
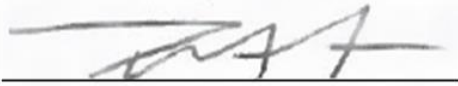


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POLICY NUMBER: 10.1		
CHAPTER 10: RESIDENT PROPERTY		
 <p>STATE of MAINE DEPARTMENT of CORRECTIONS</p> <p>Approved by Commissioner:</p> 		PROFESSIONAL STANDARDS: See Section VIII
EFFECTIVE DATE: January 15, 2004	LATEST REVISION: March 18, 2021	CHECK ONLY IF APA []

I. AUTHORITY:

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

II. APPLICABILITY:

All Adult Correctional Facilities

III. POLICY:

It is the policy of the Department of Corrections that the property allowed to adult residents be consistent, except as otherwise provided by this policy and other applicable Department policies.

IV. DEFINITIONS

None

V. CONTENTS:

- Procedure A: Allowable Property, General
- Procedure B: Medical Items
- Procedure C: Religious Items
- Procedure D: Publications
- Procedure E: Extra Allowable Personal Property
- Procedure F: Record Keeping
- Procedure G: Non-Allowable, Non-Transferable, or Contraband Personal Property

VI. ATTACHMENTS

- Attachment A: Resident Allowable Property List ([Male Residents – Female Residents](#))
- Attachment B: Resident Property Inventory ([Male Residents – Female Residents](#))

- Attachment C: Approved Book Distributors
- Attachment D: Acknowledgement of Receipt of Allowable Property form
- Attachment E: Disposition of Property by Facility form
- Attachment F: Disposition of Property by Adult Resident form

VII. PROCEDURES:

Procedure A: Allowable Property, General

1. Each adult resident shall receive a copy of this policy and the applicable Resident Allowable Property List (Attachment A) during the resident’s initial orientation at a Department facility. *5-ACI-5A-06*
2. Residents shall be allowed property as described on the applicable list, except as otherwise provided in this policy or other applicable Department policies. No items additional to those on the list shall be allowed to residents, except for those residents at minimum or community security facilities or as otherwise specified in this policy. Items on the list shall not be determined non-allowable or otherwise restricted, except as otherwise specified in this policy or other applicable Department policies. *5-ACI-5A-07 & 4-ACRS-7D-13*
3. Otherwise allowable personal property shall not be allowed if, upon the item being received at the facility, a search that is necessary to maintain safety or security causes or would cause damage to the item.
4. Any item not allowed under this policy or other applicable Department policies shall be considered non-allowable property. If possession of the item is prohibited under state or federal law or under Department Policy (AF) 20.1, Prisoner Discipline, it shall be considered contraband for purposes of this policy.
5. A property item considered non-allowable or contraband shall be confiscated immediately and handled as set out in Procedure G.
6. At a facility in which a graduated privilege level system (or systems) has been instituted, the possession of allowable personal property items may be restricted based on a resident’s level. Allowable personal property items not permitted to be in a resident’s possession due to his or her level shall be stored at the facility until allowed to the resident, except for food/drink items or hygiene items. Food/drink items and hygiene items shall be immediately disposed of by facility staff and non-allowable or contraband personal property items shall be handled as set out in Procedure G.
7. At minimum or community facilities, residents may be allowed to purchase personal clothing items in styles and colors other than those allowed at facilities with a higher security level, but items purchased must remain within the maximum quantities allowed for each type of item, as set out on the allowable property list. All personal clothing items must be purchased through facility canteen services or purchased through special order or other arrangements made by the facility. These items are not transferable to Department facilities

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with a higher security level and, in the event of such a transfer, shall be handled as set out in Procedure G.

8. At minimum or community facilities, the Chief Administrative Officer, or designee, shall establish facility specific written practices regarding state-issued or personal work-related clothing, footwear, tools and other work-related items, e.g., lunch coolers for work crews. All personal work-related clothing or footwear items must be purchased through the facility canteen services or purchased through special order or other arrangements made by the facility. Work-related items may not be obtained via any other means. These items are not transferable to Department facilities with a higher security level and, in the event of such a transfer, shall be handled as set out in Procedure G. Work-related items purchased by the resident that are no longer required for work purposes shall be treated as non-allowable and shall be handled as set out in Procedure G.
9. Residents on administrative status, disciplinary segregation status, protective custody status, or disciplinary restriction status in special management housing or housed in the Administrative Control Unit or the Intensive Mental Health Unit shall only be allowed property items in accordance with the policies specific to those statuses or housing units. Residents on reception status shall only be allowed property items in accordance with the facility specific written practices for residents on that status.
10. In addition, a resident not on one of the above statuses who is housed in a housing unit primarily used for residents on one of these statuses (e.g., due to overcrowding) shall only be allowed those property items allowed residents on one of these statuses, unless otherwise approved by the Commissioner, or designee.
11. Personal property items generally allowed to residents under this policy, but not allowed to a resident due to being on one of the above statuses or due to being housed in one of the above housing units, shall be stored at the facility until allowed to the resident, except for food/drink item and hygiene items. Food/drink items and hygiene items shall be immediately disposed of by facility staff and non-allowable or contraband personal property items shall be handled as set out in Procedure G.
12. Residents housed in the Infirmary shall only be allowed property items in accordance with the facility specific written practices for residents housed in that unit. Personal property items generally allowed to residents under this policy, but not allowed to a resident under this provision, shall be stored at the facility until allowed to the resident, except for food/drink items and hygiene items. Food/drink items and hygiene items shall be immediately disposed of by facility staff and non-allowable or contraband personal property items shall be handled as set out in Procedure G.
13. Each facility Chief Administrative Officer, or designee, shall ensure that residents are provided with written information as to those items available for purchase

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through facility canteen services or through special order arrangements made by the facility and approved by the Commissioner, or designee.

14. All allowable property must be acquired as set out on the applicable Resident Allowable Property List or in Department Policies (AF) 21.2, Resident Mail, or 24.3 (AF), Religious Services.
15. No means of acquiring property other than those specified are permissible.
16. A resident may not acquire, directly or indirectly, personal property from any staff, volunteer, or student intern. A resident may not acquire personal property during visits.
17. A resident may not acquire, directly or indirectly, personal property from the family or visitors of another resident, without the prior written approval of the Chief Administrative Officer, or designee.
18. Only authorized staff may issue state property to residents.
19. A resident may not acquire, directly or indirectly, any property, state-issued or personal, from another resident.
20. A resident leaving on a furlough pass or furlough leave or participating in a community transition program may not take any property, other than items approved by the Chief Administrative Officer, or designee, out of the facility. When returning from the furlough pass or furlough leave or the community transition program, the resident may bring back to the facility only those items taken out by the resident.
21. The Chief Administrative Officer, or designee, shall ensure that provisions are made for the secure storing of resident personal property being stored by facility staff. The Chief Administrative Officer, or designee, shall also ensure that each resident is provided the means for secure storing of allowable property in the possession of the resident. *5-ACI-2E-10*
22. All allowable property shall be stored at all times within state-issued storage containers, using state-issued locking devices as applicable, with the exception of state-issued linens, items currently being worn or used by the resident, items allowed to be displayed in the resident's cell or room, and items that do not fit within the issued storage containers. Letters and legal documents shall be limited to a maximum of one (1) letter size accordion folder for personal documents and two (2) legal size accordion folders for legal documents. A resident may request extra storage outside of the resident's cell or room for legal documents pertaining to current or anticipated legal proceedings.
23. Residents shall:
 - a. maintain copies of all Resident Property Inventory forms (Attachment B) provided by facility staff to document proof of issuance of state property and ownership of personal property and shall show these forms upon request of

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any staff. If a resident fails to show proof of issuance of state property or proof of ownership of personal property, said property shall be considered contraband, unless the facility has conclusive documentation of its issuance or ownership, as applicable;

- b. ensure that property is used only for its intended purpose and as authorized by this policy or other applicable Department policies;
 - c. ensure that no property is used to manufacture contraband or conceal contraband or a non-allowable item;
 - d. ensure that no property is altered or tampered with in any manner (to include altering or tampering with a label, seal, or other security device); and
 - e. not dispose of any inventoried property without the approval of the facility property officer.
24. Property is subject to search at any time for any reason without the consent of the resident.
25. State-issued items are not transferable, with the exception of state-issued clothing, footwear, and work-related items allowed at the receiving facility.
26. Unless the item is secured as evidence for a disciplinary or court proceeding, any reusable non-allowable, non-transferable, or contraband state-issued items shall be returned to the sending facility and any non-allowable, non-transferable, or contraband state-issued items that are not reusable shall be disposed of by the receiving facility.
27. All allowable resident personal property items, with the exception of food/drink items and hygiene items, are transferable between all Department facilities. Opened food/drink items and opened hygiene items are not transferable and shall be immediately disposed of by facility staff. Unopened food/drink items and unopened hygiene items are transferrable when a resident is transferred to an equal or lesser security level facility only. When a resident is transferred to a higher security level facility, unopened food/drink items and unopened hygiene items are not transferable and shall be immediately disposed of by facility staff. Any other non-transferable personal property items shall be handled as set out in Procedure G.
28. Except for religious items allowed to be displayed as set out below, no items may be displayed in the cell or room of a resident housed at other than a minimum or community security facility. If permitted by the Chief Administrative Officer, or designee, residents housed at minimum or community security facilities may display other allowable personal property items in their rooms. Rules regarding those items permitted for display shall be established in writing and available to all residents and staff. These requirements shall be reviewed at least annually and revised as necessary. *4-ACRS-1A-15*
29. A property item shall be considered non-allowable property or contraband if it:
- a. does not meet the description of an item on the Allowable Property List;

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- b. exceeds the maximum quantity allowed;
 - c. was not acquired by a means allowed as set out on the applicable Resident Allowable Property List or in Department Policies (AF) 21.2, Resident Mail, or 24.3 (AF), Religious Services;
 - d. was acquired from a person not allowed under this policy;
 - e. was acquired in a way that constitutes a violation of Department Policy (AF) 20.1, Prisoner Discipline;
 - f. has been used for other than its intended purpose and as authorized by this policy or other applicable Department policies;
 - g. has been used to manufacture contraband or to conceal contraband or a non-allowable item;
 - h. has been altered or tampered with in any manner (to include altering or tampering with a label, seal, or other security device); or
 - i. as otherwise specified in this policy.
30. Unless an item is secured as evidence for a disciplinary or court proceeding, any reusable non-allowable or contraband state-issued items shall be returned to facility inventory and any non-allowable or contraband state-issued items that are not reusable shall be disposed of by facility staff.
31. Residents are responsible to report immediately any missing, lost, or damaged state-issued property to the property officer or other designated staff. A resident may be held accountable for missing, lost, or damaged state-issued property.
32. Although residents are allowed personal property at their own risk, a resident may make a claim for replacement of or reimbursement for any item lost or damaged due to the fault of facility staff. The resident shall be required at the time of the claim to provide proof of purchase and/or ownership. If it is determined that staff were at fault, the value of the item shall be depreciated, depending on the date of the item's purchase, the condition of the item, if known by staff, and any other relevant factors. All claims shall be reviewed on a case-by-case basis and all replacement or reimbursement decisions shall be made at the discretion of the Chief Administrative Officer, or designee. The maximum allowable amount for replacement or reimbursement for a single item is \$100.00, with the exception of a guitar (acoustic or electric), which may be valued above \$100.00 and with a cap of \$300.00.
33. A committee, comprised of Department staff appointed by the Commissioner, shall meet at least semi-annually to review the facilities' compliance with this policy, review any facility requests for revisions to the Resident Allowable Property List, and make recommendations to the Commissioner regarding any revisions. A Chief Administrative Officer, via the facility's committee representative, shall submit to the committee any facility request for revision to the Resident Allowable Property List.

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Procedure B: Medical Items

1. Medical items provided by the facility's health care department, purchased through special order arrangements made by the facility, or purchased through facility canteen services are allowable property.
2. If a medical item creates a safety or security concern, designated supervisory staff shall consult with designated health care staff in order to determine how to meet the medical needs of the adult resident without creating an undue risk to safety or security, including, but not limited to, modifying the item, restricting the resident's use of the item, or providing an alternative item.

Procedure C: Religious Items

1. Religious items permitted by and acquired in accordance with Department Policy (AF) 24.3, Religious Services are allowable property.
2. Adult residents may display allowable personal religious items in their cells or rooms in a way that does not interfere with safety or security and complies with Department Policy (AF) 24.3, Religious Services.

Procedure D: Publications

1. Except as set out below for religious books, adult residents ordering books must order them and receive them directly from either the publisher (not including an author who is a "self-publisher") or an approved commercial book distributor. See Attachment C, Approved Book Distributors. All books received must include a packing list/invoice.
2. Books ordered from Amazon.com are only allowed if they are shipped directly from Amazon.com and not mailed by private individuals or other vendors who sell publications on the Amazon.com website.
3. Adult residents ordering non-religious magazines or newspapers, whether through a pre-paid subscription or on a single-issue basis, must order them and receive them directly from the publisher or a commercial distributor (not necessarily one listed on Attachment C).
4. In addition to the above, residents may order religious books and other religious publications through religious catalogs available from the facility chaplain, or other designated facility staff, and must receive them directly from the religious catalog distributor, the publisher, or a commercial book distributor (not necessarily one listed on Attachment C). All religious books received must include a packing list/invoice.
5. Other persons ordering publications for residents must order them from the same sources as residents are allowed to order from, must have them shipped directly from the source, and, in the case of books, there must be included a packing list/invoice.

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Procedure E: Extra Allowable Personal Property

1. Allowable musical instruments (guitar, including effects pedal, and harmonica) and allowable videogame systems (including games and controllers) are extra allowable property. Unless more than one of these items is already in the possession of an adult resident as of the latest revision date of this policy, a resident shall be allowed to purchase and possess only one (1) of these items at a time.

Procedure F: Record Keeping

5-ACI-5A-08 & 4-ACRS-7D-14

1. At intake or upon transfer to a Department facility, designated facility staff shall complete an accurate accounting of all state-issued property, all allowable personal property, and non-allowable and contraband property brought with the adult resident to the receiving facility. Staff shall use the Resident Property Inventory form (Attachment B), Acknowledgement of Receipt of Allowable Property form (Attachment D), Disposition of Property by Facility form (Attachment E), and Disposition of Property by Adult Resident form (Attachment F), and the resident property form in CORIS, as applicable. The staff completing the form(s) and the resident shall sign the form(s), and the resident shall be given a copy of the form(s).
2. After intake or transfer, any item received at the facility and allowed to a resident, other than canteen items, photographs, correspondence and items sent with correspondence, legal materials, and newspapers and magazines, shall be accounted for using the Acknowledgement of Receipt of Allowable Property form, and the resident property form in CORIS, as applicable. The staff completing the form(s) and the resident shall sign the form(s), and the resident shall be given a copy of the form(s).
3. Any item sent out from the facility by a resident, whether via mail or pick up by a visitor or other authorized person, shall be noted on the Disposition of Property by Adult Resident form and removed from the resident property form in CORIS, as applicable. All items otherwise disposed of shall be noted on the Disposition of Property by Facility form and removed from the resident property form in CORIS, as applicable. The staff completing the form(s) and the resident shall sign the form(s), and the resident shall be given a copy of the form(s).
4. Any time the property in a resident's possession is physically inventoried, the Resident Property Inventory form shall be completed, signed, and dated by the staff conducting the inventory. A physical inventory of all property shall be done upon initial intake to the Department; whenever a resident is transferred to another facility (by both the sending facility and the receiving facility); is placed on administrative status, disciplinary segregation status, protective custody status, or disciplinary restriction status in special management housing or moved to the Administrative Control Unit, the Intensive Mental Health Unit, or the Infirmary; the resident is moved back to general population; the resident's property is placed in storage; the resident's cell or room is searched; or the resident is released. If any

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non-allowable or contraband property is found, it shall be accounted for using the Disposition of Property by Facility form and Disposition of Property by Adult Resident form, and the resident property form in CORIS, as applicable. The staff completing the form(s) and the resident shall sign the form(s), and the resident shall be given a copy of the form(s).

5. If a physical inventory has not been conducted for a reason outlined above within the previous quarterly period, it shall be inventoried using the Resident Property Inventory form. If any non-allowable or contraband property is found, it shall be accounted for using the Disposition of Property by Facility form and Disposition of Property by Adult Resident form, and the resident property form in CORIS, as applicable. The staff completing the form(s) and the resident shall sign the form(s), and the resident shall be given a copy of the form(s).
6. Any resident property to be stored for any reason shall be placed in secure storage at the facility prior to the end of the shift. A copy of the appropriate form(s) shall be affixed to or placed in the bag with the property. When a resident receives property from storage, it shall be accounted for using the Resident Property Inventory form and the resident property form in CORIS, as applicable. The staff completing the form and the resident shall sign the form, and the resident shall be given a copy of the form.
7. A resident receiving property shall examine each item and note any problems at the time of signing for its receipt.
8. All forms related to resident property shall be maintained by the facility property officer.

Procedure G: Non-Allowable, Non-Transferable, or Contraband Personal Property

1. Unless an item is secured as evidence for a disciplinary or court proceeding, non-allowable or contraband resident personal property without substantial monetary value (e.g., stickers, paper clips, etc.) shall be immediately disposed of by facility staff.
2. Unless an item is secured as evidence for a court proceeding, non-allowable, non-transferable, or contraband personal property that would create a risk to health, safety or security if handled or stored (e.g., food/drink items, hygiene items, broken item with sharp edges, etc.) shall be immediately disposed of by staff. Prior to its disposal, staff shall take a photo of any item (other than a food/drink item or a hygiene item) that, in its original state, had substantial monetary value and of any item that is evidence for a disciplinary proceeding but is disposed of because it cannot be safely handled or stored pending the proceeding.
3. Unless an item is secured as evidence for a disciplinary or court proceeding, personal property that is contraband because its possession is prohibited by federal or state law (e.g., alcohol, illegal drug, weapon, escape tool, etc.) shall be

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turned over to the facility Correctional Investigative Officer (Detective), or other designated staff, for disposal.

4. Residents are responsible to report immediately any lost or missing personal property to the property officer or other staff designated by the Chief Administrative Officer. Personal property shall be considered contraband if the property appears to belong to a person other than the resident in whose possession it is found or if it is unclear to whom it belongs, as determined by the Chief Administrative Officer, or designee. Unless the property is secured as evidence for a disciplinary or court proceeding or the property is able to be returned to its rightful owner, the property shall be disposed of by facility staff.
5. Unless an item is secured as evidence for a disciplinary or court proceeding and except for an item disposed of by the staff or returned to its rightful owner as set out above, other contraband property must be disposed of by the resident within thirty (30) days of when the resident is notified it is contraband. During the thirty (30) days, the property shall be stored at the facility. The Disposition of Property by Adult Resident form shall be completed for all such property.
6. Unless an item is secured as evidence for a disciplinary proceeding and except for an item disposed of by staff as set out above, non-allowable personal property must be disposed of by the resident within thirty (30) days of when the resident is notified that it is not allowable. During the thirty (30) days, the property shall be stored at the facility. The Disposition of Property by Adult Resident form shall be completed for all such property.
7. Except for an item disposed of by staff as set out above, allowable personal property that is non-transferable must be disposed of by the resident within thirty (30) days of when the resident is notified of the transfer or, if the resident has not been notified, within thirty (30) days of when the transfer has taken place. The Disposition of Property by Adult Resident form shall be completed for all such property. During the thirty (30) days, the property shall be stored at the transferring facility (unless the resident requests it to be stored during those 30 days at the receiving facility and both facilities agree).
8. If a resident who is required to dispose of property does not dispose of it within the thirty (30) days, it shall be disposed of by designated facility staff, who shall complete the appropriate section on the Disposition of Property by Adult Resident form.
9. If non-allowable personal property is secured as evidence for a disciplinary proceeding, once the proceeding is over (including any appeal), it shall be handled like other non-allowable property as set out above.
10. If contraband personal property is secured as evidence for a disciplinary or court proceeding, it shall be handled as follows:
 - a. if the item is used as evidence in a court proceeding, its final disposition shall be determined by the prosecuting attorney or the Department's legal representative in the Attorney General's office.

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- b. if the item is used as evidence only in a disciplinary proceeding, once the proceeding is over (including any appeal), it shall be disposed of by designated staff after notifying the resident using a Disposition of Property by Facility form. A photo shall be taken of the item prior to its disposal and the photo shall be retained in the disciplinary record.
- c. if the item planned for use as evidence in any proceeding is not used, but it is clear it is contraband, it shall be disposed of by designated staff after notifying the resident using a Disposition of Property by Facility form. A photo shall be taken of the item prior to its disposal.

VIII. PROFESSIONAL STANDARDS

ACA

- 5-ACI- 2E-10** **Space is provided for storing the personal property of inmates safely and securely.**
- 5-ACI-5A-06** **Written policy and procedure govern the control of personal property and funds belonging to inmates and are made available to inmates upon admission and when updated.**
- 5-ACI-5A-07** **Written policy, procedure, and practice specify the personal property inmates can retain in their possession.**
- 5-ACI-5A-08** **Written policy and procedure govern the control and safeguarding of inmate personal property. Personal property retained at the institution is itemized in a written list that is kept in the permanent case file; the inmate receives a current copy of this list.**
- 4-ACRS-1A-15** **Offenders are permitted to decorate their living and sleeping quarters with personal possessions. Rules regarding the decorating of living/sleeping quarters are available to all offenders and staff. The rules are reviewed annually and revised, if necessary.**
- 4-ACRS-7D-13** **Procedures specify the personal property that offenders can retain in their possession and govern the control and safeguarding of such property.**
- 4-ACRS-7D-14** **Personal property stored in the facility is itemized on a written list that is signed by the offender and kept in a permanent file. The offender receives a copy listing the property retained for storage.**

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