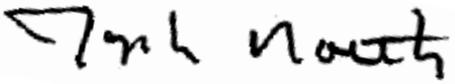


 <p>NEW YORK STATE Corrections and Community Supervision</p> <p>DIRECTIVE</p>	TITLE		NO. 4913
	Incarcerated Individual Property		DATE 11/02/2021
SUPERSEDES DIR# 4913 Dtd. 06/11/19	DISTRIBUTION A B	PAGES PAGE 1 OF 7	DATE LAST REVISED
REFERENCES (Include but are not limited to) ACA Expected Practices 5-ACI-5A-01, 5-ACI-5A-06, 5-ACI-5A-07; Directives #4917, #4405, and #4921	APPROVING AUTHORITY 		

- I. DESCRIPTION:** This procedure provides Departmentally consistent and reasonable standards that regulate the accumulation of personal property for incarcerated individuals in general confinement. When appropriately applied, these standards will provide for the health and safety of employees and incarcerated individuals alike, while ensuring the secure and orderly operation of facilities.
- II. POLICY:** While the following limitations are directed for all facilities, Superintendents at individual facilities may further limit the amount of incarcerated individual property based on physical, security, programmatic, disciplinary, or other considerations with the approval of the Deputy Commissioner for Correctional Facilities.
- III. PROCEDURE:** No incarcerated individual shall possess property (combined State and personal property), including legal material, in excess of that which can be placed in four standard Departmental draft bags.
- A. Exceptions
1. An incarcerated individual with excess legal material may possess one additional draft bag of legal material upon demonstrating that such material pertains to active legal cases by providing court names and case numbers. The facility administration is advised to consult with Office of the Counsel when considering the exception.
 2. One typewriter (by permit only).
 3. One musical instrument (by permit only).
 4. One personal television (at designated television facilities).
- NOTE: State-issue sheets, pillowcases, blankets, towels, or washcloths will not be included in the noted limits.
- B. General Restrictions and Limits: Within the four bag limit, specific items are limited as described below and in the following Sections, and the maximum allowable quantities of others are listed on Form #2064, "Personal Property Transferred." This directive is not to be construed as authorization to possess the maximum quantity of all the items listed; the total property possessed is LIMITED AS DESCRIBED ABOVE and must include all State-issued clothing and footwear.

Specific items of personal property will be limited as follows:

Baseball Caps	4	Hot Pot	1	Shirts (personal)	6
Bathrobe	1	Jacket, Rain	1	Shoe (shower)	1
Belts	2	Jacket, Summer (personal)	1	Shorts (Bermuda)	2
Blanket (personal)	1	Jacket, Winter (personal)	1	Shorts, Gym	2
Books (all types)	25	Lamp (25-watt max.)	1	Slippers	1
Bow Ties	2	Lamp Shade	1	Snuff	30oz.
Bowls	2	Lighter, Butane	2	Stamps	50
Bucket (Plastic) 3 gal.	1	Lotions, All Types	6	Sweatpants (personal)	2
Calculator	1	Magazines	14	Sweatshirts/No Hoods (personal)	3
Can Opener	1	Musical Instrument	1	Sweater	2
Cigarettes, Packs	30	Nail Clippers	1	Tablet	1
Cigars	80	Newspapers	7	Tapes (cassette)	25
Cups	2	Pajamas	2	Thermos Bottle	1
Drinking Container	2	Pillowcase (personal)	2	Tobacco, Chewing	30oz.
Electric Razor/Trimmer	1	Prayer Rug	1	Tobacco, Pouch	18oz.
Fan	1	Radio/Tape Player Combo	1	Tweezers	1
Footwear (personal)	4	Rug 3x5	1	Typewriter	1
Gloves, Mittens	2	Scarves (solid color only)	2	Watch	1
Hairdryer/Blower (female only)	1	Sheets (personal)	4	Wedding Band	1
Headphones	1	Shirts ("T") (personal)	6		

C. Specific Restrictions and Limits

1. Newspapers, Magazines, Books, and Audio Tapes: Incarcerated individuals enrolled in a college program may possess up to 10 additional books, provided the books are required for the college course.

NOTE: Newspapers, magazines, books, and audio tapes shall be stored in a locker and/or in authorized storage containers which can be neatly stored under the bed to reduce their potential fire hazard.
2. Electrical Devices
 - a. All electrical devices shall be UL approved.
 - b. All coverings over lights and any lamp shades must be commercially manufactured for that purpose. Any such covering or lamp shade which, in the opinion of the facility Fire and Safety Officer, or in their absence an appropriately qualified employee, constitutes a fire hazard is not allowed.
3. Hobby Craft Supplies and Equipment
 - a. Where hobby craft supplies and equipment are permitted in cells or rooms, they must be kept in a neat and orderly manner. The issuing and control of hobby and craft supplies and equipment is outlined in Directive #4405, "Incarcerated Individual Art & Handicrafts."
 - b. The Superintendent may further restrict hobby craft supplies by facility policy.
4. Food
 - a. Food received in packages or purchased in the Commissary may be stored in living quarters. Food permitted to be taken from the Mess Hall is perishable and must be consumed by day's end.
 - b. Extreme care must be exercised when keeping any of the food allowed in Section III-C-4-a, especially when opened, to protect against spoilage and possible illness.
 - c. Returnable Deposit Containers: Incarcerated individuals may accumulate up to two cases (48) of EMPTY AND CLEAN returnable deposit containers in their living areas and must redeem them during their next Commissary buy.
 - d. Cooking will not be permitted in any cell; however, the heating of food will be permitted in the Department approved hot pot.
5. Wearing and Use: All State-issued and personally owned items or clothing must be properly sized, used for its intended purpose, and worn in its intended manner (i.e., pants to be worn pulled up to the wearer's waist, shoes tied, belts buckled, shirts buttoned properly, no blousing of pants, etc.). Determination of questions of the "intended use" or "intended manner" is as decided by the Superintendent or designee.

- D. Corrective Action: When an incarcerated individual is found to possess in excess of what may be contained in four draft bags, or possess property surpassing approved facility limits, or possess individual items exceeding maximum limits, the incarcerated individual must dispose of excess property as described in Section III-E and may be subject to the disciplinary process.

If necessary, the appropriate Security Supervisor will meet with the incarcerated individual to discuss corrective action to be taken. The incarcerated individual will be allowed to identify what excess property will be disposed of and to select from the options outlined on Form #2068, "Authorization for Disposal of Personal Property." Failure to identify personal property to be disposed of and/or failure to select an option, or refusal to sign Form #2068 will result in the facility identifying and disposing that amount of personal property found to be in excess of Department guidelines pursuant to Section III-E.

- E. Disposal of Excess Property: All surplus or disallowed property shall be disposed of as indicated on Form #2068.
1. The incarcerated individual must complete Form #2068 in quadruplicate entering the appropriate data in the heading.
 - a. The incarcerated individual must choose the appropriate option(s) in Section 2 and fill in all required data (name, address, item description, etc.). If option A is chosen, the incarcerated individual must also choose a second disposal option in the event that they do not have sufficient available spendable funds.
 - b. If the incarcerated individual chooses option A, the incarcerated individual will sign a disbursement form that is clearly marked "Excess Property." The disbursement form will be sent, along with the excess property, to the Package Room.
 - c. If the incarcerated individual chooses option B, the excess property will be sent to the Package Room to be held a maximum of 14 days pending the arrival of a visit. If the incarcerated individual selects option B, they shall also select a second choice for disposition in case the visitor does not come or accept the items.
 - d. If the incarcerated individual chooses option C, the excess property will be sent to the Package Room until donated.
 - e. If the incarcerated individual chooses option D, the excess property will be destroyed by the Package Room staff.
 2. Replacement of Personal Property: Once maximum limits have been met, replacement will be by the same process described in Section III-D. Replacements are to be allowed within timeframes as established by the Superintendent or designee.
 3. Whenever an incarcerated individual refuses to complete the form or refuses all of the options on Form #2068, this fact shall be noted on the form and signed by the incarcerated individual and/or the employee witness. The Deputy Superintendent for Security, First Deputy Superintendent, or Superintendent shall then either give the property to a charitable organization or have it destroyed. See Section 6, "Record of Disposition," on Form #2068.

4. The employee witness must ALWAYS sign the form, regardless whether the incarcerated individual signs or refuses to sign the form.
 5. Distribution instructions are at the bottom of the form.
- F. Packing of Property and Transportation of Property on Transfer to Another Facility, When an Incarcerated Individual is Present
1. All State and personal property that is to be transferred must be contained in four State-issue draft bags or suitable substitute bags of comparable size and construction quality. These bags may be purchased from CORCRAFT and should measure approximately 23" x 40" or have a 100 lb. capacity designation. When packing an incarcerated individual's property for transfer, follow and complete Form #2076, "Packing Officer's Checklist," per Directive #4917, "Transferring Incarcerated Individual Property."
 - a. One musical instrument OR typewriter may be taken in addition to the four bags of property.

NOTE: If both are possessed, one will be shipped at the State's expense and the other will be shipped at the incarcerated individual's expense.
 - b. One additional bag of approved active legal documents may be possessed by an incarcerated individual, if granted an exception by facility administration (see Section III-A-1). The incarcerated individual will have the option of selecting, from their personal property, the bag to be shipped at their own expense. Bag #1 containing State clothing is exempt from selection and any bag containing active legal materials is exempt from this selection.
 2. Each item of personal property to be transferred shall be recorded on Form #2064. The incarcerated individual must acknowledge that the list of personal property is correct and complete by signing the form. The incarcerated individual will also sign the form at the receiving facility, acknowledging receipt of all items. The incarcerated individual will be given a copy of the signed form at the receiving facility at the time the property is issued.
 3. One personal television may be shipped at the incarcerated individual's expense or disposed of as per Directive #4921, "Incarcerated Individual Television Sets," and recorded on Form #2068.
 4. Returnable Deposit Containers: Upon transfer, empty returnable deposit containers will be returned to the facility Commissary prior to transfer. If necessary, a commissary refund (transaction code/type 522) will be processed in accordance with instructions in the ICAS Manual.
 5. If it is necessary to pack an incarcerated individual's personal property to be shipped at the facility's expense, documentation and recording are required in the same manner as when the property is shipped at the incarcerated individual's expense. (Refer to Form #2068.)
- G. Packing of Property and Transportation of Property on Transfer to Another Facility, When an Incarcerated Individual is Not Present
1. If it is necessary to pack and itemize an incarcerated individual's property in the incarcerated individual's absence, documentation and recording are required. If the property exceeds four draft bags, all State property, legal work, items listed with

quantity limits in Form #2064, and religious articles will have priority and will be packed into the four draft bags that are permitted.

- a. Property exceeding the four-bag limit will be confiscated and processed as below:
 - (1) If the incarcerated individual remains at the packing facility (e.g., SHU admission), the incarcerated individual will be contacted and permitted to decide disposition of excess property as per Form #2068. If the incarcerated individual refuses to make a determination, the property will be disposed of as per Section III-E.
 - (a) One additional bag of approved active legal documents may be possessed by an incarcerated individual, if granted an exemption by facility administration (see Section III-A-1). The incarcerated individual will have the option of selecting, from their personal property, the bag to be shipped at their own expense. Bag #1 containing State clothing is exempt from selection and any bag containing active legal materials is exempt from this selection.
 - (b) One personal television may be shipped at the incarcerated individual's expense or disposed of as per Directive #4921, and recorded on Form #2068.
 - (c) One musical instrument OR typewriter may be taken in addition to the four bags of property.

NOTE: If both are possessed, one will be shipped at the State's expense and the other will be shipped at the incarcerated individual's expense.

NOTE: State-issue draft bags are for transferring incarcerated individual property from one facility to another or from one location to another within the same facility. Except as provided in Section IV, incarcerated individuals may not possess draft bags in their cells or living quarters.

H. Deceased Individual's Property

1. It is of the utmost importance that the Department preserve the deceased incarcerated individual's property and accurately inventory the possessions, bearing in mind that these items often have significant sentimental value for the family. The property must be carefully inventoried/accounted for and preserved.
2. Prior to releasing the property to the next of kin or legal representative, the Superintendent or Officer of the Day (OD) who made the notification must:
 - a. Physically review the property to verify it consists of the correct belongings.
 - b. Document that this step was completed.

IV. PERSONAL PROPERTY LIMITS - DOUBLE CELL HOUSING (CONVERTED SINGLE CELLS): Personal property possessed by an incarcerated individual assigned to double cell housing (a converted single cell) is limited to the amount that will fit into three standard draft bags (including legal material). Incarcerated individuals will be responsible for proper storage of property and for the neat and orderly appearance of the cells.

- A. Property Storage: An incarcerated individual assigned to double occupancy cell housing will be allowed to possess in their cell two draft bags provided by the Department for storage of property. Property beyond what can be stored in the locker or storage device may be stored in these bags.

The floor space under the bottom bunk bed may be used by both incarcerated individuals for storage. Of this, the half closest to the cell door will be utilized by the incarcerated individual assigned to the bottom bunk. The remainder may be utilized by the incarcerated individual assigned to the top bunk.

B. Temporary Storage of Property

1. Incarcerated individuals assigned to double occupancy cell housing may elect to store one standard draft bag of personal property in a secure area designated by the Superintendent for the duration of their assignment to a double cell. All stored property will be returned to the incarcerated individual as soon as possible upon assignment to single occupancy cell housing.

If the incarcerated individual possesses one additional draft bag of legal material, in accordance with Section III-A-1, it may be stored or substituted for one of the three draft bags allowed in the cell. In this circumstance, an incarcerated individual will be able to store two draft bags as described in this section.

2. Form #2064 will be utilized to inventory all stored property.
3. Incarcerated individuals may request access to this stored property once every 30 days to withdraw or store items.