

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Management of Offender Property or Contraband		
Policy Number: 206.02	Effective Date: 2/21/2018	Page Number: 1 of 14
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

I. Introduction and Summary:

It shall be the policy of the Georgia Department of Corrections (GDC) that offenders may possess only the property that is acquired by one of the following methods:

- A. Issued to the offender upon admission to the facility or center;
- B. Issued to the offender while in custody at the facility or center;
- C. Purchased by the offender in the facility or center Offender Commissary
- D. Approved for special purchase from the GDC Authorized Vendor in accordance with the provisions outlined in Standard Operating Procedure (SOP) 206.01, Offender Personal Property Standards; or
- E. Certain items received through the mail in accordance with provisions outlined in SOP 206.01, Offender Personal Property Standards.

In addition, property in an offender's possession upon arrival into GDC custody may become authorized personal property. Such property is subject to approval in accordance with guidelines in SOP 206.01, Offender Personal Property Standards.

Any item or article that is not acquired through authorized methods shall be considered contraband and shall be seized when found, whether it is in physical possession of an offender, in an offender's living quarters, or in common areas of the facility. This SOP aids in the management of contraband and items of property seized as contraband shall be disposed of in accordance with this SOP.

II. Authority:

- A. GDC Board Rules: 125-2-4-.06, 125-3-1-.06, 125-3-2-.04(d), 125-3-3-.04, 125-3-3-.06, and 125-3-4-.10;
- B. GDC SOP's: 206.01, Offender Personal Property Standards; 227.06, Offender Mail and Receipt of Funds; 227.07, Access to Offender Commissary; 404.01, GDC Insurance Claims Process; 209.01, Offender Discipline; 203.03, Incident Report; 227.02, Statewide Grievance Procedure; 206.03, Disposition of Abandoned,

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Tangible Inmate Property; 226.02, Entry Security Procedures; and 218.01, Key and Lock Control; and

- C. ACA Standards: 2-CO-3A-01, 4-4294, 4-4335, 4-4207, 4-4339, 4-4164, 4-4294, and 4-4494.

III. **Definitions:**

- A. **Offender Personal Property** - Articles of value owned by an offender that was acquired through authorized methods.
- B. **Commissary Items** - Those items purchased at the offender store.
- C. **Contraband** - Property items which are not explicitly authorized for possession; which were acquired through unauthorized means; which exceed personal property limitations on value or amount; which cannot be maintained in a neat and safe manner; or which present a fire, sanitation, or security issue.
- D. **Evidence Locker** - A secure storage locker for illegal contraband maintained by the Georgia Department of Corrections, Office of Professional Standards (OPS). Removal of illegal contraband from the Evidence Locker will be restricted to the Investigator or Special Agent-In Charge from OPS. OPS will maintain absolute control of the keys and locks to the Evidence Locker. Keys to the Evidence Locker will be issued to the Institutional Investigator and Special Agent-In Charge with OPS. Additional Keys to the Evidence Locker will be located at OPS, Central Office, and Regional office locations.
- E. **Nuisance Contraband** - Any item or article which may be or may have been authorized for possession, but which is now prohibited because of excessive quantities or otherwise presents a health or fire hazard, sanitation, security, or housekeeping problem.
- F. **Illegal Contraband** - Any item or article that is illegal in nature as defined by State or Federal Law; any item or article that poses a serious threat to the security of the institution and is ordinarily not approved for possession or admission into the institution.

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G. **State Property** - Any items purchased or owned by the State.

IV. Statement of Policy and Applicable Procedures:

This policy is applicable to all State, Private, and County Facilities, Residential Substance Abuse Treatment Centers (RSATs), Integrated Treatment Facilities (ITFs), and Transitional Centers.

A. The following procedures for handling offender property are established:

1. When an offender is initially received into the GDC system, the processing or receiving officer shall act in accordance with GDC Board Rule 125-2-4-.06 in the allowance of personal property and recording of the same. Attachment 1, Initial Offender Personal Property Inventory, shall be completed to include the following information:
 - a. Description of article (including color, manufacturer, model, condition, serial number if applicable, unusual marks, etc.);
 - b. Declared monetary value of each item per offender;
 - c. Personal clothing items that the offender is allowed to keep must be thoroughly cleaned and, when necessary, disinfected before allowing the offender to wear them; and
 - d. The offender shall be given a copy of Attachment 1, Initial Offender Personal Property Inventory.
2. Whenever an offender is assigned to Disciplinary Isolation, Protective Custody, Administrative Segregation, hospital, mental health facility, Helms Facility, produced to a State, Superior or Federal Court, or absent by way of authorized leave or writ, personal property obtained from the offender shall be properly inventoried on Attachment 2, Offender Personal Property Inventory Form. Offender clothing shall be thoroughly cleaned and, when necessary, disinfected prior to storing. The property shall then be placed in a container and stored as outlined in section I.V.B (see Attachment 3, Personal Property/Evidence Tag) of this procedure. Attachment 2, Offender Personal

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Property Inventory Form shall be stored with the offender's property, a copy given to the offender, and a copy shall be placed in the offender's institutional file. Upon his or her return, the property shall be returned to the offender and the offender shall acknowledge receipt of the property by signing the inventory form. The offender completed Personal Property Inventory Form shall then be filed in the offender's institutional file. This same process shall be used any time any of these movements occur with the offender in order to safeguard the offender's personal property. Every effort shall be made to ensure that no property damages occur when handling offender property. All damages will be documented and handled in accordance with, Section IV.C., Reimbursement to Offenders for lost or damaged property.

3. Whenever an offender's personal property is confiscated as contraband, his or her property shall be inventoried on Attachment 2, Offender Personal Property Inventory Form. If the items are clothing, they shall be thoroughly cleaned and, when necessary, disinfected prior to storing. A copy of the Personal Property Inventory Form shall be stored with the property, a copy given to the offender, and a copy shall be placed in the institutional file in order to safeguard the offender's personal property. The property shall then be placed in a container, tagged with the Personal Property/Evidence Tag, and stored as outlined in section IV.B. of this procedure. Disposition of contraband property is outlined in section IV.D. of this procedure.
4. Whenever an offender is transferred to another facility, the offender's Personal Property Inventory Form shall be completed by the losing facility and attached to the offender's property. The receiving facility shall verify that all items inventoried by the losing facility on the offender Personal Property Inventory Form were received at the receiving institution. The officer providing verification, the witness, and the offender shall then sign the form. The completed original form shall be placed in the offender's institutional file.
5. When an offender escapes or dies, their property shall be stored and recorded as outlined in paragraph A.3. above. If the property is surrendered to an outside party, an appropriate documented receipt shall be obtained. If after one (1) year, no legal claim has been made, the property shall be offered for public sale under the provision of GDC Rule 125-2-4-.06 (e). Procedures for conducting

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public sales can be found in SOP 206.03, Disposition of Abandoned, Tangible Inmate Property.

6. When an offender receives personal property from any other authorized source, see SOP 206.01, Offender Personal Property Standards for recording procedures of personal property received in this manner.
 - B. Any time an offender's property is stored for any reason, the property shall be inventoried on Attachment 2, Personal Property Inventory Form. A copy of the Personal Property Inventory Form shall be stored with the property, a copy given to the offender, and a copy shall be placed in the institutional file in order to safeguard the offender's personal property. The property shall be placed in a container and secured. Prior to being placed in the container, an offender's personal clothing shall be thoroughly cleaned and, when necessary, disinfected and all property including clothing and bedding must be inventoried. The container shall then be tagged with the Personal Property/Evidence Tag and stored. Each facility shall maintain a property storage room in a neat and orderly fashion. This room shall be secured at all times and offenders are never allowed in the property storage room. In addition, the following guidelines shall be used for management of this storage room:
 1. Keys to this room shall be classified as Highly Restricted Use keys as defined in SOP 218.01, Key and Lock Control.
 2. A designated Property Control Officer shall maintain Attachment 4, Property Control Log, which shall include all the following information concerning property placed in the storage room:
 - a. The Personal Property/Evidence Tag number;
 - b. Number of containers;
 - c. Offender's name and GDC number;
 - d. Date received;

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- e. Reason for storage;
 - f. Staff member requesting storage;
 - g. Date of release;
 - h. To whom released/signature; and
 - i. Final disposition (mailed, destroyed, returned to offender).
3. A list of staff authorized access to the storage room shall be maintained. This list shall be very restrictive and any entry shall be logged in a logbook indicating the name, date and time of entry into the storage room.
- C. Reimbursement to offenders for lost or damaged property shall be limited to the following:
- 1. One (1) wristwatch per offender;
 - 2. One (1) ring per offenders;
- NOTE:** The combined value of all jewelry, including wristwatch, ring, and religious medals or pendants cannot exceed \$200.00 for male offenders. For female offenders, this amount cannot exceed \$250.00 if they possess all of the above jewelry and earrings.
- 3. One (1) Portable Music Device and/or GOAL Media Device: Offenders may possess a JP4 Player or GOAL device and one other portable music device. (See SOP 206.01, Offender Personal Property Standards for types). One (1) set of headphones and ear buds are allowed with the media device. One (1) set of headphones or ear buds are allowed with a music device. A belt clip is allowed. The GOAL device and JP4 Player may have a USB Cord (this applies only to facilities where personal devices are allowed.)
 - 4. The value of any portable music device cannot exceed that which is set by the Offender Commissary or approved vendor. All portable music devices, except

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JP4 Players and GOAL devices (engraving will damage device), shall be engraved with the offender's name and GDC ID number at the time it is purchased at the Offender Commissary or from the approved vendor. To show ownership of the JP4 Player and the GOAL device, the offender's name and GDC ID number is displayed on the screen of the device once it is turned on.

5. Upon intake or reception, offenders shall be informed in writing of personal property rules and restrictions. They shall be given an opportunity to declare the value of the property items. If they have property that exceeds the value limits established in this procedure, they shall be allowed to mail it to the address of their choice.
6. Offenders who have brand name or designer-label clothing in their possession shall be allowed to mail the articles to the address of their choice.
7. When an offender's property is being returned after being stored for any reason and items documented on Attachment 1, Initial Offender Personal Property Inventory, cannot be located, this fact shall be documented on the form. Any request for compensation or replacement of missing items shall be initiated through the offender grievance procedure by the offender whose property is missing.
8. If the grievance is approved, the Warden's or Superintendent's designee shall conduct an investigation of the loss. The investigation shall be completed and forwarded within thirty (30) days to the Warden or Superintendent.
9. In the event that the facility decides to pay any of the offender's claims, the following procedure shall be followed:
 - a. Upon the Warden or Superintendent receiving a copy of the investigation with supporting documentation, including proof of ownership and the replacement cost of the lost item(s), the Warden, Superintendent, or their designee is authorized to compensate the offender by utilizing funds from the Offender Benefit Fund (store profits). Should there be a similar item sold in the offender commissary, the lost item shall be replaced.

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- b. The maximum amount payable per claim from the Offender Benefit Fund shall not exceed \$500.00 dollars. Any offender who wishes to file a claim seeking compensation over \$500.00 dollars must obtain a claim form, State of Georgia Liability Incident Report Form, through the Warden or Superintendent's office. Claims shall be processed through the Department's Office of Risk Management, located at State Offices South-Tift College, 300 Patrol Rd., Upshaw Building, P. O. Box 1529, Forsyth, GA 31029.
10. State Property: Items of state property seized as contraband shall be returned to the Warden or Superintendent or their designee and shall be placed in normal stock for re-issue if it has not been altered. Medical equipment, accessories, supplies, medication, etc. shall be returned to the Medical Department. State property may be retained as evidence for disciplinary actions or criminal prosecution whenever appropriate.
11. Personal Property: Items seized as Nuisance Contraband shall be turned over to the Warden, Superintendent, or their designee for disposition. Items seized as Illegal Contraband shall immediately be sealed in an evidence bag/container to preserve its integrity and placed in the Evidence Locker, or stored in a secure location designated by the Warden/Superintendent until the contraband can be turned over to OPS. (See Section IV.D.2. a-e) When disciplinary action is appropriate, disposition of the property shall be delayed until the disciplinary action is completed.
12. Nuisance contraband is defined in the Definition section of this procedure. Specific examples of nuisance contraband are as follows:
- a. Excessive numbers of newspapers, letters or magazines;
 - b. Food items which have spoiled; or
 - c. Items accumulated for the purpose of barter or trade.
13. Illegal contraband is defined in this procedure in the Definitions section. Specific examples of illegal contraband are as follows:

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- a. Tobacco;
- b. Guns or firearms of any type;
- c. Knives or tools not approved by institutional policy;
- d. Hazardous and poisonous chemicals and gases;
- e. Narcotics or other controlled substances, medication not dispensed by the institution's medical department, and medicines dispensed by the medical department but not consumed according to prescriptions;
- f. Ammunition or explosives;
- g. Wireless communication devices (cell phones, unauthorized computers, etc.);
- h. Intoxicants of any type;
- i. Personal information about any correctional employee(s) including but not limited to home telephone number, addresses, etc. This type of information shall be viewed as having the potential to compromise the safety and security of both the staff member(s) involved, as well as the safety and security of the Georgia Department of Corrections. The discovery of this type of contraband shall be immediately reported to the Appointing Authority and an investigation shall be initiated; and
- j. No offender shall possess any document (s) obtained from the Georgia Department of Corrections public web site/offender query. This includes the photo(s), and/or sentencing information regarding other offenders.

NOTE: This is not an inclusive list. Many other items may be illegal contraband in accordance with the definition found in the Definition section of this procedure.

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D. Procedures for Disposing of Nuisance and Illegal Contraband:

1. Nuisance Contraband: Nuisance Contraband shall be turned over to the Warden or Superintendent or their designee for inventory and storage pending identification of the true owner, if in question, and possible disciplinary action.
 - a. Within seven (7) days of the seizure, the offender who possessed the item(s) at the time of the seizure shall be given the opportunity to present evidence that he or she is the owner of the item and that it is not Nuisance Contraband.
 - b. If the offender establishes his or her ownership but the item is still determined to be contraband, the items shall be mailed to the offender's home or to the address which he has provided for such purposes at the offender's expense. If the offender is indigent, he or she can use the exceptional mailing process outlined in SOP 406.19, Offender Financial Transactions and Business Activities.
 - c. If the offender established ownership to a Nuisance Contraband item and is unwilling, but financially able, to pay postage or refuses to provide a mailing address for the return of the property, or have an approved visitor to pick up the property at visitation, then the property shall be destroyed or donated to charity after thirty (30) days.
 - d. If the offender is unable to establish ownership, reasonable efforts shall be made to determine the rightful owner before the decision to destroy is made.
 - e. In all cases, Attachment 5, Offender Property Disposal Agreement describing the items to be mailed, picked up at visitation, destroyed, or donated shall be completed. The employees actually destroying or donating the property shall sign the Offender Property Disposal Agreement attesting to the destruction or donation.

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- f. When property is donated to charity, employees shall write the name of the charity by his or her signature. The Offender Contraband Disposal Agreement shall be filed as follows:
 - 1) When property is mailed home, or picked up at visitation the completed Offender Contraband Disposal Agreement shall be placed in the offender's institutional file.
 - 2) When property is destroyed or donated, the completed Offender Property Disposal Agreement shall be maintained in a separate file for three (3) years and a copy shall be placed in the offender's institutional file.

- 2. **Illegal Contraband:** Illegal Contraband shall immediately be sealed in an evidence bag/container to preserve its integrity, secured in storage and turned over to the Investigator or Special Agent from OPS. An Incident Report shall be completed in accordance with SOP 203.03, Incident Reports. A proper chain of custody requiring all the information on the form and container shall be completed. This information shall show what the item is, who found it, and continuous possession by each individual who has had possession of the evidence from the time it is seized until the time it is presented in court. The chain of custody proves 1) each person who has had possession; 2) that the particular piece of evidence remained in substantially the same condition from the moment one person took possession until the moment that person released the evidence into the custody of another; and 3) proves that the evidence was stored in a secure location, where access is limited.
 - a. **Apprehension of Illegal Contraband:** Immediately after seizure and confiscation, all illegal contraband shall be handle in accordance with section this section. For an official investigation and prosecution, contact OPS.
 - b. Prior to placing any contraband in secure storage, the contraband shall be sealed in evidence bag/container (tamper proof) with a completed chain of custody form. Staff shall wear gloves while handling Illegal Contraband.

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Illegal Contraband shall be sealed in a plastic evidence bag. The evidence bag(s) must be sealed with evidence tape.

Note: Illegal Contraband containing bodily fluids shall be sealed in paper evidence bag/container.

- c. Storage Procedures: Once the Illegal Contraband has been sealed in evidence bag/container and the chain of custody completed, it shall be placed in secure storage (Evidence Locker, Armory or other secured location outside determined by Warden/Superintendent).
 - 1) State Prisons: Illegal contraband shall be secured in the Evidence Locker. Procedures for Keys to the Evidence Locker are outlined in Section III.D.
 - 2) Private Prisons, County Prisons, Transitional Centers and Probation Detention Centers: Contraband may be temporarily stored inside in the Warden's Office (in a safe or locked cabinet), Main Control, or another secure location as determined by the Warden/Superintendent due to a lack of outside storage at these facilities, until the contraband can be turned over to the Investigator or Special Agent from OPS. On weekends and after hours, it shall be placed in a temporary drop-box or locker box in a secure location determined by the Warden or Superintendent until the contraband can be turned over to the Investigator or Special Agent from OPS. The temporary drop-box or locker box, which shall have limited access, shall be placed in Main Control or another secured restricted area. Keys to this box shall be classified as Highly Restricted Use keys as defined in SOP 218.01, Key and Lock Control. A list of staff authorized access to the storage room shall be maintained. This list shall be very restrictive and any entry shall be logged in a logbook indicating the name, date and time of entry into the storage room.
- d. If a weapon (gun, Taser, etc.) is found, it shall be sealed in an evidence bag or evidence firearm container and turned over to the OPS immediately. All Illegal Contraband found outside the facility shall be properly labeled,

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sealed in a tamper proof evidence bag, and placed in a permanent storage area (Evidence Locker, Armory or other secured location as determined by the Warden/Superintendent).

e. Relinquishing Procedures and Destruction of Illegal Contraband: All Illegal Contraband shall be relinquished to OPS. OPS is responsible for the destruction of all Illegal Contraband.

1) At State Prisons: OPS shall be the only GDC staff authorized to remove Illegal Contraband from the Evidence Locker.

2) At Private Prisons, County Prisons, Transitional Centers and Probation Detention Centers: The facility shall contact the Investigator or Special Agent with OPS to arrange pick up or drop off to relinquish the Illegal Contraband. The Warden/Superintendent's designee (Property Officer) and an additional staff member designated by Warden/Superintendent shall be authorized and required to remove Illegal Contraband from temporary storage for drop off to or pick up by the Investigator or Special Agent from OPS. The Investigator or Special Agent from OPS can be considered as one of the staff authorized to retrieve evidence or contraband from the restricted area (Armory, etc.) These procedures shall be monitored closely by the Chief of Security. Illegal Contraband shall not be reintroduced into the facility.

E. Currency or Negotiable Instruments: Offenders at Transitional Centers are the only offenders allowed to possess money, currency or negotiable instruments. Money, currency, or negotiable instruments found in an offender's possession which exceed the Transitional Center's allowable limits or on offenders who are not authorized to possess funds, shall be delivered to the Business Office. When disciplinary action is appropriate, final disposition of the funds shall be delayed until the action is completed. If the offender at a Transitional Center can establish that the funds are legally in his or her possession, they shall be deposited to his or her account. If the offender at a Transitional Center cannot provide evidence of lawful ownership, the money shall be determined to be contraband and shall be confiscated. All funds, which are confiscated, shall be turned over to the cashier

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for deposit in accordance with departmental policies. In no case shall an offender be permitted to retain in his/her possession currency or other funds in excess of the established institutional limit.

F. Offender Transfer between Facilities: Storage space availability and security needs differ among facilities; therefore, the amount of allowable personal property may also differ. Personal property of an offender which is allowed in the sending facility, but not permitted by the receiving facility, shall be disposed of in accordance with paragraph IV.A.4. This property determination shall be made at the identification processing area at the time the offender property is received.

V. Attachments:

- Attachment 1: Initial Offender Personal Property Inventory Form
- Attachment 2: Offender Personal Property Inventory Form
- Attachment 3: Personal Property/Evidence Tag
- Attachment 4: Property Control Log
- Attachment 5: Offender Property Disposal Agreement

VI. Record Retention of Forms Relevant to this Policy:

Attachments 1, 2, and 5 shall become part of the offender's institutional file and retained according to the official retention schedule for that file. Attachment 3 shall remain on the container that the offender's property is stored in until final disposition of the property and then the tag shall be destroyed. Attachment 4 shall be retained for four (4) years and then destroyed.