
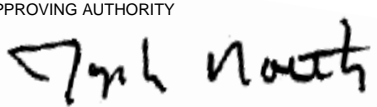


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|  <p><b>Department of Corrections<br/>and Community Supervision</b></p> <p><b>DIRECTIVE</b></p> | TITLE   |                      | NO.<br>4917        |
|   | <b>Transferring Incarcerated Individual Property</b>  |                      | DATE<br>09/07/2023 |
| SUPERSEDES<br>DIR #4917 Dtd 12/14/21  | DISTRIBUTION<br>A B   | PAGES<br>PAGE 1 OF 8 | DATE LAST REVISED  |
| REFERENCES (Include but are not limited to)<br>Directives #3081, #4911, #4913, #4918, #4919; Inmate Records Coordinator (IRC) Manual  | APPROVING AUTHORITY<br> |                      |                    |

I. **SCOPE:** This directive outlines the procedures for shipping/transporting incarcerated individual personal property upon transfer to another facility.

II. **INFORMATION**

A. Property Limits/Requirements

1. Incarcerated individuals transferred from one correctional facility to another are allowed to transport up to four bags of personal property and one musical instrument or typewriter.

NOTE: Because of limited personal storage space and the fact that each incarcerated individual will often be paroled within 90 days, incarcerated individuals transferred to Queensboro Correctional Facility will be allowed up to two bags of personal property, including legal material, and one musical instrument or typewriter. All other property must be disposed of in accordance with disposal options listed in Directive #4913, "Incarcerated Individual Property," and on Form #2068, "Authorization for Disposal of Personal Property."

Exception: An incarcerated individual with excessive legal material, if granted an exception by facility administration, may possess one additional draft bag of legal materials 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 the Office of Counsel when considering the exception. In preparation for transfer, an incarcerated individual who possesses an additional bag of personal property containing authorized legal materials may select which bags will be transported via State transportation and which bag will be shipped at the incarcerated individual's expense. Bag #1 containing State clothing is exempt from selection and any bag containing active legal materials is exempt from selection.

NOTE: Prescribed medications shall be handled in accordance with the provisions set forth in Directive #4918, "Incarcerated Individual Health Care During Transfer."

2. Incarcerated individuals transferred to another facility must have a full set of State-issued clothing transferred with them per Directive #3081, "Incarcerated Individual Clothing Issue." When the incarcerated individual is being packed, should items of clothing be found altered or missing, appropriate actions, detailed in Directive #3081, shall be taken by the transferring facility to correct the deficiencies prior to the incarcerated individual's departure from that facility.

3. Incarcerated individuals who are transferred to another facility for the purpose of work or educational release must be provided the standard issue with only two sets of incarcerated individual greens and appropriate personally owned civilian or State-issue release clothing, as outlined in Directive #3081. This clothing will be transported with the incarcerated individual.
  4. Property limits/requirements for incarcerated individuals who are moved to another facility for in transit purposes are detailed in Directive #4919, "Transportation for Court Appearances."
  5. Additional property is to be disposed of as set forth in Directive #4913.
- B. Bags: Draft bags to be used for transferring an incarcerated individual's State-issue and personal property shall be purchased from Corcraft. Draft bags measuring approximately 23" x 40" or having a 100 lb. capacity designation may be used as long as they are serviceable. Corcraft Court Bags, with an associated red tag attached, shall be used for all bags packed with legal case materials. Once an incarcerated individual's property is unpacked, the facility receiving the incarcerated individual shall ensure that the property bags are collected and stored in a secure area for future use.
- C. Draft Bag Tags
1. Standard, preprinted, color-coded tags are to be used on all incarcerated individual personal property bags being transported. Care should be taken by the Officers packing the incarcerated individual's property to ensure that the correct tags are used, and that tags preprinted for one facility are not crossed out and used for another. In the event that the appropriate preprinted color-coded tags are not available, blank tags should be used.
  2. Red color-coded tags must be used on all incarcerated individual property bags packed with legal materials.
  3. *It is imperative that incarcerated individuals not be permitted to see bag tags so they don't get advance notice of their destinations.*
  4. Ordering: Draft bag tags may be ordered directly by each facility from the Elmira Print Shop.

NOTE: As part of this procurement protocol, you must send the requisition via Outlook email to the Director of the Office of Classification and Movement at: [Doccs.sm.Centraloffice.Transportation](mailto:Doccs.sm.Centraloffice.Transportation) to gain approval.

**III. PROCEDURES AND RESPONSIBILITIES:** In all cases, transfers from one Departmental facility to another are affected on the order or authority of the Commissioner, or designee. The Office of Classification and Movement in Central Office is responsible for authorizing and coordinating all incarcerated individual transfers. The document used to affect a transfer is a "Transfer Order" (TO), which is electronically sent to the facility's Inmate Records Coordinator (IRC).

An outline of the IRC's primary responsibilities regarding incarcerated individuals transferred to another facility is:

1. The receipt of the TO.
2. A check of the records to verify that the incarcerated individual is eligible for transfer.
3. Notification of facility departments of the transfer.
4. The collection and packaging of incarcerated individual records and property (property held by the IRC's office).

5. Ensure that the locator (movement and control) operator effects the appropriate transaction.
6. If the incarcerated individual so requests, ensure that express mail is sent.
7. Notification by electronic mail or telephone to the receiving facility.
8. The preparation of the transfer and baggage lists.

These responsibilities are covered in depth in Chapter 5, "Transfers," in the Manual for Inmate Records Coordinators.

A. Transfer and Baggage Lists

1. Using Form #2063, "Certificate of Search," the transferring facility's IRC shall list each incarcerated individual, the incarcerated individual's Department Identification Number (DIN), and the facility to which each incarcerated individual is being transferred. The form is provided to the facility supervisor assigned to oversee the packing of the incarcerated individual's property. This supervisor will list the number of bags of personal property (and musical instrument or typewriter) to be shipped with the incarcerated individual. When the Officers assigned to transport the incarcerated individuals arrive to pick up the incarcerated individuals and their property, this list will serve both as an inventory of property and a receipt form.
2. Using this listing, the facility supervisor assigned to oversee the draft and the Supervising Transportation Officer are responsible for seeing that the correct amount of personal property is loaded on the transporting vehicle. When the Draft Supervisor and the Supervising Transportation Officer are both satisfied that the property and the listing are correct, then the Supervising Transportation Officer will sign the personal property listing in the space provided and the facility supervisor will give a duplicate copy of the form to the Supervising Transportation Officer. The original copy of the incarcerated individual personal property listing is forwarded to the Superintendent of the transferring facility.
3. The Draft Supervisor and the Supervising Transportation Officer are responsible for ensuring that each incarcerated individual has been informed that they should possess all of their legal materials in the property being transferred (unless the incarcerated individual refuses on Form #2064, "Personal Property Transferred"). The supervisors are also responsible for verifying that all bags identified with a red Court Tag are transferred on board the same vehicle as the incarcerated individual and remain with the incarcerated individual on any overnight in-transit stops.
4. The facility Draft Supervisor and the Officer in charge of the transporting vehicle must verify that the correct amount of property is loaded, that the bags are tagged, and that tags are properly filled out.
5. If property is not tagged properly, the facility supervisor will take the appropriate action to correct this before the property is loaded. The Transportation Officer shall not accept property and load it on the transporting vehicle until action has been taken to correct any apparent deficiencies. The duplicate copy of the incarcerated individual personal property listing shall be retained on file by the Transportation Unit to document delivery of property.

## B. Packing Procedure

Any personal property held by the facility property room will be forwarded to the IRC to be transferred along with the incarcerated individual's records. Correction Officers assigned to pack an incarcerated individual's property shall be instructed to observe the following guidelines: (See Form #2076, "Packing Officer's Checklist." Each facility should adapt a similar list for its own specific needs.)

NOTE: During the transferring process, incarcerated individual ID cards shall be handled as set forth in subsection III-D of this directive.

1. All personal property legally owned by the incarcerated individual must be packed in the four property bags or disposed of as set forth in Directive #4913. For this reason, it is imperative that all of the incarcerated individual's property be available to them at the time they are being packed for transfer. If the incarcerated individual indicates that some portion of their property is in another part of the facility (for instance, in the laundry or the hobby shop), steps must be taken by the Packing Officer to obtain their property so that it can be properly packed or disposed of.

Containers of foodstuffs may be transferred as part of the incarcerated individual's property, provided they are in their original commercially sealed containers. Open containers of foodstuffs must be disposed of as described in Directive #4913.

Active legal case materials are to be packed within as few as possible of the four bags of State and personal property that will be shipped with the transferring incarcerated individual. Each bag containing legal material will be marked with a red tag as well as the normal transfer tag (but see subsection II-A-1, "Exception"). The incarcerated individual will be instructed by the Packing Officer not to leave any active legal materials behind, and the incarcerated individual will sign an acknowledgment on the completed Form #2064. If the incarcerated individual refuses or is unable to complete Form #2064, the Supervising Transportation Officer shall be responsible for ensuring that a completed Form #4919C, "Out-To-Court Property Processing Form," is attached.

If a transferring incarcerated individual is a practicing Native American and has a ceremonial ribbon shirt held in the Native American religious community locker, the incarcerated individual should notify the Packing Officer. The Packing Officer shall contact the facility Chaplain (or the Watch Commander in the Chaplain's absence), who will be responsible to deliver the shirt to the package room for mailing to the incarcerated individual's new facility. The shirt shall be packed and mailed at State expense. Upon receipt and processing, the receiving facility package room shall deliver the shirt to the Chaplain for placement in the Native American religious community locker.

2. Contraband facility property (e.g., library books, bed sheets, recreational equipment, etc.) shall not be packed, but instead must be confiscated and appropriate action taken.
3. When the incarcerated individual's property is being packed, the Officer supervising the packing must instruct the incarcerated individual that they will only be allowed the following items on their person during transit:
  - a. Wedding band
  - b. Handkerchief

- c. Prescription eyeglasses
- d. Approved religious head cover (yarmulke, kufi, tsalot kob, khimar, etc.)
- e. Talit katan (Jewish incarcerated individuals only; must not be visible under State-issue clothing)
- f. Native American medicine bag (Native American incarcerated individuals only, must not be visible under State-issue clothing)
- g. False teeth
- h. Hearing aid(s) with battery(ies)

NOTE: Prescribed medication shall be handled in accordance with the provisions set forth in Directive #4918.

4. When packing, the first bag (#1 of \_\_\_ ) is used to pack the incarcerated individual's State clothing (see Form #2075, "Incarcerated Individual Clothing Issue – Pack-Up for Transfer") along with any other personal property that will fit. Officers packing must see that each incarcerated individual has their full State clothing issue in good condition prior to departure and will take appropriate action if any State- issue clothing must be replaced prior to the incarcerated individual's departure, as per Directive #3081. Bags should be packed so that items subject to breakage are protected by clothing or packing material. Under no circumstances are they to be over-filled. Bags must be completely closed and tied. Department policy permits only plastic jars and/or flexible acrylic vinyl (1/8" maximum thickness) paintings to be included with the incarcerated individual's personal items being packed.
5. Each bag or carton must be tagged. There should be no exceptions to this rule (see subsections II-C-1 & III-A-4). Tags shall be completely filled out by the Correction Officer packing the property, legibly printed in blue or black ink, and fastened to each bag with heavy cord so that they cannot easily come loose. The "tear off" portion of the tags should not be removed. In addition to tagging each bag of property, Form #3607, "Incarcerated Individual Property Transfer," is to be completed by the Officer packing the incarcerated individual and one copy of this form put inside each bag prior to it being sealed.

NOTE: The purpose of this form is to provide a means of identifying the bag of property in the event the baggage tag comes off.

6. Incarcerated individuals scheduled for transfer, who require release clothing, are to be provided needed garments as prescribed by Department regulations. A separate tag is to be used for release clothing and the tags affixed to the bag are to clearly indicate "release clothing" on both sides of the tag. This bag will not count as one of the four bags allowed to be transported with the incarcerated individual.
7. Each incarcerated individual's property bag shall be secured with a heavy gauge cord. A Department sequentially numbered blue security seal will be affixed over the heavy gauge cord. Staff will record the number(s) of the security seal(s) in the areas provided in the upper right-hand corner of Form #2064.

8. In addition to the four bags of personal belongings (including legal material), a musical instrument or typewriter (as described in subsection II-A-1) transferred as personal property must be packed in the proper music or typewriter case or securely packed in a box so as to prevent damage. Four personal property bags and one musical instrument or typewriter is the maximum per incarcerated individual that will be transportable via Departmental centralized transportation (but see subsection II-A-1, "Exception").
9. Cases and cartons shall be tagged and listed by tag number and in sequence (2 of 4, 3 of 4, etc.) as applicable; both sections of the tag should be clearly marked "musical instrument-guitar," etc.
10. Following completion of packing, Form #2064 should be signed jointly by the Correction Officer and the incarcerated individual.
11. Personal property in excess of the four bags and musical instrument or typewriter shall be separately inventoried utilizing Form #2064 for each additional bag to be shipped via common carrier.
12. The number of bags containing the property of the incarcerated individual being transferred should be indicated on Form #2064.
13. After the bags have been packed, sealed, and tagged, they should be stored in a secure area, grouped by receiving facility. The area chosen to store the baggage must not only be secure, but also accessible to the place where the transportation vehicle is to be located.

C. Transporting Baggage

1. As bags are loaded on the transporting vehicle, they are to be counted by both the Transportation Officer and the facility supervisor assigned to oversee the transfer procedure.
2. Once the baggage count is verified, the Transportation Officer shall sign all copies of the baggage list. The sending facility will retain the original copy of the list as a receipt and the Transportation Officer will be provided the duplicate.
3. On arrival at the receiving facility, the Transportation Officer will supervise the unloading and counting of the bags, in concert with the receiving facility's Draft Supervisor. If any bags are missing or there seems to be some damage, it should be documented at this time.
4. As the property bags are delivered, the Transportation Officer will require the Draft Supervisor receiving the property to sign the baggage list for the baggage delivered.
5. As the property is delivered and unloaded, the Draft Supervisor will check any bags containing legal material or Corcraft Court Bags with Form #2063 to ensure legal material is fully accounted for on arrival. Any missing bags must be noted on the incarcerated individual's associated Form #4919C. Incarcerated individuals with Court appearances scheduled within 15 days of a transfer should be provided their legal materials necessary for the court appearance as soon as possible, even during overnight in-transit stops, if requested (time permitting). Any request for possession of legal materials during an overnight stop must be documented on Form #4919C, regardless of whether the request is granted.

6. As the property is unloaded and accounted for, the Transportation Officer will remove the "tear off" portion of each baggage tag and return it to their headquarters to be filed for future reference.

The receiving facility's Draft Supervisor will check the baggage tag(s) and compare the numbers on the sequentially-numbered blue security seals affixed to each bag with those transcribed on Form #2064 to verify whether all of the incarcerated individual's property has been received. Once verified, the baggage tag(s) and security seals should be destroyed and Form #2064 given to the IRC's office for filing in the incarcerated individual's legal folder.

If the personal property is not checked and given to the incarcerated individuals immediately, it shall be stored in a secure area close to the place where the transportation vehicle was unloaded and not accessible to incarcerated individuals, unless under supervision or escort. If any property bags contain legal materials needed for a Court Appearance scheduled within 15 days, such legal material must be removed from the bag and remain with the incarcerated individual (unless security concerns are explained on Form #4919C).

7. The baggage list will be handled as follows upon completion of the trip:
  - a. Incarcerated individuals transported by the Transportation Unit - the list will be turned over to the Lieutenant in charge of the Transportation Unit; a copy shall be maintained in the event an incarcerated individual files a claim for lost or damaged property.
  - b. Incarcerated individuals transported by facility Correction Officers - the list will be forwarded by the Officers to the sending facility's IRC for retention, in case of possible incarcerated individual claims.
8. Baggage to be transported later:
  - a. If the vehicle used to transport the incarcerated individuals and their property is unable to accommodate all property bags, the Transportation Officer shall prepare Form #3608, "Extra Incarcerated Individual Personal Property List," in triplicate. This list will serve as a means of accounting for bags listed on the baggage list but not transported with the incarcerated individual. Bags containing legal property and Corcraft Court Bags must be transported with an incarcerated individual and cannot be included in property listed on Form #3608.

The originating facility will hold the property in a secure area until arrangements have been completed for the delivery of the property. The baggage list is then adjusted to indicate the correct amount of baggage transported. The original copy of Form #3608 will be forwarded to the receiving facility, the second copy will be retained by the Transportation Officer, and the third copy will be retained by the IRC from the originating facility until the baggage is picked up for delivery.
  - b. It is the responsibility of the supervising Transportation Officer to notify the receiving facility upon arrival of the number of bags of property for each incarcerated individual that are not being delivered with the incarcerated individual, as well as when and by what means they will be delivered.

- c. When bags remaining from a previous trip are subsequently picked up, they will be included on that trip's baggage list. The bags will be entered on the list prepared by the IRC as are other property except that a notation should be made indicating "Bags for Incarcerated Individual Transferred -- (date)." If the baggage is transported by truck or commercial carrier, the exact details (method of transportation, company, invoice number, date shipped, etc.) should be indicated on Form #3608 and the receiving facility should be notified of these arrangements in writing prior to the shipping of the property.
- D. Incarcerated Individual Identification Cards
1. The Officer assigned to pack the incarcerated individual's personal property for transfer shall examine the incarcerated individual's ID card for likeness and proceed as follows:
    - a. If the ID card bears a good likeness, return it to the incarcerated individual.
    - b. If a new ID card is needed, due to a change of appearance, notify the supervisor. In these cases, every effort shall be made to provide a new ID card prior to transfer. If a new ID card cannot be provided, a digital photograph of the incarcerated individual shall be given to the transporting supervisor.
    - c. If a new ID card is needed due to a lost ID, notify the supervisor of such and prepare an appropriate Form #2171, "Incarcerated Individual Misbehavior Report." In these cases, every effort shall be made to provide a new ID card prior to transfer. If a new ID card cannot be provided, a copy of the misbehavior report and a digital photograph of the incarcerated individual shall be given to the transporting supervisor.
  2. The transporting supervisor shall collect the ID card from each incarcerated individual prior to leaving the facility.
  3. Upon arrival at the receiving facility, the transporting supervisor shall give the ID cards, digital photographs, and misbehavior report to the receiving supervisor.
  4. As the receiving supervisor checks in the arriving incarcerated individuals, they shall return the ID cards to the incarcerated individuals at that time.
- NOTE: If a digital photograph is received in lieu of an ID card, action shall be taken to provide the incarcerated individual with a new ID card as soon as possible.