

NH DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE DIRECTIVE	CHAPTER <u>Property Management</u> STATEMENT NUMBER <u>9.02</u>
SUBJECT: ISSUANCE AND CONTROL OF INMATE PROPERTY PROPONENT: <u>Donald Andrews, Administrator</u> <i>Name/Title</i> <u>Services Office 271-1888</u> <i>Office Phone #</i>	EFFECTIVE DATE <u>06/01/09</u> REVIEW DATE <u>06/01/10</u> SUPERSEDES PPD# <u>9.02</u> DATED <u>05/15/07</u>
ISSUING OFFICER: <hr/> <i>William Wrenn, Commissioner</i>	DIRECTOR'S INITIALS _____ DATE _____ APPENDIX ATTACHED: YES _____ NO _____
REFERENCE NO: See reference section on last page of PPD.	

- I. **PURPOSE:**
To establish and provide procedures for the issuance and control of inmate property
- II. **APPLICABILITY:**
To all staff and inmates
- III. **POLICY:**
It is the policy of the Department of Corrections to issue certain types and quantities of State property to inmates for their use during the term of their confinement. Except as otherwise provided herein, all State property issued to inmates will be returned to the State at the time of release from custody. Inmates will only be allowed to retain in their possession those items of personal property that are specifically authorized; any item in excess of authorization or not authorized will be taken from the inmate and disposed of as outlined below.
- IV. **PROCEDURE:**
 - A. **Property Control**
Control of property begins when an inmate is in-processed. At this point all property that the inmate brings in will be separated as authorized and unauthorized. Money and negotiable instruments will be processed and turned over to the Inmate Accounts Office. Property that is authorized will be inventoried on a property record with a copy for the property file and a copy for the inmate. The inmate will be allowed to retain this property. Property which is either unauthorized or in excess of authorization will be taken from the inmate and prepared to be sent out. An inventory of this property will be made with one copy for the property file, one for the offender record and one copy for the inmate. The inmate will be required to give an address to which this property can be sent and to bear the expense of sending it out. Each inmate will receive written notice and acknowledge receipt (5-Day Notice Form SP-36) of same at time of intake that all personal clothing that the inmate was wearing upon arrival and unauthorized property must be removed within five (5) business days of intake/reception, otherwise it will be disposed of by the State. The inmate will be advised that if the property is returned as being undeliverable it will be disposed of as contraband.
 - B. **Prescription and Non-Prescription Medication**

1. No personal medication is allowed. Any medication brought into the facility will be delivered to health services staff for review and disposition to the Pharmacy for destruction.
2. The Department of Corrections Pharmacy Department provides prescription and non-prescription medication upon the order of an authorized prescriber. The inmate may purchase certain non-prescription medication from the canteen.

C. Authorized Property

1. Each facility, and where appropriate each housing unit, shall have a list of authorized property for that facility or housing unit describing what property may be kept where, what will be issued to whom, when, and where property will be stored or maintained. An issue of suitable clothing will be given to all inmates. The clothing will be properly fitted, climatically suitable, durable and presentable. An issue of articles necessary for maintaining proper personal hygiene will be given to each inmate. When necessary, special, and when appropriate, protective clothing and equipment, will be issued to inmates assigned to the institution's food service area, hospital area, farm, garage, physical plant maintenance shop areas and other special work details. The lists will be available to all inmates, posted on appropriate bulletin boards and carefully adhered to by both staff and inmates.
2. Given the security needs of the Special Housing Unit (SHU) and Close Custody Unit (CCU), it is reasonable to believe that any authorized property list will be notably more restrictive than general population and/or reduced custody housing units. Because of storage limitations, inmates that are reclassified to a higher security status will be required to dispose of any personal property that is in excess of the higher classification unit's (SHU and CCU) current authorized property list. Disposal of personal property will be done in accordance with the provisions of sections F & G below of this policy. Refusing to dispose of excess personal property until the inmate obtains a reduced classification will not suffice as a justification to not comply with this standard.

D. Acquiring Personal Property

1. If an authorized item, regardless of the brand, is available in the Canteen, it must be purchased there.
2. If an authorized item is not available through the Canteen, it must be shipped directly from an approved publisher, manufacturer or vendor. Inmates should obtain advance approval to ensure delivery.
3. All items ordered from a retailer must be prepaid. No deferred payment plans or COD deliveries will be allowed.
4. All items ordered must have a complete invoice before being issued to the inmate. All items received without a proper invoice will be shipped back to the vendor at the inmate's expense.
5. Inmates may not receive property from other inmates or relatives of other inmates.
6. In order to mitigate instances of debt paying, stealing and/or strong arming, all items received will be listed on the inmate's property record and engraved or marked with identifying information whenever applicable.
 - a. Inmate's personal t-shirts, sweat shirts, sweat pants, sweat shorts and other garments will be marked with the inmate's name and ID number in 1" block letters in the same location as state issued clothing using a black sharpie or other similar marking instrument.
 - b. Inmate personal footwear will be marked conspicuously with the inmate's name and ID number using a black sharpie or other similar marking instrument.
 - 1) The first position of choice for conspicuous marking will be on the rear of the heel.
 - 2) The 2nd position of choice will be the outside of the heel and only if the rear of the heel is not practical.
 - 3) Any item that cannot be marked in either of these two locations will be referred to the Property Officer who will determine the marking location.

NOTE: Inmates are unable to return footwear to vendors after they have been marked. Therefore, inmates will need to be afforded the opportunity to try on the footwear before they are marked. The delivering staff member will be responsible for marking the footwear upon delivery to the inmate and

after affording the inmate the opportunity to try on the footwear.

- c. No additional markings of any kind or color are permitted.
- d. In order to maintain feasibility of this policy; any clothing with the numbers altered, for any reason will be confiscated. **Stolen clothing with altered numbers will be sent out, not returned.** If an inmate proves ownership, they will be allowed to send the item out. If not, the inmate in possession will be written up and in addition to normal sanction, a mandatory sanction of restitution will be imposed.

- 7. Approved packages, whether sent by U.S. Mail or by other carriers, must abide by the U. S. Postal Service content regulations.

E. Disposing of Personal Property

Inmates may dispose of personal property in several ways:

- 1. It can be mailed to a designated person as long as the inmate pre-pays postage. Property returned as being undeliverable will be disposed of as contraband.
- 2. Inmates may write to the Property Officer and name a person and specific time when the item(s) will be picked up (Monday - Friday 7:00 a.m. to 2:00 p.m. and Saturday & Sunday 7:00 a.m. to 2:00 p.m.) It is advisable for persons to call and verify that the property room is open before making a special trip.
- 3. Inmates may allow property to be donated to a charitable organization or may authorize the Property Officer to destroy or dispose of the items(s) to the benefit of the State.
- 4. Transitional Housing Unit resident's property will be held at the Transitional Housing Unit for a maximum of thirty (30) days. After twenty-five (25) days, a final notice will be sent to resident informing them they have five (5) days to dispose of the property. After the five days, any unclaimed property will be disposed of to the benefit of the State.

F. Disposal of Abandoned or Unclaimed Property

- 1. NH RSA 471-C:14, "Property held in State Agency Storage Rooms. Notwithstanding any other law to the contrary, all noncontraband abandoned or lost property having a value of less than \$250 that has been held in a state agency storage room for a period of at least 60 days may be disposed of by the state agency after the agency has made a good faith effort to return the property to the owner, if known. If the owner cannot be determined or the property cannot be returned for any other reason, the property shall be transferred to the division of Plant & Property Management to be sold at public auction with the proceeds to be turned over to the state treasurer. The state shall be free of all liability for any claim thereafter arising or made with respect to property disposed of under this section".
- 2. When the owner has declined to advise staff as to the property's disposition, or when the property owner is unknown, said property will be transferred to the Division of Purchase and Property at the end of the 60 day period in consonance with the law and the routines established by the Division of Purchase and Property.
- 3. All property of prisoners in escape status for 60 days or more will be disposed of as in 1 & 2 above.
- 4. Property belonging to inmates of other jurisdictions that is left here will be disposed of expeditiously by turning it over to the jurisdiction to whom the prisoner belongs; i.e., U.S. Marshals, other state or county authorities. This transfer will ordinarily be done by giving the property to transportation officers from these jurisdictions. State funds will not be used to mail this property without approval of the Director of Administration.
- 5. New Hampshire state inmates transferred to another jurisdiction are given an inventory of their property. They may take the inventoried property authorized by the receiving jurisdiction with them. Property not authorized at the receiving institution will not be stored at any DOC facility and must be sent out. Inmates who return to a NH State Correctional facility may bring with them any property that was on the inventory when they left. Any property sent out at time of transfer will not be allowed back in.

G. Lost, Stolen, Damaged or Traded Property

- 1. Property, whether issued by the prison or personally owned, is solely for the inmate issued or allowed the item.
- 2. If an item is lost or stolen, the inmate must report the loss at once to staff. If the item cannot be located it may be replaced after a 60 day waiting period. The inmate must pay for any state issued clothing. If it subsequently is retrieved, the item will be returned to the owner, who may have only either the lost item or the replacement item, not both.

3. Damages to personal property are the owner's responsibility. Inmates obtain and maintain property at their own risk and the State is not liable for the safety or security of these items.
4. The State Claims Board at the maximum amounts below may reimburse an item lost or damaged by staff negligence. Inmates are advised not to obtain any items valued by them at more than these amounts:

Sun glasses - \$ 10	Watches - \$ 50
TV - \$120	Cass/Radios - \$50
Typewriters - \$150	Fans - \$21
5. In order to submit a claim, inmates may write to any housing unit's Unit Management Team for a claim form. When the form is completed, it should be sent to the Warden who will arrange to investigate the claim. The claim is then reviewed by a series of officials. The process frequently takes six months or longer. A claim will not be paid unless it can clearly be demonstrated that a State official is responsible for the loss.
6. Damaged items may be replaced immediately as long as the damage has been reported and the damaged item is given to the Property Officer for appropriate disposal. Repairs must be made outside of the prison by mailing the item to a bonafide repair service that has been approved in advance.
7. Items sold, traded, borrowed or gambled with another inmate will become contraband. The item will be seized and be kept by the State. Inmates involved will be subject to disciplinary action. Items with identifying marks, which have been altered or defaced, are also contraband.

H. Processing and Safeguarding Confiscated, Unclaimed or Abandoned Inmate Property

1. Whenever inmate property is confiscated, unclaimed or abandoned, the staff member confiscating, finding and/or receiving such property shall: for
 - a. Physical Property:
 - 1) Inventory the property;
 - 2) Tag each item/article and give inmate a receipt;
 - 3) Secure the property in the appropriate container: "Evidence Envelope", bag, box, etc.;
 - 4) Complete an incident report including an accurate inventory of the property;
 - 5) If the property is NOT evidence, immediately deliver the property to the custody of the Property Officer or, if the Property Office is closed, immediately deliver the property to the custody of the Shift Commander, the Shift Commander will secure the property in their office and make arrangements to have the Property Officer take custody on the next work day. Complete the "chain of custody" section and/or receipt in presence of delivering Corrections Officer or staff member;
 - 6) If the property is EVIDENCE -- the instrument or fruit of a policy violation or criminal offense -- immediately deliver the property/evidence to the Investigations Unit; or if the Investigations Unit is not available, immediately deliver the property/evidence to the custody of the Shift Commander.
 - b. Monies and/or Negotiation Instruments:
 - 1) Ask a Corrections Supervisor with the rank of Sergeant or higher to be present;
 - 2) Count and/or account for all monies and/or negotiable instruments and give the inmate a receipt;
 - 3) Complete an incident report including a listing of all denominations of currency and/or amounts and numbers of negotiable instruments;
 - 4) Place monies and/or negotiable instruments and a copy of completed incident report in a PLAIN envelope;
 - 5) Seal the envelope and sign across the sealed envelope flap;
 - 6) Print the inmate's name on the front of the envelope;
 - 7) Place the sealed plain envelope in a standard "Evidence Envelope" and give it to the Corrections Supervisor witnessing the transaction;
 - 8) The Corrections Supervisor witnessing and receiving monies and/or negotiables subject to this PPD shall:
 - a) Complete the required information on the rear of the "Evidence Envelope" under "Chain of Custody" in the presence of the Corrections

- Officer or staff member finding/delivering same;
- b) Depending on the nature of the monies and/or negotiables, the day of the week and/or time of day, deliver the sealed "Evidence Envelope" directly to one of the following:
 - i. Investigations Unit
 - ii. Shift Commander
 - iii. Inmate Accounts Office (new inmates)

I. Control/Inventory

1. All property issued to or properly in possession of inmates will be inventoried at the following points during confinement:
 - a. At the time of initial issue, by the Reception/Property Officer issuing the property.
 - b. Upon transfer between any housing unit by both the transferring and receiving Housing Units' Security Supervisor on duty.
 - c. At the time of departure due to parole, expiration of sentence, Court ordered release, or transfer to another jurisdiction, or any transfer that results in the inmate leaving the direct custody, care and supervision of the New Hampshire Department of Corrections by the Reception/Property Officer.
2. At each of the above inventory points, all items of State and personal property will be recorded. A copy of the record will be given to the inmate, and a copy will be retained in the housing unit or reception unit file and a copy sent to the Warehouse inventory file. If the inventory of State property is not complete, the housing unit will submit a Warehouse Order Form (WOF) for deficient item(s). Indication must be noted on the WOF that it is necessary for the inmate to reimburse the State for missing items. The Warehouse Superintendent will then inform the Inmate Accounts clerk of that action. A copy of all initial issues and departing inventories and/or property return records will be sent to the inmate's file in Offender Records.
3. Property Collection and Return:
 - a. Inmates who are departing should wear privately owned clothes when they leave if such clothing is available. However, if they do not possess privately owned clothing to wear one set of seasonally appropriate State clothing may be taken. The inmate can retain underwear and socks that have been used. New items will be recovered and reissued.
 - b. Non-clothing items in the inmate's possession that belongs to the State, such as books, tools or similar items will be collected at the inventory point described above and returned to the issuer.
 - c. When an inmate is transferred from one housing unit to another, the cell or dormitory space will be inspected to insure that it is clean and neat, that the issued equipment is present and that the area is ready for occupancy by the next inmate to be assigned to that area. Inmates who decline or refuse to prepare their area for the next occupant will not be transferred until this is accomplished except for inmates who are moving backwards in custody status, in which case their refusal will be noted, appropriate reports rendered and the transfer made.
 - d. Inmates who have lost or cannot produce State-issued items that they were issued will be expected to pay for them prior to an upward movement in custody or prior to release. For inmates being released, earnings or gate money can be used to pay for lost items. Inmates are not authorized to transfer items between or among inmates.
 - e. Inmates transferring between locations may bring with them those items prescribed for their new location and will surrender items not authorized or in excess of authorization at the new location. Items so turned in will be returned for reissue under regular supply procedures.
 - f. Any clothing not accounted for will be charged to the inmate's account or against gate money at a fair price to be determined by the Director of Administration. Any inmate found in possession of clothing not issued to him/her will face disciplinary action.
 - g. All returned clothing will be laundered and returned to the stockroom for re-issue.
- J. When residents are returned to custody from a Transitional Housing Unit, it is their responsibility to provide the staff with written instructions for the disposal of property that is not authorized to

return to the institution(s).

REFERENCES:

Standards for the Administration of Correctional Agencies
Second Edition Standards
2-CO-4D-01

Standards for Adult Correctional Institutions
Fourth Edition Standards
4-4292 thru 4294; 4-4335 thru 4337; 4-4342

Standards for Adult Community Residential Services
Fourth Edition Standards
4-ACRS-7D-13 thru 7D-14

Standards for Adult Probation and Parole Field Services
Third Edition Standards

Other

ANDREWS/pf

Attachments

Attachment 1

NEW HAMPSHIRE STATE PRISON
Property Inventory Form

Inmate Name: _____ ID: _____ Date: _____
Sending Unit: _____ Receiving Unit: _____ Reason: _____

Inventoried By: _____

Print Name/Title

Personal Clothes	Personal Property	Toiletries	Canteen/Misc.
Ballcap	Books	After Shave	Batteries
Face Cloth (2)	Bible	Chapstick	Envelopes
Gloves (2)	Blow Dryer	Comb/Pic (1)	Pad Paper
Handkerchief	Boots	Conditioner	Pencil Sharpner
Jock Strap (1)	Bowl	Cotton Swabs	Pencils
Kufi	Calculator	Deodorant (2)	Pens
Net Bag	Cassette Player	Foot Powder	Playing Cards
Shorts (2)	Cassette Tapes (25)	Hair Brush	Postage Stamps
Socks	Coffee/Hot Pot	Lotion (2)	Sewing Kit
Sweat Pants (2)	Combination Lock	Nail Clippers	
Sweat Shirt (2)	Cooler (1)	Powder	
Towels (2)	Cup/Tumbler	Razor Refill	
T-shirt (7)	Denture Case	Razors Disposal (10)	
Underwear (7)	Dentures	Shampoo	
Wrist/Head Bands	Electric Razor	Shaving Cream (1)	
	Eyeglass Case	Shower Shoes	
	Eyeglasses	Soap (3)	
	Gameboy	Soap Dish (1)	
	Gameboy Games	Toothbrush	
	Headphone Ext.	Toothbrush Holder	
STATE ISSUE	Headphones (1)	Toothpaste	
Blankets (2)	Lamp	Tweezers	
Blankets (Med)	Legal Mail		
Boots (1)	Letters		
Green Meds	Magazines		
Green Pants (3)	Mirror		
Green Shirts (3)	Photo Book (2)		
Hat (1)	Photos		
ID (1)	Radio (1)		
Jacket (1)	Religious Medal (1)		
Pillowcase (1)	Slippers		
Poncho (1)	Sneakers		
Sheets (2)	Sunglasses		
Socks (4)	T.V. (1)		
Thermal Bottoms (2)	T.V. Splitter		
Thermal Tops (2)	T.V. Cable (1)		
Towels (4)	Typewriter		
T-Shirts (3)	Watch (1)		
Underwear (3)	Wedding Band (1)		

Property Released By: _____

Received By: _____

Reviewed By: _____

Date: _____

White = Offender Records

Yellow = Inmate

Pink= Property

Goldenrod= Departing Unit

Ph 707.03 Board Authorized Controlled Drug Destruction.

(a) A consultant pharmacist to a nursing home shall be designated an agent of the pharmacy board for the sole purpose of destroying controlled drugs at the licensed home or homes for which he or she serves as consultant by filing a written request at the board office, identified in Ph 103.03. The written request shall be on the licensed nursing home's letterhead, shall identify the pharmacist as the home's consultant pharmacist, and shall be signed by both the administrator of the nursing home and the consultant pharmacist. Once authorization is obtained:

(1) A record of the controlled drugs destroyed shall be made on form #Ph 558 obtained at the board office, identified in Ph 103.03; and

(2) Copies of form #Ph 558 shall be distributed as follows:

- a. The original shall be sent to the board office;
- b. A copy shall be maintained on the premises where the destruction occurred for a period of 4 years; and
- c. An optional copy retained by the agent making the destruction.

(b) The pharmacist-in-charge at a licensed hospital pharmacy shall be responsible for overseeing the destruction of controlled substances, in accordance with the procedures as set by the hospital's Hazardous Waste Disposal Committee and at no expense to the state of New Hampshire. The destruction of controlled substances shall be performed by a registered pharmacist, employed by the institution, and witnessed by a second licensed healthcare professional or registered technician as designated by the pharmacist-in-charge. The pharmacist-in-charge shall:

(1) Create a record of such controlled drugs destroyed made on federal form DEA 41 obtained from the board office, identified in Ph 103.03; and

(2) Distribute copies of form DEA 41 as follows:

- a. The original shall be sent to the board office; and
- b. A copy shall be retained in the hospital pharmacy where the destruction occurred for a period of 4 years.

© In a patient care area of the institution, partially used, patient-specific controlled substances may be destroyed by one licensed healthcare professional and witnessed by a designee of the pharmacist-in-charge as described in the written policies and procedures of the institution relative to the accountability and method of destruction of such drugs.

(d) In the interest of the health and safety of group home residents, the facility's consultant pharmacist(s) may remove from such group homes any discontinued, expired or otherwise unusable drugs.

(e) In order to remove the drugs referenced in (d) above, the consultant pharmacist shall:

- (1) Notify the board that a request has been made by the facility, to the consultant pharmacist, for removal of drugs;
- (2) Submit to the board a written request for removal of such drugs;

(3) File one copy of form Ph 516, issued by the board pursuant to (2) above, at the group home, including the following information:

- a. Name and address of the group home;
- b. Name of the consultant pharmacist;
- c. Listing of drugs to be destroyed;
- d. Date of removal of the drugs from the group home; and
- e. The location where such drugs were removed to while awaiting destruction by a board of pharmacy inspector.

(4) Retain one copy with the drugs, which shall be removed to the consultant's place of practice.

(f) Upon receipt of the original of form Ph 516, a compliance investigator shall proceed to the consultant's place of practice to supervise the destruction of the drug.

Source. #1639, eff 11-1-80; ss by #2260, eff 1-5-83; ss by #2914, eff 11-27-84; ss by #4600, eff 8-1-89; ss by #6094-B, INTERIM, eff 9-21-95, EXPIRED: 1-19-96

New. #6181-B, eff 2-5-96; amd by #6933, eff 2-1-99; paragraphs (c) and (d) EXPIRED: 2-5-04; amd by #8316, eff 3-26-05; amd by #8572, eff 2-23-06