at the inmate's expense upon transfer or release. If abandoned by the inmate, the property will be disposed of in accordance with the Program Statement **Property Management Manual**.

b. **BP-A0383, Inmate Personal Property Record.** This form is used to record inmate personal property for inmate movement purposes (e.g., new commitments, writs, placement in SHU, releases). It is also used when an inmate is transferring between federal institutions. A copy of the BP-A0383, Inmate Personal Property Record will be provided to the inmate at the conclusion of the initial property inventory or any subsequent inventory. This form and/or a commissary receipt constitutes proof of ownership, not proof of value.

A copy of the BP-A0383 will be maintained in the Inmate Central File. The BP-A0383 will be used for all inmate property except the:

- BP-A0331, Authorization to Receive Package or Property form is used to inventory items such as release clothing received from an outside source.
- BP-329, Request-Authorization to Mail Inmate Package form must be used to inventory property, which is authorized for retention, but not authorized for shipment at the Bureau's expense (e.g., outgoing inmate property exceeding the two-box limit, hobby craft items). The inmate incurs the cost of mailing the items listed on this form.

4. **PROCESSING INMATE PERSONAL PROPERTY**

a. **Property File.** A property file will be maintained in Correctional Systems for each inmate housed at or committed to a Bureau institution. The file is prepared upon commitment. Contents should include BP-A0383, Inmate Personal Property Record, return mail receipts, certified mail receipts, and any other documentation regarding inmate personal property. A photograph of the inmate must be affixed for limited identification purposes. This picture shall not be used for identification purposes at the time of release in lieu of the BP-A0392, Release Authorization. The file shall be moved to the inactive file section after the inmate has departed from the institution and will be destroyed two years after the date of the inmate's final release or transfer.

Selective Service cards, Social Security cards, driver's licenses, and other forms of identification are sent to the inmate's assigned Unit Management staff within 24 hours of receiving them.

b. **Outgoing Property Search.** Ordinarily, inmates must be present during search, inventory, and sealing of their boxed property. The following procedures apply when searching inmate property:

- The search area must be arranged so a desk, table, or counter allows the inmate to observe the property being searched and inventoried.

- The inmate will not have access to the property until it has been thoroughly searched, inventoried, and recorded on the BP-A0383, Inmate Personal Property Record.
- Staff must separate items according to disposition (e.g., kept, stored, mailed, voluntarily abandoned). Inmates choose whether unauthorized items are to be mailed to a non-Bureau destination of the inmate's choice or are voluntarily abandoned.
- All clothing is thoroughly searched, with special attention to pockets, seams, hat bills, hat bands, collars, waistbands, linings, cuffs, belts, soles and heels of shoes, and places where there is more than one layer of material.
- All property should be x-rayed prior to being shipped.
- When inspecting religious items such as medicine bags, bibles, and religious headgear the Chaplain is consulted to determine if articles are of religious significance and require special handling (e.g., Tefillin, which in some cases cannot be x-rayed). If a Chaplain is not available, the item is secured until it can be reviewed by the Chaplain.

c. **Incoming Property.** A property log is kept in R&D to document incoming personal property received by shipping or mail. It includes the inmate's name, register number, date property is received and issued, and initials of the staff member processing the property. This data may be maintained electronically with proper backup. For additional information see the Program Statement **Personal Computers and Network Standards**.

To ensure property was shipped from another institution, property boxes must contain a copy of the BP-A0383, Inmate Personal Property Record. When the property is issued and verification of contents is made, the inmate signs the bottom of the record to acknowledge receipt. If the inmate refuses to sign, the inventory officer and an additional staff witness, sign, and date the form, indicating the inmate's refusal. If the inmate refuses to accept the property, see Section 4e. Abandoned Property of this program statement.

For incoming personal property, a new form is prepared only if the original form is not legible, and/or to record items not listed on the original record, or to mail items. Ordinarily, inmate property is issued within five business days after the inmate's property arrives at the designated institution. An exception is allowed for new inmates received in the R&D area and placed in SHU. Correctional Systems staff will inventory the property in the inmate's presence and forward the property to the SHU officer.

If property is received and the inmate is housed in SHU, local procedures are established for the issuance of property. Once issued, authorized property is noted on the BP-A0383, Inmate Personal Property Record.

Property boxes received from other federal institutions, authorized for mailing at the inmate's expense, must contain a copy of the BP-329, Request-Authorization to Mail Inmate Package. The box must also bear a security stamp containing a staff member's initials and mnemonic code of the sending institution.

Staff must be alert for unusual markings, labels, and postmarks, which may indicate an attempt to introduce contraband.

The United States Marshal Service (USMS) is responsible for the disposition of personal property for inmates in their custody. Staff will not accept excess personal property delivered with the inmate or mailed by the USMS to the institution. Property for new commitments delivered by USMS is limited to:

- clothing (worn on person),
- plain wedding band (no stones or intricate markings),
- prescribed medical devices/medication/eyeglasses,
- legal material (current litigation or research material not available at the institution),
- earrings for female (one pair, no stones),
- identification cards, and
- religious medal or medallion (non-metallic and no stones) or essential daily prayer items.

Voluntarily abandoned items are destroyed according to the Program Statement **Property Management Manual**. These items will not be handled by inmates. Items cannot be donated by inmates but will be treated as voluntarily abandoned property.

Inmates are allowed to retain legal material if it relates to current litigation or is research material not available at the institution. Consult the institution's assigned legal department or Consolidated Legal Center (CLC) to determine whether legal material relates to an inmate's current case.

d. **Stored Property.** R&D must secure storage for property belonging to inmates released on writ or Interstate Agreement on Detainers Act (IADA), incoming inmates, and discarded or abandoned property. There must also be adequate space to store release clothing.

Inmates are not permitted to possess articles valued over \$100. In the event an article valued over \$100 cannot be mailed out the same day, it is identified as "valuable" and stored in a locked fireproof cabinet. Staff must seal valuables in an envelope with the inmate's name and register number clearly marked on the outside until it can be mailed. Social Security cards and other forms of identification (e.g., driver's license, passport) are to be retained in the Inmate Central File until the inmate's release. Civilian clothing is stored in a secure room not accessible to inmates and unauthorized personnel. A file containing the original copy of the BP-A0383, Inmate Personal Property Record, for items in storage is kept in a locked fireproof cabinet. Property can be stored under the following circumstances, as specified by the institution supplement.

e. **Abandoned Property.** There are two types of abandoned property: voluntarily abandoned and abandoned.

Voluntarily abandoned property is personal property meeting the criteria in Federal Property Management Regulations 101-48.001-8. Additionally, Justice Property Management Regulations 128-48.150, states personal property, regardless of value, left behind by an inmate who has departed an institution, except approved for furlough, is considered voluntarily abandoned. Voluntarily abandoned property also includes excess property of inmates transferring to other institutions, as well as property from new commitments or voluntary surrenders who choose not to mail it to a non-Bureau destination of their choice.

Abandoned property is personal property shipped and returned to the institution as undeliverable or unclaimed. After the first attempt at shipping, staff will attempt to locate the inmate who sent the property to obtain a new forwarding address. If the inmate cannot be located, or a new forwarding address cannot be obtained, the property is considered abandoned and is processed for disposal. To calculate the destruction date, add 30 days to the date the package was returned undeliverable and notate the destruction date on the package. The BP-A0515, Abandoned Inmate Property, form will be used.

f. **Religious Items.** When an inmate arrives at an institution by means other than through Bureau transport, religious items must have the Chaplain's approval before issuance.

Inmates who require essential daily prayer items while in-transit will provide staff with their religious items, accompanied by a manifest envelope containing the inmate's name, register number, and signature of the authorizing Chaplain of the sending institution before their departure. Correctional Systems staff will provide the envelope to the transporting authorities.

In-transit inmates, with approved essential daily prayer items, are issued those items before release from R&D. The inmate is responsible for returning essential daily prayer items, along with the manifest envelope, to staff upon departure.

Correctional Systems staff will provide disposable head covering to any inmate making a request during transport by bus/airlift/special move or USMS. When an inmate arrives at a holdover or designated institution, staff will issue the inmate's personal headwear if it has been packed and transported as an essential daily prayer item. See the Program Statement **Religious Beliefs and Practices** for additional information.

g. **Release to Community or Residential Reentry Center (RRC).** Inmates released to the community or RRC will carry personal property unless they elect to mail it before release at their own expense. Unit Management staff prepare a BP-329, Request-Authorization to Mail Inmate Package, for authorized personal property (excluding hobbycraft) the inmate wishes to mail before release.

h. **Inmate Death.** Once approved by the Case Manager Coordinator (CMC) or designee, authorized personal property of a deceased inmate is forwarded to the “next of kin” in accordance with state law. If, after two attempts at shipping, the property remains unclaimed, it is considered abandoned property and disposed of according to Bureau procedures.

5. § 553.12 Contraband.

(a) Contraband is defined in § 500.1(h) of this chapter. Items possessed by an inmate ordinarily are not considered to be contraband if the inmate was authorized to retain the item upon admission to the institution, the item was issued by authorized staff, purchased by the inmate from the commissary, or purchased or received through approved channels (to include approved for receipt by an authorized staff member or authorized by institution guidelines).

Contraband includes material prohibited by law, or by regulation, or material which can reasonably be expected to cause physical injury or adversely affect the security, safety, or good order of the institution.

(b) For the purposes of this subpart, there are two types of contraband.

(1) Staff shall consider as hard contraband any item which threatens the safety, security, or good order of the facility or protection of the public and which ordinarily is not approved for possession by an inmate or for admission into the institution. Examples of hard contraband include weapons, intoxicants, and currency (where prohibited).

Other examples of hard contraband include:

- Tools which may be used to aid in an escape (e.g., rope).
- Ammunition or explosives.
- Combustible or flammable liquids.
- Knives or tools not provided in accordance with the Program Statement **Correctional Services Manual**.
- Hazardous or poisonous chemicals and gases.
- Narcotics or other controlled substances not dispensed or approved by the institution HSU are also hard contraband.
- Medication in the possession of an inmate for whom it is not prescribed.

Medication the inmate carries into the institution at the time of commitment (e.g., voluntary commitment) will be forwarded to the institution’s Health Services staff for disposition. If appropriate, this medicine will be returned to the inmate.

(2) Staff shall consider as nuisance contraband any item other than hard contraband, which has never been authorized, or which may be, or which previously has been authorized for possession by an inmate, but whose possession is prohibited when it presents a threat to safety, security, or good order of the facility or protection of the public, or its condition or excessive quantities of it present a health, fire, or housekeeping hazard. Examples of nuisance contraband include: personal property no longer permitted for admission to the institution or permitted for sale in the commissary; altered personal property; excessive accumulation of commissary, newspapers, letters, or magazines which cannot be stored neatly and safely in the designated area; food items which are spoiled or retained beyond the point of safe consumption; government-issued items which have been altered, or other items made from government property without staff authorization.

Items which cannot be searched without destruction or items which appear to be altered are not permitted in the institution.

6. § 553.13 Procedures for handling contraband.

(a) Staff shall seize any item in the institution which has been identified as contraband whether the item is found in the physical possession of an inmate, in an inmate's living quarters, or in common areas of the institution.

(b) Staff shall dispose of items seized as contraband in accordance with the following procedures.

Exceptions to these procedures may occur only upon written authorization of the Warden or designee.

The procedures described in this section apply to and include property found in the inmate's physical possession, in an inmate's living quarters, or in common areas of the institution.

These procedures also encompass the property of inmates processed through R&D, such as new commitments and inmates received through transfer.

When religious items are confiscated, the Chaplain must be consulted as to the validity of the items.

(1) Staff shall return to the institution's issuing authority any item of government property seized as contraband, except where the item is needed as evidence for disciplinary action or criminal prosecution. In such cases, staff may retain the seized property as evidence.

Seized government property, if not altered, may be placed in normal stock for reissue.

Altered government property, including items made from government property without staff authorization, will be destroyed at the Warden's discretion.

The Warden may delegate the authority to determine if altered government property is to be destroyed.

The Chaplain must be consulted regarding the disposition of religious items confiscated.

(2) Items of personal property confiscated by staff as contraband are to be inventoried and stored pending identification of the true owner (if in question) and possible disciplinary action. Following an inventory of the confiscated items, staff shall employ the following procedures.

(i) Staff shall provide the inmate with a copy of the inventory as soon as practicable. A copy of this inventory shall also be placed in the inmate's central file.

(ii) The inmate shall have seven days following receipt of the inventory to provide staff with evidence of ownership of the listed items. A claim of ownership may not be accepted for an item made from the unauthorized use of government property. Items obtained from another inmate (for example, through purchase, or as a gift) without staff authorization may be considered nuisance contraband for which a claim of ownership is ordinarily not accepted.

(iii) If the inmate establishes ownership, but the item is identified as contraband, staff shall mail such items (other than hard contraband), at the inmate's expense, to a destination of the inmate's choice. The Warden or designee may authorize the institution to pay the cost of such mailings when the item had not been altered and originally had been permitted for admission to the institution or had been purchased from the commissary, or where the inmate has insufficient funds and no likelihood of new funds being received. Where the inmate has established ownership of a contraband item, but is unwilling, although financially able to pay postage as required, or refuses to provide a mailing address for return of the property, the property is to be disposed of through approved methods, including destruction of the property.

The BP-A0402, Confiscation and Disposition of Contraband, form will be filled out and distributed as noted at the bottom of the form.

Ordinarily, the CMCs are responsible for authorizing the institution to pay mailing costs.

(iv) If the inmate is unable to establish ownership, staff shall make reasonable efforts to identify the owner of the property before any decision to destroy the property is made.

(v) Staff shall prepare and retain written documentation describing any items destroyed and the reasons for such action.

Destroying contraband will be accomplished as follows:

- Ordinarily, the CMC or designee receives the inmate's proof of ownership and determines if an item is contraband.
- When it is determined that the item is to be destroyed, the CMC or designee will prepare the written documentation describing the item(s) destroyed and the reasons for this action.
- Ordinarily, property is held for thirty days before it is destroyed. This delay allows an inmate the opportunity to obtain proof of ownership and/or appeal the decision per the Program Statement **Administrative Remedy Program**. If the inmate appeals, the property is held until the appeal process is completed.
- The staff member who destroys the property, and at least one staff member present to witness the disposal will acknowledge by signature that they have witnessed the destruction. See the Program Statement **Property Management Manual** for additional information.
- Records of property disposal will be kept in the R&D file for two years to ensure the information needed for investigating any future tort claims is available.

(vi) Where disciplinary action is appropriate, staff shall delay disposition of property until completion of such action (including appeals).

(c) Staff shall retain items of hard contraband for disciplinary action or prosecution or both. The contraband items may be delivered to law enforcement personnel for official use. When it is determined that the item is not needed for criminal prosecution, the hard contraband shall be destroyed as provided in paragraph (b)(2)(v) of this section. Written documentation of the destruction shall be maintained for at least two years.

(d) Staff may not allow an inmate to possess funds in excess of established institutional limits. Staff shall deliver to the cashier any cash or negotiable instruments found in an inmate's possession which exceed the institution's allowable limits. Funds determined to be contraband shall be confiscated for crediting to the U.S. Treasury.

All negotiable instruments (e.g. excessive stamps over the institution limit) in the possession of inmates are unauthorized and processed as contraband.

Cash and negotiable instruments that were inadvertently delivered to the inmate via mail and are immediately turned over to institution staff shall be returned to the mail room to be processed in accordance with the Program Statement **Mail Management Manual**.

(1) Where disciplinary action against the inmate is appropriate, staff shall delay final disposition of contraband until such action (including appeals) is completed.

(2) Prior to a decision on the disposition of the contraband, staff shall allow the inmate a reasonable amount of time to prove ownership.

Staff taking disciplinary action against inmate related to contraband should do so in accordance with the Program Statement **Inmate Discipline Program**.

7. **§ 553.14 Inmate transfer between institutions and inmate release.**

(a) Except as provided for in paragraphs (a)(1) through (3) of this section, authorized personal property shall be shipped by staff to the receiving institution.

(1) The Warden ordinarily shall allow an inmate transferring to another institution to transport personal items determined necessary or appropriate by staff and, if applicable, legal materials for active court cases.

(2) The Warden may require or allow an inmate who is transferring to another institution under furlough conditions to transport all the inmate's authorized personal property with him or her.

(3) An inmate who is being released or who is transferring to a Community Corrections Center may arrange to ship personal property at the inmate's expense. The inmate is responsible for transporting any personal property not so shipped.

(b) If the inmate's personal property is not authorized for retention by the receiving institution, staff at the receiving institution shall arrange for the inmate's excess personal property to be mailed to a non-Bureau destination of the inmate's choice. The inmate shall bear the expense for this mailing.

(c) Whenever the inmate refuses to provide a mailing address for return of the property or, when required, refuses to bear the expense of mailing the property, the property is to be disposed of through approved methods, including destruction of the property.

The determination is to be made in the receiving institution's Correctional Systems when the inmate's property is processed (e.g., inventoried) in the inmate's presence. Bureau institutions will accept property approved in this program statement as authorized for retention and transfer between Bureau institutions. Staff will adhere to the procedures that follow with respect to an inmate's property while he or she is in transfer between institutions.

Staff will thoroughly search the property and prepare a separate BP-A0383, Inmate Personal Property Record for each box to be mailed. Staff must follow the procedures below when shipping inmate property:

- Each box is logged in the outgoing property shipping book maintained in R&D (software or manifest from the local shipping company will suffice).
- For institution-to-institution transfer, the original and one copy of the BP-A0383, Inmate Personal Property Record is placed in the box being shipped. One copy is maintained in the personal property folder, and one copy is given to the inmate.
- Staff will instruct the inmate to remove dry-cell batteries placed in the box to be mailed/shipped or transported. They are included in the property inventory, but do not count against any present or future mailing/shipping limits.
- Staff will have the inmate deactivate watch alarm settings before mailing/shipping or transporting the property.
- Newspapers and Magazines are not transferable between institutions.
- Unauthorized property items are confiscated. Refer to BP-A0402, Confiscation and Disposition of Contraband.
- Outgoing property is stored in a secure area until it is mailed/shipped within 72 hours after the inmate's departure.
- Property forwarded to another institution is sent to the inmate's destination via the shipping company or given to Bureau bus personnel and recorded on the BP-A0821, Transfer Receipt.
- Certain items may be transferred between institutions, with the inmate bearing the cost of mailing using postage stamps. A BP-329, Request-Authorization to Mail Inmate Package, is used to document the mailing. In the case of an indigent inmate, Unit Management staff are contacted to see if stamps are available for payment of postage. When an inmate is not present during the processing of outgoing property, Correctional Systems staff can send up to two boxes of authorized property to the receiving institution.
- Correctional Systems staff must contact the receiving institution to obtain postage from the inmate for property exceeding the two-box limit. Follow-up with the inmates must be documented in the personal property file at 30-day intervals. After 60 days, this property will be identified as voluntarily abandoned property and disposed of in accordance with Section 4e. of this program statement.
- Unfinished hobbycraft items are processed in the same manner as above by staff from the department responsible for the hobbycraft program. Completed hobby craft items will not be mailed to the new institution. Inmates will mail completed hobbycraft items to a non-Bureau facility at their own expense using a BP-329, Request-Authorization to Mail Inmate Package.

When space permits, property will be transported by bus or van from the sending institution directly to the receiving institution. This only applies if the inmate is transported directly from point A to point B without any stops along the way. No more than two boxes of property, size 14" x 14" x 19" or smaller, will be transferred. The inmate may elect to pay for expenses related to the shipment of authorized personal property beyond the two boxes.

Institutional clothing and shoes for an inmate with special needs (e.g., large sizes, small sizes, orthopedic designs, orthopedic shoes, appliances, clothing, insulin testing kits) can be shipped at

government expense, in addition to the two-box limit, when the inmate transfers to another Bureau institution.

Property of inmates transferring on furlough to another Bureau institution, not including Residential Reentry Centers, will be handled the same manner.

Legal property will be exempt from this two-box limit. Legal material boxes must only contain legal materials. Any additional items will void the process. Each box of legal material must be marked "Legal Material" clearly on the outside of the box. Refer to the Program Statement **Inmate Legal Activities** for additional information.

As authorized by the Warden, essential daily prayer items must be delivered to transporting officials upon the inmate's removal. The inmate is responsible for production of the items, in the authorized container (authorization affixed by Chaplain), to Correctional Systems Officer staff. The items will be re-issued to the inmate for daily use at all holdover points.

The Chaplaincy Services Branch, Reentry Services Division, Central Office, will provide sample authorization forms and a sample container to each location for use in the issuance of essential daily prayer items.

Staff will use a BP-A0821, Transfer Receipt, to document all packages delivered to transporting officials in accordance with the above changes.

A separate entry will be made for any package containing essential daily prayer items.

An inmate assigned as a holdover while enroute to a new institution may be limited in the amount of personal property that may accompany them. Such property is limited to the necessary personal items and legal materials for active court cases.

All property which accompanies the inmate must be listed on the BP-A0383, Inmate Personal Property Record.

If any property is accidentally left off the form, it cannot be given to the transport officer or any other staff member to take to the new institution, either holdover or designated.

8. **§ 553.15 Limitations on personal property – medical transfers.**

The Warden shall set a limit on the amount of personal property that may accompany an inmate transferring to a medical facility. For purpose of this rule, a medical facility is one which provides observation and/or treatment of a medical, surgical, or psychiatric nature, or any combination of these. Such medical transfers are ordinarily of a short-term duration (30-120

days).

Patients transferring to a medical facility for medical, surgical, or psychiatric treatment are ordinarily limited to the amount of personal property that can be placed in one box approximately 14" x 14" x 19."

The amount of clothing and other personal effects (e.g., watches, rings, orthopedic devices, personal letters, religious articles) are limited to the items which can be appropriately placed within this container.

(a) The Wardens of the sending and receiving institutions shall allow the inmate to retain those legal materials specifically needed in respect to on-going litigation. Questions as to the need for such material may be referred to Regional Counsel.

If an inmate claims the need to take a large amount of legal materials during a transfer, staff at the sending institution, usually the CMC, will check with the CLC or Regional Counsel. They will confirm if the inmate has any pending court cases or upcoming hearings during the inmate's expected absence that would justify taking the legal materials.

(b) The Warden of the sending institution shall designate a secure location for storage of all inmate personal property not accompanying the inmate.

Minimum guidelines for storage will include accurate record keeping indicating:

- the number of boxes,
- the inmate's name,
- registration number, and
- the institution to which the inmate is being transferred to treatment.

(c) Personal property permitted in the sending institution, but not in the receiving institution, shall either be retained at the sending institution or be mailed to a destination of the inmate's choice.

(1) If the inmate is expected to return to the sending institution within 120 days of transfer, staff shall advise the inmate that property not allowed in the medical facility may be held at the sending institution or sent to a destination of the inmate's choice (other than the medical facility), at the inmate's expense. Where lack of space prevents retention of the inmate's property at the sending institution, that institution shall pay postage costs connected with mailing the inmate's property to a destination of the inmate's choice. Where lack of space prevents the retention of the inmate's property at the sending institution, and the inmate refuses to provide a mailing address for return of the property, the property is to be disposed

of through approved methods, including destruction of the property.

(2) The inmate's property may be sent with the inmate to the medical facility when the inmate is not expected to return to the sending institution, will be at the medical facility over 120 days, or for any other justified reason. The Warden at the sending institution shall prepare and place in the inmate's central file written documentation for forwarding the inmate's personal property.

(d) The Warden of the medical facility shall return an inmate's personal property ordinarily in the same or equivalent size container as originally used by the sending institution. Property accumulated over that amount, at the option of the inmate, will either be sent to a destination selected by the inmate, at the inmate's expense, donated, or destroyed. If the inmate is financially able but refuses to pay for the mailing, or if the inmate refuses to provide a mailing address for forwarding of the property, the property is to be disposed of through approved methods, including destruction of the property.

On occasion, staff may allow an inmate to retain more property than they brought to the institution. Situations when this might be permitted include when the inmate has been at the institution for over three months or when a transfer is unexpectedly affected immediately after the inmate has made significant commissary purchases.

The medical institution will notify the parent institution when treatment has been completed, and the inmate is ready for transfer.

Upon receiving notification, the institution retaining the inmate's property will arrange for the property to be forwarded to the institution to which the inmate was transferred.

Ordinarily, once every 30 days, staff will inspect stored property to guard against tampering or theft.

9. U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) DETAINEES

ICE has placed limitations on the amount of personal property for detainees who will be deported. Consequently, detainees who transfer to other institutions should have their property limited to the following items:

- wedding band (plain, no stones),
- prescribed medication,
- legal materials (ongoing case),
- photographs (10, no polaroids),
- shoes (one pair),
- funds (transfer to non-Bureau facilities only),

- religious medal and/or medallion,
- watch (no stones/smartwatches),
- prescription eyeglasses,
- five personal letters, and
- a soft-back Bible.

Any items not authorized for transport by ICE must be mailed to a destination of the inmate's choice, at the inmate's expense. If left behind by an inmate, the property will be disposed of as voluntarily abandoned in accordance with the Program Statement **Property Management Manual**.

10. VOLUNTARY SURRENDER PROPERTY

Property for voluntary surrenders is processed upon commitment. If a voluntary surrender arrives after normal duty hours, Correctional Services will ensure the property is inventoried and recorded using form BP-A0383, Inmate Personal Property Record. Unauthorized items should be secured for mailing by Correctional Systems staff. The institution pays for the shipping costs of clothing the inmate wears upon initial commitment. All other property is rejected and shipped to a non-Bureau destination of the inmate's choice, at the inmate's expense.

When an inmate voluntarily surrenders to Bureau custody, they will be permitted to retain only the following items:

- plain wedding band (no stones or intricate markings),
- earrings for females only (one pair, no stones) with a declared value of less than \$100,
- medical or orthopedic devices,
- legal documents,
- religious items approved by the Warden as long as they do not present a threat to the security of the institution (religious medallions and chains must have a declared value of less than \$100, male or female), and
- prescription glasses.

Social Security cards and other forms of identification (e.g., driver's license, passport) are to be retained in the Inmate Central File until the inmate's release. Money and/or checks will be placed on the inmate's account.

REFERENCES

Program Statements

Personal Computers and Network Standards
Inmate Legal Activities
Administrative Remedy Program
Property Management Manual
Correspondence
Incoming Publications
Inmate Discipline Program
Religious Beliefs and Practices
Recreation Programs, Inmate
Correctional Services Manual
Inmate Property Claims
Mail Management Manual

Federal Regulations

28 CFR §§ 553.10-15

Bureau Forms Prescribed by 5580.10

BP-A0383 Inmate Personal Property Record

Other Bureau Forms

BP-329 Request-Authorization to Mail Inmate Package
BP-A0200 Special Purpose Order Request - Inmate
BP-A0331 Authorization to Receive Package or Property
BP-A0392 Release Authorization
BP-A0402 Confiscation and Disposition of Contraband
BP-A0515 Abandoned Inmate Property
BP-A0821 Transfer Receipt

ACA Standards

Performance-Based Standards and Expected Practices for Adult Correctional Institutions
(5th Edition): 5-ACI-2E-10, 5-ACI-3D-08, 5-ACI-5A-01, 5-ACI-5A-06, 5-ACI-5A-07, 5-ACI-5A-08

Performance-Based Standards and Expected Practices for Adult Local Detention Facilities
(5th Edition): 5-ALDF-2A-19, 5-ALDF-2A-20, 5-ALDF-2A-22, 5-ALDF-5B-19, 5-ALDF-6A-07, 5-ALDF-7D-26, 5-ALDF-7D-27

Records Retention Requirements

Requirements and retention guidance for records and information applicable to this program are available in the Records and Information Disposition Schedule (RIDS) on the Bureau's intranet site.